

ORDINANCE NO. 1661

**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 Myrtle F. Bung, Trustee of the Myrtle F. Bung Living Trust generally located on the west side of S. Section Street just south of Pecan Avenue, Fairhope, Alabama.

SUMMER LANE PUD

PPIN #: 5611

Legal Description: (Case number ZC 19.12)

LOT 2, RE-PLAT OF PART OF BLOCK 53 OF MAGNOLIA BEACH, FAIRHOPE, ALABAMA, AS SHOWN IN MAP OR PLAT RECORDED IN SLIDE 2635-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½ INCH CAPPED REBAR AT THE SOUTHEAST CORNER OF LOT 1, RE-PLAT OF PART OF BLOCK 53 OF MAGNOLIA BEACH, FAIRHOPE, ALABAMA, AS SHOWN IN MAP OR PLAT RECORDED IN SLIDE 2635-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°12'13" EAST ALONG THE WEST RIGHT OF WAY OF SOUTH SECTION STREET, A DISTANCE OF 63.09 FEET TO A ½ INCH CAPPED REBAR; THENCE LEAVING SAID WEST RIGHT OF WAY, RUN SOUTH 89°47'47" WEST, A DISTANCE OF 50.00 FEET TO A ½ INCH CAPPED REBAR; THENCE RUN SOUTH 00°12'13" EAST, AND PARALLEL TO SAID WEST RIGHT OF WAY, A DISTANCE OF 70.05 FEET TO A ½ INCH CAPPED REBAR; THENCE RUN NORTH 89°47'47" EAST, A DISTANCE OF 50.00 FEET TO A ½ INCH CAPPED REBAR ON SAID WEST RIGHT OF WAY; THENCE RUN SOUTH 00°12'13" EAST ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 103.04 FEET TO A POINT ON THE NORTH LINE OF LOT 2, BIGHEAD INDUSTRIAL SITES, AS SHOWN IN MAP OR PLAT RECORDED IN SLIDE 1072-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 48°00'22" WEST ALONG SAID NORTH LINE, A DISTANCE OF 281.04 FEET TO A POINT; THENCE RUN NORTH 56°55'01" WEST ALONG PART OF SAID NORTH LINE OF LOT 2 AND ALONG THE EASTERLY LINE OF COVERED BRIDGE ESTATES, AS SHOWN BY MAP OR PLAT RECORDED IN SLIDE 905-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 487.00 FEET TO A 1 INCH CRIMP TOP; THENCE RUN NORTH 37°42'52" EAST A DISTANCE OF 276.46 FEET TO A 5/8 INCH REBAR ON THE SOUTHEAST CORNER OF SUMMER LANE; THENCE RUN NORTH 37°26'30" EAST, A DISTANCE OF 194.11 FEET TO A 5/8 INCH ON THE SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 1, RE-PLAT OF PART OF BLOCK 53 OF MAGNOLIA BEACH; THENCE RUN SOUTH 56°53'58" EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 392.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE CITY OF FAIRHOPE, BALDWIN COUNTY, ALABAMA AND CONTAINING 227,418 SQUARE FEET (5.22 ACRES) MORE OR LESS.

1. **That**, attached as "Exhibit A" is an approved site plan. The property must develop in substantial conformance with the approved site plan and supporting documents. Any substantial deviation from the attached site plan, as determined by the Director of Planning, will require re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama, as a PUD amendment.

2. **That**, the following development regulations shall govern:

Lots: There shall be 15 lots.

Use: Lots shall be single family residential.

Setbacks:

Principal Structure: Front – 20’, Rear – 16’, and Side – 8’, and Street Side – 8’.

Accessory Structure: Front – Behind rear building line of principal structure, Rear 16’ for side entry garage or 21’ for alley entry garage, Side – Same as principal structure, and Street Side – Same as principal structure.

Lot Coverage:

Principal Structure: Shall not exceed 32.5%.

Accessory Structure: Shall not exceed 600 square feet.

Building Height: Maximum building height shall be 30’.

Accessory Structure Separation Between Principal Structure: Shall not be less than 5’.

Lot Access: All lots shall be accessed from the rear alley.

