

ORDINANCE NO. 1648

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE**

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

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, be and the same hereby is changed and altered in respect to that certain property described below:

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

The property of the Fairhope Single Tax Corporation, Doris F. Callies, William J. Callies, III, Michael E. Hollis and Leslie Callies generally located on the north side of Morphy Avenue, Fairhope, Alabama.

**PPIN #: 14482, 14655, 236236,
243084, 356333, 356334,
356335, 356336, and 356337**

Legal Description: (Case number ZC 19.01)

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND THENCE RUN NORTH 00°31'34" EAST A DISTANCE OF 20 FEET TO AN IRON PIN LYING ON THE NORTH RIGHT-OF-WAY LINE OF MORPHY AVENUE FOR THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 00°31'34" EAST A DISTANCE OF 641.43 FEET TO A POINT; THENCE CONTINUE NORTH 00°31'34" EAST A DISTANCE OF 104 FEET TO A POINT; THENCE RUN NORTH 89°53'00" WEST A DISTANCE OF 136.30 FEET TO A POINT; THENCE RUN SOUTH 00°31'34" WEST A DISTANCE OF 104 FEET TO A POINT; THENCE RUN NORTH 89°53'00" WEST A DISTANCE OF 144.23 FEET TO A POINT; THENCE RUN SOUTH 00°21'21" WEST A DISTANCE OF 406.32 FEET TO A POINT; THENCE RUN SOUTH 00°38'45" WEST A DISTANCE OF 235.92 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MORPHY AVENUE; THENCE RUN NORTH 89°57'00" EAST ALONG THE NORTH RIGHT-OF-WAY OF MORPHY AVENUE A DISTANCE OF 279.80 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

1. **That**, a map of the property to be zoned is attached as Exhibit A.
2. **That**, the following development regulations shall govern:
 - a. The lessees of the Callies Division agree that rezoning can be granted based upon the express condition that, when developed, the rezoned property and lots will be accessed only from Morphy Avenue and not Fairhope Avenue. If the lot currently owned within the Faust Division by Doris Faust Callies (PPIN 14655) is included in a future subdivision to be constructed on the Callies Division, this lot also shall have access only from Morphy Avenue and not Fairhope Avenue. If the Doris Callies lot (PPIN 14655) is not so included and remains a part of the Faust Division, it shall continue to have access from Fairhope Avenue.

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- b. The lot and home leased in the Callies Division by Michael and Leslie Hollis (PPIN 236236) currently has access from Fairhope Avenue and shall continue to have access from Fairhope Avenue in accordance with Beecher Street Common Road and Maintenance Agreement. At such time as the home is demolished and removed in order to develop the lots within the Callies Division, access to this lot shall be only from Morphy Avenue and not Fairhope Avenue.

The property is hereby rezoned from R-2 Medium Density Single Family Residential District to R-3 High Density Single Family Residential District. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

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

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

ADOPTED THIS 22ND DAY OF APRIL, 2019



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk



City Council
 April 2019
 Zoning Change
 Case: ZC 19.01 Hollis/Callies Property

Project Name:
 Hollis/Callies Property

Project Type:
 Rezoning 4.3 acres from R-2 Medium Density Single Family Residential District to R-3 High Density Single Family Residential District

Jurisdiction:
 Fairhope Corporate Limits

PPIN Number:
 14655, 356335, 356334, 356333, 14482, 356336, 356337, 236236 and 243084

