



**City of Fairhope
Planning Commission Agenda
5:00 PM
Council Chambers
April 1, 2019**

1. Call to Order

Karin Wilson
Mayor

2. Approval of Minutes

- March 4, 2019

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, A.C.M.O.

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson, CPA
City Treasurer

3. Consideration of Agenda Items:

- A. ZC 19.04 Public hearing to consider the request of The Teachers' Retirement Systems of Alabama to establish initial zoning of Tourist Resort (TR) District conditional upon annexation into the City of Fairhope. The property is approximately 99.15 acres located south of Twin Beech Road and west of S. Section Street.
PPIN #: 5499, 20948, 63314, 286294
- B. SD 19.12 Public hearing to consider the request of The Teachers' Retirement Systems of Alabama for Preliminary Plat approval of Battles Trace, Phase 6, a 45-lot subdivision. The property is located on the west side of S. Section Street approximately 1/2 mile north of Battles Road.
PPIN #: 20948 and 63314
- C. SD 19.15 Public hearing to consider the request of Henry and Barbara Brewster for Preliminary Plat approval of Longbranch Subdivision, a 28-lot division. The property is located on the north side of Twin Beech Road between County Road 13 and Thompson Hall Road.
PPIN #: 77788
- D. SD 19.16 Public hearing to consider the request of Roberds Bros., LLC for Multiple Occupancy Project approval of C. Roberds Office Building, a 9-unit project. The property is located on the west side of St. Hwy. 181, just south of Hollowbrook Avenue.
PPIN #: 346487
- E. SD 19.17 Public hearing to consider the request of Donald and Marlene Mesler for plat approval of the Resubdivision of Lot 1, Taylor Oaks, a 2-lot minor division. The property is located on the northwest corner of the intersection of Taylor Street and Dovecote Lane.
PPIN #: 224582

161 North Section Street

P O. Drawer 429

Fairhope, Alabama 36535

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

- F. SD 19.18 Public hearing to consider the request of Joseph & Glenda Gravlee for plat approval of the Resubdivision of Lot 4, Bay Echo Subdivision, a 3-lot minor division. The property is located at the south terminus of N. Mobile Street.
PPIN #: 46899
- G. SD 19.20 Public hearing to consider the request of LA Development, LLC for Final plat approval of Twin Beech Estates, a 72-lot subdivision. The property is located on the north side of County Road 44 (a.k.a. Twin Beech Road) just west of St. Hwy. 181.
PPIN #: 77747, 362500, 362501, 362502, 362503, 362504, 362505, and 362506
- H. ZC 19.05 Public hearing to consider the request of the City of Fairhope Planning Department for an amendment to Article IX, Section C. Defined Terms of the City of Fairhope Zoning Ordinance to provide clarification for waterfront lots.
- I. ZC 19.06 Public hearing to consider the request of the City of Fairhope Planning Department for an amendment to Article III, Section B. Allowed Uses for M-1 Light Industrial District of the City of Fairhope Zoning Ordinance to establish provisions to allow restaurants and establish a catering use.
- J. UR 19.08 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of 13 utility poles and equipment within the City of Fairhope rights-of-way.
- K. UR 19.09 Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,831 linear foot of underground CATV cable. The project will run throughout River Station, Phase 2.
- L. UR 19.10 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 885 linear foot of underground fiber optic cable. The project will run from 108 S. Church Street to St. James Street.
- M. UR 19.11 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,437 linear foot of underground fiber optic cable. The project will run along the east side of S. Ingleside Street from Morphy Avenue to Fairhope Avenue.
- N. UR 19.12 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,564 linear foot of underground fiber optic cable. The project will run along the east side of Mershon Street from Morphy Avenue to Fairhope Avenue.

4. Old/New Business

5. Adjourn



Planning Commission

March 12, 2019

Case: ZC 19.04

Project Name: Colony at the Grand

Property Owner /Applicant: Retirement Systems of Alabama

General Location: The property is approximately 99.15 acres located south of Twin Beech Road and West of South Section Street.

Project Type: Conditional Annexation and rezoning to Tourist Resort (TR) District.

Jurisdictions: City of Fairhope Planning, Permit and Police Jurisdictions.

Project Acreage: 99.15 acres

Zoning District: Currently Unzoned

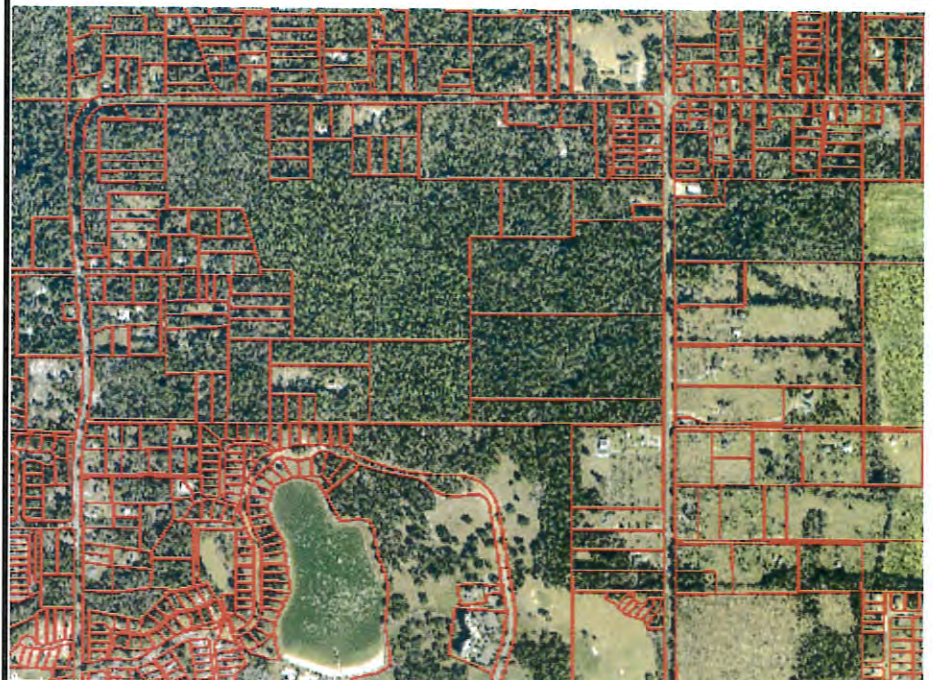
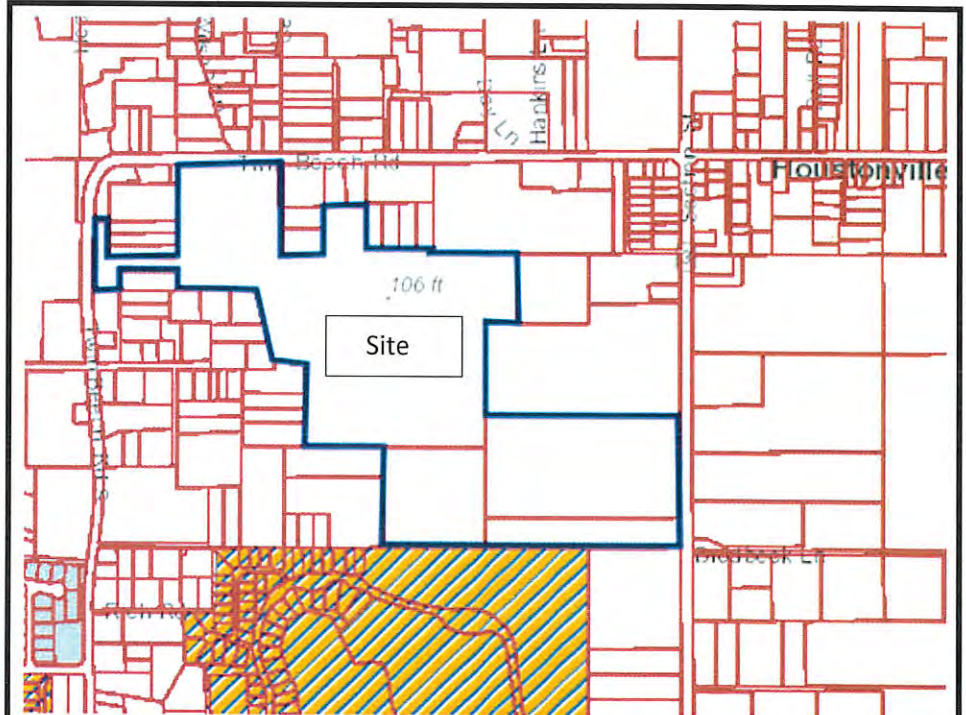
PPIN Number: 5499,20948, 63314, 286294

Engineer of record: HMR,LLC

School District: Elementary, middle and high Schools

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

Recommendation: Approval



Summary of Request:

Public hearing to consider the request of The Retirement Systems of Alabama to establish initial zoning of Tourist Resort (TR) District conditional upon annexation into the City of Fairhope. The property is approximately 99.15 acres located south of Twin Beech Road and west of S. Section Street.

The property is owned by the Retirement Systems of Alabama and the authorized agent is Mr. Tim Lawley, PE, of HMR Engineers. The property being conditionally annexed is approximately 99.15 acres in size. The applicant is proposing this revision of the TR District Zoning Map to add the 99.15 acres to the north of the existing property in the TR District Zoning Map.

The current zoning map as it exists today (January 2019) and the proposed zoning map are both attached to this staff report. The total acreages of each TR District Zoning for each map is as follows:

Current Map

LR 93.5 Acres
MR 19.5 Acres
HR 3.8 Acres
RZ 63.8 Acres
LC 7.1 Acres

Proposed Map

LR 192.6 Acres
MR 19.5 Acres
HR 3.8 Acres
RZ 63.8 Acres
LC 7.1 Acres

[LR= Low-Rise Residential Zone (not to exceed 35’); MR=Mid-Rise Residential Zone(not to exceed 55’); HR=High-Rise Residential Zone (not to exceed 55’); RZ=Recreational Zone; LC= Limited Commercial (not to exceed 40’)]

The current density of the TR District is 3.5 units per acre (UPA). The current allowed number of units on the existing 184.6 acres of TR District property is 637. The applicant is proposing and additional 224 units on the 99.15 acres being conditionally annexed. The additional property being annexed has a density of 2.26 UPA. Once the property is annexed, the units per acre of the for the overall TR District Property will change from 3.5 UPA to 3 UPA (861 units on 286.8 acres).

Site History:

Case Number	PC Date	PC Result	CC Date	Development Name	Applicant	Owner	Request	Address	Ordinance Number
ZC 10-04	6/7/2010	Approved	8/23/10	Colony At the Grand	Point Clear Partners	Point Clear Partners	Conditional annexation to Tourism Resort (TR)	Battles Road	Approved - Ord. 1434
ZC 16.04	4/4/2016	Approved	6/27/16	TR District Amendment	HMR	RSA	TR District Amendment	Old Battles Road	Approved - Ord. 1579

Comments:

The 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:

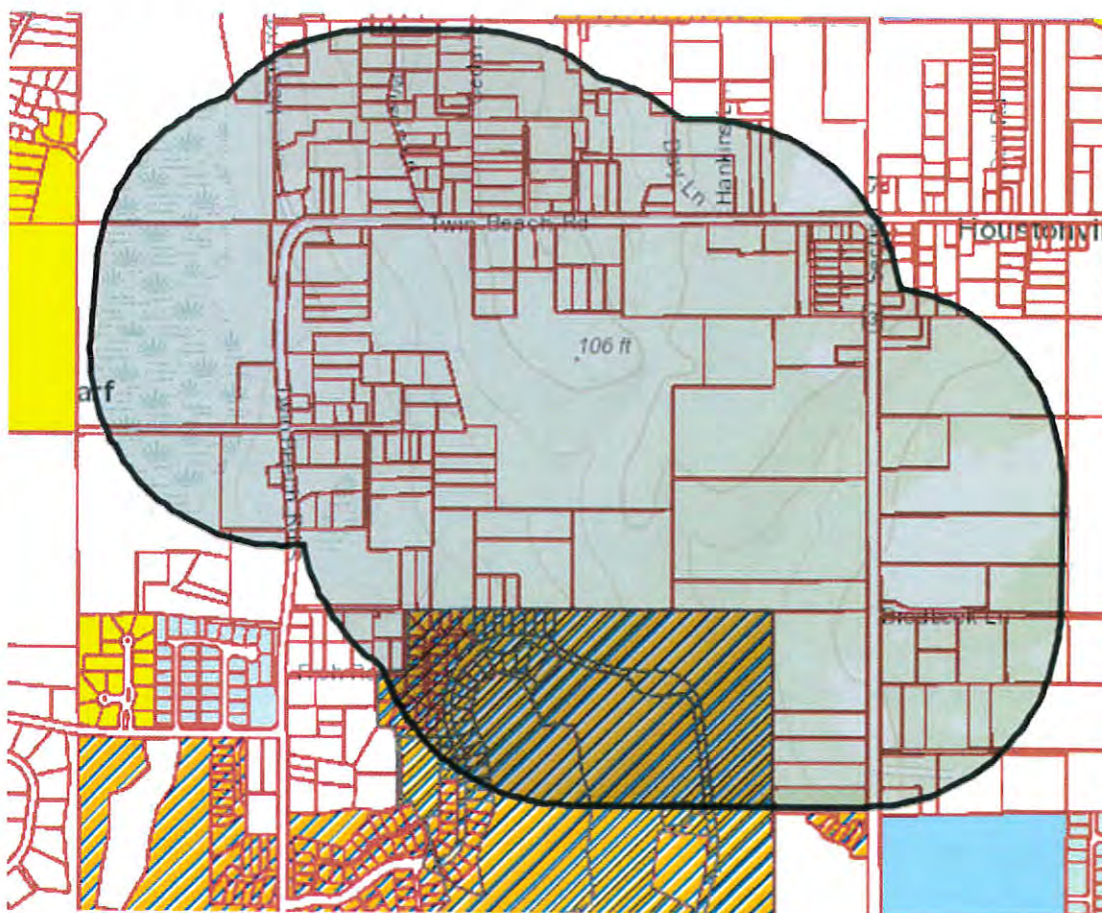
- (1) Compliance with the Comprehensive Plan;
- (2) Compliance with the standards, goals, and intent of this ordinance;
- (3) The character of the surrounding property, including any pending development activity;
- (4) Adequacy of public infrastructure to support the proposed development;

- (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: The property is located just north of the existing TR District. The development does not appear contrary to the Comprehensive Plan.

Article II Section C 1 e (2) Compliance with the standards, goals, and intent of this ordinance: This development is being proposed as part of the TR District Zoning. The overall development at the Colony is a master planned community designed in its entirety with a special overlay district which is afforded exceptions to certain development standards which allows private streets, a gated community, private storm sewers, etc. The individual phases of this development will be reviewed for compliance with the TR District standards at the time of subdivision.

Article II Section C 1 e (3) The character of the surrounding property, including any pending development activity: The property is bordered to the north by unzoned property; to the east by unzoned property; to the west by unzoned property and to the south by TR District zoned property.



1,320 foot buffer zone around the property

Properties outside of the immediately adjacent areas, but within the 1320-foot buffer include only unznoned and TR District properties. Properties just outside the buffer are zoned R-5 (to the southeast); TR District to the south; PUD to the southwest, and R-1 to the west. The predominate character of the neighborhood is residential and the proposed conditional annexation and re-zoning will be in character with the surrounding neighborhood.

Article II Section C 1 e (4) Adequacy of public infrastructure to support the proposed development:

According to Mr. Richard Peterson, Director of Operations, the City does have adequate utility availability for this rezoning. As far as a request for a zoning change goes, the City of Fairhope Director of Operations has confirmed that from a public infrastructure perspective, there are no issues.

According to Mr. Peterson, The parcel for annexation/initial zoning consideration is located on both South Section Street and Twin Beech Road. The City's infrastructure, with the improvements we have planned, will support the 224 +/- units that are proposed.

Article II Section C 1 e (5) Impacts on natural resources, including existing conditions and ongoing post-development conditions: Potential wetlands are located on the property. The applicant is working with the Corps of Engineers with regards to the on-site wetlands. The applicant has indicated that during each phase of the development located within the zoned areas, the natural resources will be identified and evaluated during the individual phase of development.

Article II Section C 1 e (6) Compliance with other laws and regulations of the City: At the time of subdivision submittal, staff will review the project layout for compliance with the City of Fairhope Zoning Ordinance and any other applicable City ordinances that may apply. The site is located within the City of Fairhope Corporate Limits, the permit jurisdiction, the police jurisdiction and the planning jurisdiction. The Tourist Resort District has requirements unique to its own district.

Article II Section C 1 e (7& 8) Impacts on adjacent and surrounding property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,

The proposed development is consistent with the surrounding residential developments in terms of noise and intrusion. The applicant is proposing low-rise residential for the entire 99.15 acres being conditionally annexed. The applicant will evaluate traffic improvements at the time of the subdivision submittals.

Recommendation:

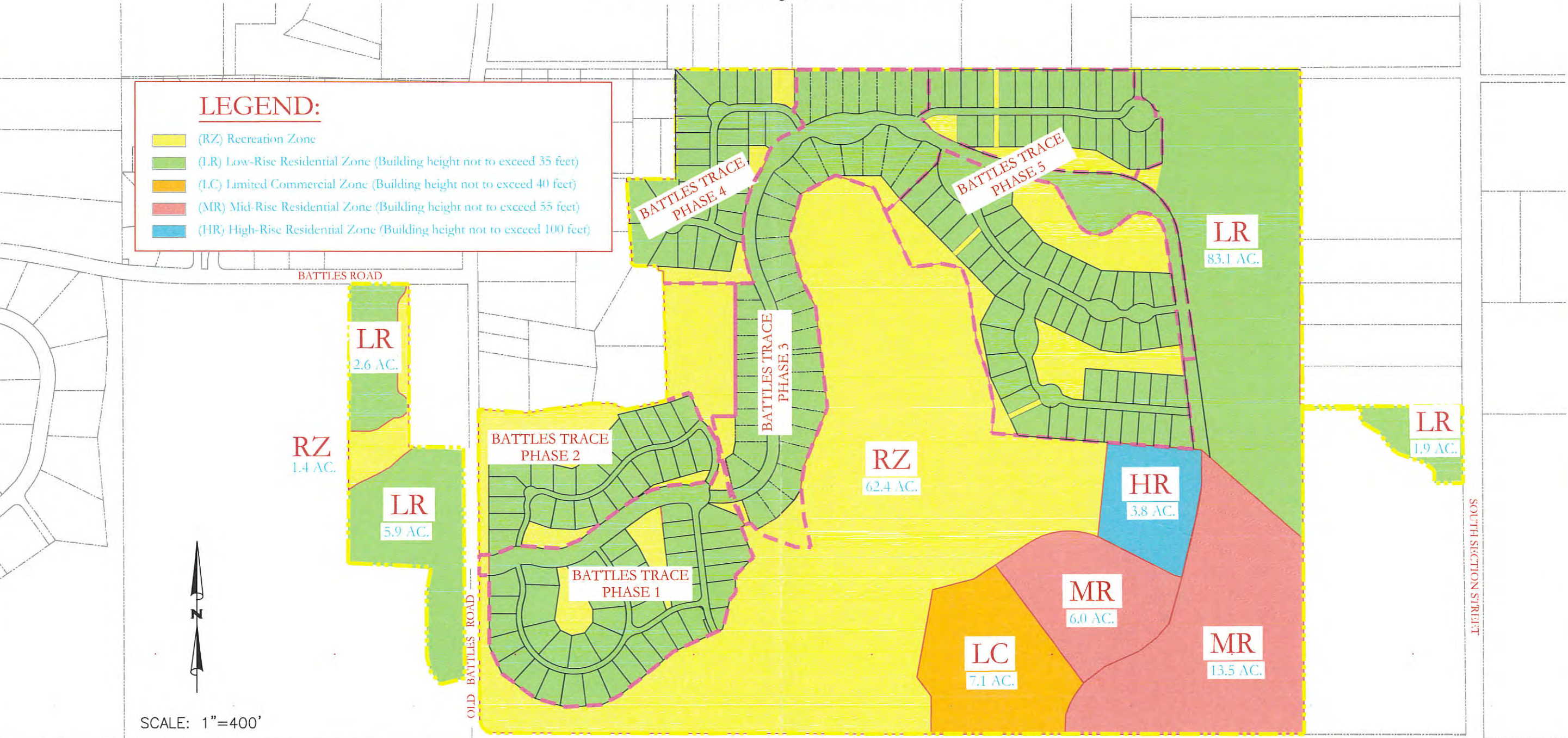
Staff recommends approval of the application.

THE COLONY AT THE GRAND

ZONING MAP (JANUARY 2019)

LEGEND:

- (RZ) Recreation Zone
- (LR) Low-Rise Residential Zone (Building height not to exceed 35 feet)
- (LC) Limited Commercial Zone (Building height not to exceed 40 feet)
- (MR) Mid-Rise Residential Zone (Building height not to exceed 55 feet)
- (HR) High-Rise Residential Zone (Building height not to exceed 100 feet)



SCALE: 1"=400'

RECEIVED
JAN 22 2019
BY: *EB*

HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS • SURVEYORS

Existing

ZC 19.04

THE COLONY AT THE GRAND

ZONING MAP (PROPOSED)



RECEIVED
JAN 22 2019
BY: EB



Planning Commission

March 12, 2019

Case: SD 19.12

Project Name: Battles Trace
Phase 6 Preliminary Plat

Property Owner /Applicant:
Retirement Systems of
Alabama

General Location: The property
is located on the west side of S.
Section Street approximately ½
mile north of Battles Road.

Project Type: Major Subdivision,
Proposed to be inside the City
of Fairhope Corporate Limits,
the Planning, Permit and Police
Jurisdictions.

Project Acreage: 25.97 Acres

Number of Lots: 45

Zoning District: Currently
unzoned, but proposed to be
re-zoned to TR District.

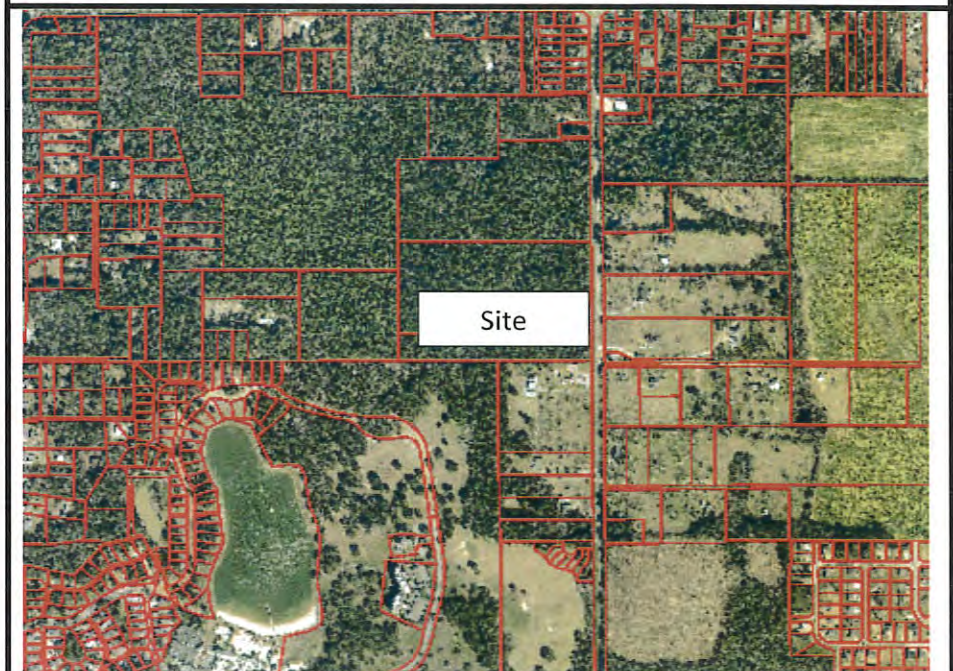
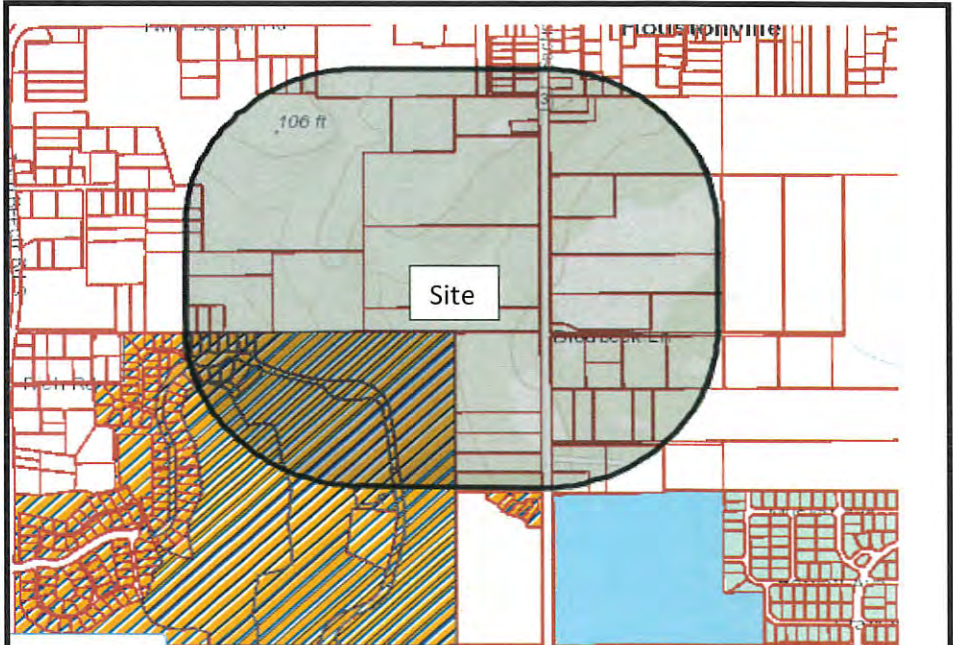
PPIN Number: 63314 and
20948

Engineer of record:
Mr. Tim Lawley, HMR, LLC,
2039 Main Street,
Daphne, Alabama 36526

School District: Fairhope
Elementary, Fairhope Middle
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 the Retirement Systems of Alabama for Preliminary Plat approval of Battles Trace, Phase 6, a 45-lot subdivision. The property is located on the West side of S. Section Street approximately ½ mile north of Battles Road.

The property is owned by the Retirement Systems of Alabama and their authorized representative is HMR LLC.

The total site acreage is 25.97 acres, with the largest lot being approximately 19,218 sf and the smallest lot being 7,816 sf.

Comments:

Site History: The Tourist Resort District (approximately 186.2 acres with a total allowed density of 637) was approved in 2010 with multiple development zones, including a recreational zone, a low-rise zone, limited commercial zone, a mid-rise zone, and a high-rise zone which were presented in a land use map. An updated land use map is attached to this staff report.

In 2016, the applicant requested an amendment to the TR district land use map rearranging the percentages of the various zones and reducing the designated high-rise land use area. At the time of the amendment, the staff cover letter for the amendment reports the applicant anticipates to be well below the maximum allowed 637 units at final build out.

Case Number	PC Date	PC Result	CC Date	Dev. Name	Applicant	Owner	Request	Ordinance Number
ZC 10.04	6/7/10	Approved	8/23/10	Colony At the Grand	Point Clear Partners	Point Clear Partners	Conditional annex to TR	Approved – Ord. No. 1434
ZC 16.04	4/4/16	Approved	6/27/16	TR District Amendment	HMR	RSA	TR District Amendment	Approved- Ord. No. 1579

The Battles Trace Subdivision Preliminary Plat, first phase of this development, was approved in September 18, 2012 and is considered low-rise residential (not to exceed 35'). The total anticipated number of phases for this overall development has not been determined yet. According to the applicant’s engineer, the number of total phases will depend on the market and how the developer will choose to break up the phasing.