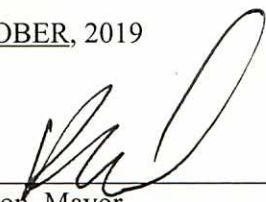
Fences: Fences shall not be constructed along the rear lot lines of Lots 6, 7, 8, 9, 10, and 11 without acceptable written documentation from the City of Fairhope Building Official or his/her representative.

The property is hereby rezoned from M-1 Light Industrial District to Planned Unit Development (PUD). 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 9TH DAY OF OCTOBER, 2019



Karin Wilson, Mayor

ATTEST:



Lisa Hanks, MMC
City Clerk

Ord. No. 1661 Published in
FAIRHOPE COURIER
on Wednesday, October 23, 2019
Lisa Hanks City Clerk



City Council

September 2019

Zoning Change: M-1 to PUD

Case: ZC 19.12 Summer Lane PUD

Project Name:

Summer Lane PUD

Project Type:

Zoning Change From M-1 Industrial District To PUD-Planned Unit Development

Jurisdiction:

City of Fairhope

PPIN Number:

5611

General Location:

West side of Section Street
Approximately 300' south of the intersection of Pecan Ave and Section Street.

Project Acreage:

Approximately 5.2 acres

Engineer:

Dewberry Engineers, Inc

Applicant:

Dewberry Engineers, Inc

School District:

Fairhope Elementary, Intermediate Middle, and High Schools

Staff Recommendation:

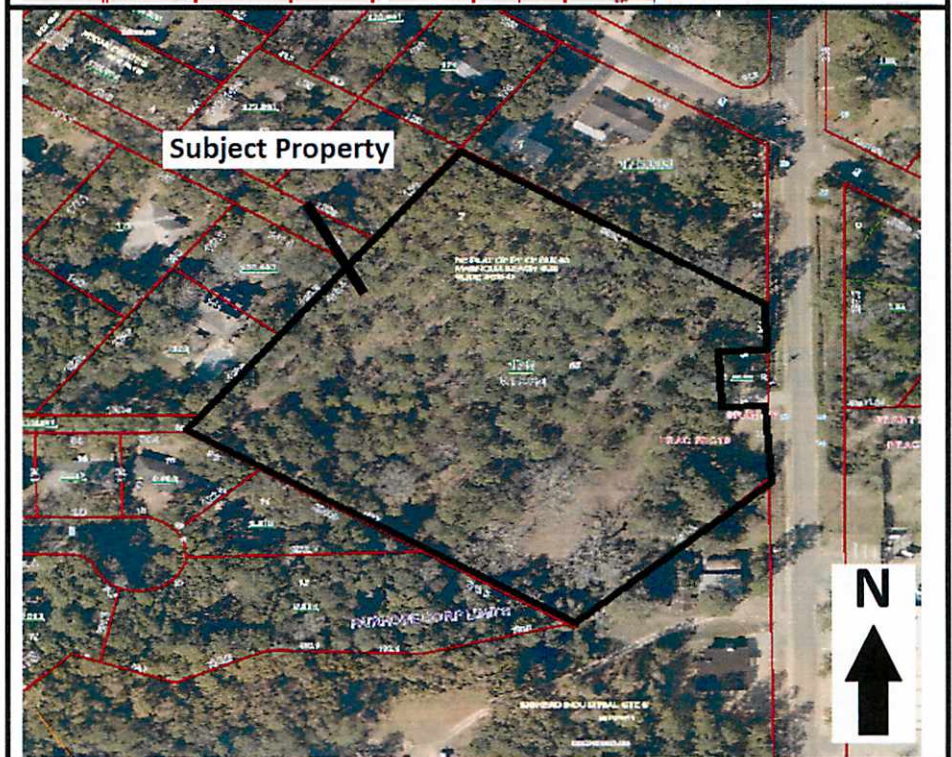
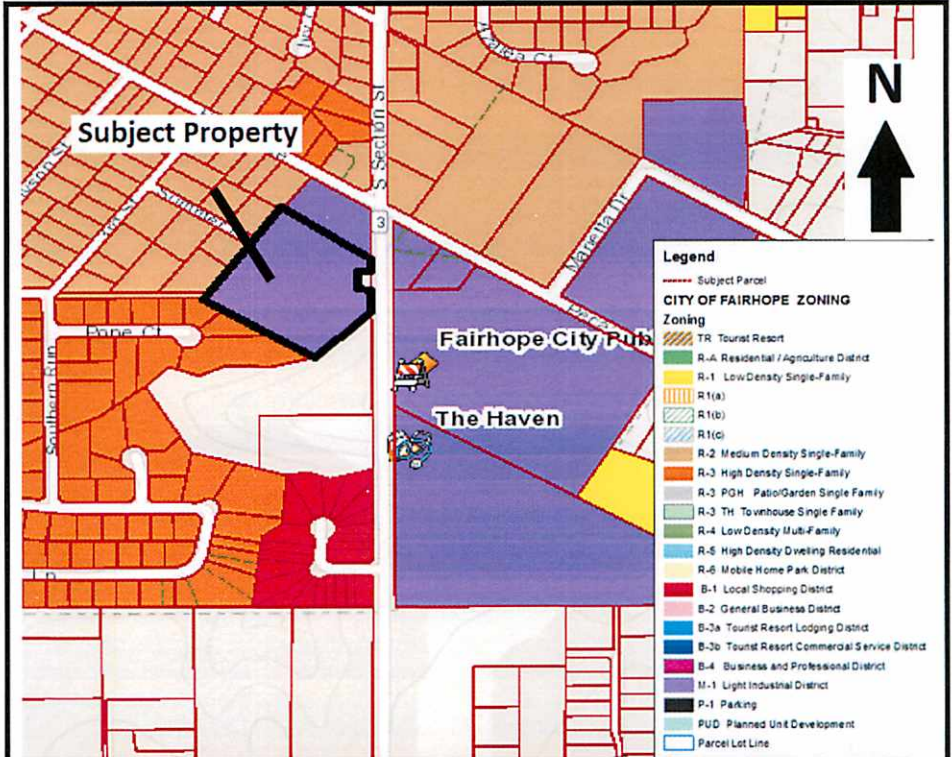
Approve without waivers