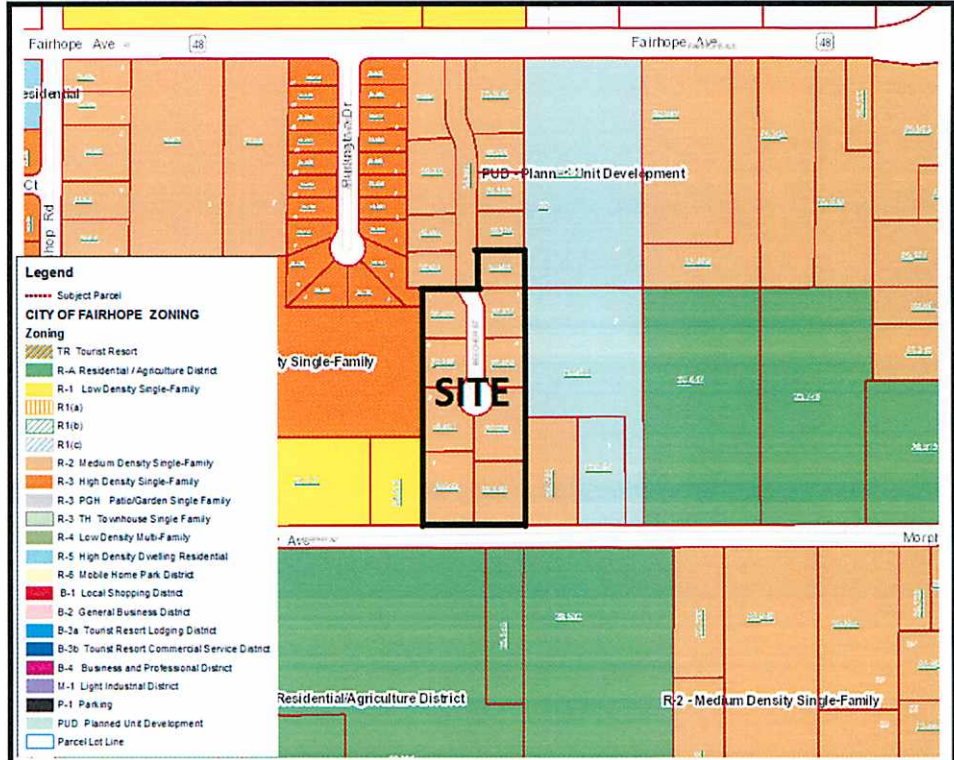
General Location:
 East of Bishop Road, West of CR 13, South of Fairhope Ave. North of Morphy Ave., due South of Beecher Str.