Battles Trace Subdivision Cases

Case No.	Applicant	Case Type	Subdivision Name	Lots	Zoning	PZ Date	PZ Decision	Recorded Plat
SD 06-05	Volkert/Daniel Corp	Minor	Colony at the Grand-triangle	2	N/A	2/6/2006	Approved	5/15/2006
SD 13-12	HMR/Point Clear Partners	Minor Replat2, Replat 1	Colony at the Grand Sub., Ph 1A	3	TR	9/3/2013	Approved	12/17/12 3/5/2014
SD 10-03	HMR, LLC	Minor	Colony at the Grand	2	TR	11/1/2010	Approved	5/3/2011 11/22/2011
SD-12-05	Point Clear Partners/HMR	Preliminary	Battles Trace at the Colony	66	TR	9/18/2012	Approved	N/A
SD-13-18	HMR	Final	Battles Trace at the Colony, Ph 1	42	TR	12/2/2013	Approved	6/3/2014
SD-16-02	HMR, LLC	Final	Battles Trace, Phase 2	24	TR	1/4/2016	Approved	1/29/2016
SD-15-25	HMR / RSA	Preliminary	Battles Trace, Phase 3	43	TR	11/2/2015	Approved	N/A

Case No.	Applicant	Case Type	Subdivision Name	Lots	Zoning	PZ Date	PZ Decision	Recorded Plat
SD-16-31	HMR, LLC	Final	Battles Trace, Phase 3	43	TR	11/10/2016	Approved	1/20/2017
SD-16-15	HMR	Preliminary	Battles Trace, Phase 4	27	TR	7/5/2016	Approved	N/A
SD-17-22	HMR	Final	Battles Trace, Phase 4	27	TR	9/5/2017	Approved	10/10/17

The final plat for Battles Trace Phase 5 was approved on February 4, 2019. The applicant is wrapping up the final conditions of Phase 5 for the final plat signature.

For the March 12, 2019 Planning Commission Agenda, the applicant is submitting a conditional annexation and rezoning request to amend the TR District to add approximately 99.15 acres of land. Phase 6 is located within the additional 99.15 acres proposed for annexation and rezoning.

Site Photos: Battles Trace Phase 6



Staging area Battles Trace Phase 6



Appears to be drainage way or low area.



General View of the Property



General View of the Property



Looking to the east at the Staging Area



Construction Road Looking toward Section Street



General View of the Property



Closer View of Staging Area



East side of staging area



Looking north east from Staging Area

School Impact analysis:

The Preliminary Plat for Battles Trace, Phase 6 contains 45 single family lots. Applying the student yield factors, the development is expected to generate 17.55 (45 x.39) elementary school students, 4.95 (45 x.11) middle school students and 7.65 (45 X.17) high school students.

Development Name	Application Type	Housing Type	Total Units	Attendance Zone	SYF	Expected # of students
Battles Trace, Ph. 6	Pre lim. Plat	SF	45	Fairhope Elementary	.39	17.55
				Fairhope Middle	.11	4.95
				Fairhope High	.17	7.65
				Total		30.15

Pre-Application Conference and Citizen Engagement Meeting: A pre-application meeting was held very early in the design process (Jan. 8, 2019) and included Nancy Milford, Richard Johnson and Tim Lawley of HMR. Meetings were also held with the engineer of record and Mr. Richard Johnson regarding the placement and design of the detention pond. The applicant also held a citizen engagement meeting on January 11, 2019 at 10 am at HMR's office. Two residents were in attendance. The primary items discussed were adjacent property fencing and concerns with regards to the wetlands.

Articles of Incorporation: According to the engineer of record, the project is jointly owned by the Teachers Retirement Systems of Alabama and the Employees Retirement System of Alabama. Each of the entities are instrumentalities of the State of Alabama, created by statute and therefore no articles of incorporation are necessary to create either of them.

Site Data Table: Staff requested the applicant provide the greenspace percentage of RSA (TR district) project. According to the engineer of record, the overall subject property is 25.97 acres and phase 6 is 15.2 acres of the entire subject property. Phase 6 provides 2.43 acres of green space (15.9% of the total 15.2 acres for Phase 6).

The green space count for the existing RSA Development plus the 15 acres for phase 6 (making a total of 199 acres) will be 66.2 acres (33.1% of the overall development to date).

Common Area: Staff requested clarification regarding 3 of the areas proposed as common area, the two smaller common areas and the 20-foot common area strip. The applicant has responded that no amenities are proposed at this time. The 20-foot strip will connect to a future phase and provide utility connectivity. A pedestrian connection may be installed here during design of future phases.

Traffic: The applicant shall submit traffic trip generation data. The applicant has a traffic study underway and anticipates the study will be submitted prior to February 22, 2019. According to the engineer of record, any improvements warranted by the traffic study will be installed.

Lots (Article V Section E-Lot Standards): Setbacks are per the standard TR district requirements for the Low-Rise Portion of the development. Per the applicant's representative, Phase 6 will be a low-rise development.

Finished Floor Elevations (Article IV C 1.B (14): Finished floor elevations have been provided. The application added the required finished floor elevations to the plat.

Fire Hydrants (Article VI Section G): Fire hydrants are required at every intersection and every 450 feet.

General commentary provided by the Code Enforcement Officer, Kim Burmeister:

1. Add wetland buffer sign placement areas to the Erosion Control Plan and indicate number of wetland buffer signs

2. Wetlands: Label Point Clear Creek
3. Add the following comments to the Erosion Control Plan:
 - a. City of Fairhope Wetland Permitting will be required prior to any land disturbing activities.
 - b. Permanent wetland buffer signs shall be installed prior to permitting
 - c. Phase I: *install sediment barriers (Type A Silt Fence)* and construction entrance
 - d. Red soil & clay is not allowed within 100' of critical areas, including wetlands
 - e. No activity or disturbance is allowed within wetland buffer
4. Add the following comment to Pond Erosion Control Plan:
 - a. Red soil and clay shall not be allowed in pond construction

The applicant has addressed the items above the exception of items 1 & 2. The discussion regarding wetlands is below.

Wetlands: The applicant provided an original wetlands letter. However, the applicant indicates that they have met with the Corps of Engineer and that the Corps says the property is not a wetlands. The original wetlands specialist "re-issued" a letter to the City of Fairhope revising the original opinion. Staff requests the applicant provide the City with a letter from the Corp of Engineer confirming the site has no wetlands.

There appears to be a draw through the site that may be Point Clear Creek. Staff requests the applicant label the stream if it is present on the site.

General commentary from the Public Works Director: Road and Stormwater review comments from the Public Works Director are as follows:

General Commentary – this is a 45-lot Preliminary Plat Application with full roadway and drainage infrastructure requirements. This is a phase of the of the overall Development at the Colony. It is a master planned community designed in its entirety. This overlay district is afforded exceptions to certain development standards.

2. Article V.D. - Street Standards –
 - a. 3094 linear feet of new streets are proposed.
 - b. This is a gated community – all streets shall remain private and will not be considered for public acceptance by the City of Fairhope.
 - c. Street build up proposed meets or exceeds the public standard – 1.5" of asphalt binder with 1" of asphalt wearing – sand-clay base.
 - d. There are no public roadway connections proposed. All connections proposed are private road to private road.
 - e. Streets are curbed with a 24" concrete valley (Type M-14)
3. Article V.F. - Stormwater Standards –
 - f. The drainage design for this phase is part of the overall SWM system for the Colony Development. The stormwater detention for Phase 6 pond will be located in a different area of development for Phase 6.
 - g. Drainage is typical: storm water runoff from developed lots, and streets is directed by grading to curb/gutters that flow to winged inlets in the curb line and then conveyed by proposed and existing pipe to the newly built detention pond.
 - h. The existing SWM system is designed for and constructed such to meet the all applicable stormwater management and post-development treatment standards.

Storm Sewer (Article VI Section E.1-2): The storm sewer for this development is private.

Streets (Article V Section D): The streets in this subdivision are private and this has been noted on the plat.

Sidewalks: (Article V Section D.6): No sidewalks in front of lots are proposed. No sidewalks are proposed in this phase of the development at this time.

Street Trees (Article V Section D 1.b.(4) and Landscaping: Any landscaping shall meet the requirements of the TR District documents. Street trees are not proposed for this development.

The applicant is removing several significant trees for the road. Staff asked if any consideration was given to routing around the trees. The applicant said that it was considered; however, routing around the tree would require removal of other significant trees. According to the applicant's engineer, numerous significant trees remain in this phase.

Water and Sewer Department Final Inspection (Article IV, Section D.4): The only City of Fairhope improvements for the subdivision are the water and sewer services. No sewer justification was necessary as the applicant is proposing gravity sewer.

Flood Zone (Article V, Section F.5.e.-f.) Erik Cortinas, Building Official indicated there is not an issue at this location. Erik confirmed this in writing via email.

Flow Model: The flow model was approved by the Director of Operations, Mr. Richard Johnson, PE.

Lighting Plan: Lighting is not proposed.

Building Official Comments: Per the Building Official, the following note shall be added to the plat: "The International Residential Code requirements for firewalls, fire rating of eaves and soffits and limitation of openings (doors windows, etc) will be enforced based on building proximity to a property line, not separation from structures on other lots."

The note requested by the Building Official has been added to the plat.

Recorded Plats (Article IV Section D.7): All conditions of approval shall be satisfied in a timely manner. At the time of final plat, the applicant shall have all items completed so the Plat may be recorded within a 60-day time frame, per the City of Fairhope Subdivision Regulations.

Other (Article IV Section C.18): Any applicable outside agency permit shall be obtained.

Waiver Requests: An application is required for any waivers to the subdivision regulations as per Article VII of the City of Fairhope Subdivision Regulations. No waivers are being requested.

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. The subject parcel is currently located within unzoned Baldwin County; However, the applicant is concurrently requesting conditional annexation and re-zoning (designated as the TR District) in the City of Fairhope Corporate limits, the police jurisdiction, permit jurisdiction, and in the City of Fairhope Planning Jurisdiction. 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. Documentation from the corps verifying the sites no longer has wetlands shall be provided.
2. Submittal of the traffic study report.
3. Council Approval of the conditional annexation and re-zoning of the property to the Tourist Resort (TR) District.

OWNER/DEVELOPER
THE TEACHERS' RETIREMENT SYSTEM OF ALABAMA
THE EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA
231 SOUTH UNION STREET
MONTGOMERY, AL, 36104

SURVEYOR
STUART L. SMITH
AL. LICENSE NO. 27403

ENGINEER
TIMOTHY D. LAWLEY, P.E.
AL. LICENSE NO. 30559

SITE DATA
TAX PARCEL NO.
05-46-09-30-0-000-041.000
05-46-09-30-0-000-042.000

TOTAL SITE AREA = 25.97 ACRES± (1,131,471 S.F.±)
TOTAL NUMBER OF LOTS = 45
SMALLEST LOT = 0.18 ACRES± (7,816 S.F.±)
LARGEST LOT = 0.44 ACRES± (19,218 S.F.±)
TOTAL COMMON AREA = 3.02 ACRES± (131,014 S.F.±)
GREENSPACE = 2.43 ACRES± (105,945 S.F.±)
TOTAL LINEAR FEET OF STREET = 3,094 FEET

ZONING
R-10URIST RESORT

ZONING REQUIREMENTS
• 10' FRONT SETBACK
• 5' REAR SETBACK
• NO SIDE SETBACK

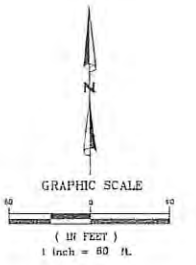
NOTE: AS PER THE HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION FOR BALDWIN COUNTY, AL, ACT NO. 94-572, THE MINIMUM SETBACK REQUIREMENT MEASURED FROM THE CENTERLINE OF THE RIGHT-OF-WAY IS 100' ALONG BALDWIN COUNTY ROAD NO. 3.

DEDICATED EASEMENTS
• 10' UTILITY EASEMENT ALONG ALL ROAD SIDE LOT LINES

UTILITIES
POWER - WATER UTILITIES
SEWER - FAIRHOPE WATER & SEWER
WATER - FAIRHOPE WATER & SEWER
TELEPHONE - AT&T
GAS - FAIRHOPE GAS

REMAINING PARCEL
10.76 ACRES±
488,489 S.F.±
APPLIC. REQUIREMENTS

S 89°42'07" E 1284.74'



LEGEND

P.O.C. POINT OF COMMENCEMENT	TELEPHONE BOX (VAULT)
P.O.B. POINT OF BEGINNING	WATER METER
(A) ACTUAL	SEWER SINK
(D) RECORD DEED	WATER VALVE
(P) PLAT OF RECORD	GAS VALVE
(C) COMPROMISE	TRANSFORMER BOX
OTIF OPEN TOP IRON PIPE FOUND	LIGHT POLE
OTIF IRON PIPE FOUND	CABLE TV BOX
OTIF CRIMP TOP IRON PIPE FOUND	ELECTRIC BOX
OTIF CAPPED REBAR FOUND	ELECTRIC PANEL
OTIF 1/2" CAPPED REBAR SET STAMPED CAPEX	IRRIGATION CONTROL VALVE
OTIF CONCRETE MONUMENT FOUND	SANITARY SEWER MANHOLE
OTIF CONCRETE MONUMENT SET	STORM DRAIN MANHOLE
OTIF LICENSED PROFESSIONAL SURVEYOR'S NUMBER	TELEPHONE MANHOLE
OTIF CERTIFICATE OF AUTHORIZATION NUMBER	SEWER CLEANOUT
(DOT) DISTURBED	SEWER DRAINER PUMP
(NPT) REFERENCE CORNER SET ON LINE	GRASS TRAP
(UNR) UNREADABLE	FLAG POLE
(INST #) INSTRUMENT NUMBER	ODS LINE SIGN MARKER
SECT. SECTION	TELEPHONE SIGN MARKER
R- RACE	WATERLINE MARKER
T- TOWNSHIP	WATER OPTIC LINE MARKER
EX- EXCEPTION	(EOL) EXCEPTION
PO- POWER POLE	UNDERGROUND FIBER OPTIC LINE
DU- DUTY WIRE	OVERHEAD ELECTRIC
RYW- RIGHT-OF-WAY	BURIED ELECTRIC LINE
R.O.W.- RIGHT-OF-WAY	UNDERGROUND TELEPHONE LINE
FR- FIRE HYDRANT	UNDERGROUND SEWER LINE
S-2- SPOT	UNDERGROUND WATERLINE
TE- TELEPHONE FEDESTAL	UNDERGROUND GAS LINE
EM- ELECTRIC METER BOX	UNDERGROUND TELEVISION
AN- ANCHOR BOLT	SPOT GRADE ELEVATION
EL/ELEV- ELEVATION	WOOD FENCE
FW- FENCE	CHAIN LINK FENCE
AS- ASPHALT	BARBED WIRE FENCE
CON- CONCRETE	WETLANDS

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 THE TIME OF SURVEY.
- FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 09/20/18.
- ALL BEARINGS ARE BASED ON NORTH AMERICAN DATUM 1983, ALABAMA WEST ZONE, STATE PLANE GRID NORTH; DERIVED BY GPS/RTK 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. 13030C0751I, WITH A REVISED DATE OF DETERMINATION OF JULY 17, 2007, IN BALDWIN COUNTY, STATE OF ALABAMA.
- ALABAMA ONE CALL WAS CONTACTED TO HAVE THE UNDERGROUND UTILITIES MARKED FOR LOCATION ON 08/29/2018 (TICKET #18241015). ANY EXISTING UNDERGROUND UTILITIES NOT SHOWN HEREON WERE NOT MARKED AT THE TIME OF THIS SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN CONFORM TO ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT AS THEY WERE MARKED IN THE FIELD.
- THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE AND ENERGY COSTS OF ANY STREET LIGHTS.
- THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL COMMON AREAS.
- THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY.
- THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE INFRASTRUCTURE.
- ALL LOTS SHOWN HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE BATTLES TRACE AT THE COLONY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS TO BE RECORDED IN BALDWIN COUNTY, ALABAMA (THE "DECLARATION"), INCLUDING THE VARIOUS EASEMENTS, USE RESTRICTIONS AND THE CREATION OF LOTS FOR THE PAYMENT OF ANNUAL ASSESSMENTS AS MORE PARTICULARLY DESCRIBED IN THE DECLARATION.
- A MINIMUM 12 FOOT SEPARATION SHALL BE ESTABLISHED BETWEEN ALL STRUCTURES TO MEET ISO REQUIREMENTS.
- THE SURVEYED PROPERTY LIES WITHIN SECTION 30, TOWNSHIP 5 SOUTH, RANGE 2 EAST.
- THE INTERNATIONAL RESIDENTIAL CODE REQUIREMENTS FOR FIREWALLS, FIRE RATING OF EAVES, SOFFITS, & LIMITATION OF OPENINGS WILL BE ENFORCED BASED ON BUILDING PROXIMITY TO THE PROPERTY LINE.

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD	DISTANCE
C1	68.07'	45.32'	581'43.28"W	44.49'
C2	24.14'	28.19'	410'17.02"E	16.13'
C3	23.02'	38.28'	344'36.23"W	16.38'
C4	25.02'	39.25'	345'03.37"E	16.34'
C5	75.02'	59.28'	544'55.35"E	35.25'
C6	35.02'	21.32'	349'01.39"E	15.29'
C7	120.02'	18.84'	342'18.50"E	17.72'
C8	120.02'	18.81'	344'13.39"W	18.22'
C9	89.02'	26.92'	580'03.45"E	26.79'
C10	25.02'	41.13'	322'35.96"E	17.05'

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD	DISTANCE
C11	840.00'	18.07'	124'41.63"E	18.07'
C12	180.00'	259.82'	556'54.16"W	158.14'
C13	230.00'	4.70'	789'43.28"E	4.19'
C14	250.00'	256.44'	565'54.16"W	242.17'
C15	600.00'	207.30'	343'54.16"E	226.28'
C16	130.00'	98.77'	521'28.16"W	88.82'
C17	80.00'	126.61'	521'28.16"W	59.58'
C18	80.00'	126.61'	745'18.50"E	113.82'
C19	30.00'	126.20'	144'51.59"W	112.81'
C20	120.00'	32.81'	577'35.36"E	52.39'

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD	DISTANCE
C21	25.00'	26.39'	574'16.01"W	22.97'
C22	840.00'	114.92'	438'03.45"E	114.76'
C23	230.00'	43.88'	510'30.07"E	43.81'
C24	120.00'	80.00'	511'54.20"W	49.64'
C25	25.00'	39.28'	545'04.35"W	35.26'
C26	80.00'	1.68'	585'41.63"E	0.96'
C27	180.00'	69.72'	518'29.52"W	65.34'
C28	180.00'	128.18'	545'34.41"W	125.73'
C29	180.00'	2.92'	589'40.27"W	3.92'
C30	120.00'	33.83'	581'40.28"W	33.82'
C31	120.00'	52.23'	581'16.36"E	51.82'

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD	DISTANCE
C32	120.00'	26.09'	514'20.20"E	27.32'
C33	120.00'	43.88'	510'30.07"E	43.81'
C34	120.00'	80.00'	511'54.20"W	49.64'
C35	120.00'	51.75'	535'11.42"W	51.15'
C36	120.00'	31.75'	580'54.15"W	51.15'
C37	120.00'	36.44'	581'57.20"W	36.20'
C38	80.00'	3.05'	538'28.37"E	3.05'
C39	120.00'	13.55'	586'29.49"W	13.49'
C40	25.00'	2.66'	540'35.53"W	6.64'

LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, THE COLONY AT THE GRAND SUBDIVISION REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2483-A IN PUBLIC RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 82°54'51" WEST A DISTANCE OF 630.85 FEET TO A POINT; THENCE RUN SOUTH 00°04'02" WEST A DISTANCE OF 112.38 FEET TO A POINT; THENCE RUN WESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 68.07 FEET, AN ARC LENGTH OF 45.32 FEET, A CHORD BEARING SOUTH 8°43'28" WEST, AND A CHORD DISTANCE OF 44.49 FEET TO A POINT; THENCE RUN NORTHEASTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 24.14 FEET, AN ARC LENGTH OF 28.19 FEET, A CHORD BEARING NORTH 32°11'29" EAST, AND A CHORD DISTANCE OF 16.13 FEET TO A POINT; THENCE RUN NORTH 00°04'02" EAST A DISTANCE OF 194.65 FEET TO A POINT; THENCE RUN NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 36.28 FEET, A CHORD BEARING NORTH 44°53'23" WEST, AND A CHORD DISTANCE OF 35.26 FEET TO A POINT; THENCE RUN NORTH 89°54'17" WEST A DISTANCE OF 4.98 FEET TO A POINT; THENCE RUN NORTH 00°04'02" EAST A DISTANCE OF 40.00 FEET TO A POINT; THENCE RUN NORTHEASTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET, AN ARC LENGTH OF 39.26 FEET, A CHORD BEARING NORTH 45°03'37" EAST, AND A CHORD DISTANCE OF 35.35 FEET TO A POINT; THENCE RUN NORTH 00°04'02" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 89°55'19" EAST A DISTANCE OF 11.97 FEET TO A POINT; THENCE RUN NORTH 00°17'22" EAST A DISTANCE OF 365.49 FEET TO A 5/8" IRON REBAR (LSF20364); THENCE CONTINUE NORTH 00°17'22" EAST A DISTANCE OF 218.67 FEET TO A 1" CRIMPED TOP IRON PIPE; THENCE RUN SOUTH 89°42'07" EAST A DISTANCE OF 1284.74 FEET TO A 1/2" IRON REBAR (LSF20359) ON THE WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NO. 3 (40' R.O.W.); THENCE RUN SOUTH 00°15'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 875.13 FEET TO A 1/2" OPEN TOP IRON PIPE; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 89°20'29" WEST A DISTANCE OF 634.63 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 25.97 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

PRELIMINARY PLAT
BATTLES TRACE PHASE 6
RETIREMENT SYSTEMS OF ALABAMA

NO. _____ REVISION _____ DATE _____ ENGR _____

SCALE: 1"=60'
DATE: FEBRUARY 2019
DRAWN BY: TBS
CHECKED BY: SLS
SHEET: 1 OF 2

CERTIFICATE OF OWNERSHIP

STATE OF ALABAMA
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT THE TEACHERS' RETIREMENT SYSTEM OF ALABAMA IS THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREIN, FOR THE USES AND PURPOSE HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREOF INDICATED, AND GRANT ALL EASEMENTS FOR UTILITY USE AS NOTED TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS THE _____ DAY OF _____, 20

THE TEACHERS' RETIREMENT SYSTEM OF ALABAMA

NOTARY FOR TEACHERS' RETIREMENT SYSTEM OF ALABAMA

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, _____, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT DAVID G. BRONNER, WHOSE NAME AS SECRETARY-TREASURER OF THE TEACHERS' RETIREMENT SYSTEM OF ALABAMA, AN INSTRUMENTALITY OF THE STATE OF ALABAMA, IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF SAID INSTRUMENT, HE, AS SUCH SECRETARY-TREASURER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID PUBLIC CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE _____ DAY OF _____, 20

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP

STATE OF ALABAMA
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT THE EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA IS THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREIN, FOR THE USES AND PURPOSE HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREOF INDICATED, AND GRANT ALL EASEMENTS FOR UTILITY USE AS NOTED TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS THE _____ DAY OF _____, 20

THE EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA

NOTARY FOR EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, _____, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT DAVID G. BRONNER, WHOSE NAME AS SECRETARY-TREASURER OF THE EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA, AN INSTRUMENTALITY OF THE STATE OF ALABAMA, IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF SAID INSTRUMENT, HE, AS SUCH SECRETARY-TREASURER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID PUBLIC CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE _____ DAY OF _____, 20

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CERTIFICATION OF ENGINEER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, TIMOTHY D. 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

TIMOTHY D. LAWLEY, P.E.
ALA. REG. NO. 30859

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

CERTIFICATE OF APPROVAL BY FAIRHOPE WATER AND 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 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 THE RIVIERA UTILITIES

THE UNDERSIGNED, AS AUTHORIZED BY THE 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 OF THE CITY OF FAIRHOPE PLANNING COMMISSION

THE WITHIN PLAT OF BATTLE TRACE AT THE COLONY, PHASE 6, BALDWIN COUNTY, ALABAMA, IS HEREBY APPROVED BY FAIRHOPE CITY PLANNING COMMISSION.

THIS THE _____ DAY OF _____, 20

SECRETARY

NO.	REVISION	DATE	ENGR.



HUTCHINSON, MOORE & RAUCH, LLC
 2039 MAIN STREET
 DAPHNE, ALABAMA 36526
 ENGINEERS • SURVEYORS
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 FAX (251) 626-6934
 daphne@hmrengineers.com

PRELIMINARY PLAT BATTLE TRACE PHASE 6			
RETIREMENT SYSTEMS OF ALABAMA			
SCALE N/A	DATE FEBRUARY 2019	DRAWN BY TBS	CHECKED BY SLS
SHEET 2 OF 2			7338-PP16-PLAT R7316/4738/10.01



Planning Commission

APRIL 1, 2019

Preliminary Plat

Case: SD 19.15

Project Name: Longbranch Subdivision

Property Owner /Applicant: Henry and Barbara Brewstser

General Location: The property is located on the north side of Twin Beech Road between County Road 13 and Thompson Hall Road.

Project Type: Major Subdivision

Number of lots: 28

Project Acreage: 18.71 Acres

Zoning District: Currently Unzoned, although under application for conditional annexation and re-zoning to R-2 (Medium Density Single Family Residential District)

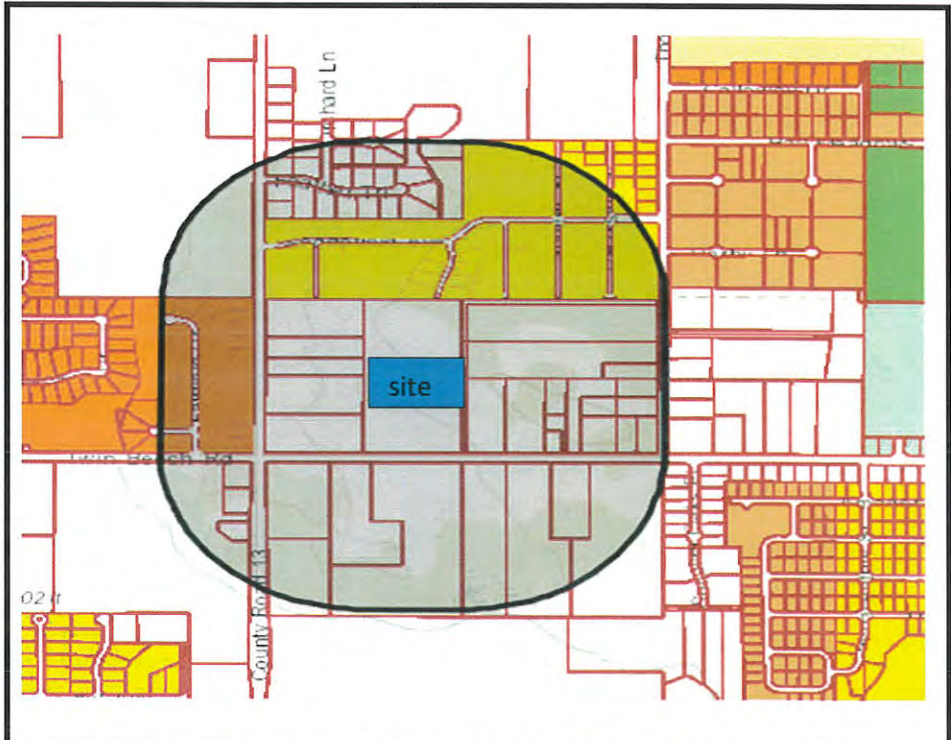
PPIN Number: 77788

Engineer of record: Dewberry
25353 Friendship Road
Daphne, Alabama 36526

School District: Fairhope Elementary, middle and high Schools

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

Recommendation: Approval With conditions



Summary of Request: Public hearing to consider the request of Henry and Barbara Brewster for Preliminary Plat approval of Longbranch Subdivision, a 28-lot division. The property is located on the north side of Twin Beech Road between County Road 13 and Thompson Hall Road. The applicant is Henry and Barbara Brewster and the authorized representative is Mr. Steve Pumphrey with Dewberry. The total site acreage is 18.71 acres, with the largest lot being approximately 15,027 sf and the smallest lot being 12,195 sf.

Site History: According to the Baldwin County Alabama tax records, the property has been owned by the Brewsters since 2009. The Baldwin County records indicate that the property may have been agricultural in the past.

Site Photos: Longbranch



View of the property from Twin Beech



View of the property at Guard Rail



View of drainage rip rap across from site.



View of the eastern most portion of site.



Eastern most portion of the site.



View of property from Sedgefield.



View of temporary turn arounds at Sedgefield



Direct view of Site from Sedgefield

School Impact analysis:

The Preliminary Plat for Longbranch contains 28 single family lots. Applying the student yield factors, the development is expected to generate 10.92 (28 x.39) elementary school students, 3.08 (28 x.11) middle school students and 4.76 (28 X.17) high school students.

Development Name	Application Type	Housing Type	Total Units	Attendance Zone	SYF	Expected Number students
Long Branch	Prelim. Plat	SF	45	Fairhope Elementary	.39	10.92
				Fairhope Middle	.11	3.08
				Fairhope High	.17	4.76
				Total		18.76

Comments:

All Associated Investors (Article IV Section C.1.b.(3)): Henry and Barbara Brewster are the sole investors.