PC Recommendation:

Approve without waivers

Reviewed by:

Mike Jeffries, QCI
City Planner



Summary of Request:

The applicant is requesting a re-zoning of approximately 5.2 acres from M-1 Light Industrial to a PUD- Planned Unit Development. The property is located approximately 300' south of the intersection of Pecan Ave. and Section Street on the west side of Section Street. The applicant is proposing 15 single family dwelling units. The requested density is 2.87 units per acre.

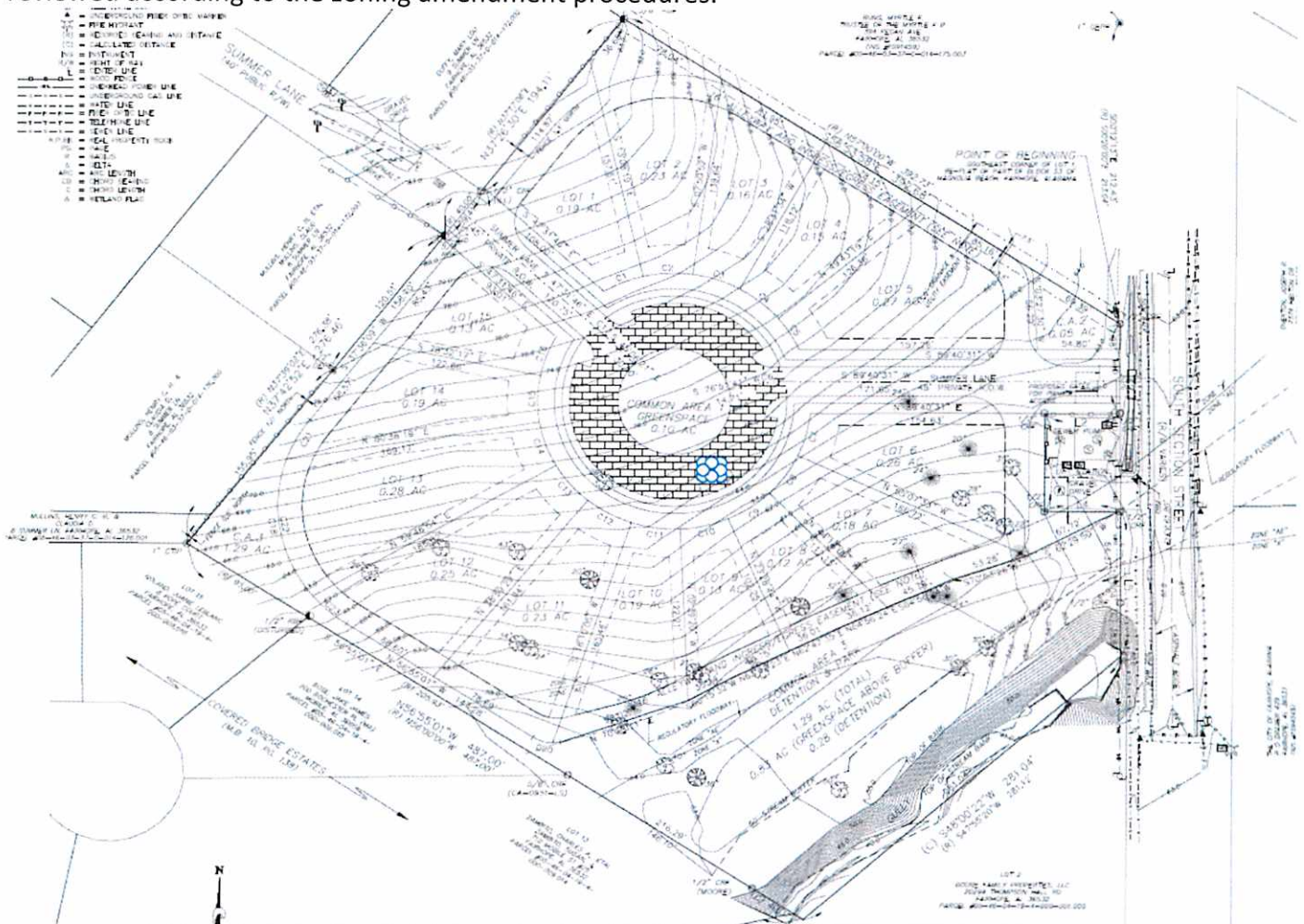
The concept for this development as provided by the applicant:

Provide a village concept with all residences sharing common architectural designs and elements per an established pattern book, to give the development a true cohesive architectural plan. All of the exterior materials will be similar in color and the general roof slopes will be the same. The Summer Lane site plan design places a priority on community, social interaction, shared green spaces and a pedestrians, cyclist, and golf cart friendly environment.

Current Conditions:

The subject property currently is a maintained wooded vacant parcel and has a gully on the southeastern side of the property.

The site plan below was provided pursuant to the Fairhope Zoning Ordinance, Article II.C.2(a) which says in part "Initiation – Review of (preliminary) site plans accompanying a zoning map amendment shall be reviewed according to the zoning amendment procedures."



Comments:

Fairhope Zoning Ordinance

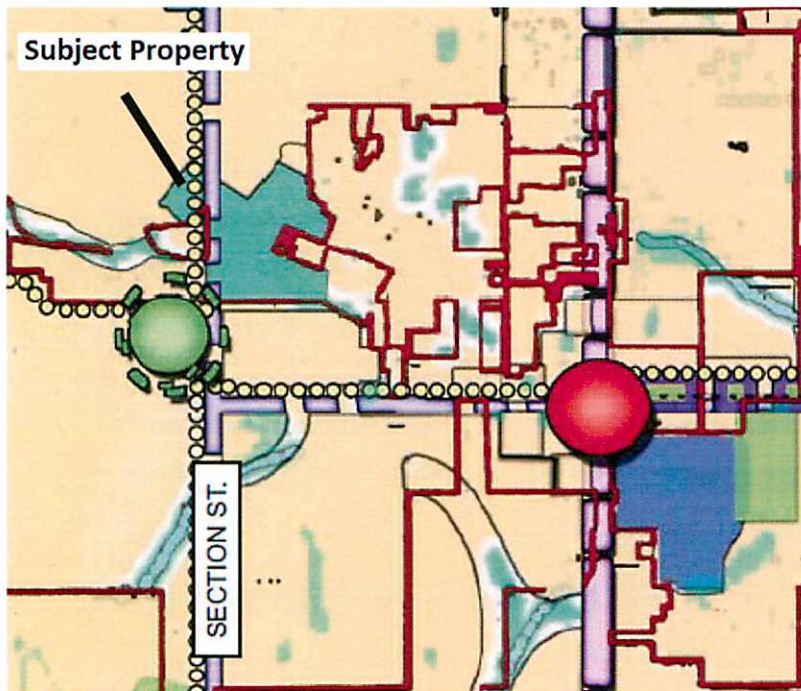
Article II.C(e).