Applicant:
 Daniel G. Blackburn, on behalf Doris Callie

School District:
 Fairhope Elementary, Intermediate, Middle, and High Schools

Staff Recommendation:
 Approve

PC Recommendation:
 Approve with conditions

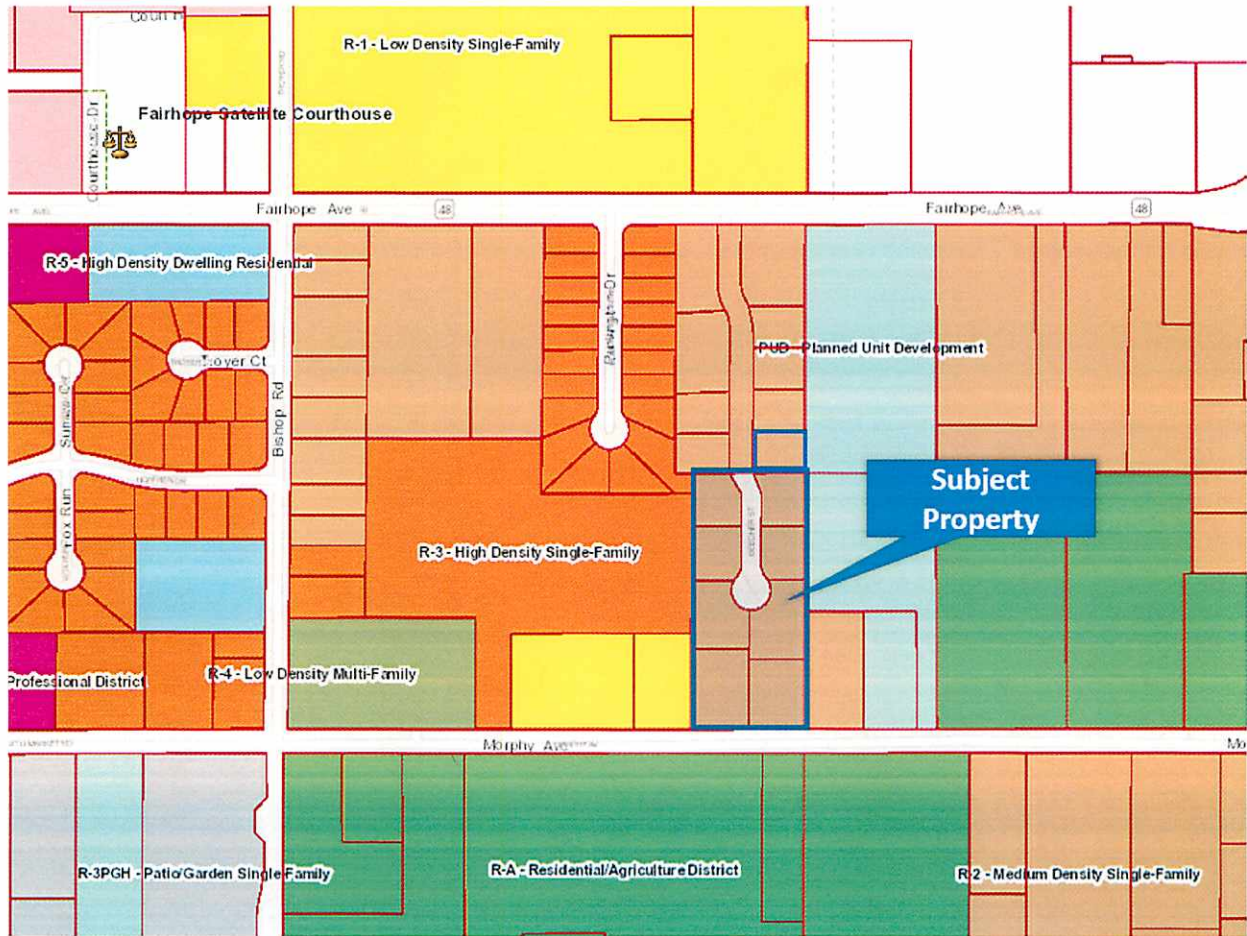


Summary of Request:

The applicant wishes to rezone approximately 4.2 from R-2 - Medium Density Single-Family Residential District to R-3 - High Density Single-Family Residential District.

Zoning History of Nearby Properties:

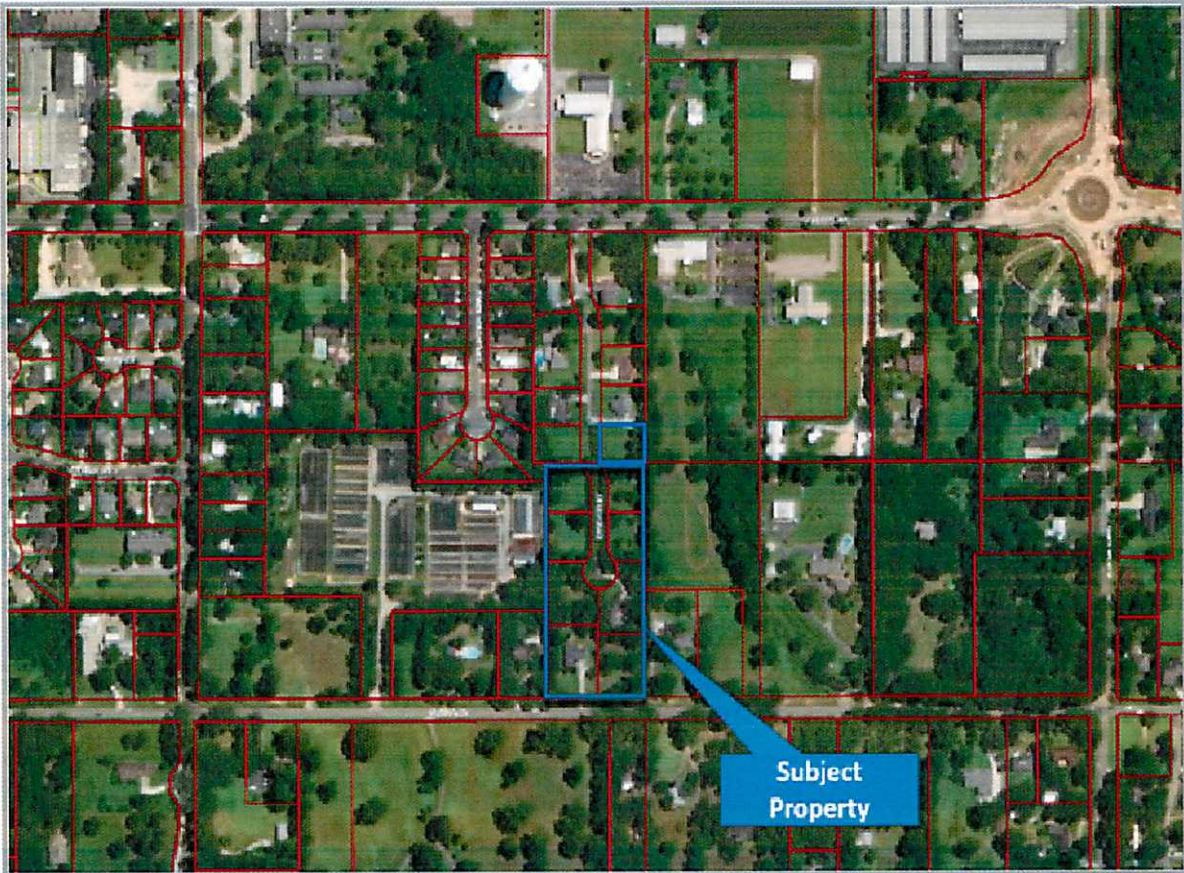
Approximately 13.6 acres of property adjoining the subject property to the west is zoned R-3 - High Density Single-Family Residential District. The property to the north of the subject R-2 - Medium Density Single-Family Residential District. There are smaller parcels zoned Planned Unit Development (PUD), R-1 - Low Density Single-Family Residential District, and R-A - Residential/Agriculture District (see below).