Errors and Omission Insurance(Article IV. A): The proof of insurance has been provided.

Plat notes: Notes have been added to the plat. However, staff recommends the applicant add the regulatory reference for the “stream buffer” and reference to be allowed buffer uses in those regulations.

Greenspace (Article V.C. 3): All greenspace shall be in compliance with the City of Fairhope Subdivision Regulations regarding greenspace. The applicant provided greenspace calculations and a brief narrative. According to the applicant, “The green space shown on the attached plat does not include roadways, floodways, or right-of-ways. The detention pond, which will be a wet pond, is included in the 4.85 acres green space area. A walkway has been added to the landscape plans around the pond. If the pond was deducted from the greenspace, there would still be 3.35 acres, or 18% greenspace. The applicant states there are no wetlands on site.

Storm water (Article V Section F): According to the City of Fairhope’s Engineer, Richard Johnson, PE, the storm water management system is designed for and constructed such to meet all the applicable storm water management and post-development treatment standards. The applicant provided a narrative regarding the potential for adverse effects in the drainage calculations. An Operations and Maintenance Plan was submitted which shall be signed and sealed by the engineer of record and shall be recorded at the time of final plat.

Natural Resources: (Article IV Section C 1b (18)) Staff has received phone calls regarding the presence of gopher tortoises at this location. The applicant has stated “Before land disturbing activities, the site will be investigated for gopher tortoises, a state protected species. Any active burrows will be protected or we will obtain a scientific collection permit from ADCNR and relocate the tortoises.” Confirmation whether or not the gopher tortoises are present on site shall be a condition of approval, prior to any pre-construction activities commencing. The applicant is responsible for compliance of the State and Federal regulations regarding gopher tortoises, if they are determined to be on the property. Staff requests copies of any notifications provided to the State and Federal agencies regarding the tortoise’s potential verification.

The applicant shall address this as a natural resource. Staff requested clear verification as to whether the wetlands are present or not and a wetlands. The applicant contends that the site does not contain any wetlands. The applicant has submitted a checklist from the Corps of Engineer’s and had their environmental person confirm there are no wetlands.

The applicant has added a tree preservation easement and a note that no trees shall be removed from within said tree preservation easement unless approved by the City of Fairhope.

Wetlands (Article V Section F) and Erosion and Sediment Control: Per Kim Burmeister, Code Enforcement Officer, Web soils indicated alluvial soil, a soil associated with a natural drainage area or stream. This site is within the Cowpen Creek Watershed.

The applicant shall identify any natural features of the site, including, but not limited to wetlands, tributaries, streams, and natural drainage features. All required buffers and signage shall required as per the City of Fairhope Subdivision Regulations (Article V Section F, Stream Buffers. The applicant has identified the stream buffer and has added the buffer signage on sheets C2 and C5 on the construction drawings. Notes have been added to the Plat regarding the buffer but did not specify the regulation and allowed uses within stream buffers.

The applicant has added notes to the construction drawings (B2 and D1) stating that red soil and clay is not allowed within 100’ of critical areas, including wetlands and streams.

The applicant has stated that no wetlands are on site.

Silt fences shown on the Best Management Plan (Sheet C2) shall be Type A. The applicant has corrected sheet C2 to show Type A silt fences.

On Page D-1, Pond Construction, the applicant shall note that red soils and clay are not allowed in pond construction. The applicant has added the note to sheet D-1.

Applicant shall provide the ADEM registration number (required prior to permitting).

Flood Prone Areas (Article V, Section F.5.e-f.): The City of Fairhope Building Official, Mr. Erik Cortinas, provided the following comments: "This area carries a lot of water along the west side. It is not on the flood maps but we know there are drainage issues there and the engineer needs to perform a detailed flood/drainage study. Also drop in elevation approximately 10' from front to rear and will be up against the area that "floods" on the rear property lines."

A drainage study was provided in the drainage calculations. Erik Cortinas has reviewed the drainage study and has accepted what they applicant has sent.

Landscape Plan: The landscape plan has been submitted and approved. The applicant has revised the plans to include a walkway around the detention pond.

Tree Survey: The applicant has submitted a tree inventory as per *Article IV section C 1.b.(13), Tree protection plan shall be submitted for all required street trees or trees over 24" DBH Tree protection fences shall be installed prior to land disturbance activities (See Appendix G of the City of Fairhope Subdivision Regulations).*

Staff asked if the applicant explored saving the tree at the intersection between the neighborhoods. Staff also requested the applicant provide a preservation buffer for the trees along the back of lots from lot 4-14 with a note on the plat that trees shall not be removed unless they are dead, dying or show the presence of termites. The applicant added a note that "no trees shall be removed from within the said preservation easement unless approved by the City of Fairhope." The applicant states "We did look at the tree at the intersection of the neighborhoods and concluded it could not be saved. Sidewalks have been routed around live oaks at the neighborhood intersection. A 10' tree preservation easement has been added to the north side of lot 14. Also a 20' tree preservation easement has been added to the east boundary of the property."

Streets/Traffic: The neighbors are concerned with the construction traffic.

As staff understands it, construction traffic will come off County Road 44. The applicant states Sheet C1 has a note calling for a traffic barrier fence to prevent construction traffic entering/exiting through Sedgefield.

The applicant shall provide a speed limit sign in the transition area from Sedgefield. The speed limit sign was added.

Mr. Richard Johnson, Public Works Director, requests the applicant accommodate existing storm water drain in the road design (this is in the Sedgefield area). Mr. Richard Johnson verbally verified with staff that the applicant's revision of this item was to his satisfaction

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." The sign shall be posted by the Subdivider. The future through street signages is shown on sheet C5 and is added as a note on the plat.

The applicant has provided traffic verification that no traffic study is required. A traffic count and justification regarding the requirement for a traffic study has been reviewed and approved by Mr. Richard Johnson, Public Works Director.

Mr. Richard Johnson confirmed that traffic calming should be considered at this location. As proposed, it is an extremely long stretch of road without a traffic calming device. Any proposed calming device shall meet the approval of the Public Works Director. The Public Works Director and the Planning Director prefer to see a traffic circle in this location as opposed to the speed humps. The applicant provided a speed hump. The applicant did not provide a detail of the speed hump. Mr. Richard Johnson requested the applicant provide a stand alone detail of the speed hump prior to pre-construction.

Sidewalks: The development has provided sidewalks for the development itself, but not the sidewalks along Twin Beech Road. Staff is in discussion with the applicant regarding the reason for this.

Lighting Plan: The plan was reviewed by Mr. Mike Allison. He had no comments regarding the lighting. According to Article V Section D 3 (f):

f. Street lights are to be paid for or installed by the developer at the time of development. Street lights shall be approved by the Planning director and/or his/her authorized agent and the Electrical Superintendent. Pole height shall be no more than 15 feet from finished grade. The type and style of lights and poles will be determined and agreed upon by the developer and the utility provider. All other approvals, including the design layout of street lights, will be granted by the electrical superintendent.

The utility provider shall be responsible for the installation and maintenance of the street lights. Outside the City of Fairhope, the homeowner's association will be responsible for the maintenance, if applicable, and energy costs of the lights and this responsibility shall be noted on the plat.

Water and Sewer: Water and sewer shall meet the City of Fairhope Water and Sewer Specifications. Mr. Richard Peterson acknowledged to staff that the required forms relating to water and sewer justification would not be necessary due to the applicant selecting a gravity system. However, he has concerns over the depth of the sewer. The applicant shall address his concerns (see PP1). The applicant has stated the following: "Spur Avenue has been raised in order to shall the depth of the gravity sewer system.

Waiver Requests: An application is required for any waivers to the subdivision regulations as per Article VII of the City of Fairhope Subdivision Regulations. The applicant has not provided a written waiver request and has confirmed that no waivers are being requested?

Flow Model: A flow model has been submitted, reviewed and approved by Mr. Richard Peterson, Director of Operations.

Fire Hydrants: Fire hydrants shall be located at every intersection and every 450 feet. Mr. Peterson has reviewed and approved the fire hydrant locations.

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;***
- 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. Conditional Annexation and Zoning approval from the City of Fairhope City Council.
2. The applicant shall provide a stand-alone detail of the speed hump prior to pre-construction.
3. A note shall be added to the plat specifying the regulation for the buffer and allowed buffer uses within the stream buffer.
4. Verification of the gopher tortoises being provided.
5. Applicant shall provide the ADEM registration number (required prior to permitting).
6. Resolution regarding the need for sidewalks along Twin Beech Road.

SEAL



SCALE

1" = 50'

NO.	DESCRIPTION	DATE

REVISIONS

DRAWN BY: VG
 APPROVED BY: GS
 CHECKED BY: GS
 DATE: 11/14/2018

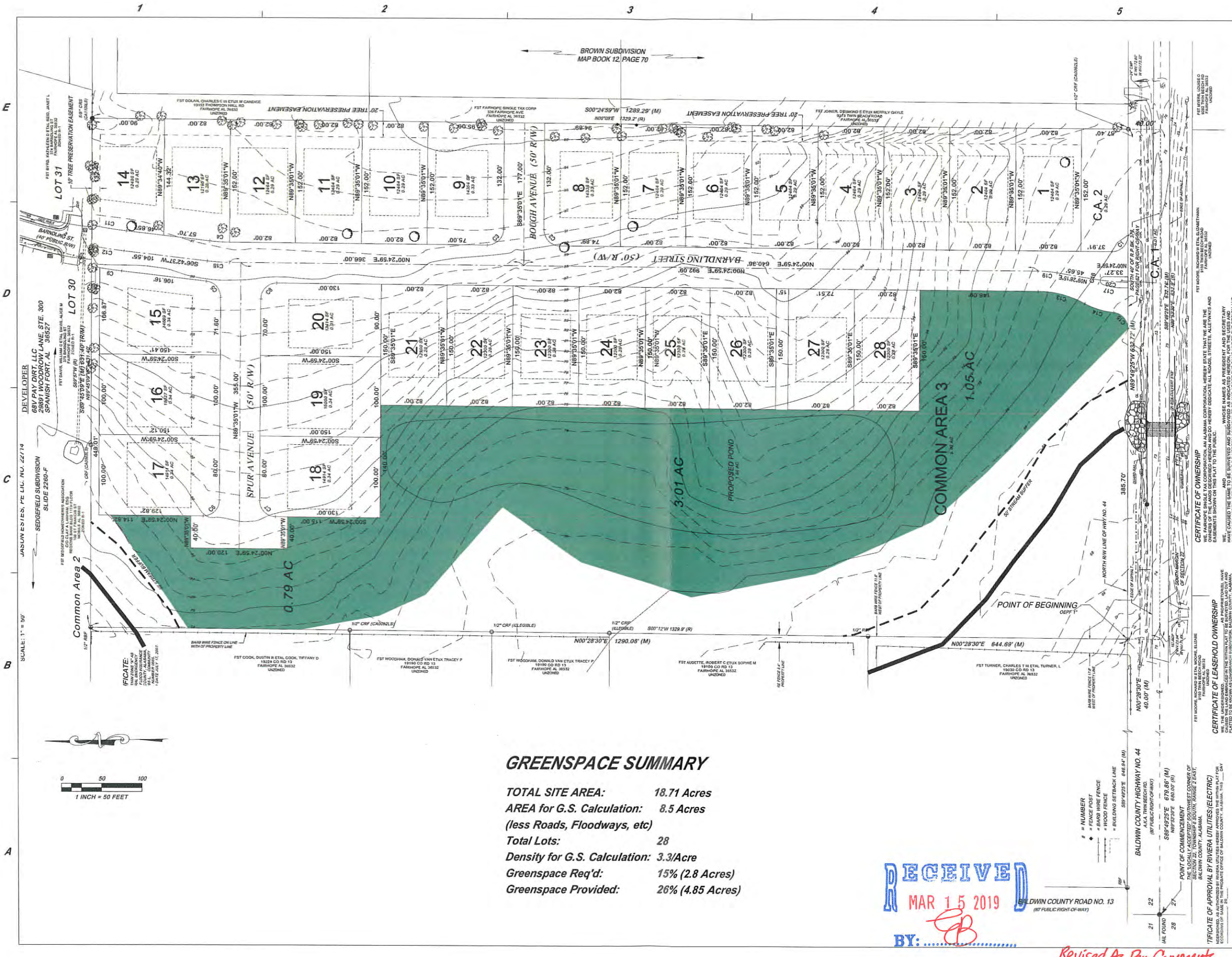
TITLE

BOUNDARY & TOPOGRAPHIC SURVEY

PROJECT NO. 50108728

S-1

SHEET NO.



GREENSPACE SUMMARY

TOTAL SITE AREA: 18.71 Acres
AREA for G.S. Calculation: 8.5 Acres
(less Roads, Floodways, etc)
Total Lots: 28
Density for G.S. Calculation: 3.3/Acre
Greenspace Req'd: 15% (2.8 Acres)
Greenspace Provided: 26% (4.85 Acres)

RECEIVED
 MAR 15 2019
 BY: *[Signature]*

Revised As Per Comments

SD 19.15

CERTIFICATE OF OWNERSHIP
 WE, FAIRHOPE SINGLE TAX CORPORATION, AN ALABAMA CORPORATION, HEREBY STATE THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREIN AND DO HEREBY GUARANTEE ALL ROADS, STREETS, ALLEYS AND EASEMENTS SHOWN ON THIS PLAN TO THE PUBLIC.
CERTIFICATE OF LEASEHOLD OWNERSHIP
 WE, THE UNDERSIGNED, CERTIFY THAT WE ARE THE LEASEHOLD OWNERS OF THE PROPERTY DESCRIBED HEREIN AND DO HEREBY GUARANTEE ALL ROADS, STREETS, ALLEYS AND EASEMENTS SHOWN ON THIS PLAN TO THE PUBLIC.
 THE LOCALLY ACCEPTED SOUTHWEST CORNER OF BALDWIN COUNTY HIGHWAY NO. 44, BALDWIN COUNTY, ALABAMA, THIS DAY BEING THE 15th DAY OF MARCH, 2019.



Planning Commission

April 1, 2019

Multiple Occupancy Project

Case: SD 19.16 C. Roberds Office Building

Project Name:

C. Roberds Office Building

Site Data:

1.62 acres +/-

Project Type:

Multiple Occupancy Project
9 units

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

Unzoned Baldwin County

PPIN Number:

346487

General Location:

1,000 ft south of HWY 104/HWY 181 intersection fronting on west side of HWY 181

Engineer:

S.E. Civil, LLC

Owner:

Roberds Bros., LLC

School District:

Fairhope Elementary,
Middle and High Schools

Recommendation:

Approve with conditions

Prepared by:

J. Buford King, City Planner



Summary of Request:

Public hearing to consider the request of S. E. Civil, LLC on behalf of property owner Roberds Bros. LLC, for a request for approval of C. Roberds Office Building, a 9-unit multiple occupancy project (MOP). Subject property is located approximately 1,000' south of the intersection of State HWY 101 and State HWY 181, fronting upon the west side of HWY 181. Subject property consists of approximately 1.62 acres. Mr. Larry Smith, PE of S.E. Civil serves as the engineer of record (EOR) for subject application.

Comments:

MULTIPLE OCCUPANCY PROJECT CRITERIA

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 remaining in **red italic 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. Any items initially marked "revise and resubmit" have been cured by the notations in **blue text**, which may include conditions of approval.

<i>Article IV, Section B.1a-b.</i> Pre-application Conference and Community meeting		
a. Pre-Application Conference – All applications for major subdivisions, village subdivisions and Multiple Occupancy Projects must attend a mandatory pre-application conference with City staff prior to making application so the developer may become familiar with the comprehensive plan and other rules which may affect the development. A pre-application conference with the Planning Director and/or his/her authorized agent may be scheduled at the mutual convenience of both parties.		
b. Community Meeting – After the pre-application meeting and prior to making application for a major subdivision, village Subdivisions or Multiple Occupancy Project the applicant must conduct a community meeting to solicit public input.		
(1) Notice of Community Meeting – The applicant shall notify all persons owning property adjacent to any specific property that is the subject of the application stating the date, time, location, nature and subject of the meeting. The location of the meeting shall be at a public facility unless the location of the development makes a public facility impracticable. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant's responsibility. Where land adjacent to the subject property involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be notified. Upon application for a major subdivision, village subdivisions and Multiple Occupancy Projects, the following community meeting information must be provided:		
i. Copy of notice mailed to neighboring properties for the community meeting stating date, time, location, nature and subject of the meeting.		
ii. Copy of site plan or other descriptive information discussed		
iii. Attendance sign in sheet.		
iv. Meeting minutes		

<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
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Comments: Meeting minutes of the required community meeting was not included with subject application. Please provide as follow-up correspondence to these review comments. Engineer of Record (EOR) indicated via follow-up correspondence the community meeting minutes will be furnished via follow-up correspondence, and the community meeting will occur prior to the April 1, 2019 planning commission meeting at which subject application will be heard.

Article IV, Section C.1.b.(8) Plan and profiles of all proposed utilities with connections

<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
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Cross Reference: *Approval of private utility connections for water and sewer shall be subject to the standards of Article VIII, Sections E. and G., respectively of the Fairhope Subdivision Regulations, and Chapter 12 of the Code of Ordinances of the City of Fairhope.*

Comments: This review assumes the subject property will utilize a commercial waste service or Baldwin County Solid Waste for its solid waste disposal services. Please refer to Article VI, Section H. for detailed sewer system comments. Plans and profiles of a gravity sewer system, or request for approval of a low-pressure sewer system are not included with subject application. Staff requests the applicant contact Fairhope Public Utilities (FPU) Director of Operations Richard Peterson for follow-up discussion regarding sewer service to subject property. FPU sewer service is available in the vicinity of subject property. EOR verified via follow-up correspondence

FPU intends to install sewer service in the HWY 181 ROW to service subject property. As a result, drawing C04 now reflects a plan view of a gravity sewer system brought to the edge of the HWY 181 ROW. Due to the gravity sewer's 6" pipe size a profile drawing is typically not included, and this review assumes any follow-up correspondence of a routine nature required for the sewer system will be submitted directly to FPU and reflected on as-built drawings.

Article IV, Section C.1.b.(11) Flow model data submitted to the standards of the COF Water Department.

N/A Accepted Follow-up correspondence requested

Comments: As a condition of approval, please provide the required flow model for subject property once the new 12" water main is installed near subject property. The EOR responded this information will be supplied as follow-up correspondence.

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 with comments, note condition of approval Revise and Resubmit per comments

Comments: Proposed development consists of two phases clearly identified on drawing C01. As a condition of approval, an as-built set of all construction documents related to Phase 1 shall be furnished, with the engineer's certificate included on the cover page once the structures and all site improvements associated with Phase 1 have attained Certificate of Occupancy. The City of Fairhope reserves the right to modify the submission requirements of this closeout item at the direction of the Planning Director. Acknowledged by EOR.

Article IV, Section C.1.k. County Engineer Correspondence

In the case of applications for a preliminary plat outside the City limits but within the jurisdiction of these regulations, the applicant shall be required to submit evidence in writing that plans for the subdivision shall have been received by the County Engineer for his/her review.

N/A Accepted with comments Revise and Resubmit per comments

Cross Reference: Article V, Section A. When lands proposed to be subdivided lie outside the corporate limits of the City, the minimum design standards of Baldwin County shall apply when such standards are more restrictive than those of the City. All approvals of the Commission shall be subject to the more restrictive requirements of Baldwin County and the approval of the County Engineer shall be a condition precedent to approval for construction of improvements.

Comments: Subject application is an MOP, not requesting plat approval for which the County Engineer must review and approve. As a condition of approval, a re-plat of subject property is required reflecting the appropriate 20' and ALDOT setbacks, as well as 15' drainage and utility easements for the site. The EOR correctly noted that 15' drainage and utility easements are included in Article V, Section "E" of the subdivision regulations, however MOP requirements only include Article V, section "F" of the subdivision regulations, and as a result the 15' drainage and utility easement(s) are not applicable. The 20' setback required for MOPs is identified clearly on the site plan and is sufficient for the purposes of this MOP application and a separate re-plat is not required.

Article IV, Section D.1.b.(4) Final Plat and Final Plans showing all information required by and meeting requirements of Article IV., Section C.1. and the following additional information:

(4) Street Tree Plan shall be submitted showing the location of all planted street trees.

N/A Accepted with comments Revise and Resubmit per comments

Comments: The planting plan depicted on drawing LP2 will be evaluated according the Landscape/Tree Ordinance. The plantings shown appear to substantially satisfy the street tree requirements of this section. As a condition of approval, drawing LP2 shall be modified to include the screening and buffering requirements of Tree/Landscape ordinance for incompatible use buffers along the north and west property lines adjacent to single family residential properties. The applicant may use the various options for screening and buffering allowed by Tree/Landscape Ordinance 1444.

Article IV, Section D.1.b.(17) Final Plat and Final Plans showing all information required by and meeting requirements of Article IV., Section C.1. and the following additional information:

(17) Maintenance Plan for maintenance of detention facilities during development and documents providing for continued maintenance after completion of development and sale of all lots. Such documents running as a covenant with the lands.

N/A

Accepted

Revise and Resubmit per comments

Cross Reference: *Article V, Section F.3.a.(3)*

Comments: *Please clarify the components of the drainage system related to subject application. The maintenance plan within the O&M plan and agreement references a bioretention area and grassed swales which do not appear to be reflected on the grading and drainage plan, drawing C02. Further, as a condition of approval, a copy of the fully-executed and recorded Operations and Maintenance (O&M) plan and agreement shall be furnished once all structures and site improvements related to Phase 1 have attained a Certificate of Occupancy. The City of Fairhope reserves the right to modify the submission requirements of this closeout item at the direction of the Planning Director. A grass-lined swale and bio-retention pond are reflected on revised drawing C02.*

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:

Green space shall be provided as follows:

Units Per Acre	Open Space Amount
Less than 2 units per acre	10%
2-4 units per acre	15%
4-6 units per acre	20%
More than 6 units per acre	25%
Multiple Occupancy Project (commercial)	10%
Multiple Occupancy Project Residential	
3 units per acre	15%
4-6 units per acre	20%
More than 6 units per acre	25%

N/A

Accepted

Revise and Resubmit per comments

Cross Reference: *Zoning Ordinance Article IV. Site Design Standards Section A. Open Space*

Comments: *Please revise and resubmit the land usage table on drawing C01 to reflect the amount of greenspace for the site as required by Article V, Section C3 through C7. Land Usage table has been modified to reflect greenspace amounts, drawing C01 and C02 identify greenspace locations. The 12.4% greenspace submitted is in compliance with this section, however, see Article V, Section C.4 for conditions of approval.*

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

Revise and Resubmit per comments

Comments: *The drainage narrative did not appear to specifically address adverse effects; however, it appears the outfall to HWY 181's public ROW is only utilized in an exceedance event. Please revise and resubmit the drainage narrative with a brief description of how the drainage system mitigates downstream adverse effects. The EOR's follow-up correspondence indicates ALDOT reviewed and approved the EOR's drainage calculations and does not negatively impact ALDOT's stormwater improvements.*

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 revise and resubmit the land usage table on drawing C01 to reflect the amount of greenspace for the site and in compliance with this section. Note that HWY 181 is a minor arterial and greenspace may not be located adjacent to arterial or collector streets. Land Usage table has been modified to reflect greenspace amounts, drawing C01 and C02 identify greenspace locations. The EOR requested clarification of the amendments to the greenspace requirements as included in Resolution 2019-01, specifically related to item "e" above. Item "e" was not amended by Resolution 2019-01, and as a result a portion of the greenspace indicated on drawing C01 and C02 is adjacent to the AL HWY 181 ROW. It appears sufficient space exists so that if an area wide enough for a sidewalk or pedestrian easement is removed from the area adjacent to the ROW, the remaining greenspace will comply with the 10% required by Article IV, Section C2. An excerpt of Resolution 2019-01 is below:

30 4. Design Requirements - All eligible greenspace shall conform to the following design requirements:

31 a. Maximize public exposure and public access to greenspace.

32 b. Streets shall align adjacent to greenspace.

33 ~~c. Greenspace land must be contiguous but may be bisected by local streets, sidewalks, and pedestrian paths.~~

34 ~~d. Greenspace must be located at the rear edge or interior of the development.~~

35 e. Greenspace shall not be located adjacent to a collector or arterial street.

36 f. Due regard shall be shown for all-natural features such as lakes, ponds, water courses, historic sites and

37 other similar features which, if preserved, will add attractiveness and value to the property.

38 ~~g. The amount, distribution, location and type of green space provided shall be context sensitive with the~~

39 ~~built environment around it.~~

As a condition of approval, please amend the greenspace depicted on drawings C01 and C02 to reflect greenspace not adjacent to the AL HWY 181, and include the amended greenspace drawings in the required as-builts plans.

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

(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

N/A Accepted Revise and Resubmit per comments

***Cross Reference:** Section 20.5-17 (1) and (2) Ordinance 1444 Tree / Landscape Ordinance Required Native Plants for Bio Retention/Detention Use

Comments: No LID techniques for use on subject property are identified in the drainage narrative or on the various drawings included with the application. The detention pond appears to be a “dry detention basin” which is an LID technique. Please quantify and identify the LID techniques utilized on subject property. A bioretention area as well as a grass-lined swale is identified on drawings C01 and C02. The grass-lined swale appears to pre-filter the drainage entering the bioretention area.

Article V, Section F.11.f.(1)-(5) Required Use of Low Impact Development (LID) Techniques (Continued)

f. The following LID techniques are available for use by applicants given the particular circumstances and characteristics of the proposed subdivision:

- (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.

N/A Accepted Revise and Resubmit per comments

Article V, Section F.11.f.(1)-(5) (continued)

Comments: No LID techniques for use on subject property are identified in the drainage narrative or on the various drawings included with the application. The detention pond appears to be a “dry detention basin” which is an LID technique. Please quantify and identify the LID techniques utilized on subject property. A bioretention area as well as a grass-lined swale is identified on drawings C01 and C02.

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.

N/A Accepted with comments Revise and Resubmit per comments

Cross Reference: Chapter 19 of the City of Fairhope Code of Ordinances, as amended.

Comments: The applicant is advised the Planning Commission may require, as a condition of approval, that sidewalks, or a sidewalk easement is furnished along the AL HWY 181 ROW.

Article VI, Section H. Construction Standards-Sanitary Sewerage

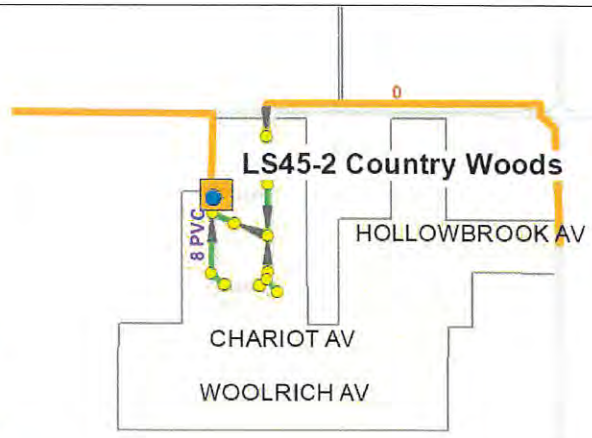
1. All subdivisions shall have sanitary sewer service. The sewer service shall be provided by either the Fairhope Public Utilities or an approved sewer service.
2. All sanitary sewer systems constructed within a subdivision and all sanitary sewer systems constructed outside of a subdivision but servicing a subdivision shall be constructed in accordance with those certain “Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities” which is on file at the City of Fairhope Water & Sewer Department.
3. Individual septic tank type systems that have been approved by the Baldwin County Health Department and the Fairhope Public Utilities Sewer Department may be utilized.

N/A Accepted Revise and Resubmit per comments

Cross Reference: Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities

Comments: Three grinder pumps are depicted on drawing C04, and as a result a low-pressure request procedure is triggered. Please submit the application within Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities and include the appropriate sections requesting the use of low-pressure if it is the desire of the applicant to utilize low pressure sewer on subject property. FPU sanitary sewer is available in the vicinity of subject property as seen in the map excerpt below:

EOR verified via follow-up correspondence FPU intends to install sewer service in the HWY 181 ROW to service subject property. As a result, drawing C04 now reflects a plan view of a gravity sewer system brought to the edge of the HWY 181 ROW. Due to the gravity sewer's 6" pipe size a profile drawing is typically not included, and this review assumes any follow-up correspondence of a routine nature required for the sewer system will be submitted directly to FPU and reflected on as-built drawings.



Article VI, Section M. Construction Standards-Underground Utilities

All utilities in all proposed subdivisions shall be installed underground.

1. The Planning Commission may waive this section in all, or part based on evidence that underground installation is not in the best interest of the environment or is financially not feasible.