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

(1) Compliance with the Comprehensive Plan;

Response:

The requested zoning is a PUD which is intended to encourage innovative development that meets the comprehensive plan goals and is tailored to the unique constraints and conditions of a particular site. The proposed PUD is a single-family residential use designed around the natural features and limited road frontage on Section Street and Summer Lane. This development proposes to connect to an existing dead end street improving connectivity and the development is in walking distance to Fairhope parks and the down town area.



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

Response:

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

Building Setbacks:

- Front – 20'
- Rear – Alley
- Side – 8'
- Street Side – 8'
- Max Building Height – 30'
- Max Lot Coverage – 32.5%

Parking:

- 4 Spaces per lot (2 enclosed or covered, 2 outside)
- 13 guest spaces at roundabout

If the rezoning is approved, any subsequent subdivision plat must conform to the above standards which will be included on the site plan.

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

Response:

The proposed PUD will utilize lots that are approximately 45' in width at the building setback line. The zoning of the surrounding property is R-3 High Density Single-Family to the north and southwest, R-2 Medium Density Single-Family to the west, north, and northwest, and M-1 to the north and across Section Street on the east side. The M-1 property to the norths current use is single family with the subject property owners residence and the M-1 property across Section Street houses the City of Fairhope's Public Works.

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

Response:

Fairhope Utilities are readily available and upsizing or improvement needs would be reviewed during the subdivision process.

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

Response:

The subject property has a gully located on it and there is a proposed retention/detention pond in the southeast corner of the property to capture and treat the stormwater runoff from the site before entering the gully. Additional LID techniques may be required during the subdivision process to ensure post development flow is less than or equal to pre-development flow. And to ensure a minimum of 80% total suspended solids removal.

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

Response:

At the time of development all applicable laws of the City will be applied. There will be the need for various waivers from Fairhope's Subdivision Regulations during the subdivision process if this zoning change request is approved.

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

Response:

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

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

Response:

Staff does not anticipate any significant issues relating to these criteria. A traffic study shall be required for all applications that will generate an average daily traffic (ADT) count of 1,000 trips or more, or which will generate 50 trips or more during any peak hour period.

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

Response:

Staff does not anticipate any significant issues relating to these criteria. A traffic study may be required

Comments:

The proposed PUD characterizes the intent of the PUD district by proposing an innovative design that is not your typical lot and block subdivision that could not be done in any other zoning district. The proposed design is to allow for a community to be developed near the downtown area that has very minimal maintenance and promotes a pedestrian friendly environment. The applicant goes into detail in the attached narrative.

The design for this community also incorporates some aspects that would require multiple waivers from the subdivision regulations to be approved by the Planning Commission during the subdivision process. They desire to have the entrance from Section Street gated, to have private roads, to have non-paved roads. The private non paved roads then require a waiver to create lots not on paved publicly maintained road. The 15% green space requirement based on the net density is met but only by counting the 16' alley as one continuous driveway and not a private ROW. During the subdivision process this could require a waiver as well.

There is an alleged mapping error on the FEMA Flood Maps and the applicant is on the process of requesting a Letter of Map Amendment (LOMA) through FEMA. A flood way is mapped north of where the topographic survey shows the gulley being located. Staff does not disagree that there may be a possible error but, because of this the site had to be designed around where the floodway is mapped. If this PUD is approved and the LOMA is granted by FEMA a possible PUD amendment could be done to increase the lot sizes and other small aspects of the design.

Although staff approves of the design and concept of this project staff can not recommend approval of a PUD that would require the Planning Commission to also approve the various waivers that would be associated with the subdivision application.

Staff Recommendation:

Staff recommends Case: ZC 19.12 Summer Lane PUD be **APPROVED** without any waivers.

Planning Commission Recommendation:

The Planning Commission of the City of Fairhope, at its August 5, 2019 regular meeting, Robert Brown made a motion to recommend **APPROVAL** of the rezoning from M-1 Light Industrial District to PUD (Planned Unit Development) without granting any waivers requests. Richard Peterson 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Harry Kohler, Lee Turner, Richard Peterson, Clarice Hall-Black, and Robert Brown. NAY – none.