Current Conditions:

The subject property is currently comprised of 8 lots and contains 2 single family homes. The remaining 6 lots are undeveloped.







Looking east on Morphy Ave.



Looking west on Morphy Ave.

Comments:

Fairhope Zoning Ordinance

Article II.C(e).

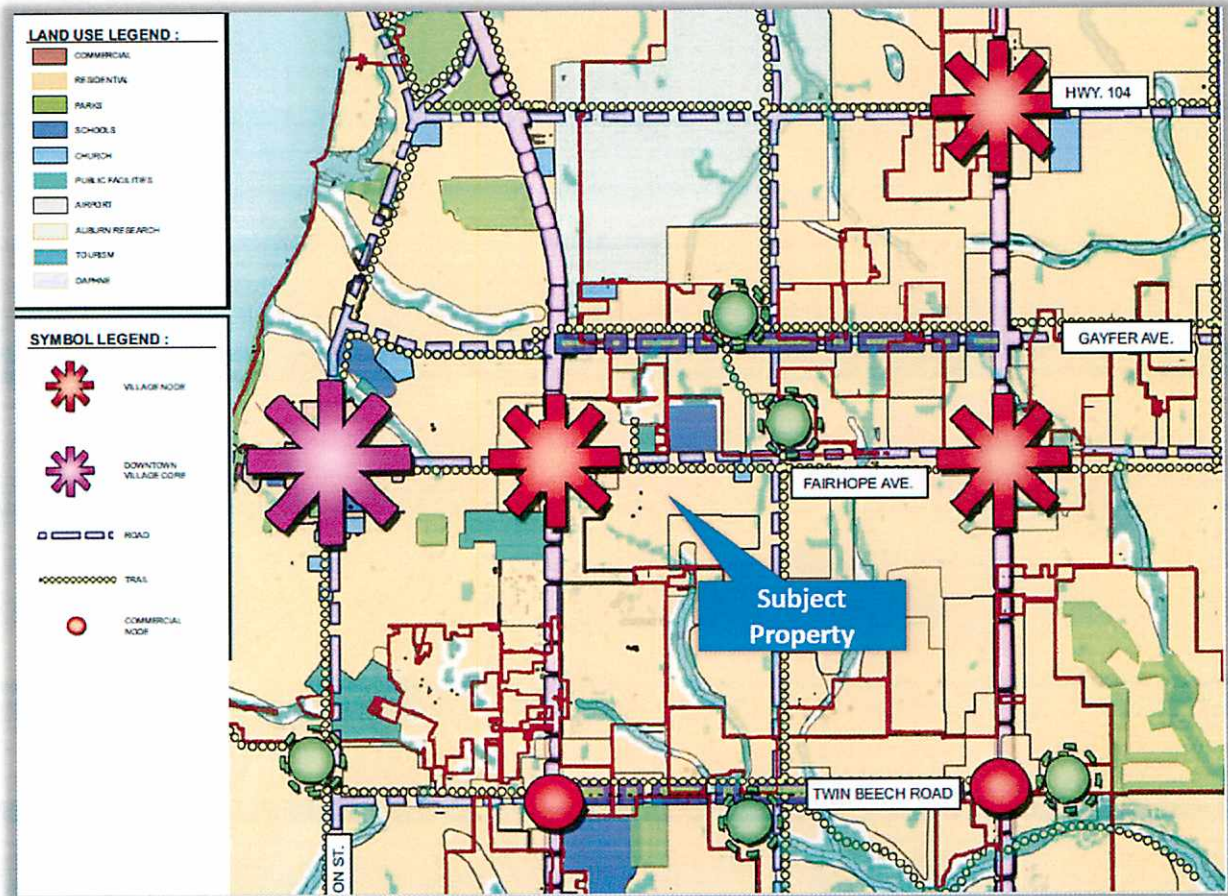
Criteria – The application shall be reviewed based on the following criteria:

(1) Compliance with the Comprehensive Plan;

Response:

The subject property has a land use of residential and is located between two Village Node (Fairhope Avenue and Greeno Road and State Highway 104 and Fairhope Avenue. According to the 2006 Comprehensive Plan,

there are four land use types: Village Centers, Neighborhoods, Edges/Rural Areas and Special Districts¹. “Higher-density residences should be located more closely to Village Centers or fronting major street corridors. Lower-density residences should transition to Edges, and Rural areas, or align landscaped boulevards².” The subject is approximately .7 miles from the Greeno Road Village Center, and is within the “impact area” of the village center as described in the 2006 land use plan illustration³.



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

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-3	7,800 s.f./ -	65'	30'	35'	8' ^b	20'	35%	30'

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

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

¹ 2006 Comprehensive Plan, Section 5.1 DEVELOPMENT PATTERNS: CENTERS, NEIGHBORHOOD, EDGE, RURAL, page 43

² 2006 Comprehensive Plan, Section 5.4 Neighborhoods – Form, Function and Design, page 48

³ 2006 Comprehensive Plan, SECTION 4 LAND USE PLAN, page 24

The proposed rezoning keeps the property as a residential use. The current use of the surrounding properties is either a plant nursery and residential. The property consisting of the plant nursery (property border subject property to the west) is zoned R-3 - High Density Single-Family Residential District. This rezoning is not anticipated to have an impact to the predominant residential character of the area.

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

Response:

The subject property and its 8 lots are currently being served with water, sewer and gas. If a rezoning is approved with a slight increase in density, no adverse impacts are anticipated.

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

Response:

The subject property currently contains 8 lots with 2 lots containing single family homes. Therefore, the subject property has previously been disturbed.

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

Response:

Staff will insure all laws and applicable regulations are followed.

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

Response:

Staff will insure all laws and applicable regulations are followed.

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

Response:

As stated previously, the subject property will remain residential. No impacts to adjacent property from a use perspective is anticipated. The proposed R-3 - High Density Single-Family Residential District is consistent with adjoining property and other properties in the immediate area.

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

Response:

The current use of the surrounding properties is either a plant nursery and residential. The proposed use remains residential. No additional impacts are expected with this rezoning.

Staff Recommendation:

Staff recommends that Case: ZC 19.01 Hollis/Callies Property, rezoning 4.3 acres from R-2 Medium Density Single Family Residential District to R-3 High Density Single Family Residential District, be **APPROVED**.

Planning Commission Recommendation:

Art Dyas made a motion to accept the staff recommendation to **APPROVE** the request with the following conditions:

1. The property subject to the rezoning request lies immediately south of eight (8) lots fronting Beecher Street owned by various members of the Faust family. For ease of reference the eight (8) Faust lots on Beecher Street, depicted on the attached Exhibit A, are hereinafter referred to as the "Faust

Division.” The property leased by the Callies and Hollis families, depicted on the attached Exhibit B, will be referred to as the “Callies Division.”

2. The lessees of the Callies Division agree that rezoning can be granted based upon the express condition that, when developed, the rezoned property and lots will be accessed only from Morphy Avenue and not Fairhope Avenue. If the lot currently owned within the Faust Division by Doris Faust Callies lot (PPIN 14655) is included in a future subdivision to be constructed on the Callies Division, this lot also shall have access only from Morphy Avenue and not Fairhope Avenue. If the Doris Callies lot (PPIN 14655) is not so included and remains a part of the Faust Division it shall continue to have access from Fairhope Avenue.
 3. The lot and home leased in the Callies Division by Micheal and Leslie Hollis (PPIN 236236) currently has access from Fairhope Avenue and shall continue to have access from Fairhope Avenue in accordance with Beecher Street Common Road and Maintenance Agreement attached as Exhibit C. At such time as the home is demolished and removed in order to develop the lots within the Callies Division, access to this lot shall be only from Morphy Avenue and not Fairhope Avenue.
- Jack Burrell 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar and Jack Burrell. NAY – Richard Peterson.