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

Comments: Drawing C04, utility plan, does not reflect placing existing and proposed overhead electrical power underground. Drawing C04 has been revised to reflect the two proposed buildings with underground electrical service. This review assumes the existing building with overhead power will be converted to underground electrical service at the next routine upgrade or disconnection of service.

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

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

Site Photos:



Looking west toward subject property along HWY 181



Looking southwest toward subject property From HWY 181

Recommendation:

Subject application is a Multiple Occupancy Project and as a result there is no “plat” to be submitted for final approval. Staff recommends **APPROVAL** of the MOP request subject to the conditions below:

- 1) Article IV, Section C.1.b.(11) *Flow model data*
 - a. Provide flow model data for the 12” water main once the new main is installed. This information may be submitted with the as-built drawings related to subject application.
- 2) Article IV, Section C.1.f. *Phased development*
 - a. An as-built set of all construction documents related to Phase 1 shall be furnished, with the engineer’s certificate included on the cover page once the structures and all site improvements associated with Phase 1 have attained Certificate of Occupancy. The City of Fairhope reserves the right to modify the submission requirements of this closeout item at the direction of the Planning Director.
- 3) Article IV, Section.D.1.b.(4) *Street Tree Plan*
 - a. Drawing LP2 shall be modified to include the screening and buffering requirements of Tree/Landscape ordinance for incompatible use buffers along the north and west property lines adjacent to single family residential properties. The applicant may use the various options for screening and buffering allowed by Tree/Landscape Ordinance 1444.
- 4) Article IV, Section.D.1.b.(17) *Final Plat and Final Plans*
 - a. A copy of the fully-executed and recorded Operations and Maintenance (O&M) plan and agreement shall be furnished once all structures and site improvements related to Phase 1 have attained a Certificate of Occupancy. The City of Fairhope reserves the right to modify the submission requirements of this closeout item at the direction of the Planning Director.
- 5) Article V, Section C.4. *Greenspace Design Requirements*
 - a. Please amend the greenspace depicted on drawings C01 and C02 to reflect greenspace not adjacent to the AL HWY 181, and include the amended greenspace drawings in the “for construction” as well as the required as-builts plans.

The Development Review Committee (DRC) meeting at which this item was discussed may be viewed at the following internet address:

<https://www.youtube.com/watch?v=gX4y0xNwtzk&list=PLElyHeNjDeQCKYJrVSupwVTSKousr9qZA&index=2>

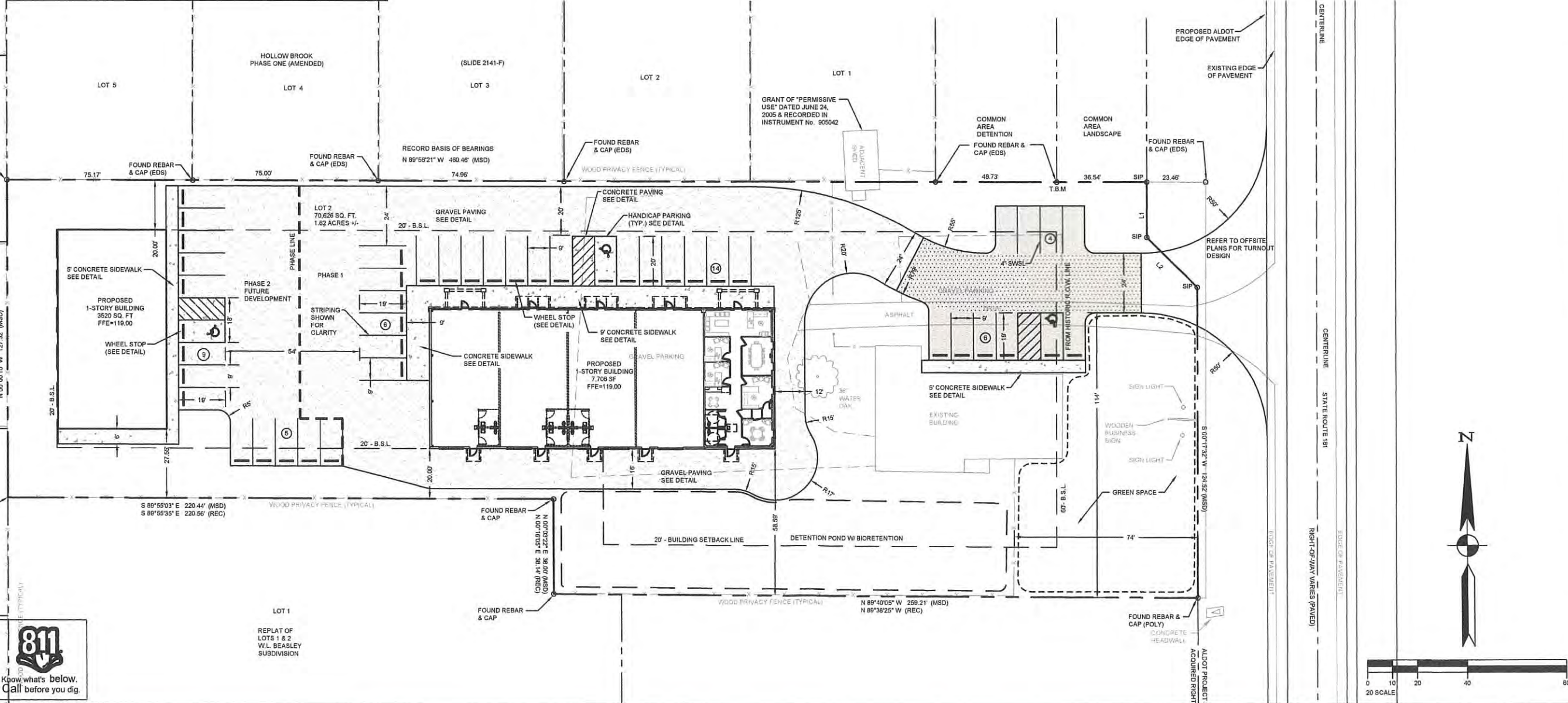
SITE ANALYSIS		
SITE ACREAGE (PROPOSED) 1.62 AC (70,626 SF)	BUILDING HEIGHT ± 20 FT	BUILDING (UNDER ROOF) 14,240 SF
REQUIRED PARKING NONE	PROVIDED PARKING 44 SPACES	
JURISDICTION CITY OF FAIRHOPE ETJ	ZONING UN-ZONED COUNTY	
IMPERVIOUS AREA 0.52 AC (22.1%)	PERVIOUS AREA 1.10 (67.9%)	
BUILDING SETBACKS:	REQUIRED (PLAT):	REQUIRED (MOP):
FRONT YARD:	60 FT	20 FT
SIDE YARD:	10 FT	20 FT
REAR YARD:	20 FT	20 FT
MAXIMUM BUILDING HEIGHT:	—	35'
MAX. BUILDING SITE COVERAGE:	—	—

LAND USAGE		
DESCRIPTION	AREA	% OF PROPERTY AREA
PROPERTY AREA	1.62 ACRES	—
BUILDING AREA (UNDER ROOF)	0.33 ACRES	20.4%
SITE AREA EXCLUSIVE OF BLDG	1.29 ACRES	—
IMPERVIOUS PAVING EXCLUSIVE OF BLDG	0.19 ACRES	14.7%
GRASS/LANDSCAPED AREA	0.47 ACRES	36.4%
GRAVEL PAVING	0.47 ACRES	36.5%
GREEN SPACE	0.16 ACRES	12.4%



SITE PLAN NOTES

- ALL WORK AND MATERIALS SHALL COMPLY WITH THE CITY OF FAIRHOPE & BALDWIN COUNTY REGULATIONS AND CODES AS WELL AS O.S.H.A. AND ALDOT STANDARDS.
- CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXIT PORCHES, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AND STAIR DETAILS.
- ALL ISLANDS SHALL BE LANDSCAPED.
- ALL CURBED OR STRIPED RADII ARE TO BE 5' UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS AND RADII ARE TO THE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
- EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN THE BASE BID.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED FOR SITE WORK. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
- THE DIMENSIONS SHOWN ARE TO FACE OF BUILDING UNLESS OTHERWISE SHOWN.
- REFER TO THE STRUCTURAL PLANS FOR THE COLUMN GRID LAYOUT AND INFORMATION REQUIRED TO LAYOUT THE BUILDING WITHIN THE FOUNDATIONS.
- THE SURVEY OF EXISTING CONDITIONS IS SHOWN WITHIN THESE PLANS. ALL EXISTING CONDITIONS SHALL BE VERIFIED TO BE TRUE AND ACCURATE PRIOR TO BEGINNING WORK.
- PAINTED STRIPING SHALL BE BRIGHT AND CLEAR. STRIPES SHALL BE PER PLAN AND PAINTED ON CLEAN ASPHALT OR CONCRETE.
- CURBING SHALL BE FORMED AND POURED CONCRETE UNLESS OTHERWISE DETAILED WITHIN THE DRAWINGS. CONCRETE FOR CURBING SHALL BE 3000 PSI.
- HANDICAP RAMPS AND PARKING STALLS SHALL BE PER ADA REQUIREMENTS AND LOCAL REGULATIONS.
- THIS SITE IS UN-ZONED COUNTY WITHIN THE CITY OF FAIRHOPE'S ETJ.
- TOTAL SITE ACREAGE = 1.62
- NOTIFY CITY OF FAIRHOPE INSPECTIONS 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION.
- NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED GOVERNMENTAL INSPECTIONS.
- A COPY OF THE APPROVED LAND DISTURBANCE PLAN AND PERMIT SHALL BE PRESENT ON SITE WHENEVER LAND DISTURBANCE ACTIVITY IS IN PROGRESS.
- CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN REQUIRED R.O.W. WITHOUT PERMISSION FROM THE CITY.
- DURING CONSTRUCTION, ACCESS ROADWAYS CONSTRUCTED OF AN ALL WEATHER SURFACE CAPABLE OF SUPPORTING 80,000 POUNDS GROSS WEIGHT SHALL BE PROVIDED. THE WIDTH OF THE ACCESS ROADWAY, DURING CONSTRUCTION, SHALL BE 20 FT PER STANDARD FIRE PREVENTION CODE, LATEST EDITION.
- ALL NON-HANDICAP PARKING SPACE LINES WILL BE WHITE.
- ALL TRAFFIC CONTROL SIGNS AND MARKINGS USED ON THE SITE WILL CONFORM WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FHWA, LATEST EDITION. REFERENCE THE SIGN CODES CONTAINED IN THE MUTCD FOR ALL TRAFFIC CONTROL SIGNS. NOTE THE COLOR AND SIZE OF ALL PAVEMENT MARKINGS, REFERENCING DETAILS IN ALDOT'S ROADWAY AND TRAFFIC DESIGN STANDARDS WHERE APPLICABLE.
- NO "PROTECTED TREES" WILL BE REMOVED, DESTRUCTIVELY DAMAGED, MUTILATED, RELOCATED, DISFIGURED, DESTROYED, CUT DOWN, OR EXCESSIVELY PRUNED DURING CONSTRUCTION ACTIVITIES.
- FIRE LANES AND SIGNAGE TO MEET REQUIREMENTS OF NFPA 1 CHAPTER 18.
- THE CONTRACTOR SHALL FAMILIARIZE THEMSELVES WITH ALL OF THE EXISTING CONDITIONS AT THE SITE, INCLUDING UTILITIES, SURFACES, ETC. AND SHALL BE FULLY RESPONSIBLE FOR ANY DAMAGES THEY CAUSE TO NEW AND EXISTING CONSTRUCTION, PROPERTY AND ANY UNAUTHORIZED DISRUPTION TO UTILITIES ON SITE AND TO ADJACENT PROPERTIES.
- PRIOR TO CONSTRUCTION, EXISTING UTILITIES AT PROPOSED CONNECTIONS AND CROSSINGS SHALL BE FIELD EXCAVATED TO VERIFY LOCATIONS, ELEVATION AND SIZE. NOTIFY THE ENGINEER IMMEDIATELY WITH ANY DEVIATIONS OR CONFLICTS.



REVISION	DATE	DESCRIPTION
1. MOP REVISIONS	2/26/19	
2. CITY COMMENTS	3/13/19	



SITE PLAN

C. ROBERDS
 OFFICE BUILDING
 21883 HIGHWAY 181, SUITE D

AFFIX SEAL

JOB No. 20180398	DATE 3/12/19
DRAWN GPW	SCALE 1"=20'

C01





Planning Commission

April 1, 2019

Subdivision Approval

Case: SD 19.17 Replat of Lot 1, Taylor Oaks

Project Name:

Re-plat of Lot 1, Taylor Oaks

Project Type:

Minor Subdivision

Jurisdiction:

City of Fairhope Corporate Limits

General Location:

Northwest corner of the intersection of Taylor Street and Dovecote Lane

Site Data

PPIN Number:

224582

Zoning District:

R-1 Low Density Single Family Residential District

Project Acreage:

1.12 acres

Number of Lots:

2

Owner:

Donald and Marlene Mesler

School District:

Fairhope Elementary, Intermediate, Middle and High Schools

Prepared by:

Mike Jeffries, QCI
Planning Technician

Recommendation:

Approval



Summary of Request:

Public hearing to consider the request of Donald and Marlene Mesler owner and applicant for a minor subdivision of Lot 1 in Taylor Oaks Subdivision. The property is 900' east of Main St. At the corner of Taylor St. and Dovecote Ln. The subject property is approximately 1 acre and the applicant wishes to divide the property in half creating two ½ acre parcels that.

Comments:

This minor subdivision is creating two ½ acre lots in a previously developed subdivision. The applicants purchased what they believed were two separate lots in the late 1990's and have provided an original sketch that showed the current property as two separate lots. The lots were conveyed as one piece of property and the plat was recorded that reflected the same.

Both proposed lots meet the minimum requirements of R-1 Zoning per Fairhope's Zoning Ordinance.

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/A	3 acres/ -	198'	75'	75'	25'	50'	none	30'
R-1	15,000 s.f./ -	100'	40'	35'	10' ^b	20'	40% _o	30' ^a

Waiver Request:

Article V Section E.3.a states "except as provided in Section D.6., all lots shall front upon a paved, publicly maintained street. Double frontage lots are prohibited, except where lots consist of more than 66% of a block".

The applicants wish to subdivide the property on Dovecote Ln. which is a paved but not a public road. They have requested a waiver from this requirement and provided documentation for why it is necessary.

Subdividing Lot 1 of Taylor Oaks Subdivision

Thank you for considering our request for a minor subdivision of Lot 1 in the Taylor Oaks subdivision. We purchased two lots twenty years ago. We were the first to buy lots in this subdivision. Although we bought two ½ acre lots, the developer conveyed them as a one acre lot, probably for convenience. All of the other lots in the subdivision are ½ acre. We are aware that Dovecote Lane is a private road. We could request that it be subdivided along Taylor Street which is a public road, but we don't want to disrupt the "Treasured Trees" and stone wall along Taylor Street. The original plan for the subdivision was to have two separate lots along Dovecote Lane. We are making our request in keeping with the original plan because it would best serve the interests of everyone in the Taylor Oaks subdivision.



There are 4 live oak trees along Taylor Street. Three of them are "Treasured Trees".

A stone wall runs behind the live oak trees.

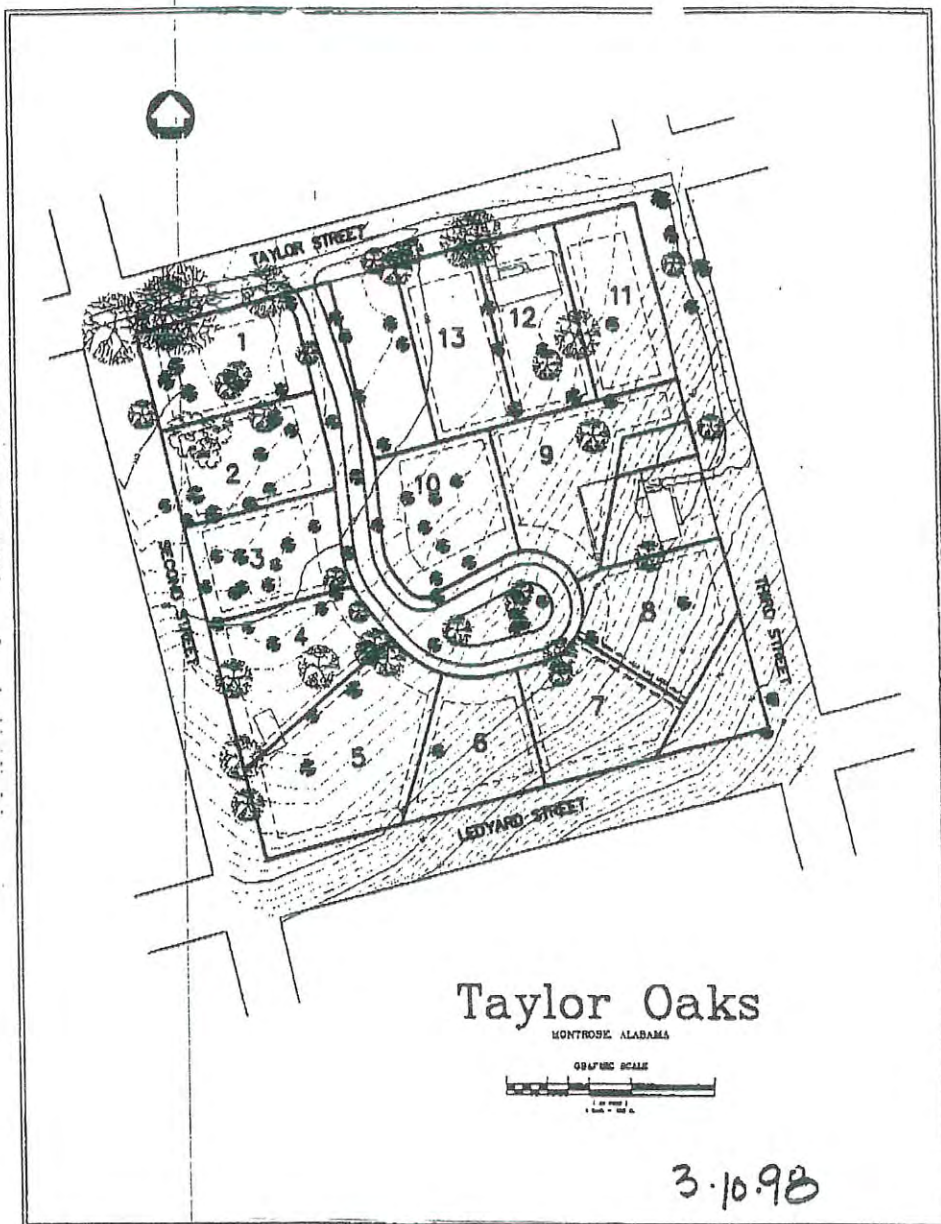
Donald J. Mesler

Date: 2/25/19

Marlene M. Mesler

Date: 2/25/19

Taylor Street View of Lot 1



Also note that the Property Owners Association met on March 10, 2019 and voted unanimously in favor for the subdivision to be along Dovecote Ln. to prevent harm to the live oak trees and stone wall that are along Taylor St.

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 approval of SD 19.17 conditional upon the following:

1. Recommendation of approval of Waiver request from the Subdivision Regulation Article V Section E.3.a be approved.

BOOTH, BARRY L
 P O BOX 7406
 SPANISH FT., AL 36577
 05-43-09-32-0-000-060.000

VICINITY MAP
 (NOT TO SCALE)

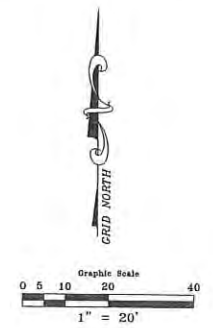


SURVEY LEGEND

● - PROPERTY CORNER	CRS - CAPPED REBAR SET (WOODLANDS CA-1023)	○ - POWER POLE
(R) - RECORD DIMENSION	CRF - CAPPED REBAR FOUND	⋄ - DIRT ANCHOR
(A) - ACTUAL DIMENSION	RRF - REBAR FOUND	⊕ - FIRE HYDRANT
R/W - RIGHT-OF-WAY	CTP - COMBED TOP PIPE FOUND	⊕ - WATER VALVE
B.S.L. - BUILDING SETBACK LINES	OIP - OPEN TOP PIPE FOUND	⊕ - WATER METER
- X - FENCE	⊕ - CABLE TV FEDESTAL	⊕ - WOOD STAKE
— OHP — OVERHEAD POWER LINE	⊕ - LIGHT POLE	⊕ - TELEPHONE PEDESTAL
▭ - CONCRETE	▭ - GRAVEL	▭ - ASPHALT
		▭ - COVERED AREA

CURVE TABLE

CURVE	RADIUS	ARC	CHORD	BEARING
C1(A)	25.00'	34.31'	31.63'	N65°55'57"W
C1(R)	25.00'	34.30'	31.67'	N64°41'32"W
C3(A)	200.00'	39.74'	39.67'	N20°56'22"W
C3(R)	200.00'	39.74'	39.67'	N19°41'32"W
C4(A)	200.00'	23.98'	23.97'	N11°48'05"W
C4(R)	200.00'	23.99'	23.98'	N12°15'59"W
C5(A)	165.00'	20.02'	20.01'	N11°32'26"W
C6(A)	167.00'	33.23'	33.18'	S20°58'41"E



BRANTLEY, MARY J EXECUTRIX OF ESTATE OF
 P O BOX 1968
 BAY MINETTE, AL 36507
 05-43-09-32-0-000-065.001
 LOT 10
 TAYLOR OAKS SUBDIVISION
 (SLIDE 1827-B)

SURVEYOR/DESIGNER:
 THE WOODLANDS GROUP, LLC
 PO BOX 213 MONTROSE, AL 36559
 JUSTIN PALMER, PLS LIC. NO. 34934

OWNER:
 DONALD MESLER & MARLEN MESLER
 TAYLOR STREET
 FAIRHOPE, AL 36532

REQUIRED SETBACKS:
 FRONT: 40 FT
 REAR: 35 FT
 DRIVEWAY SIDE: 15 FT
 STREET SIDE: 20 FT
 LOT SIDE: 10 FT

SITE DATA:
 CURRENT ZONING: R1
 MINIMUM LOT SIZE ALLOWED: 15,000 SF
 NUMBER OF LOTS: 2
 SMALLEST LOT: 24,325 SF +/-
 LARGEST LOT: 24,547 SF +/-
 TOTAL AREA: 1.12 ACRES +/-

UTILITY PROVIDERS:
 WATER: DAPHNE UTILITIES
 SEWER: ONSITE TREATMENT
 ELECTRICITY: RIVERA UTILITIES
 TELEPHONE: AT&T COMMUNICATIONS
 GAS: FAIRHOPE

CAMERON, CHERYL CP O BOX 1968
 P O BOX 792
 MONTROSE, AL 36559
 05-43-09-32-0-000-061.015
 LOT 9
 TAYLOR OAKS SUBDIVISION
 (SLIDE 1827-B)

RECORD PROPERTY DESCRIPTION:
 LOT 1, TAYLOR OAKS, ACCORDING TO THE PLAT THEREOF RECORDED ON SLIDE NO. 1827-B OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

FLOOD ZONE DETERMINATION:
 THE PROPERTY DESCRIBED HEREON IS LOCATED IN FLOOD ZONE "X" ACCORDING TO THE FLOOD INSURANCE RATE MAP, NUMBER 11003C0843L, DATED JULY 17, 2007, AS DETERMINED BY SCALING FROM THE FLOOD HAZARD MAP AS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

- SURVEYOR'S NOTES:**
- UNLESS STATED OTHERWISE HEREON, THIS PLAT WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.
 - REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS SEALED WITH AN ORIGINAL SURVEYOR'S SEAL.
 - TYPE OF SURVEY - BOUNDARY & RE-PLAT SURVEY
 - ALL BEARINGS BASED ON GLOBAL POSITIONING SYSTEM OBSERVATION USING THE NORTH AMERICAN DATUM OF 1983. ALL DISTANCES SHOWN ARE GROUND DISTANCES. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARD FEET.
 - FIELD WORK WAS PERFORMED 02/13/2019.
 - THE LOTS SHOWN HEREON ARE SERVED BY AT&T COMMUNICATIONS, (TELEPHONE)
 - CITY OF FAIRHOPE - WATER, GAS, SEWER & POWER
 - THIS PROPERTY LIES WITHIN THE CITY OF FAIRHOPE.
 - NO NEW STREETS, EASEMENTS OR UTILITY LINES ARE BEING CREATED BY THIS PROJECT AT THIS TIME.
 - THERE WAS NO ATTEMPT TO LOCATE ANY SUBSURFACE FEATURES ON THIS PROPERTY.
 - VERIFY ANY BUILDING SETBACKS AND BUILDING LOCATIONS WITH THE PROPER AUTHORITIES PRIOR TO BEGINNING ANY PLANNING OR CONSTRUCTION.

OWNER'S CERTIFICATE OF ACCEPTANCE:
 (STATE OF ALABAMA)
 (BALDWIN COUNTY)
 (CITY OF FAIRHOPE)
 WE, DONALD MESLER AND MARLEN MESLER, HEREBY STATE THAT WE ARE THE OWNERS OF THE WITHIN DESCRIBED LANDS.
 AND I _____ HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, THE DESIGN AND TITLE HEREON INDICATED, AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALLS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED HEREON OR ATTACHED IN A SEPARATE LEGAL DOCUMENT. DATED THIS THE _____ DAY OF _____, 2019.

SIGNED _____ OWNER _____ OWNER

CERTIFICATION BY NOTARY PUBLIC:
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 _____ NOTARY PUBLIC AND FOR THE COUNTY OF BALDWIN

IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT _____ WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT BEING INFORMED OF THE CONTENT OF THE CERTIFICATE, AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.
 GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC _____

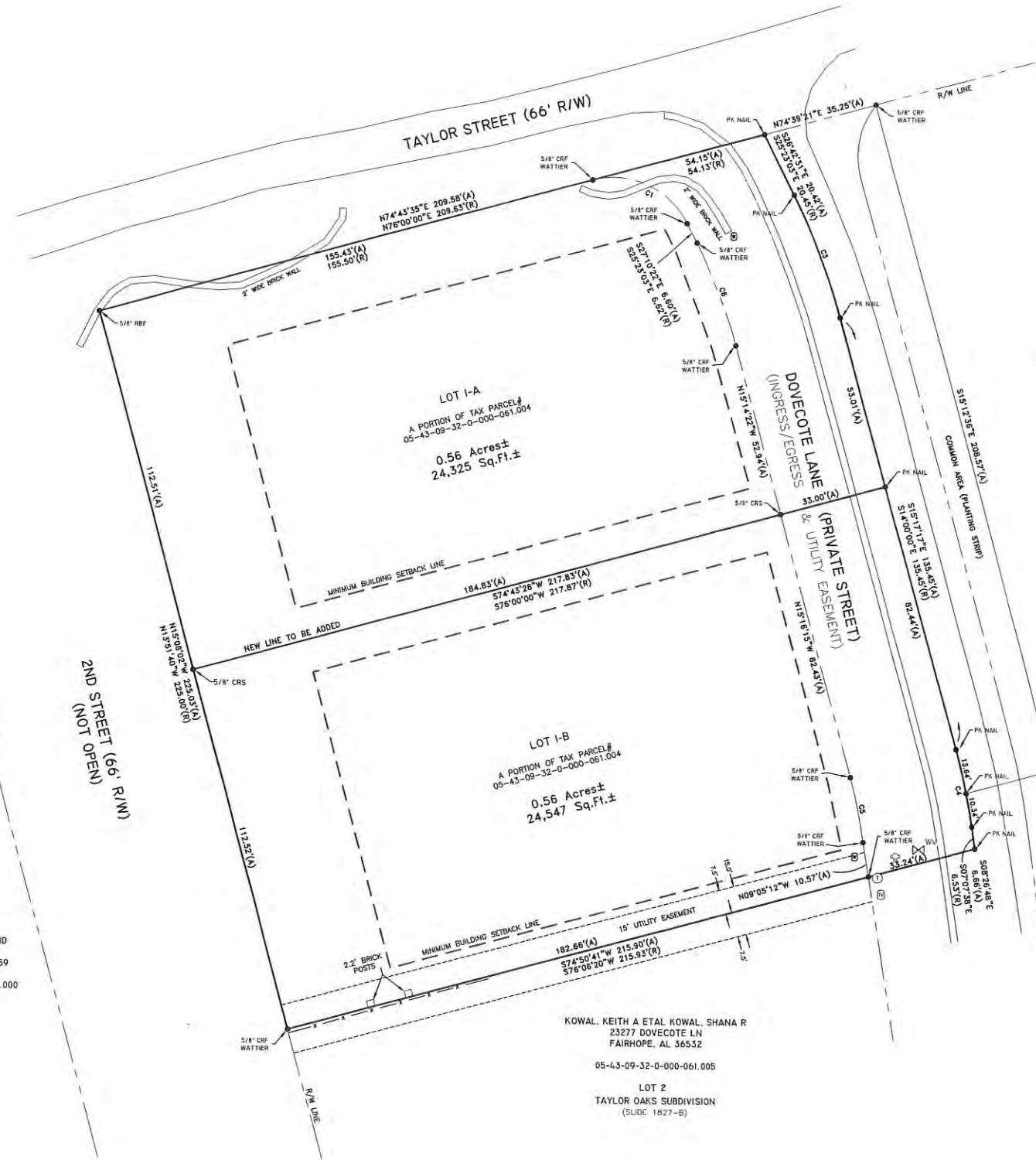
APPROVAL OF THE CITY OF FAIRHOPE PLANNING DIRECTOR:

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE PLANNING DIRECTOR, HEREBY APPROVES THE WITHIN RE-PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE, BALDWIN COUNTY, ALABAMA, ON THIS THE _____ DAY OF _____, 2019.

CITY OF FAIRHOPE PLANNING DIRECTOR _____

SURVEYORS CERTIFICATION:
 STATE OF ALABAMA, COUNTY OF BALDWIN
 I, JUSTIN PALMER, A LICENSED PROFESSIONAL SURVEYOR IN BALDWIN COUNTY, ALABAMA, HEREBY CERTIFY THAT ALL PARTS OF THIS PLAT 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.

Justin Palmer
 JUSTIN PALMER, PLS
 AL LICENSE NO. 34934
 CERTIFICATE OF AUTHORIZATION - 1073 - LS
 THE WOODLANDS GROUP LLC
 22801 US HWY. 98, FAIRHOPE, AL 36532
 PHONE: 251-929-4774



QUINN, MICHAEL J MD
 P O BOX 547
 MONTROSE, AL 36559
 05-43-09-43-0-000-017.000

REFERENCE MATERIAL

	DATE
1. RECORD DEED REAL PROPERTY BOOK 858 PAGE 1253	10/06/1998
2.	
3.	
4.	

RE-PLAT of
LOT 1, TAYLOR OAKS
TAYLOR STREET, FAIRHOPE,
BALDWIN COUNTY, ALABAMA
 SECTION-32, TOWNSHIP-5-SOUTH, RANGE-2-EAST

CLIENT: MESLER
 FIELD WORK BY: CE, CG DATE: 02/13/2019
 DRAWN BY: KJ DRAWING NO.: 19016
 CHECKED BY: JP SHEET OF MAR 1, 2019
 SCALE: 1"=20'

THE WOODLANDS GROUP
 Surveying Solutions
 BY: *EP* SD 19.17

Revised As Per Comments



Planning Commission

April 1, 2019

Subdivision Approval

SD 19.18 Resub. of Lot 4, Echo Bay Sub.

Project Name:

Resubdivision of Lot 4, Echo Bay Subdivision

Site Data:

Lot 1 – 2.056 acres +/-
 Lot 2 – 0.420 acres +/-
 Lot 3 – 0.484 acres +/-

Project Type:

Major Subdivision

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

R-2 Medium Density Single Family

PPIN Number:

46899

General Location:

Southern terminus of N. Mobile St.

Engineer:

S.E. Civil, LLC

Owner:

Glenda and Joseph Gravlee

Developer:

Jean P. Bodet, Lynn W. Bodet,
 and Michele D. Hand

School District:

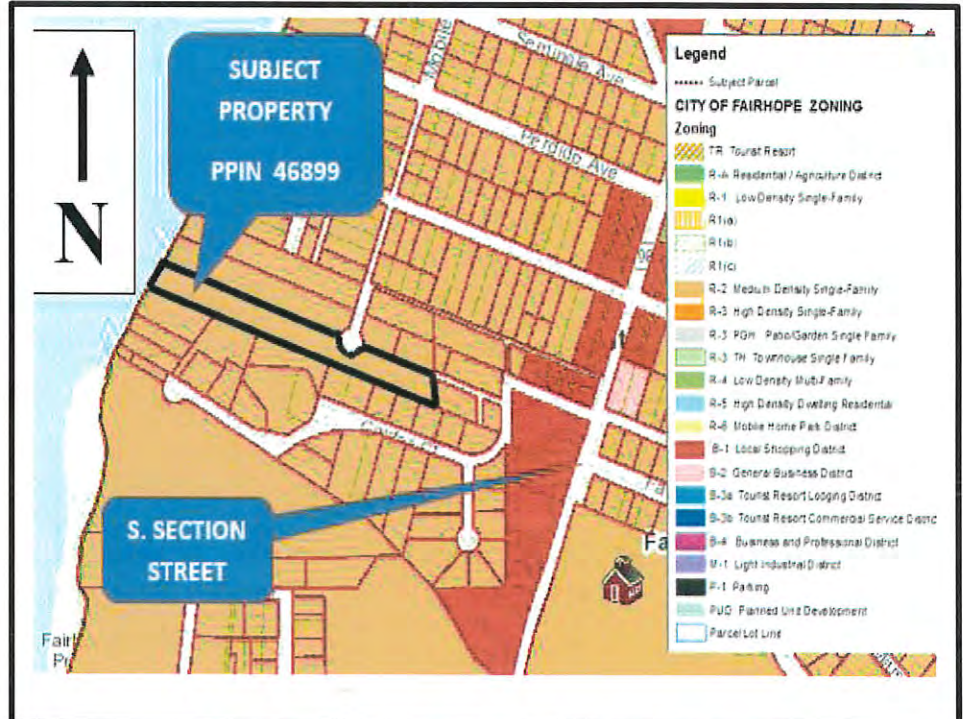
Fairhope Elementary School
 Fairhope Middle and High Schools

Prepared by:

J. Buford King, City Planner

Recommendation:

Table for further study



Summary of Request:

Public hearing to consider the request of S. E. Civil, LLC on behalf of proper owner Glenda Gravlee and developers Jean P. Bodet, Lynn W. Bodet, and Michele Hand for a request for approval of A Resubdivision of Lot 4, Bay Echo Subdivision, a three-lot major subdivision. Subject property is located at the southern terminus of N. Mobile Street as well as the western terminus of Davis Lane (also known as Davis Drive) approximately 300 feet west of Gayfer Court. Subject property consists of approximately 2.96 total acres, with the new lot sizes as indicated on the staff report cover page. Mr. Larry Smith, PE of S.E. Civil serves as the engineer of record (EOR) for subject application.

Comments:

MAJOR SUBDIVISION CRITERIA

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 remaining in **red italic 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. Any items initially marked "revise and resubmit" have been cured by the notations in **blue text**, which may include conditions of approval.

<i>Article IV, Section C.1.b.(8)</i> Plan and profiles of all proposed utilities with connections (8) Plan and profiles of all proposed utility with connections to existing utility system and all proposed improvements. Approval of private utility connections for water and sewer shall be subject to the standards of Article VIII, Sections E. and G., respectively of the Fairhope Subdivision Regulations, and Chapter 12 of the Code of Ordinances of the City of Fairhope. The applicant shall submit one copy of utility letters stating availability of service. Utility letters and layout must be submitted from electric, water, sewer, phone, trash provider, and gas (if applicable), stating the property <i>may be adequately served</i> by such utility.		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<i>Comments: Please see Article V, Section E.2. and Article VI, Section H. for specific comments related to sewer service required for subject property. The applicant conferred with Fairhope Public Utilities (FPU) Director of Operations Richard Peterson, and verified FPU will bring services to the requested lots via aid-to-construction fees or via direct invoice. A final plat process is required to approve the various improvements.</i>		

<i>Article IV, Section C.1.b.(11)</i> Flow model data submitted to the standards of the COF Water Department.		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Follow-up information pending
<i>Comments: The engineer of record (EOR) provided copies of correspondence regarding the Fire Flow model. This matter will be discussed at the Development Review Committee (DRC) meeting. The applicant conferred with Fairhope Public Utilities (FPU) Director of Operations Richard Peterson, and verified the recent main upgrades in the area of subject property provide sufficient fire flow to proposed development. The EOR will provide a post construction fire flow test for record purposes.</i>		

<i>Article IV, Section C.1.b.(12)</i> Street lighting plan		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Follow-up information pending
<i>Comments: Staff reviewed the proposed development with the Fairhope Public Utilities electrical superintendent. In lieu of submitting a street lighting plan, the applicant is advised a street light is required at the terminus of North Mobile Street. Please provide documentation with the final plat approval package that aid-to-construction fees for the street have been submitted. The applicant states via follow-up correspondence payment for aid-to-construction for the additional lighting will be included with the final plat.</i>		

<i>Article IV, Section C.1.b.(16)</i> Pedestrian circulation plan		
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input type="checkbox"/> Revise and Resubmit per comments

Comments: No sidewalks are in place along Mobile Street or Davis Lane in the vicinity of subject property. The applicant is advised; however, the Planning Commission may require sidewalks or a pedestrian easement as a condition of approval.

Article IV, Section C.1.c. Street Plan Requirements:
 (1) Location of existing and proposed streets within and adjacent to subdivision
 (2) Widths and purpose of existing and proposed rights-of-way (ROW) and easements
 (3) Clear identification of ROW and location of any street included in Master Plan
 (4) Proposed curb radii for each street intersection or significant street curves
 (5) Proposed street names
 (6) Typical section for proposed streets, centerline profiles of all proposed streets with finish grades, at a scale of: 1"=50' horizontal and 1"=5' vertical, or 1"=100' horizontal and 1"=10' vertical

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

Comments: Please see Article V, Section E.3.a. for comments related to the requirement that all lots front upon a paved, publicly-maintained street. The applicant submitted a waiver request requesting relief from this section. Further, the applicant proposes to utilize the lower 15' of the 30' ROW along Davis Lane/Drive to create a driveway for access proposed Lot 3.

Article IV, Section C.1.d. 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.

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

Cross Reference: Article V, Section F.3.a., b., and c.

Comments: Staff requests a drainage plan for the site – staff is aware of existing drainage issues in the area of subject property and is requiring a drainage plan as a component of the subdivision process. Please see Article V, Section E.3.a. for additional comments. The applicant re-iterated in their follow-up correspondence that 15' drainage and utility easements as required by the various portions of the subdivision regulations are included on the preliminary plat. The applicant further noted the applicant's desire to work with the City of Fairhope regarding drainage improvements. The position of staff is that drainage improvements to the southern terminus of N. Mobile Street are necessary and plans and profiles of drainage improvements are required with subject application. The staff recommendation for case number SD 19.18 shall be to "table" the application for further study so that drainage and other matters may be resolved and a possible cooperative installation of improvements between the City of Fairhope and the developer may be arranged.

Article IV, Section C.1.g. State or County ROW detailed highway improvements plan:

N/A Accepted with comments Revise and Resubmit per comments

Comments: The EOR provided correspondence indicating the trip generation of the site does not warrant a traffic study, and therefore does not warrant a ROW improvement plan based upon trip generation.

Article V, Section E.3.a. Lot Standards – Lot Access
 a. Except as provided in Section D.6., all lots shall front upon a paved, publicly maintained street. Double frontage lots are prohibited, except where lots consist of more than 66% of a block.

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

Comments: Proposed lots do not front upon paved, publicly maintained streets. Though Davis Lane is shown on the Baldwin County Revenue Commission map viewer as a ROW, this lane has not been accepted for maintenance by the City of Fairhope. Further, the application does not reflect any documentation reflecting bona fide access to Davis Lane from lot 3. Please clarify the access and allowable use of Davis Lane to access lot 3, including any quiet title actions required to demonstrate the access is allowable. In addition, no roadway or drainage improvements are included in the application related to Mobile Street or Davis lane as required by this section. It is possible the Planning Commission may approve a waiver from the paved component of this section in an effort

to preserve the aesthetics of the neighborhood in which the proposed lots exist, however staff requires submittal of a drainage improvement design. The applicant provided follow-up correspondence including a number of historical recorded instruments related to Davis Lane. Those documents were forwarded to legal counsel, who advised that clear, convincing access to lot 3 from Davis Drive/Lane has not been demonstrated. The applicant re-iterated submission of a waiver requesting relief from the requirements that all lots front upon a paved, publicly-maintained street or road. The applicant further reiterates their proposal to utilize the lower 15' of the 30' ROW along Davis Lane/Drive to create a driveway for access to proposed Lot 3. The applicant further reiterated the applicant's desire to work with the City of Fairhope in a joint venture regarding drainage improvements. The position of staff is that drainage improvements to the southern terminus of N. Mobile Street are necessary and plans and profiles of drainage improvements are required to be included with subject application. The staff recommendation for case number SD 19.18 shall be to "table" the application for further study so that drainage and clear and convincing legal ingress and egress for lot 3 may be resolved and a possible cooperative installation of improvements between the City of Fairhope and the developer may be arranged.

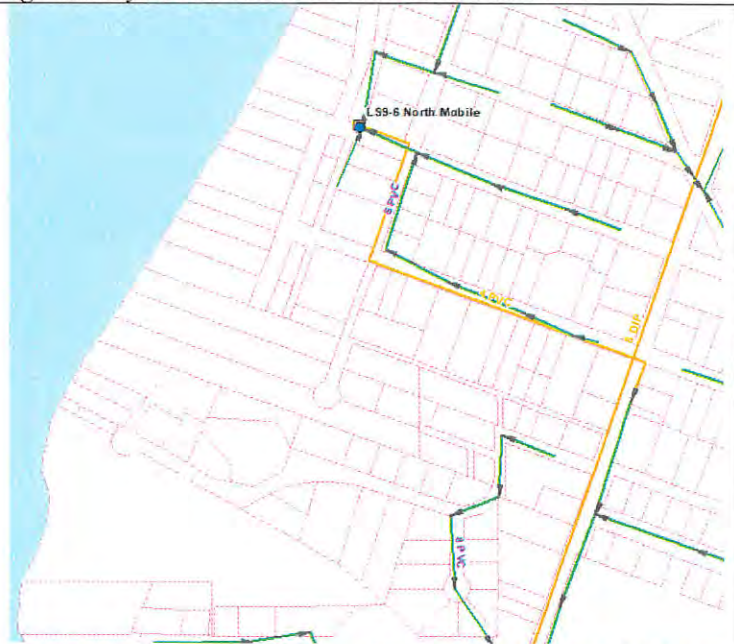
Article VI, Section H. Construction Standards-Sanitary Sewerage

1. All subdivisions shall have sanitary sewer service. The sewer service shall be provided by either the Fairhope Public Utilities or an approved sewer service.
2. All sanitary sewer systems constructed within a subdivision and all sanitary sewer systems constructed outside of a subdivision but servicing a subdivision shall be constructed in accordance with those certain "Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities" which is on file at the City of Fairhope Water & Sewer Department.
3. Individual septic tank type systems that have been approved by the Baldwin County Health Department and the Fairhope Public Utilities Sewer Department may be utilized.

<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input type="checkbox"/> Revise and Resubmit per comments
------------------------------	-----------------------------------	---

Cross Reference: *Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities*

Comments: Sanitary sewer service is available in the vicinity of subject property, as seen in the sewer map excerpt at right. Construction of a main extension will be necessary to provide service to subject property – please provide plans and profiles of the main extension as a component of the follow-up submittal. Further, please include the application required within Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities.



The applicant provided correspondence indicating the applicant conferred with Fairhope Public Utilities (FPU) Director of Operations Richard Peterson, and indicated Mr. Peterson does not require the application within *Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities* as indicated above. The applicant states FPU will bring services to the requested lots via aid-to-construction fees (or direct invoice) and included this note on the preliminary plat. A final plat process is required so that City of Fairhope approval of the improvements is approved by appropriate staff.

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
------------------------------	--	---

Cross Reference: *Chapter 19 of the City of Fairhope Code of Ordinances, as amended.*

Comments: *No sidewalks are in place along Mobile Street or Davis Lane in the vicinity of subject property. The applicant is advised; however, the Planning Commission may require sidewalks or a pedestrian easement as a condition of approval.*

Article VI, Section G. Construction Standards-Fire Hydrants

Fire Hydrants shall be installed along each street at a maximum interval of four hundred fifty (450) feet, or at the ends and center of each block, or as otherwise required by the fire authority having jurisdiction. Water supply and pressure shall be adequate to provide fire protection and for the future needs of the development.

Blue reflective markers shall be installed at the street line of streets to indicate the location of fire hydrants.

N/A Accepted with comments Revise and Resubmit per comments

Comments: *Fire hydrants are not in place at the end of block (southern terminus) of Mobile Street or the end of block (western terminus) of Davis Lane. Please include plans and profiles reflecting the installation of new fire hydrants as required by this section. Existing fire hydrants are depicted in RED in the map excerpt below. The applicant provided correspondence indicating the applicant conferred with Fairhope Public Utilities (FPU) Director of Operations Richard Peterson, and indicated Mr. Peterson prefers a flush hydrant at the southern terminus of N. Mobile Street in lieu of a fire hydrant. Further, Mr. Peterson desires a new fire hydrant at the intersection of Gayfer Court and Davis Lane in lieu of at the western terminus of Davis Lane. The applicant reiterated that FPU will bring services to the requested lots via aid-to-construction fees and included this note on the preliminary plat. A final plat process is required so that City of Fairhope approval of the improvements is approved by appropriate staff.*



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

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

Site Photos:



Looking west toward subject property along Davis Lane from Gayfer Court



Looking east from subject property along Davis Lane from toward Gayfer Court



Looking southwest toward subject property from western terminus of Davis Lane



Looking east toward Davis Lane from within proposed lot 2



Looking north from subject property toward the southern terminus of N. Mobile Street



Looking southwest toward subject property from the southern terminus of N. Mobile Street

Recommendation:

As stated in the comments related to *Article V, Section E.3.a. Lot Standards – Lot Access* the applicant requests approval of a waiver of the requirement that all lots front upon a paved, publicly maintained street. Staff acknowledges from an aesthetic and historical standpoint the desire to allow the southern terminus of N. Mobile Street, as well as Davis Drive/Lane to remain without asphalt paving. However, it is improper for staff to recommend approval of a subdivision from which access occurs to a street or road on which drainage improvements are not included as a component of the subdivision development. Staff appreciates the applicants desire to cooperate in the installation of drainage improvements at the southern terminus of N. Mobile Street, however, not plans or profiles of drainage improvements were included with subject application.

Proposed lot 3 indicates access to lot 3 from the existing Davis Drive, also identified as Davis Lane. Davis Drive/Lane is the subject of numerous easements, quitclaim deeds, and warranty deeds dating to 1943. Based upon staff’s evaluation of the historical data provided by the application, as well as legal advisement, staff does not believe a clear, convincing argument that legal ingress and egress access to proposed lot 3, utilizing Davis Drive/Lane has been demonstrated. As a result it would be improper for staff recommend approval of a subdivision from which legal access to a lot has not been demonstrated.

In an effort to allow sufficient time for the applicant to prepare plans and profiles of drainage improvements to the southern terminus of N. Mobile Street, as well as sufficient time to assemble the various legal vetting to demonstrate a clear, convincing legal argument that ingress and egress to lot 3 via Davis Drive/Lane exists or will be established, staff recommends Case number SD 19.18 be **TABLED** to a future planning commission meeting. Staff further requests the tabling occur beyond 30 days to allow case number SD 19.018 to be heard at the May 6, 2019 City of Fairhope Planning Commission regular meeting. Staff requests the applicant provide a cogent argument the future owner of lot 3 has access to lot 3 via Davis Drive/Lane as either:

- 1) A member of the public, demonstrating that Davis Drive/Lane is public street or road,
- 2) Via a private easement,
- 3) Via some reconciliation instrument(s) to establish access to lot 3 via Davis Drive/Lane (quiet title actions, etc.)

***The video of the Development Review Committee (DRC) meeting where case number SD 19.18 was discussed is available at the following internet address:

<https://www.youtube.com/watch?v=gX4y0xNwtzk&list=PLElyHeNjDeQckYJrVSupwVTSKousr9qZA&index=2>

Buford King

From: Watson, Kenneth <kwatson@joneswalker.com>
Sent: Monday, March 25, 2019 12:15 PM
To: Buford King
Cc: Wayne Dyess
Subject: RE: Lot 4 Echo Bay Subdivision legal vetting
Attachments: Bay Echo Plat highlighted (MB336010xB9979).pdf

Buford: Following up on our discussions, I write to summarize my observations about legal access to Lot 3 of the proposed resubdivision of Lot 4 of Bay Echo Subdivision from Gayfer Court across Davis Lane. I have reviewed the materials you provided and conducted some supplemental title research, but I have not conducted exhaustive research. I have limited my work and research consistent with the City's desire to manage legal fees and also because of our view that in situations like this—where substantial research is needed—the primary responsibility for such research (and associated legal expenses) should be on the developer, and not the City.

In short, my conclusion is that while there is some record evidence, which when considered along with circumstantial evidence, suggests that legal access to the property comprising Bay Echo from Gayfer Court via Davis Lane was intended by the parties owning and developing this area over the years, no conclusive record evidence has been provided (and I located none in my research) establishing legal access, much less establishing whether access was intended to be by private easement or public street. Nor does the evidence establish what access exists today (as opposed to what may have been intended in the past) and whether rights which may have been intended or existed in the past have been modified or lost through abandonment or established or re-established by prescription.

In these circumstances, I would support a staff recommendation to the Planning Commission that this application be tabled so the developer can further research this issue, or if the developer insist on being heard now that the application be denied for lack of access via a public street to Lot 3.

I attach hereto the slide for the Bay Echo SubD on which I have highlighted in color certain areas in or around Davis Lane which may be helpful in understanding the observations below that support my conclusions.

1. It is likely that the primary reason we do not have better evidence on the point in question is that when the Effie Keller "subdivision" was created in 1953, the survey thereof cited in several later deeds apparently was not recorded. That subdivision was the eight lots shown on the attached plat lying east of Bay Echo and west of Gayfer Court. The 30 foot ROW easement shown as Davis Drive is referred to in several deeds, but is not expressly identified as a public road and those deeds do not expressly say in whose favor the easement runs (although clearly it ran in favor of the eight lots).
2. The area shown in blue was conveyed to the City by QCD in 1985 by the then owners of the eight lots in the Effie Keller SubD. If this was already a public road running from Gayfer to the Bay Echo SubD there would have been no reason for this conveyance. Moreover, no evidence has been provided that the City actually accepted this conveyance, by ordinance or by implication (e.g. by improving, maintaining, and use of the road by the public). Even if it was accepted, it would only establish that a public street exists in the first 100 feet of Davis Lane departing from Gayfer.
3. The area marked in orange was vacated as a public street by ordinance in 1996. Obviously, there would be no reason to vacate unless that area was part of a public road, or at least someone believed it was or may be a public road. Likewise, there would be no reason for the area vacated (or the for the 30 wide strip extending southward into the Lot 3 in question to be platted as a ROW easement) unless there was some access across Davis Lane to Gayfer. Otherwise that 30 foot ROW easement on the eastern margin of Bay Echo would have been an island, i.e. would have been a ROW easement or street to nowhere.

4. In 1954 Davis conveyed a 5 foot utility easement to the City. That easement runs westward from the boundary between Effie's SubD and Bay Echo, and lines up with the northern 5 feet of the 30 foot ROW easement known as Davis Lane. The Bay Echo plat also shows water and gas lines on the northern margin and within that 30 foot strip. I did not locate a similar easement from Effie to the City and none was provided. This suggests, but does not establish, that the 30 foot strip was already considered public and thus the City did not need an easement until it got to the boundary between Effie's SubD and Bay Echo.

5. The 1943 deed into Effie provided for access across her property to the land which became Bay Echo, but that access was via two 15 foot strips, one on the south margin and one along the north margin. It seems apparent that changed, and likely when Effie developed her "subdivision" around 1953, and likely changed to the 30 foot strip now called Davis Lane. However, it also appears that no conveyancing documents or plat/survey to establish that right at all, nor to identify it as a private easement or public street, was filed for record in probate court.

6. Neither the documents provided nor those I located in my research, disclosed any express conveyance or even reference to the area I have highlighted in yellow as a public street, or even a private easement running in favor of the land which became Bay Echo.

There are other documents and circumstances that feed into this analysis, but the highlights are discussed above (this really is a summary).

In sum, the neither the documents provided or those I located establish that the entirety of Davis Lane ever was or is today a public street, or even a private easement running in favor of the Bay Echo property. My best judgment is that with much more research, and perhaps then litigation, some type of access from Gayfer across Davis Lane to the Bay Echo property probably would be established, but whether that access would be determined to be public or private, or arise by express grant, implication, or prescription is uncertain. In these circumstances it cannot be concluded that the proposed Lot 3 will front on a public street and thus on the evidence now before my recommendation would be to table for further study or to deny this application.

As always, please let me know if you have questions or instructions.

Ken

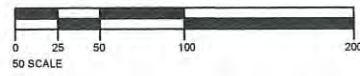
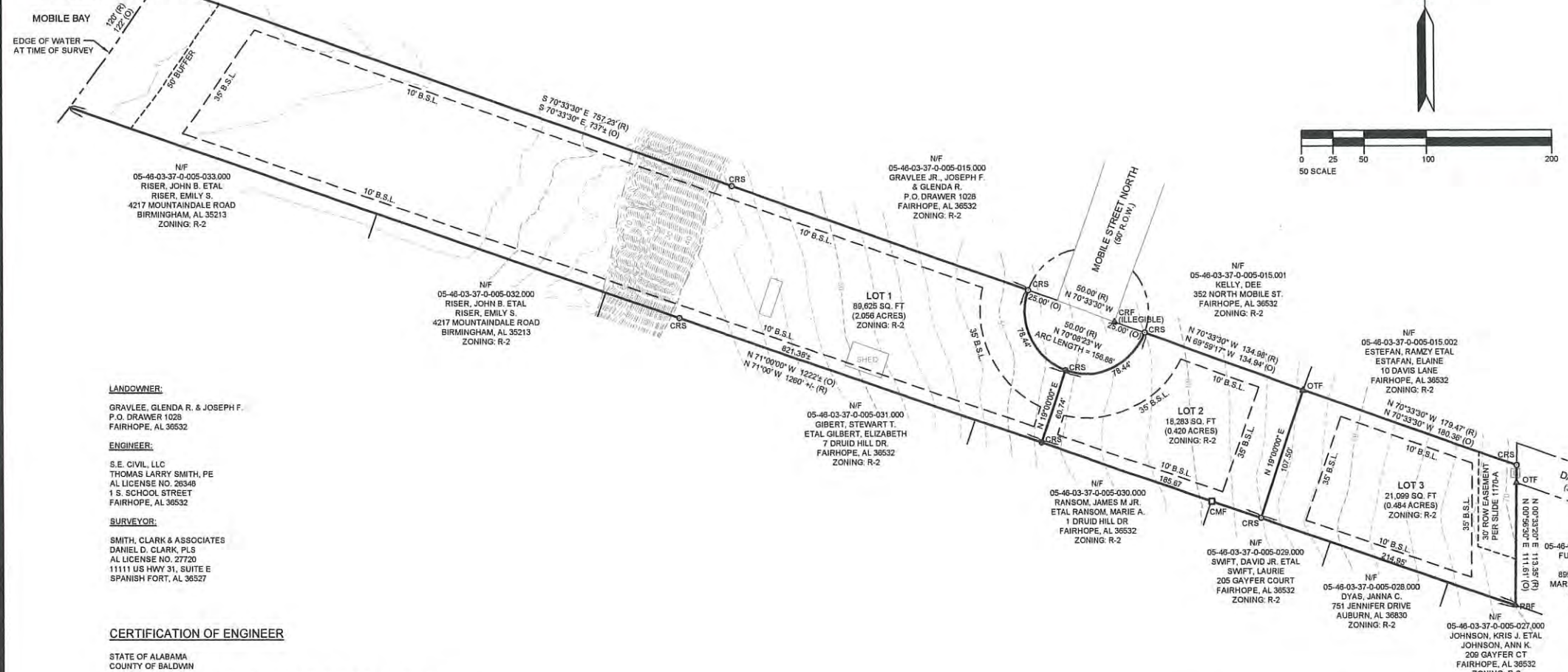
Kenneth A. Watson | Special Counsel
Jones Walker LLP
D: 251.439.7555
kwatson@joneswalker.com

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A Resubdivision of Lot 4, Bay Echo Subdivision

April 2019

- LEGEND**
- △ CRF CAPPED IRON ROD FOUND
 - △ CTF CAPPED TOP PIPE FOUND
 - △ OFT OPEN TOP IRON PIPE FOUND
 - △ REF REBAR IRON FOUND
 - △ RPF IRON PIPE FOUND
 - CRS CAPPED IRON ROD SET
 - RFS RECORD
 - OBS OBSERVED
 - R.O.W. RIGHT OF WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - PROPERTY LINE
 - BUILDING SETBACK LINE
 - LIGHT POLE
 - POWER POLE
 - ELECTRICAL TRANSFORMER
 - TELEPHONE PEGS/TAL
 - CHAIN TYP BOX
 - STORM WATER MANHOLE
 - STORM DRAIN INLET
 - FIRE HYDRANT
 - WATER METER
 - WATER VALVE
 - SANITARY SEWER MANHOLE
 - GAS VALVE
 - BUILDING SETBACK LINE
 - DRAINAGE EQUIPMENT



- SITE DATA:**
- ACREAGE IN TOTAL TRACT: 129,007 SQ. FT. (2.96 ACRES, MORE OR LESS)
 - SMALLEST LOT SIZE: 16,283 SQ. FT. (0.420 ACRES, MORE OR LESS)
 - TOTAL NUMBER OF LOTS: 3
 - SITE DENSITY: 1.0 UNITS PER ACRE
 - PROPERTY ZONED: R-2 (CITY OF FAIRHOPE)

- NOTES:**
- TYPE OF SURVEY: SUBDIVISION
 - ALL CAPPED REBAR SET ARE SMITH, CLARK (CA: 896)
 - RECORD DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED ON SLIDE 1170-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA
 - THE LOTS ARE SERVED BY: AT&T - TELEPHONE CITY OF FAIRHOPE FOR POWER, WATER, SEWER, AND GAS.
 - BUILDING SETBACKS: FRONT YARD = 35 FEET REAR YARD = 35 FEET SIDE YARD = 10 FEET SIDE STREET = 20 FEET UNLESS OTHERWISE NOTED.
 - DRAINAGE SHALL BE REQUIRED AT THE TIME OF BUILDING PERMIT.
 - A BMP PLAN IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
 - ALL REQUIRED TESTING SHALL BE SUBMITTED AT THE TIME OF BUILDING PERMIT.
 - A LOTS HAVE A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON SIDE AND REAR LOT LINES UNLESS OTHERWISE SHOWN. INTERIOR LOT LINES, THE EASEMENT WILL BE 7.5 FEET ON EACH SIDE.
 - THE FINISHED FLOOR ELEVATION OF THE LOTS SHALL BE FIFTEEN (15) INCHES ABOVE THE HIGHEST FINISHED GRADE AROUND THE BUILDING FOOTPRINT.
 - THE LOT OWNERS WILL BE REQUIRED TO PAY AN AID-TO-CONSTRUCTION FEE IN ORDER TO BRING WATER, SEWER, ELECTRIC TO THE LOTS AND TO INSTALL A LIGHT POLE AND FIRE HYDRANT.

LANDOWNER:
GRAVLEE, GLENDA R. & JOSEPH F.
P.O. DRAWER 1028
FAIRHOPE, AL 36532

ENGINEER:
S.E. CIVIL, LLC
THOMAS LARRY SMITH, PE
AL LICENSE NO. 26346
1 S. SCHOOL STREET
FAIRHOPE, AL 36532

SURVEYOR:
SMITH, CLARK & ASSOCIATES
DANIEL D. CLARK, PLS
AL LICENSE NO. 27720
11111 US HWY 31, SUITE E
SPANISH FORT, AL 36527

CERTIFICATION OF ENGINEER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, THE UNDERSIGNED, A REGISTERED ENGINEER IN THE STATE OF ALABAMA, HOLDING CERTIFICATE NUMBER 26346, HEREBY CERTIFY THAT I HAVE DESIGNED THE WITHIN IMPROVEMENTS IN CONFORMITY WITH APPLICABLE CODES AND LAWS AND WITH THE PRINCIPALS OF GOOD ENGINEERING PRACTICE. I FURTHER CERTIFY THAT I HAVE OBSERVED THE CONSTRUCTION OF THE WITHIN IMPROVEMENTS, THAT THE SAME CONFORMS TO MY DESIGN, THAT THE WITHIN IS A TRUE AND ACCURATE REPRESENTATION OF IMPROVEMENTS AS INSTALLED AND THAT SAID IMPROVEMENTS ARE HEREBY RECOMMENDED FOR ACCEPTANCE BY THE CITY OF FAIRHOPE, ALABAMA.

DATED THIS THE ____ DAY OF _____, 2019.

THOMAS LARRY SMITH, P.E.
ALA. LIC. NO. 26346

NAME OF PROJECT: A RESUBDIVISION OF LOT 4, BAY ECHO SUBDIVISION

PLANS WHICH ARE CERTIFIED CONSISTS OF PAGE 1 THRU 1, EACH OF WHICH BEARS MY SEAL AND SIGNATURE.

CERTIFICATION OF SURVEYOR & DESCRIPTION OF PROPERTY

BALDWIN COUNTY
ALABAMA

LOT 4, BAY ECHO SUBDIVISION AS RECORDED ON SLIDE 1170-A IN THE OFFICE OF THE JUDGE OF PROBATE, 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.

DANIEL D. CLARK
ALABAMA LICENSE # 27720

DATE _____

CERTIFICATE OF APPROVAL BY AT&T

STATE OF ALABAMA
COUNTY OF BALDWIN

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

DATED THIS THE ____ DAY OF _____, 2019.

AUTHORIZED SIGNATURE _____

CERTIFICATE OF APPROVAL BY THE FAIRHOPE PLANNING COMMISSION

THE WITHIN PLAT OF THE RESUBDIVISION OF LOT 4, BAY ECHO SUBDIVISION, FAIRHOPE, ALABAMA, IS HEREBY APPROVED BY THE FAIRHOPE PLANNING COMMISSION.

THIS THE ____ DAY OF _____, 2019.

AUTHORIZED SIGNATURE _____

CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

I, GLENDA GRAVLEE, OWNER OF LOT 4 OF THE BAY ECHO SUBDIVISION, HEREBY STATE THAT WE ARE THE OWNERS OF THE WITHIN DESCRIBED LANDS, SAID LANDS BEING OWNED FEE SIMPLE. I, GLENDA GRAVLEE, WHOSE NAME AS OWNER, HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HERON INDICATED, AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALLS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS THE ____ DAY OF _____, 2019.

LOT 4, BAY ECHO SUBDIVISION

BY: _____
GLENDA GRAVLEE, IT'S OWNER

CERTIFICATION OF NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, HEREBY CERTIFY THAT GLENDA GRAVLEE, WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME ON THIS DAY, IN PERSON, HEREBY 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 OFFICIAL SEAL THIS THE ____ DAY OF _____, 2019.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE-WATER & SEWER

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

DATED THIS THE ____ DAY OF _____, 2019.

AUTHORIZED SIGNATURE _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE-POWER

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

DATED THIS THE ____ DAY OF _____, 2019.

AUTHORIZED SIGNATURE _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE-GAS

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

DATED THIS THE ____ DAY OF _____, 2019.

AUTHORIZED SIGNATURE _____

REVISION	DATE

S.E. Civil Engineering
U.S. SCHOOL STREET
FAIRHOPE, ALABAMA 36532
PHONE: 205-894-2222
FAX: 205-894-2222
C/OA 45804

SMITH, CLARK & ASSOCIATES
DANIEL D. CLARK, PLS
AL LICENSE NO. 27720
11111 US HWY 31, SUITE E
SPANISH FORT, AL 36527

A Resubdivision of Lot 4, Bay Echo subdivision
CITY OF FAIRHOPE, ALABAMA

JOB No. 20190438	DATE 2/28/19
DRAWN GPW	SCALE 1"=50'
SHEET 1 of 1	

MAR 15 2019
BY: _____
SD 19.18



Planning Commission

April 1, 2019

Subdivision Approval

Case: SD 19.20 Twin Beech Estates

Project Name:

Twin Beech Estates PUD

Site Data:

Smallest lot – 6,240 sf +/-
Largest lot – 13,548 sf +/-

Project Type:

Final Plat

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

Planned Unit Development (PUD)

PPIN Numbers:

77747, 362500, 362501, 362502, 362503, 362504, 362505, and 362506

General Location:

North side of Twin Beech Rd.,
550' west of State HWY 181

Engineer:

Sawgrass Consulting, LLC

Owner:

L.A. Development / Fairhope

School District:

Fairhope Elementary, Middle,
and High Schools

Prepared by:

J. Buford King, City Planner

Recommendation:

Approve



Site Photos



Subject property looking north along Bronze Street



Subject property looking east along Twin Beech Road



Subject property looking northeast from Bronze Street



Subject property looking northwest from Bronze Street

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.”***

Summary of Request:

Public hearing to consider the request of Sawgrass Consulting, LLC on behalf of LA Development, LLC for final plat approval of Twin Beech Estates, a 72-lot major subdivision. The property is located approximately 0.2 miles west of the intersection of State Highway 181 and Twin Beech Road/County Road 44, along Twin Beech Road. The subject property is approximately 22.6 acres, with a development density of 3.18 units per acre, 24% greenspace, a smallest lot size of 6,240 sf and the largest lot size of 13,548 sf. Subject property was annexed into the City of Fairhope and PUD zoning was established via City Council approval of Case number ZC18.02, Ordinance number 1627 on October 22, 2018.

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 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.

<i>Article IV, Section D.3. Staff Review</i>		
3. Staff Review – Applicants for a final plat shall first submit the final plat and plans to the Planning Director and/or his/her authorized agent for staff’s review. The Director shall determine if the submittals meet all of the requirements of Section D.1., above. Incomplete, partial, or inaccurate submittals will not be accepted, but will be returned to applicant for re-submission for a later hearing. Staff shall review the application and provide comments to the applicant. Following staff review and comments the applicant shall make a formal application for submittal to and review by the Planning Commission.		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
Cross Reference: <i>Article IV, Section.D.1.b.(19) Final Plat and Final Plans</i>		
<i>Comments: For the applicant’s information, various sections of this review reflect a “revise and resubmit” comment. Revise and resubmit comments are cured by notations in blue bold text.</i>		

<i>Article IV, Section.D.1.a. Maintenance Bond</i>		
a. Either a financial guaranty (in the form of a <u>maintenance bond</u>) in an amount and form acceptable to the City Council as a guarantee for the installation of required improvements or the determination of the City's General Superintendent that all required improvements have been installed to the City's requirements.		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<i>Comments: A letter for credit for \$130,000.00 from Merchants and Marine Bank is included in the application, however a maintenance and guaranty agreement was not included as well as the engineer’s estimate of the cost of improvements from which the \$130,000.00 amount was derived. The Engineer of Record’s (EOR) follow-up submittal included a maintenance bond in the amount of \$191,934.60, the engineer’s cost estimate, PE-stamped by the EOR, as well as the maintenance and guaranty agreement in favor of the City of Fairhope for \$191,934.60. The improvements identified in bond number 9309054 include grading & drainage, roadways, water system, and the sewer system (including the sewer lift station).</i>		

<i>Article IV, Section.D.1.b.(4) Final Plat and Final Plans showing all information required by and meeting requirements of Article IV., Section C.1. and the following additional information:</i>		
(4) Street Tree Plan shall be submitted showing the location of all <i>planted</i> street trees.		
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input type="checkbox"/> Revise and Resubmit per comments
<i>Comments: Landscape planting plan LP100 includes the location of all street tree to be planted. See section Article VI, Section L. for comments related to the performance bond required for remaining street trees.</i>		

Article IV, Section.D.1.b.(9) Final Plat and Final Plans showing all information required by and meeting requirements of Article IV., Section C.1. and the following additional information:

(9) Where streets stubs are provided, said stubs shall provide access to abutting properties. The applicant shall include a note on the plat providing notice that said stub shall provide future access to abutting properties.

N/A Accepted Revise and Resubmit per comments

Comments: Please add this note to the plat – the stub street is easily identified but requires the note on the plat required by this section. Note number “9” on the final plat has been added as required by this section.

Article IV, Section.D.1.b.(17) Final Plat and Final Plans showing all information required by and meeting requirements of Article IV., Section C.1. and the following additional information:

(17) Maintenance Plan for maintenance of detention facilities during development and documents providing for continued maintenance after completion of development and sale of all lots. Such documents running as a covenant with the lands. **Note the five (5) year inspection cycle in lieu of three (3) years.**

N/A Accepted Revise and Resubmit per comments

Cross Reference: Article V, Section F.3.a.(3)

Article IV, Section.D.1.b.(17)(continued)

Comments: Please revise paragraph “3” of the agreement as well as the statement on the cover of the O&M plan to reflect a five-year inspection report cycle for drainage facilities. Revisions have been made to the O&M plan and agreement as requested. Please include a copy of the executed and recorded O&M Plan and agreement along with the city’s copy of the final plat once the final plat is recorded.

Article IV, Section.D.1.b.(18) Final Plat and Final Plans showing all information required by and meeting requirements of Article IV., Section C.1. and the following additional information:

(18)The engineer shall perform the supervision of construction, the final plat shall have the following engineer’s certification:

“ENGINEER’S CERTIFICATE”

“I, the undersigned, a Registered Engineer in the State of Alabama holding Certificate Number _____, hereby certify that I have designed the within improvements in conformity with applicable codes and laws and with the principals of good engineering practice. **I further certify that I have observed the construction of the within improvements**, that the same conforms to my design, that the within is a true and accurate representation of improvements as installed and that said improvements are hereby recommended for acceptance by the City of Fairhope, Alabama.

Project Engineer

Date

Name of Project to which the Certificate Applies Plans which are certified consist of Page _____ thru _____, each of which bears by seal and signature.”

N/A Accepted Revise and Resubmit per comments

Comments: Please re-word the engineer’s certificate on the cover of the as-built plans to match the wording of the certificate in this section. Further, add the engineer’s certificate to preliminary plat as required by this section. Certificate re-worded as requested on cover of as-built drawings, certificate added to final plat as requested.

Article V, Section D.3.f. Street Standards – Street Layout

- a. Street Lights - Street lights are to be paid for or installed by the developer at the time of development. Street lights shall be approved by the Planning director and/or his/her authorized agent and the Electrical Superintendent. Pole height shall be no more than 15 feet from finished grade. The type and style of lights and poles will be determined and agreed upon by the developer and the utility provider. All other approvals, including the design layout of street lights, will be granted by the electrical superintendent. The utility provider shall be responsible for the installation and maintenance of the street lights. Outside the City of Fairhope, the homeowner’s association will be responsible for the maintenance, if applicable, and energy costs of the lights and *this responsibility shall be noted on the plat.*

N/A Accepted with comments Revise and Resubmit

Cross Reference: *Article IV, Section C.1.b.(12) Street lighting plan*

Comments: *As of March 7, 2019, street lights are not installed. A quotation for aid-to-construction fees from Baldwin EMC is included in the application, but no documentation (copy of paid invoice) is included. Please provide documentation that all necessary fees have been paid to Baldwin EMC related to installation of street lights. An invoice from Baldwin EMC for streetlights was included as follow-up correspondence. Further, streetlight installation is in progress at the time of this writing.*

Article V, Section D.5.a.(8) Street Standards – Street Design – General Requirements – Street Trees

Street trees shall be planted on center in all planting strips according to the following:

- (a) All trees shall be at least 15 gallons and/or 1.5” to 2.5” in diameter when planted;
- (b) Trees shall be planted at least every 25 feet from intersections. A tree shall be planted one per lot or at least every 50 feet, but no closer than 10 feet;
- (c) Tree species and tree placement shall be approved by the City Horticulturist;
- (d) All trees shall be pruned so that no foliage, limbs or other obstructions exist between 2½ and 10 feet from the adjacent street grade;
- (e) In areas where planting strips are optional and not provided, sidewalks ten feet or greater shall provide 4’ x 4’ tree wells along the curb so that trees may be planted in conformance with these requirements.

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

Comments: *A subdivision performance bond and agreement is not included with the final plat application to cover the installation of the required 15-gallon street trees for the development. Please furnish via follow-up correspondence. A bond agreement was submitted via follow-up correspondence and included the engineer’s estimate of future improvements to be installed at a cost of \$104,000.00. As a result, the letter of credit is in the amount of \$130,000.00, or 125% of the cost of the improvements to be installed.*

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.

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

- 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 with comments **Revise and Resubmit per comments**

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

Comments: *Sidewalks shall be installed within two years of final plat approval as included in the recitals of the subdivision bond agreement, however neither a subdivision performance bond or a subdivision performance bond agreement was furnished with the final plat application. A bond agreement was submitted via follow-up correspondence and included the engineer’s estimate of future improvements to be installed at a cost of \$104,000.00. As a result, the letter of credit is in the amount of \$130,000.00, or 125% of the cost of the improvements to be installed, was furnished by Merchants & Marine Bank.*

Article VI, Section E.6. – 8. Construction Standards-Storm Water

6. Warranty after Completion - All facilities subject to acceptance for maintenance by the public shall be warranted for a period of two years after date of acceptance by the developer. **A surety bond guaranteeing such maintenance shall be a condition precedent to acceptance for maintenance by the governing body.**

7. Applicability of General Law and Regulations - All plans and the Work shall fully conform to all rules, regulations, codes, laws, and ordinances which may reasonably apply thereto. In the event of conflict between provisions, the most restrictive provision shall apply.

8. As-Built Drawings – A copy of the construction as-built drawings stamped by the engineer shall be submitted to the Commission as verification that the project has been built in accordance with his or her design.

<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted with comments	<input checked="" type="checkbox"/> Revise and Resubmit per comments
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Cross Reference: *City Code Section 19-2(f) Maintenance Bond*

Comments: A letter for credit for \$130,000.00 from Merchants and Marine Bank is included in the application, however a maintenance and guaranty agreement was not included as well as the engineer's estimate of the cost of improvements from which the \$130,000.00 amount was derived. A bond agreement was submitted via follow-up correspondence and included the engineer's estimate of future improvements to be installed at a cost of \$104,000.00. As a result, the letter of credit is in the amount of \$130,000.00, or 125% of the cost of the improvements to be installed.

Article VI, Section H. Construction Standards-Sanitary Sewerage

1. All subdivisions shall have sanitary sewer service. The sewer service shall be provided by either the Fairhope Public Utilities or an approved sewer service.

2. All sanitary sewer systems constructed within a subdivision and all sanitary sewer systems constructed outside of a subdivision but servicing a subdivision shall be constructed in accordance with those certain “Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities” which is on file at the City of Fairhope Water & Sewer Department.

3. Individual septic tank type systems that have been approved by the Baldwin County Health Department and the Fairhope Public Utilities Sewer Department may be utilized.

<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: *Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities*

Comments: Please see the punch list that will follow under separate cover regarding this item. For the applicant's information, a condition of approval will likely be recommended by staff and will reflect a requirement that the warranty period on the lift station shall not begin until the lift station pumps are in place and connected to permanent power. Please provide an installation schedule related to the lift station – as of March 13, 2019 no lift station installation appears to be initiated. The EOR submitted a waiver from the requirements of Article VI, Section “L” regarding the 90% completion requirements for subdivision final plat approval. During transmittal of the follow-up correspondence, the sewer lift station was delivered and installed. The wavier was submitted out of an apparent abundance of caution should the lift station installation, though imminent, was unexpectedly delayed. The staff report will not reflect a request for approval of the waiver since the lift station was received and installed. As a condition of approval, the warranty period for the sewer lift station shall not commence until the lift station pumps are installed in the wet well to the satisfaction of the Fairhope Public Utilities Water and Sewer Superintendent.

Article VI, Section K. Construction Standards-Inspection of Improvements

When all required improvements have been installed, the sub-divider shall call for a final inspection. The Planning Director and/or his/her authorized agent and other City Department representatives shall inspect the site to determine if the required improvements are satisfactorily installed according to plans, specifications, applicable laws and ordinances. To determine if the streets are installed to minimum standards, the sub-divider shall select an independent testing laboratory approved by the City to make the necessary tests. Tests shall be conducted at the expense of the sub-divider as required by Chapter 19 of the Fairhope Code of Ordinances.

<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input checked="" type="checkbox"/> Revise and Resubmit per comments
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Cross Reference: *Chapter 19 of the Fairhope Code of Ordinances (testing requirements)*

Comments: Various test reports prepared by Geocon are included, however a cover letter, stamped by the testing engineer with a declaration indicating “the roadway construction meets the requirements of the provided project plans” is not included. Geocon (testing engineer) provided a revised test reports package that includes a PE-stamped cover including the declaration described above.

Article VI, Section L. Construction Standards-Requirement to Complete Improvements

Sub-divider shall be responsible for providing all required minimum improvements in the subdivision. This may be accomplished either by (1) full installation of such improvements before the Final Plat is submitted to the Planning Commission for approval or (2) after 90% substantial completion of the total cost of the infrastructure the sub-divider may provide to the City a financial guarantee of performance in the form of either a performance bond or a Letter of Credit. Any such performance bond shall be in form and substance acceptable to the Planning Commission, with oblige riders in favor of the City in the event the bond issued in the name of the sub-divider's contractor and shall be issued by a surety that is licensed to do business in the State of Alabama and having a Best rating of A- or better. In the event that the subdivision lies within the extra-territorial jurisdiction, such guaranty shall be made jointly payable to the City of Fairhope and Baldwin County, Alabama. The surety and the form and amount of such financial guaranty shall be subject to approval of the City and/or County.

N/A

Accepted with comments

Revise and Resubmit per comments

Comments: Sidewalks shall be installed within two years of final plat approval as included in the recitals of the subdivision bond agreement, however neither a subdivision performance bond or a subdivision performance bond agreement was furnished with the final plat application. A bond agreement was submitted via follow-up correspondence and included the engineer's estimate of future improvements to be installed at a cost of \$104,000.00 which includes sidewalks and street trees. As a result, the letter of credit is in the amount of \$130,000.00, or 125% of the cost of the improvements to be installed. The engineer's estimate includes 23,500 sf of sidewalks and \$10,000.00 for the installation of street trees. This review assumes the engineer's estimate is adequate for the installation of all street trees included in the various plans as an exact number of street trees with unit cost was not furnished. Final bond release will not occur until all street trees shown on the various plans are installed.

Pre-Construction Site Photos



Subject property looking west along CR 44



Subject property looking east along CR 44

- meets

Recommendation:

Staff recommends APPROVAL of case # SD 19.20, Twin Beech Estates Final Plat contingent upon the following conditions:

- 1) Completion of punch list items shall be to the satisfaction of City of Fairhope staff prior to placing approval signatures on the final plat.
- 2) The warranty period for the sewer lift station shall not commence until the lift station pumps are installed in the wet well to the satisfaction of the Fairhope Public Utilities Water and Sewer Superintendent.

TWIN BEECH ESTATES, A PUD

CURVE#	RADIUS	DELTA	CHORD BEARING	CHORD DIST.	ARC LENGTH
C1	25.00'	90°03'34"	S45°21'52"W	35.37'	39.30'
C2	25.00'	89°56'26"	S44°38'08"E	35.34'	39.24'
C3	375.00'	7°22'44"	N3°21'17"W	48.26'	48.30'
C4	350.00'	7°22'44"	N3°21'17"W	45.04'	45.08'
C5	325.00'	7°22'44"	N3°21'17"W	41.83'	41.86'
C6	325.00'	7°22'44"	S3°21'17"E	41.83'	41.86'
C7	350.00'	7°22'44"	S3°21'17"E	45.04'	45.08'
C8	375.00'	7°22'44"	S3°21'17"E	48.26'	48.30'
C9	25.00'	90°00'00"	S44°39'55"E	35.36'	39.27'
C10	25.00'	90°00'00"	S45°20'05"W	35.36'	39.27'
C11	125.00'	90°00'00"	N44°39'55"W	176.78'	196.35'
C12	100.00'	90°00'00"	N44°39'55"W	141.42'	157.08'
C13	75.00'	90°00'00"	N44°39'55"W	106.07'	117.81'
C14	475.00'	7°22'44"	S3°21'17"E	61.13'	61.17'
C15	500.00'	7°22'44"	S3°21'17"E	64.35'	64.39'
C16	525.00'	7°22'44"	S3°21'17"E	67.57'	67.61'
C17	125.00'	97°26'18"	N41°40'30"E	187.87'	212.58'
C18	100.00'	97°26'18"	N41°40'30"E	150.30'	170.06'
C19	75.00'	97°26'18"	N41°40'30"E	112.72'	127.55'

CERTIFICATE OF APPROVAL BY FAIRHOPE GAS

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

THIS THE _____ DAY OF _____ 2019.

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY FAIRHOPE WATER

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

THIS THE _____ DAY OF _____ 2019.

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY FAIRHOPE SEWER

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

THIS THE _____ DAY OF _____ 2019.

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY BALDWIN EMC

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

THIS THE _____ DAY OF _____ 2019.

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY AT&T

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

THIS THE _____ DAY OF _____ 2019.

(AUTHORIZED SIGNATURE)

CERTIFICATE OF LESSEE

STATE OF ALABAMA COUNTY OF BALDWIN

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

DATED THIS THE _____ DAY OF _____ 2019.

NAME AND TITLE

CERTIFICATE OF 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 HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS THE _____ DAY OF _____ 2019.

NOTARY PUBLIC

CERTIFICATE OF LEASEHOLD OWNERSHIP

STATE OF ALABAMA COUNTY OF BALDWIN

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

DATED THIS THE _____ DAY OF _____ 2019.

NOTARY PUBLIC

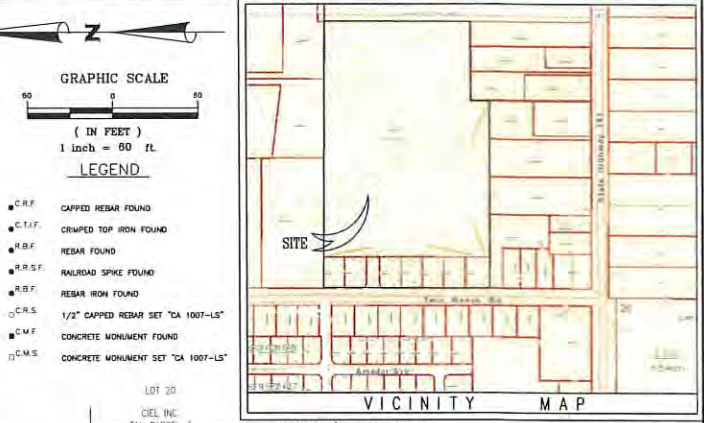
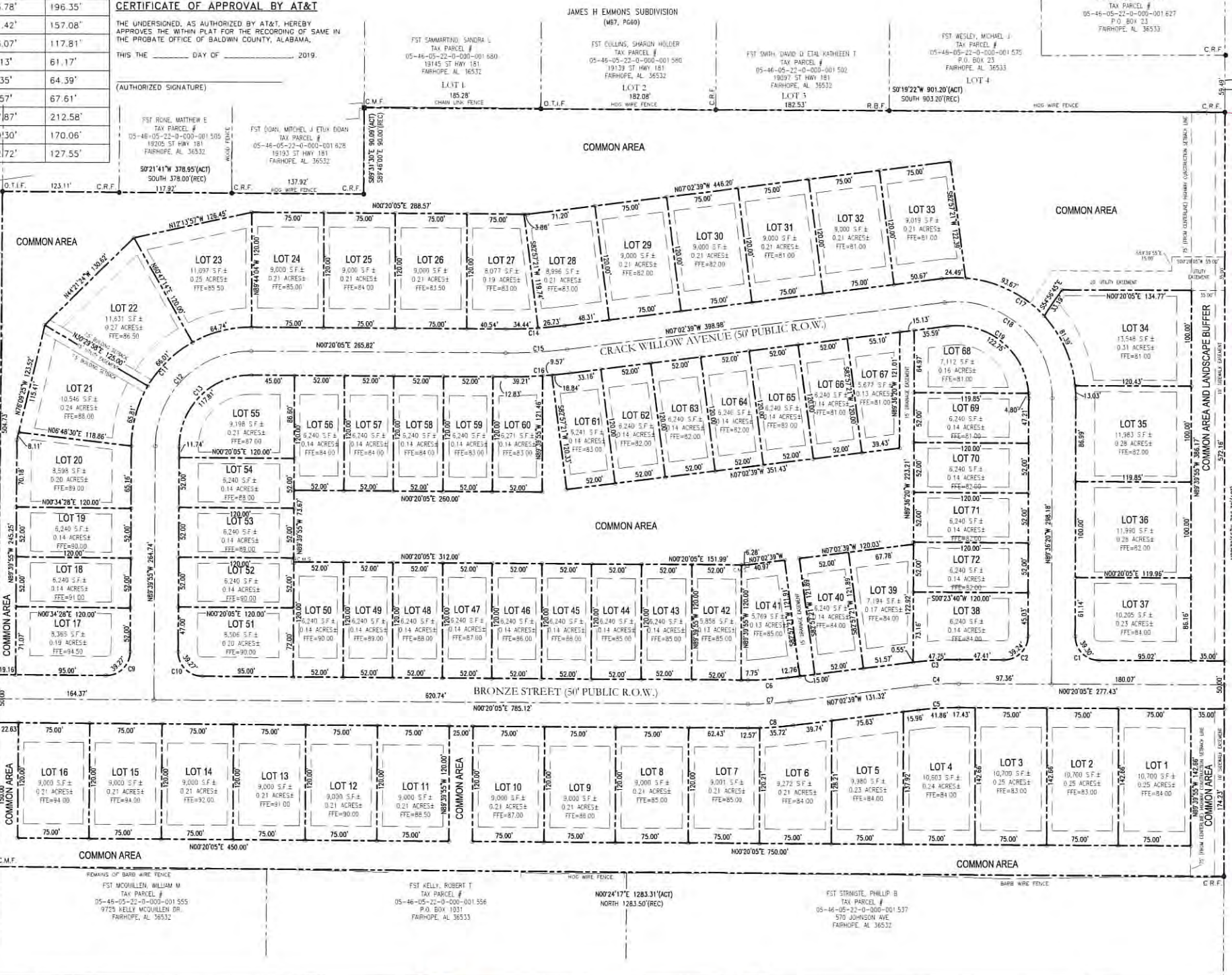
CERTIFICATE OF NOTARY PUBLIC

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 NAMES ARE SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION AS PRESIDENT AND SECRETARY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS THE _____ DAY OF _____ 2019.

NOTARY PUBLIC



ENGINEER'S CERTIFICATE

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF ALABAMA HOLDING CERTIFICATE NUMBER _____ HEREBY CERTIFY THAT I HAVE DESIGNED THE WITHIN IMPROVEMENTS IN CONFORMANCE WITH APPLICABLE CODES AND LAWS AND WITH THE PRINCIPALS OF GOOD ENGINEERING PRACTICE. I FURTHER CERTIFY THAT I HAVE OBSERVED THE CONSTRUCTION OF THE WITHIN IMPROVEMENTS, THAT THE SAME CONFORMS TO MY DESIGN, THAT THE WITHIN IS A TRUE AND ACCURATE REPRESENTATION OF IMPROVEMENTS AS INSTALLED AND THAT SAID IMPROVEMENTS ARE HEREBY RECOMMENDED FOR ACCEPTANCE BY THE CITY OF FAIRHOPE, ALABAMA.

WILLIAM D. CHAFFIN, PE
PROJECT ENGINEER

DATE _____ 2019

NAME OF PROJECT: TWIN BEECH ESTATES, A PUD
PLANS WHICH ARE CERTIFIED CONSIST OF PAGE _____ OF _____ WHICH BEARS MY SEAL AND SIGNATURE.

FAIRHOPE PLANNING COMMISSION

THE WITHIN PLAN OF TWIN BEECH ESTATES, A PUD, BALDWIN COUNTY, ALABAMA, IS HEREBY APPROVED BY FAIRHOPE CITY PLANNING COMMISSION.

THIS THE _____ DAY OF _____ 2019.

PLANNING DIRECTOR

SITE DATA

NUMBER OF LOTS: 72 LOTS
SMALLEST LOT SIZE: 52'x120' (6,240 S.F.)
TOTAL AREA: 22.62 ACRES
PROPOSED ZONING: CITY OF FAIRHOPE, PUD

STREETS:
FRONT = 20 FEET
REAR = 15 FEET
SIDE STREET = 20 FEET
COMMON AREA

TOTAL COMMON AREA = 6.06 ACRES
RESERVED FOR GREENSPACE = 4.43 ACRES
(24% OF TOTAL ACRES)
RESERVED FOR DETENTION = 0.73 ACRES
DENSITY = 3.18 UNITS PER ACRE

OWNER/LESSOR
FAIRHOPE SINGLE TAX CORPORATION
338 FAIRHOPE AVENUE
FAIRHOPE, AL 36532

LESSEE
LA DEVELOPMENT, LLC
C/O MATT BYRNE
20040 HIGHWAY 181
FAIRHOPE, ALABAMA 36532

SURVEYOR/ENGINEER
SAWGRASS CONSULTING, LLC
11143 OLD HIGHWAY 31
SPANISH FORT, AL 36527

SURVEYOR: ERIC E. GIDDON, PLS
ALABAMA LICENSE NUMBER 36811
ENGINEER: WILLIAM D. CHAFFIN, P.E.
ALABAMA LICENSE NUMBER 23963

UTILITY PROVIDERS
WATER - CITY OF FAIRHOPE
SEWER - CITY OF FAIRHOPE
ELECTRIC - BALDWIN EMC
GAS - CITY OF FAIRHOPE
PHONE - AT&T

GENERAL SURVEYOR'S NOTES

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS FIRM, SURVEYS BY OTHER FIRMS AND INFORMATION FURNISHED BY CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
- ALL BEARINGS ARE BASED ON THE GRID NORTH AS DETERMINED BY RTK GPS AND REFERENCED TO NAD83, ALABAMA WEST STATE PLANE COORDINATES.
- I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION MAP, COMMUNITY PANEL NO. 010303065M, EFFECTIVE JULY 17, 2007, AND HAVE FOUND THAT THE DESCRIBED PROPERTY IS LOCATED IN ZONE X(LUNH450), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- FIELD WORK FOR THIS SURVEY WAS PERFORMED MARCH, 2018.
- ANY FLOOD ZONES GIVEN OR SHOWN ON THE FACE OF THIS DRAWING ARE SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAPS (SCALED ONLY).
- ALL LOTS AND COMMON AREAS ARE SUBJECT TO THE FOLLOWING DRAINAGE AND UTILITY EASEMENTS (UNLESS OTHERWISE SHOWN HEREON):
FRONT LOT LINES AND ALL RIGHT-OF-WAY LINES - 15 FEET
REAR LOT LINES AND ALL REAR LINES OF COMMON AREAS - 10 FEET
SIDE LOT LINE AND SIDE LINES OF COMMON AREAS - 5 FEET (EACH SIDE OF LOT LINE)
SIDE LOT LINES ABUTTING A RIGHT-OF-WAY - 15 FEET
- 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 ACCEPTED RIGHT-OF-WAY.
- THE GREENSPACE WILL BE A NATURAL OPEN SPACE/GREENWAY USABLE FOR RECREATION AND NON-MOTORIZED TRANSPORTATION. IT WILL INCLUDE FEW CONSTRUCTED IMPROVEMENTS EXCEPT FOR THOSE TO ENHANCE TRAIL OR RECREATIONAL USE AND PROVIDE CONTINUITY THROUGHOUT THE DEVELOPMENT. ALL REQUIRED GREENSPACE SHALL BE INDICATED AS A PUBLIC ACCESS AND USE EASEMENT. THE PROPERTY IS NOT DEDICATED TO THE CITY OF FAIRHOPE AND THAT THE CITY OF FAIRHOPE IS NOT RESPONSIBLE FOR MAINTENANCE OF ANY OR ALL REQUIRED GREENSPACE.
- ALL "STUB" STREETS SHALL PROVIDE FUTURE ACCESS TO ABUTTING PROPERTIES.

RECORD DESCRIPTION

LOTS 1 THRU 8, TWIN BEECH ESTATES, AS RECORDED ON SLIDE 2539-E, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

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

ERIC E. GIDDON, PLS
ALABAMA LICENSE NUMBER 26621

DATE _____

NUMBER:	REVISION:	DATE:

Sawgrass
ENGINEERING - SURVEYING - CONSTRUCTION MANAGEMENT

11143 Old Highway 31 Spanish Fort, AL 36527 Phone: (251) 544-7900
302 Government Street, Suite 225 Mobile, AL 36682 Fax: (251) 544-7918

PRELIMINARY PLAT

TWIN BEECH ESTATES, A PUD

LA DEVELOPMENT, LLC

SCALE: 1"=60'

DATE: MAY, 2018

DRAWN BY: [Signature]

CHECKED BY: [Signature]

SHEET: 1 OF 1

BY: [Signature]

Revised As Per Comments

SD 19.20



Planning Commission

April 1, 2019

Utility Review

Case: UR 19.08 AT&T Mini Cell Towers

Project Name:
AT&T Mini Cell Towers

Project Type:
Utility Review

Project Scope:
Install 13 metered mini cell Antennas

Jurisdiction:
City of Fairhope

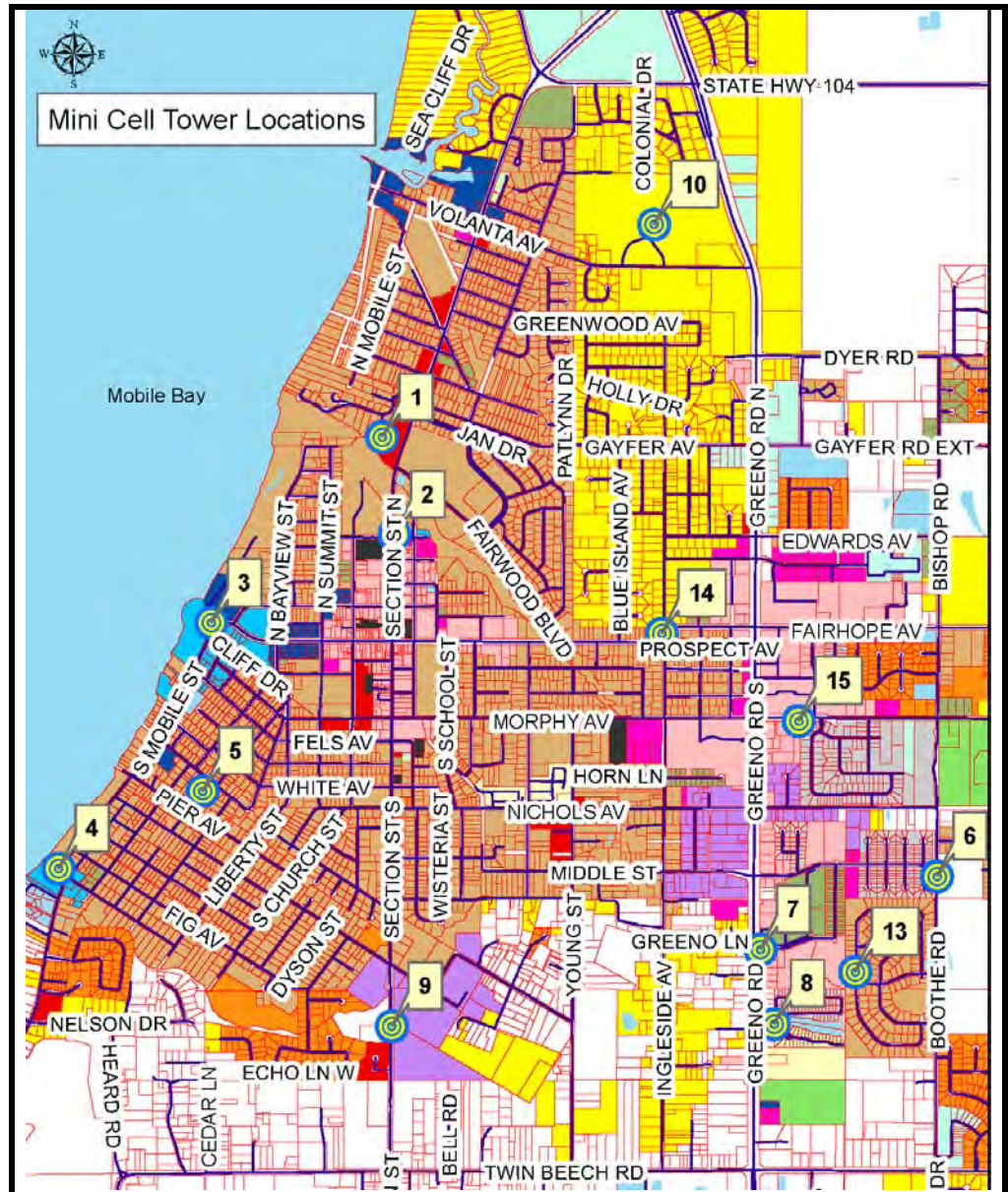
Zoning District:
ROW

General Location:
Areas throughout Fairhope

Applicant:
AT&T

Owner:
City of Fairhope
Right-of-Ways

Recommendation:
Approve with Conditions



Summary of Request: Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of 12 metered mini cell towers in the Fairhope’s ROW and 1 metered mini cell tower at Volanta Park. The installation will be at several locations indicated on the map throughout Fairhope. These mini towers or cell antennas will be co-located where possible and new poles installed where co-location is not possible.

Comments:

The proposed utility construction is consistent with previously approved AT&T UR cases that were designed for over build and anticipation of possible mini cell tower installation. The comments below are typical general comments for City of Fairhope right-of-way projects. Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the Baldwin County Highway Department or ALDOT.

AT&T has been very cooperative, has attempted to the maximum extent practicable to co-locate their antennas, and has been very receptive to all of staff's comments.

Site descriptions and locations (Please refer to the map on cover page):

1. Co-location on existing utility pole near property corner between two houses.
 - a. Equipment/antenna to be brown in color to blend with surroundings.
2. Co-location on existing light pole at northeast corner of N. Section St. and Oak St.
 - a. Equipment/antenna to be same color green as pole to blend with surroundings.
3. Replacement of existing light on the south side of Fairhope Ave. heading towards the pier.
 - a. New light pole to be decorative and black in color. Must meet electrical superintendents' requirements.
4. Co-location on existing utility pole on west side of S. Mobile St. north of the American Legion.
 - a. Equipment/antenna to be brown in color to blend with surroundings.
5. Co-location on existing utility pole at the end of Kumquat St.
 - a. Equipment/antenna to be brown in color to blend with surroundings.
6. New metal pole on Boothe Rd. south of Spring Run Dr. (No Co-locate possible)
 - a. Pole/equipment/antenna to be brown in color
7. New metal pole at Autumn Dr. and Greeno Rd. (No Co-locate possible)
 - a. Pole/equipment/antenna to be black in color.
8. Replacement of existing light at entrance to Spring Lake Subdivision.
 - a. New light pole to be decorative and black in color. Must meet electrical superintendents' requirements.
9. New metal pole on S. Section St. in front of City Services Public Utilities property. (No Co-locate possible)
 - a. Pole/equipment/antenna to be tan in color to blend with surroundings.
10. Co-locate on light pole at Volanta Park neat stadium entrance.
 - a. Equipment/antenna to be galvanized/silver to blend with surroundings.
13. New metal pole on Oakwood Ave. at the rear of Riveroaks subdivision on corner of common area. (No Co-locate possible)
 - a. Pole/equipment/antenna to be black in color.
14. Co-location on existing utility pole on the northwest corner of Ingleside and Fairhope Ave.
 - a. Equipment/antenna to be brown in color to blend with surroundings.
15. New metal pole on Morphy Ave. at the northeast corner of the Dollar General property. (No Co-locate possible)
 - a. Pole/equipment/antenna to be black in color.

GENERAL COMMENTS

No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc.

SUPERINTENDENT AND DEPARTMENT HEAD COMMENTS

The applicant shall contact Alabama One Call to locate all existing utilities.

Public Works Standard Comments:

- Handholes shall not be located within driplines of Heritage Trees (as defined by the Tree Ordinance).
- Any proposed trenching shall not be within the dripline of trees.
- If within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- Trees shall not be negatively impacted.

The applicant shall provide drawings locating their utilities with other utilities and the sidewalks. Any boxes/handholes cannot be placed in the sidewalk. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with Richard D. Johnson, PE, Public Works Director, to resolve any potential conflicts.

All conduit/cable shall be placed at depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from stormwater 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. No grade change shall result from the utility installation. The applicant is to avoid any tree drip lines with handholes and equipment.

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.

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's 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 only be acceptable as temporary cover.
- Sod 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.

Building Official's Standard Comments:

- BMP's shall be installed at boring sites and trench locations.
- Ground conditions in the ROW's shall be returned to original preconstruction 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 right-of-way (ROW) permit.
- Contractor is advised to review and comply with the Building Official's best practices flyer.

Water and Sewer 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.

Natural Gas Standard Comments:

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

The applicant is advised of the following:

- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction (permit not valid until paid for and picked up by 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.

This 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 & Clay Ordinance (#1423), which prohibits the use of red soil / clay within 100' of critical areas.
3. City of Fairhope Erosion and Sediment Control Ordinance (#1398).

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.

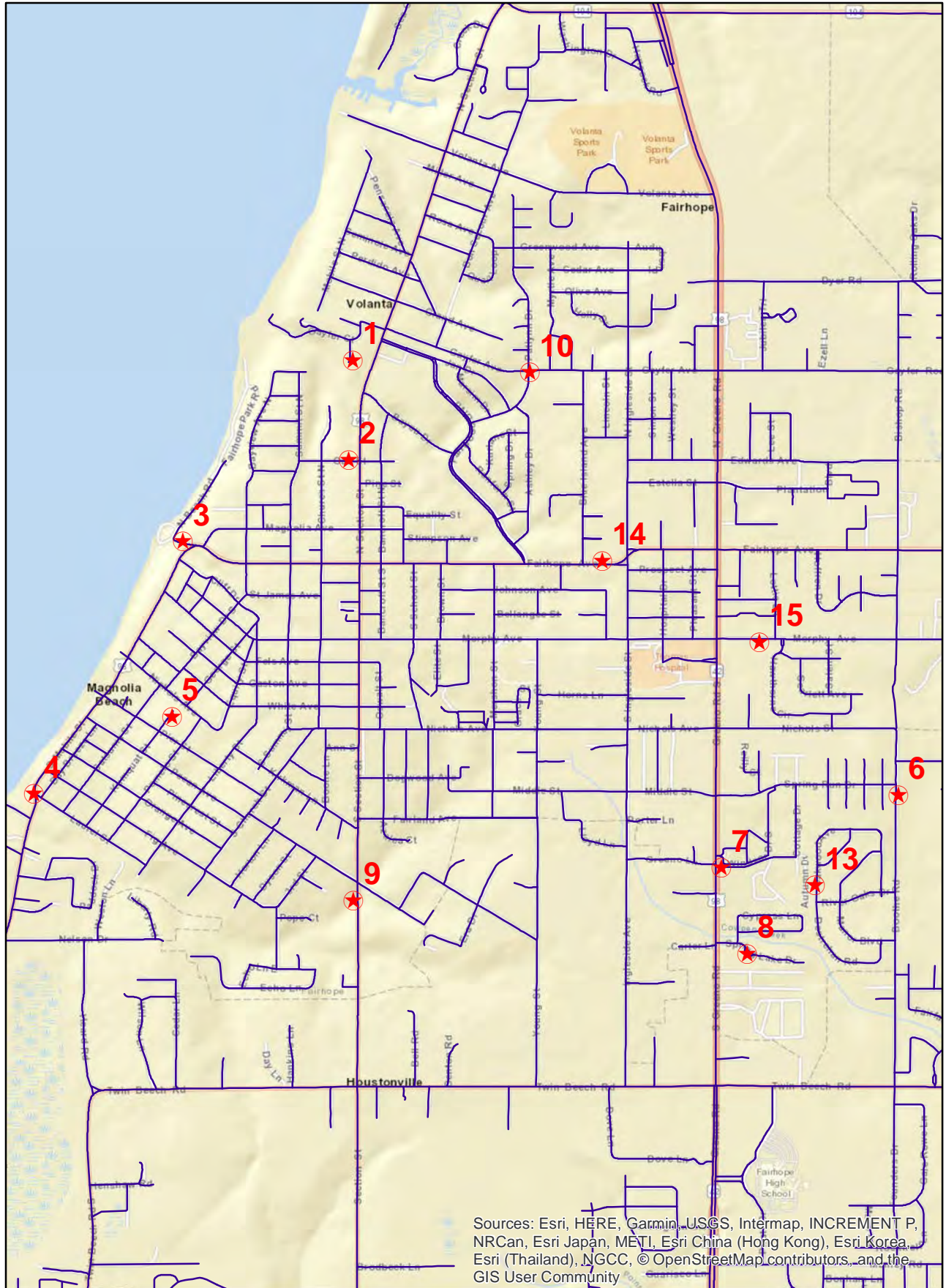
Recommendation:

Staff recommends approval of UR 19.08 conditional upon the following:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.
- 3) The applicant shall follow the design/color for each site as dictated by staff per the "Site description and locations" section of staff report.
- 4) The applicant is responsible for any Aid to Construction costs for new utility poles needed to accommodate a co-locate.
- 5) The City of Fairhope reserves the right to modify or add requirements such as but not limited to cut sheets of proposed poles/fixtures, additional drawings, site locations, design/colors, etc.
- 6) The City Council and AT&T sign a Lease Agreement for structure 10 located at Volanta Park on City of Fairhope owned property which is not a Right-of-Way.

** Staff conducted a Development Review Committee (DRC) meeting with applicant after initial review that went into great detail for each site. Every site was analyzed for possible co-locations and areas that would have the minimal effect on neighboring properties. This meeting was recorded and a link to the video is inserted below. The amount of details for which each site was reviewed is too numerous to write in this staff report. The applicant took the information and recommendations from staff and revised their submittal to reflect the locations presented in this report.

<https://www.youtube.com/watch?v=QYsUHZ5kMwQ&list=PLElyHeNjDeQCKyJrVSupwVTSKours9qZA&index=2&t=4s>



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Planning Commission

April 1, 2019

Utility Review

Case: UR 19.09 Mediacom

Project Name:
Mediacom TV Cable Installation throughout Fairhope's ROW

Project Type:
Utility Review

Project Scope:
Install 1831' of TV Cable Via Directional bore

Jurisdiction:
City of Fairhope

Zoning District:
ROW

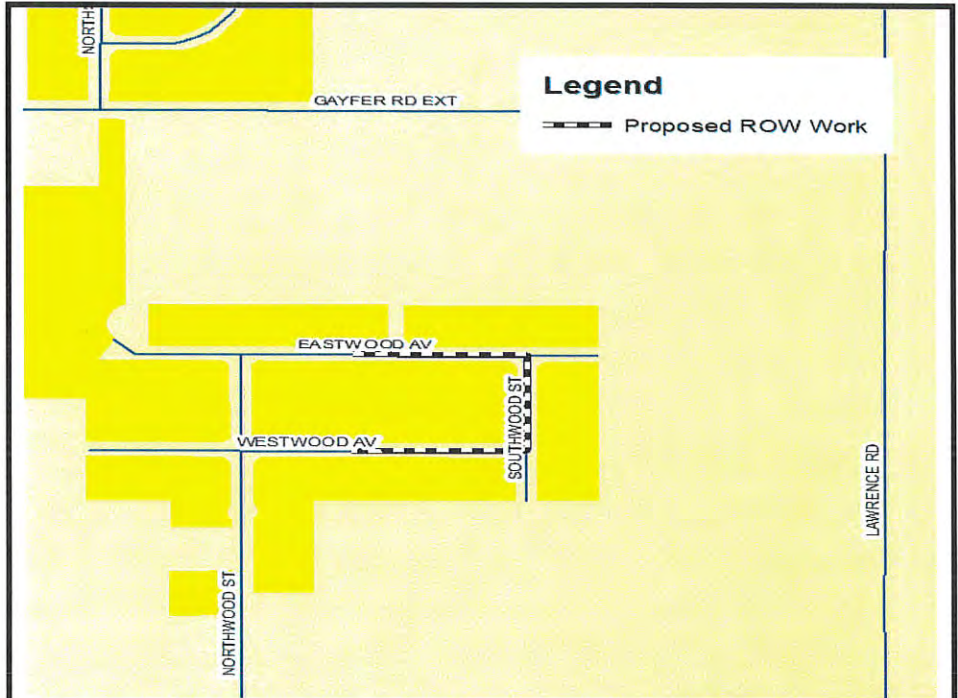
General Location:
River Station Subdivision Phase Two

Applicant:
Mediacom

Owner:
City of Fairhope Right-of-Ways

Prepared by:
Mike Jeffries, QCI
Planning Technician

Recommendation:
Approve with conditions



Summary of Request: Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 1831 linear feet of TV cable with conduit within the City of Fairhope's ROW's. The installation will be a directional bore in the River Station Subdivision Phase Two. There will be 11 new pedestals following in line with power pedestals.

Comments:

The proposed utility construction falls within the Corporate limits of Fairhope. The comments below are typical general comments for City of Fairhope right-of-way projects. Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the Baldwin County Highway Department or ALDOT.

GENERAL COMMENTS

- No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc.
- Door hangers will be deployed by the applicant to advise residents of pending utility construction in their neighborhood.
- Temporary construction signage will also be placed in common areas off ROWs to advise residents of pending utility construction.

SUPERINTENDENT AND DEPARTMENT HEAD COMMENTS

The applicant shall contact Alabama One Call to locate all existing utilities.

Public Works Standard Comments:

- Handholes shall not be located within driplines of Heritage Trees (as defined by the Tree Ordinance).
- Any proposed trenching shall not be within the dripline of trees.
- If within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- Trees shall not be negatively impacted.

The applicant shall provide drawings locating their utilities with other utilities and the sidewalks. Any boxes/handholes cannot be placed in the sidewalk. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with Richard D. Johnson, PE, Public Works Director, to resolve any potential conflicts.

All conduit/cable shall be placed at depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from stormwater 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. No grade change shall result from the utility installation. The applicant is to avoid any tree drip lines with handholes and equipment.

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.

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's 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 only be acceptable as temporary cover.
- Sod 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.

Building Official's Standard Comments:

- BMP's shall be installed at boring sites and trench locations.
- Ground conditions in the ROW's shall be returned to original preconstruction 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 right-of-way (ROW) permit.
- Contractor is advised to review and comply with the Building Official's best practices flyer.

Water and Sewer 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.

Natural Gas Standard Comments:

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

The applicant is advised of the following:

- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction (permit not valid until paid for and picked up by 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.

This 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 & Clay Ordinance (#1423), which prohibits the use of red soil / clay within 100' of critical areas.
3. City of Fairhope Erosion and Sediment Control Ordinance (#1398).

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.

Recommendation:

Staff recommends approval of UR 19.09 conditional upon the following:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.



Planning Commission

April 1, 2019

Utility Review

Case: UR 19.10 AT&T

Project Name:

AT&T Fiber Optic installation throughout Fairhope's ROW

Project Type:

Utility Review

Project Scope:

Install 885' of Fiber Optic Cable via directional bore

Jurisdiction:

City of Fairhope

Zoning District:

ROW

General Location:

S. Church St. north of Morphy Ave and down to St. James St.

Applicant:

AT&T

Owner:

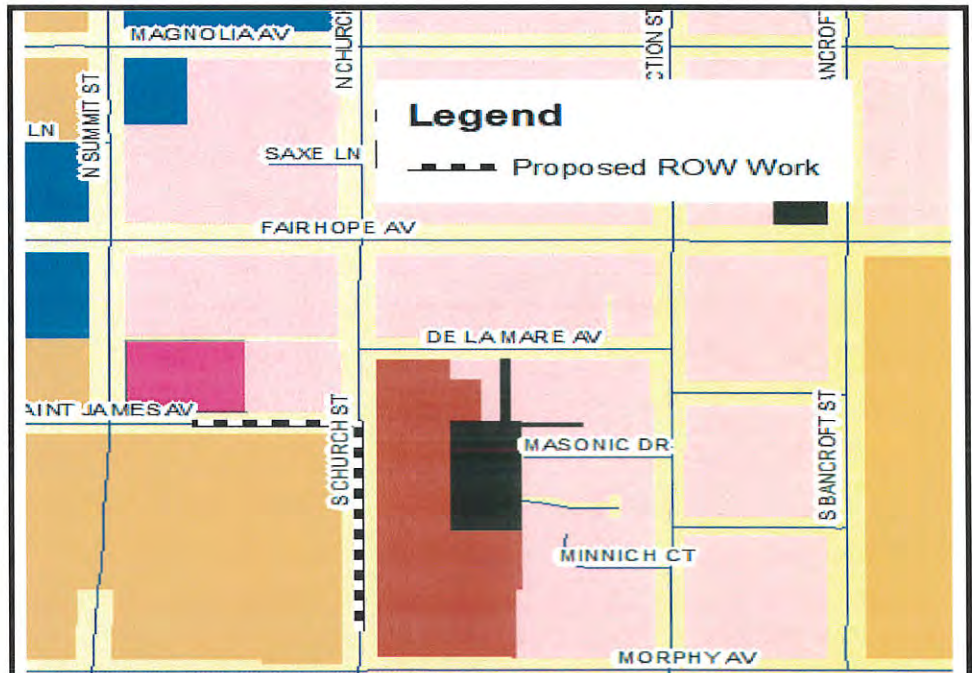
City of Fairhope Right-of-Ways

Prepared by:

Mike Jeffries, QCI
Planning Technician

Recommendation:

Approve with conditions



Summary of Request: Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 885 linear feet 2-1.25" HDPE conduits with fiber optic cable within the City of Fairhope's ROW's. The installation will be a directional bore beginning at an existing handhole at 108 S. Church St. proceeding north to St. James St, then west approx. 245' and across St. James St. Place a fiber enclosure at side of 19 S. Summit St. The project will require the installation of 2-30"X48" flush to grade handholes in the sidewalk on S. Church St. as indicated on the drawings provided.

Comments:

The proposed utility construction falls within the Corporate limits of Fairhope. The comments below are typical general comments for City of Fairhope right-of-way projects. Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the Baldwin County Highway Department or ALDOT.

GENERAL COMMENTS

No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc.

SUPERINTENDENT AND DEPARTMENT HEAD COMMENTS

The applicant shall contact Alabama One Call to locate all existing utilities.

Public Works Standard Comments:

- Handholes shall not be located within driplines of Heritage Trees (as defined by the Tree Ordinance).
- Any proposed trenching shall not be within the dripline of trees.
- If within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- Trees shall not be negatively impacted.

The applicant shall provide drawings locating their utilities with other utilities and the sidewalks. Any boxes/handholes cannot be placed in the sidewalk. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with Richard D. Johnson, PE, Public Works Director, to resolve any potential conflicts.

All conduit/cable shall be placed at depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from stormwater 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. No grade change shall result from the utility installation. The applicant is to avoid any tree drip lines with handholes and equipment.

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.

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's 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 only be acceptable as temporary cover.
- Sod 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.

Building Official's Standard Comments:

- BMP's shall be installed at boring sites and trench locations.
- Ground conditions in the ROW's shall be returned to original preconstruction 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 right-of-way (ROW) permit.
- Contractor is advised to review and comply with the Building Official's best practices flyer.

Water and Sewer 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.

Natural Gas Standard Comments:

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

The applicant is advised of the following:

- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction (permit not valid until paid for and picked up by 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.

This 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 & Clay Ordinance (#1423), which prohibits the use of red soil / clay within 100' of critical areas.
3. City of Fairhope Erosion and Sediment Control Ordinance (#1398).

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.

Recommendation:

Staff recommends approval of UR 19.10 conditional upon the following:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.
- 3) The proposed handholes in the sidewalk on S. Church St. must be relocated outside of the sidewalk or provide supporting documentation that the vaults are ADA compliant.



Planning Commission

April 1, 2019

Utility Review

Case: UR 19.11 AT&T

Project Name:

AT&T Fiber Optic Installation throughout Fairhope's ROW

Project Type:

Utility Review

Project Scope:

Install 1437' of Fiber Optic Cable Via Directional bore

Jurisdiction:

City of Fairhope

Zoning District:

ROW

General Location:

S. Ingleside St from Morphy Ave. to Fairhope Ave.

Applicant:

AT&T

Owner:

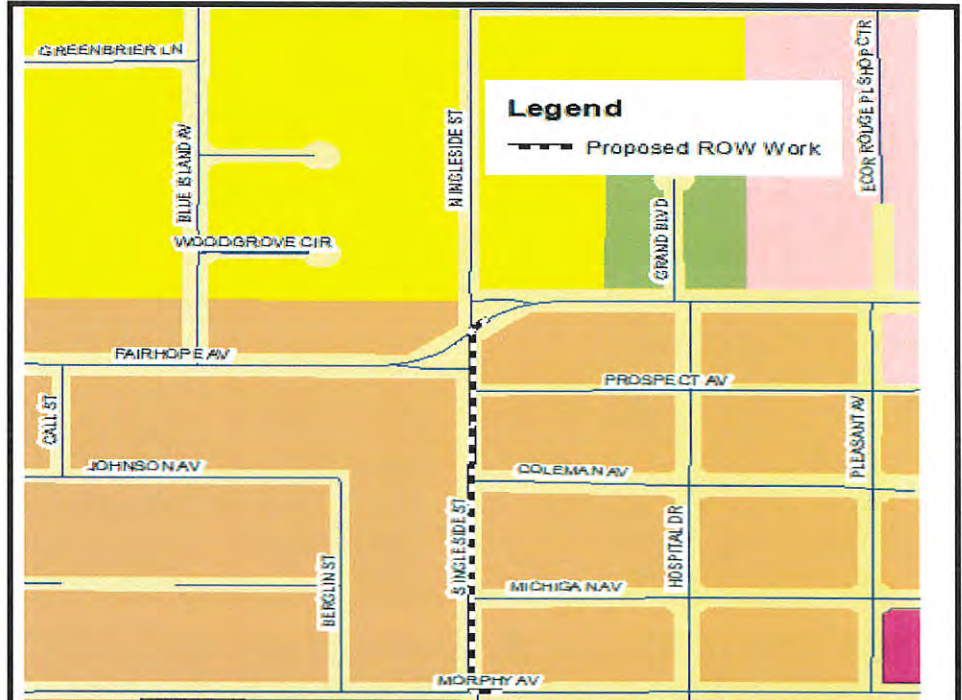
City of Fairhope Right-of-Ways

Prepared by:

Mike Jeffries, QCI
Planning Technician

Recommendation:

Approve with Conditions



Summary of Request: Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 1437 linear feet of fiber optic cable within the City of Fairhope's ROW's. The installation will be a directional bore of 2-1.25" HDPE conduit along the east side of S. Ingleside St. beginning at an existing handhole on Morphy Ave to an existing handhole at Fairhope Ave. The project will require the installation of 3-30"X48" flush to grade handholes as indicated on the drawings provided.

Comments:

The proposed utility construction falls within the Corporate limits of Fairhope. The comments below are typical general comments for City of Fairhope right-of-way projects. Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the Baldwin County Highway Department or ALDOT.

GENERAL COMMENTS

No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc.

SUPERINTENDENT AND DEPARTMENT HEAD COMMENTS

The applicant shall contact Alabama One Call to locate all existing utilities.

Public Works Standard Comments:

- Handholes shall not be located within driplines of Heritage Trees (as defined by the Tree Ordinance).
- Any proposed trenching shall not be within the dripline of trees.
- If within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- Trees shall not be negatively impacted.

The applicant shall provide drawings locating their utilities with other utilities and the sidewalks. Any boxes/handholes cannot be placed in the sidewalk. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with Richard D. Johnson, PE, Public Works Director, to resolve any potential conflicts.

All conduit/cable shall be placed at depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from stormwater 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. No grade change shall result from the utility installation. The applicant is to avoid any tree drip lines with handholes and equipment.

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.

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's 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 only be acceptable as temporary cover.
- Sod 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.

Building Official's Standard Comments:

- BMP's shall be installed at boring sites and trench locations.
- Ground conditions in the ROW's shall be returned to original preconstruction 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 right-of-way (ROW) permit.
- Contractor is advised to review and comply with the Building Official's best practices flyer.

Water and Sewer 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.

Natural Gas Standard Comments:

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

The applicant is advised of the following:

- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction (permit not valid until paid for and picked up by 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.

This 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 & Clay Ordinance (#1423), which prohibits the use of red soil / clay within 100' of critical areas.
3. City of Fairhope Erosion and Sediment Control Ordinance (#1398).

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.

Recommendation:

Staff recommends approval of UR 19.11 conditional upon the following:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.



Planning Commission

April 1, 2019

Utility Review

Case: UR 19.12 AT&T

Project Name:

AT&T Fiber Optic Installation throughout Fairhope's ROW

Project Type:

Utility Review

Project Scope:

Install 1564' of Fiber Optic Cable Via Directional bore

Jurisdiction:

City of Fairhope

Zoning District:

ROW

General Location:

Mershon St. from Morphy Ave. to Fairhope Ave.

Applicant:

AT&T

Owner:

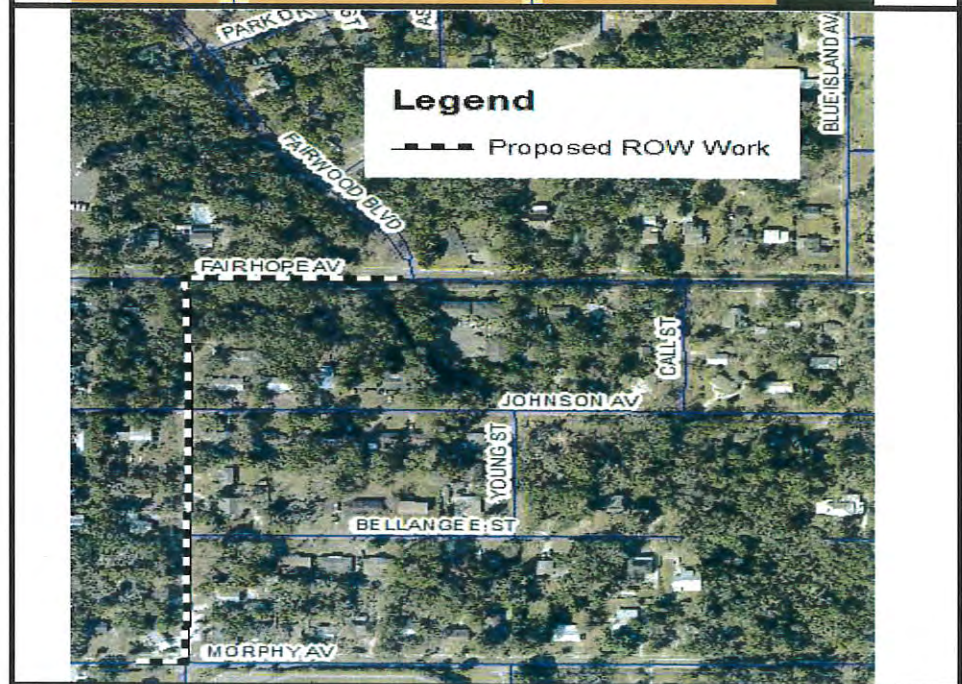
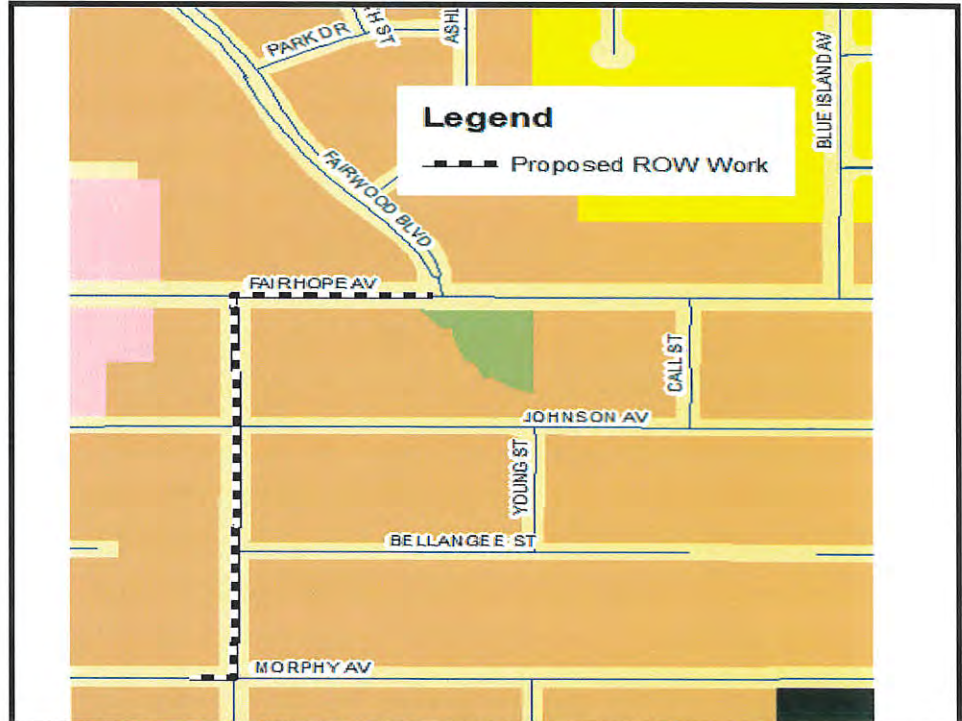
City of Fairhope Right-of-Ways

Prepared by:

Mike Jeffries, QCI
Planning Technician

Recommendation:

Approve with conditions



Summary of Request: Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 1564 linear feet of fiber optic cable within the City of Fairhope's ROW's. The installation will be a directional bore along Mershon St. beginning at an existing handhole on the north side Morphy Ave to an existing handhole at Fairhope Ave. The project will require the installation of 1-30"X48" flush to grade handhole as indicated on the drawings provided.

Comments:

The proposed utility construction falls within the Corporate limits of Fairhope. The comments below are typical general comments for City of Fairhope right-of-way projects. Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the Baldwin County Highway Department or ALDOT.

GENERAL COMMENTS

No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc.

SUPERINTENDENT AND DEPARTMENT HEAD COMMENTS

The applicant shall contact Alabama One Call to locate all existing utilities.

Public Works Standard Comments:

- Handholes shall not be located within driplines of Heritage Trees (as defined by the Tree Ordinance).
- Any proposed trenching shall not be within the dripline of trees.
- If within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- Trees shall not be negatively impacted.

The applicant shall provide drawings locating their utilities with other utilities and the sidewalks. Any boxes/handholes cannot be placed in the sidewalk. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with Richard D. Johnson, PE, Public Works Director, to resolve any potential conflicts.

All conduit/cable shall be placed at depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from stormwater 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. No grade change shall result from the utility installation. The applicant is to avoid any tree drip lines with handholes and equipment.

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.

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's 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 only be acceptable as temporary cover.
- Sod 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.

Building Official's Standard Comments:

- BMP's shall be installed at boring sites and trench locations.
- Ground conditions in the ROW's shall be returned to original preconstruction 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 right-of-way (ROW) permit.
- Contractor is advised to review and comply with the Building Official's best practices flyer.

Water and Sewer 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.

Natural Gas Standard Comments:

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

The applicant is advised of the following:

- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction (permit not valid until paid for and picked up by 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.

This 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 & Clay Ordinance (#1423), which prohibits the use of red soil / clay within 100' of critical areas.
3. City of Fairhope Erosion and Sediment Control Ordinance (#1398).

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.

Recommendation:

Staff recommends approval of UR 19.11 conditional upon the following:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

MEMO

Date: March 25, 2019

To: City of Fairhope Planning Commission

From: Wayne Dyess, AICP, Planning Director

Re: ZC 19.05 Lot Definitions

The City of Fairhope Zoning Ordinance does not currently contain a definition for waterfront lots. In order to establish a waterfront lot definition and provide clarity to prevent conflicting descriptions, staff is proposing the following text amendments:

~~Front Lot Line: The lot line contiguous to the right-of-way line of the street on which the lot has least dimension.~~ On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

~~Front Yard: A yard extending the full width of the lot and situated between the right-of-way front lot line and the front building line projected to the sidelines of the lot. For the purpose of this ordinance, the front yard of waterfront lots is the yard that abuts the public right-of-way regardless of the orientation of the design of the structure.~~

~~Frontage: The area of a lot made up of the front building façade and any area between the front building façade and the right-of-way~~ front lot line or other public easement.

~~Rear Yard: A yard extending the full width of the lot and the rear building line of the main building projected to the sidelines of the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.~~

Waterfront Lot: Any lot or parcel adjacent to Mobile Bay.

Recommendation:

Staff recommends to approve as presented.

~~*Strikethrough indicates words to stricken~~

**Underline indicates words to be added



Zoning Text Amendment

PROPERTY ADDRESS: City-wide

PARCEL ID: N/A

MASTER PLAN: N/A

ZONING DISTRICT: M-1 - Light Industrial District

REQUEST:

Staff request the passage of an amendment to the *Fairhope Zoning Ordinance, Article III.B. Table 3-1: Use Table - Zoning Districts and Specific Land Uses*. Specifically, to allow for a restaurant and accessory bar use as a special exception, permitted only on appeal and subject to special conditions, in the M-1 - Light Industrial District. Uses permitted only appeal, subject to special conditions, means:

1. An application for appeal must be made to the Zoning Board of Adjustment (ZBA). The ZBA will hold a public hearing on the appeal. The ZBA's decision will be made in accordance with the standards in Article II.C.3.e.
2. Special conditions contained in the Zoning Ordinance will be applied

This amendment includes a secondary issue regarding restaurants. The term "catering" is not defined in the Zoning Ordinance. In accordance with the ordinance, you must find the most analogous use. A restaurant is the most analogous use to catering. Staff is also requesting that this amendment include a definition for "catering commissary kitchen" to settle this issue and provide clear and consistent guidance on this issue.

RECOMMENDATION:

Staff recommends to approve as requested.

ATTACHMENTS:

- A. Proposed Amendment
- B. Industrial Development Board Meeting Minutes
- C. Staff Planning Commission Memo on M-1 Amendment
- D. Zoning Board of Adjustment Criteria for Appeal

DISCUSSION:

The Planning Commission recently heard a rezoning case (Case: ZC 19-03 The Hope Farm). The request was to rezone approximately 1.18 acres from M-1 Light Industrial District to B-2 General Business District, for the purposes of establishing a restaurant. The current Table of

Uses in the Zoning Ordinance (excerpt below) does not allow restaurants or bars in the M-1 district.

During the Planning Commission discussion, a specific concern was expressed about the lack of M-1 and industrial zoned property in the City. It was felt that the subject rezoning would further erode the limited supply of industrial zoned property in the City. The item was tabled for further discussion and consultation with the Industrial Development Board (IDB).

Staff attended the January 21, 2019, IDB meeting and discussed the rezoning. The IDB held a detailed discussion about the rezoning request and industrial zoned property in the City. The result of this meeting was a unanimous decision by the Industrial Development Board for the following recommendation: ***The re-zoning request should be denied and the M1 zoning designation in the City Ordinance should be revised to include restaurants and bars with the specific restriction of not allowing drive through service windows.***

This issue was also discussed by the Planning Commission on several occasions. A draft was presented for discussion at the March Planning Commission (see attached).

NEXT STEPS:

The Planning Commission's recommendation for these proposed zoning text amendments will be forwarded on to the City Council for their action. The City Council is the decision-making body for zoning text amendments.

ATTACHMENTS:

ATTACHMENT A: PROPOSED ORDINANCE

This amendment includes three parts:

1. Amendment to Article III.B. Table 3.1 Use Table, to allow restaurants and associated bars only on appeal subject to special conditions.
2. Amendment to Article III.D. Special Conditions for Uses, to include special conditions for restaurants and associated bars in the M-1 District.
3. Amendment to Article IX Section C. Defined Terms, to define the term "Caterer Commissary Kitchen".

Table 3-1: Use table

Zoning District	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 PUGH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	M-1	M-2	PUD	VRM	NVC	CVC	
Dwelling																					
Single-family	●	●	●			●	●	●		●	●	●	●	●				●			
Two-family						●	●	●		●	●	●	●	●				●			
Townhouse				2						2	2							2		2	
Patio Home					2													2			
Multiple-family / Apartment							2	●				○	○					2	2	2	
Manufactured Home									2												
Mixed-use										●	●	●	●	●							
Accessory Dwelling										2	2	2	2	2				2	2	2	
Estate										2	2	2	2	2				2	2	2	
Civic																					
Elementary School		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Secondary School		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Education Facility		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Library		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Place of Worship																					
Cemetery	○	○	○			○	○	○		○	○	○				○	○		○	○	
Hospital										○	○	○			○	○	○		○	○	
Public Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○			○	○	○		○	○	
Public Utility (??)	○	○	○			○	○	○		○	○	○			○	○	○		○	○	
Office																					
General										●	●		●	●	●	●	●		●	●	●
Professional										●	●		●	●	●	●	●		●	●	●
Home Occupation	2	2	2	2	2	2	2	2	2	2	2	2	2	2				2	2	2	
Retail																					
Grocery										●	●		●	●	●	●	●		●	●	●
Convenience Store										2	2		2		2	2			2	2	
General Merchandise										●	●		●	●	●	●			●	●	
Shopping Center											●										
Automobile Service Station										○	○								○	○	
Outdoor Sales Limited											○								○	○	
Outdoor Sales Lot											○								○	○	
Garden Center											○	○							○	○	
Service																					
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	
Clinic	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	
Outdoor Recreation Facility	○	○	○			○	○	○		○	○	○	●	○	○	○	○		○	○	
Day Care	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	
General Personal Services										●	●				●	●		●	●	●	
Mortuary or Funeral Home											○			○	○	○			○	○	
Automobile Repair											●				●	●		●	●	●	
Indoor Recreation										●	●		○		●	●		●	●	●	
Dry Cleaner / Laundry										●	●				○	○		○	○	○	
Personal Storage											○			2	2	○	○		○	○	
Bed & Breakfast												●						○	○	○	
Hotel / Motel											○	●	●						○	○	
Boarding House or Dormitory											○	●	●		●	●			○	○	
Recreational Vehicle Park												2			2	2			○	○	
Restaurant										○	●	○	●		○	○			○	○	
Bar											●	○	●						○	○	
Entertainment Venue											●	○	●						○	○	
Marina												○	○						○	○	
Kennel or Animal Hospital											○	○							○	○	
Warehouse															●	●					
Junk Yard or Salvage Yard															○	○					
Manufacturing																					
Limited											○			○	●	●			●	●	
Light															●	●			○	○	
General															○	○			○	○	
Food Processing																○					
Rural																					
Agriculture	●																				
Rural Market	●																				
Plant Nursery	●																				

Uses in the PUD District shall be specified based on a development plan according to the standards and procedures of this ordinance.

● Permitted subject to general ordinance standards and conditions.
 2 Permitted subject to special conditions listed in the ordinance.
 ○ Permitted only on appeal and subject to special conditions.

Article III.D. Special Conditions for Uses

11. Restaurants and Accessory Bars in the M-1 Light Industrial District.

a. Intent: The intent of these special conditions for restaurants and associated bars in the M-1 Light Industrial District is to provide a method for restaurants to be permitted in the M-1 district that are consistent with

b. Location Requirements:

This is specific to the M-1 Light Industrial District only.

c. Site Requirements:

(1) Prohibition of drive throughs. Restaurants shall not contain drive through windows or pick up windows. Restaurant must be a sit down style restaurant.

(2) Restaurant must be farm to table concept with food grown on site used as ingredients. Food grown on site may be sold to the public. * This limitation does not apply to the Fairhope Airport Authority.

Article IX Section C. Defined Terms

Caterer Commissary Kitchen: any person/entity who operates from a permitted food facility where food is prepared or stored then delivered and/or served at an off premise catered function.

~~Strikethrough indicates words to be stricken~~

Underline indicates words to be added

ATTACHMENT B: INDUSTRIAL DEVELOPMENT BOARD MINUTES

MEETING PURPOSE:

MEETING LOCATION: The Delchamps Room	MEETING DATE: January 16, 2019
RECORDED BY: Steve McClure	APPROVED BY:

PRESENT: Board members: Lee Webb, Tim Rosson, Ric Lacey, Steve McClure.
 Council Liaison, Jack Burrell participated by teleconference.
 CoFairhope Director of Planning, Wayne Dyess, AICP; CoFairhope Planner, Nancy Milford
 Various visitors

ITEM NO.	DESCRIPTION OF DISCUSSION	ACTION	STATUS
1.	Call to Order by Lee Webb at 5:00 p.m.		
2.	Mr. Webb advised he was asked by Bob Gentle to chair in Mr. Gentle's absence. Mr. Webb facilitated introductions for all in attendance.		
3.	A moment of silence was observed in honor of the recent passing of one of our fellow board members, Hubert Hinote.		
4.	Purpose of the Meeting – Mr. Webb advised that our primary agenda item was to review a recent rezoning request and make a recommendation to the Fairhope Planning Commission		
5.	The board was advised that before the Fairhope Planning Commission ruled on the re-zoning request, the Council thought it prudent to solicit an opinion from the Industrial Development Board as the inventory of MI was limited and finite.		
6.	Jack Burrell provided overall background on the parcel in question, the current zoning classification of MI and reviewed the remaining available MI parcels within the City of Fairhope.		
7.	Wayne Dyess and Nancy Milford provided a detailed zoning map of the city to show the board where the current remaining MI parcels are located and what the zoning is adjacent to the property in question.		
8.	The board conducted an in-depth review and extended discussion with Councilman Burrell and the City Planning staff, asking a number of detailed questions.		
9.	At the conclusion of the meeting, the Industrial Development Board unanimously approved the following recommendation: The re-zoning request should be denied and the MI zoning designation in the City Ordinance should be revised to include restaurants and bars with the specific restriction of not allowing drive through service windows. Motion: L. Webb, Second: D. Rosson, Unanimous FOR		
10.	Mr. Dyess provided clarification that several of the concerns expressed by the board were covered by existing ordinances such as lighting, parking, low impact development, etc. and were not required to be spelled out in our recommendation.		
11.	The meeting was adjourned at 5:58 p.m.		

ATTACHMENT C: STAFF PLANNING COMMISSION MEMO ON M-1 AMEDNMENT

Memo

Date: March 12, 2019

To: Fairhope Planning Commission

From: Planning Staff

Re: Restaurants in M-1 District

The Planning Commission recently heard a rezoning case (Case: ZC 19-03 The Hope Farm). The request was to rezone approximately 1.18 acres from M-1 Light Industrial District to B-2 General Business District, for the purposes of establishing a restaurant. The current Table of Uses in the Zoning Ordinance (excerpt below) does not allow restaurants or bars in the M-1 district.

Zoning District	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	M-1	M-2	PUD	VRM	NVC	CVC
Service																				
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○		○	○	○			●	●
Clinic	○	○	○			○	○	○		○	○	○		○	○	○			○	○
Outdoor Recreation Facility		○	○			○	○	○					●		○	○			○	○
Day Care	○	○	○			○	○	○		○	○	○		○	○	○			○	○
General Personal Services										●	●				○	○			○	○
Mortuary or Funeral Home											○			○	○	○			○	○
Automobile Repair											○				○	○			○	○
Indoor Recreation										●	●			○	○	○			○	○
Dry Cleaner / Laundry										●	○				○	○			○	○
Personal Storage											○			○	○	○			○	○
Bed & Breakfast											○		○	○	○	○		○	○	○
Hotel / Motel											○	○	○	○	○	○		○	○	○
Boarding House or Dormitory											○	○	○	○	○	○		○	○	○
Recreational Vehicle Park											○		○	○	○	○		○	○	○
Restaurant										○	○	○	○		○	○			○	○
Bar											○	○	○		○	○			○	○
Entertainment Venue											○	○	○		○	○			○	○
Marina											○	○	○		○	○			○	○
Kennel or Animal Hospital											○	○	○		○	○			○	○
Warehouse															○	○			○	○
Junk Yard or Salvage Yard															○	○			○	○

Uses in the PUD District shall be specified based on a devel

During the Planning Commission discussion, a specific concern was expressed about the lack of M-1 and industrial zoned property in the City. It was felt that the subject rezoning would further erode the limited supply of industrial zoned property in the City. The item was tabled for further discussion and consultation with the Industrial Development Board (IDB).

Staff attended the January 21, 2019, IDB meeting and discussed the rezoning. The IDB held a detailed discussion about the rezoning request and industrial zoned property in the City. The IDB concluded that

the M-1 Light Industrial District should be amended to allow restaurants and bars with specific prohibition against drive through service.

Staff reviewed their recommendation and researched the issue. The following recommendation is being made:

1. Amend the Table of Uses to include the following symbol " 3 " where restaurants and bars are in M-1 district in the table. This symbol represents a use that is "**Permitted subject to special conditions listed in the ordinance**".
2. The special conditions are:
 - a. Prohibition of drive throughs
 - b. Restaurant must be farm to table concept with food grown on site used as ingredients. Food grown on site may be sold to the public. * This limitation does not apply to the Fairhope Airport Authority.

ATTACHMENT D. ZONING BOARD OF ADJUSTMENT CRITERIA FOR APPEAL

Article II.C.3.e. Criteria –

(2) Any other application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of four Board members:

- (a) Compliance with the Comprehensive Plan;
- (b) Compliance with any other approved planning document;
- (c) Compliance with the standards, goals, and intent of this ordinance;
- (d) The character of the surrounding property, including any pending development activity;
- (e) Adequacy of public infrastructure to support the proposed development;
- (f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- (g) Compliance with other laws and regulations of the City;
- (h) Compliance with other applicable laws and regulations of other jurisdictions;
- (i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
- (j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
- (k) Overall benefit to the community;
- (l) Compliance with sound planning principles;
- (m) Compliance with the terms and conditions of any zoning approval; and
- (n) Any other matter relating to the health, safety, and welfare of the community.