

**ORDINANCE NO. 1664**

**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 Gayfer Village Partners, Inc. generally located on the west side of State Hwy. 181 between Gayfer Road and Fairhope Avenue, Fairhope, Alabama.

**KLUMPP PUD**

**PPIN #: 24160, 236701 and 316793**

**Legal Description:** (Case number ZC 19.13)

COMMENCE AT A RAILROAD SPIKE AT THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 15 1320.55 FEET TO A POINT; RUN THENCE SOUTH 00-22-18 WEST, 29.73 FEET TO A CAPPED REBAR MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF GAYFER AVENUE FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED, SAID POINT BEING THE NORTHEAST CORNER OF "WHITE GROVE SUBDIVISION, UNIT TWO" AS RECORDED ON SLIDE 1344-B IN THE BALDWIN COUNTY PROBATE RECORDS, CONTINUE THENCE SOUTH 00-22-18 WEST, ALONG THE EAST LINE OF SAID SUBDIVISION, 1298.08 FEET TO A CAPPED REBAR MARKER AT THE SOUTHEAST CORNER OF SAID SUBDIVISION; RUN THENCE SOUTH 00-56-09 WEST, 1297.18 FEET TO A CAPPED REBAR MARKER ON THE NORTH RIGHT-OF-WAY LINE OF FAIRHOPE AVENUE; RUN THENCE SOUTH 89-55-36 EAST, ALONG SAID RIGHT-OF-WAY LINE, 1178.82 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 45-24-21 EAST, 132.28 FEET TO A CAPPED REBAR MARKER ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 27; RUN THENCE NORTH 00-44-18 EAST, ALONG SAID WEST RIGHT OF WAY LINE, 229.22 FEET TO A CAPPED REBAR MARKER; THENCE CONTINUE NORTH 00-44-18 EAST, ALONG SAID RIGHT-OF-WAY, 107.86 FEET TO A CAPPED REBAR MARKER; THENCE RUN NORTH 04-44-33 EAST, ALONG SAID RIGHT-OF-WAY, 100.24 FEET TO A CAPPED REBAR MARKER; THENCE RUN NORTH 00-44-18 EAST, ALONG SAID RIGHT-OF-WAY, 433.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-44-18 EAST, ALONG SAID RIGHT-OF-WAY LINE, 1562.96 FEET TO A CAPPED REBAR MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF GAYFER AVENUE; RUN THENCE SOUTH 89-57-26 WEST, ALONG SAID RIGHT-OF-WAY LINE, 1282.66 FEET TO THE POINT OF BEGINNING; CONTAINING 75.93 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:

A master drainage plan shall be required for the entire site and included with the initial subdivision submittal.

**UNIT 1:**

Lots: There shall be 16 commercial lots.

Site Plan Review: A stand-alone site plan review shall be required for each lot.

Use: Commercial uses shall be restricted to the B-2 requirements in the Fairhope Zoning Ordinance.

Dimension Standards: Setbacks, building height, and lot coverage shall be per the B-2 requirements.

Drainage and Detention: Each lot shall provide its own stormwater control and detention and shall meet the Storm water Standards requirements in the Fairhope Subdivision Regulations.

Parking: Parking shall meet the requirements of the Fairhope Zoning Ordinance.

**UNIT 2:**

Lots: There shall be one lot.

Units: The number of units shall not exceed 232.

Site Plan Review: A stand-alone site plan review shall be required.

Multiple Occupancy Project Review: A multiple occupancy project review shall be required.

Use: The use of Unit 2 shall be restricted to the R-5 requirements in the Fairhope Zoning Ordinance.

Dimension Standards: The setbacks, building height, and lot coverage shall be per the R-5 requirement. The R-5 minimum lot width shall not apply, and the lot dimension shall be a 40' front setback on the western line of Unit 2; and a 30' setback on all other lot lines.

Drainage and Detention: Drainage and detention shall meet the Storm water Standards requirements in the Fairhope Subdivision Regulations.

Parking: Parking shall meet the requirements of the Fairhope Zoning Ordinance.

**UNIT 3:**

Lots: There shall be 67 single family residential lots.

Subdivision Approval: The subdivision review process as outlined in the Fairhope Subdivision Regulations shall be required.

Use: The use of Unit 3 shall be restricted to the R-3 requirements in the Fairhope Zoning Ordinance.

**Dimension Standards:**

Setbacks: Front – 20', Rear – 35', Side – 7.5', and Street Side – 20'.

Lot Width: The minimum lot width shall be 55'.

Lot Area: The minimum lot area shall be 6,000 square foot.

Building Height: The maximum building height shall not exceed 30'.

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Lot Coverage: The maximum total lot coverage by principle structure shall not exceed 45%.

Drainage and Detention: Drainage and detention shall meet the Storm water Standards requirements in the Fairhope Subdivision Regulations.

Common detention shall be provided in the Common Area of Unit 3 for all lots in Unit 3.

Landscape Buffer: A 10' wide landscape buffer shall be required along the full width of the western boundary of Unit 3 as required by the Fairhope Tree/Landscape Ordinance.

**The property is hereby initially zoned Planned Unit Development (PUD) concurrent with annexation into the City of Fairhope.** 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 25TH DAY OF NOVEMBER, 2019

  
\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk



**CITY OF FAIRHOPE**  
**P.O. DRAWER 429**  
**FAIRHOPE, AL 36533**  
**251/928-2136**

**PETITION FOR ANNEXATION**

STATE OF ALABAMA           )(  
 COUNTY OF BALDWIN       )(

We, the undersigned PETITIONER(S), owner(s) of the lands in fee simple described in the attached EXHIBIT A, such property being without the Corporate Limits of the City of Fairhope, Alabama, but being contiguous to the said Corporate Limits; and such property not lying within the corporate limits or police jurisdiction of any other municipality, do, by these presents, hereby petition the City of Fairhope, a municipal corporation, that said property be annexed into the City of Fairhope, Alabama.

The subject land is delineated on the map attached hereto as EXHIBIT B.

This petition is filed under authority of Section 11-42-21, Code of Alabama, 1975, as amended.

This petition is for R-1 Zoning

The condition of the Petition is that zoning be established as PUD  
**Concurrent with Annexation.** (Zoning Request)

Is this property colony property \_\_\_\_ Yes X No. If this property is colony property the Fairhope Single Tax Office must sign as a petitioner.

[Signature]  
 Signature of Petitioner

Tom Mitchell  
 Print petitioner's name

\_\_\_\_\_  
 Signature of Petitioner

\_\_\_\_\_  
 Print petitioner's name

\_\_\_\_\_  
 Signature of Petitioner

\_\_\_\_\_  
 Print petitioner's name

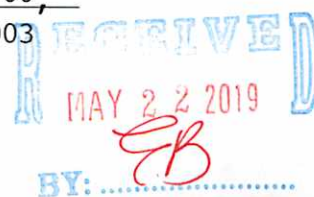
Physical Address of property being annexed: 20751 State Highway 181

Petitioner's Current Physical Address:  
805 Trione Street  
Daphne, AL 36526

Petitioner's Current Mailing Address:  
PO Box 130  
Daphne, AL 36526

Telephone Number(s): 251-421-6250  
Home Work

County Tax Parcel Number: 46-05-15-0-000-001.001, 46-05-15-0-000-001.000,  
46-05-15-0-000-001.003



**U.S JUSTICE DEPARTMENT INFORMATION**

- Size of property (acres or square feet) 75.93 acres
- If property is occupied, give number of housing units 1
- Number of Persons residing in each unit, and their race 4, white
- If property is unoccupied, give proposed use N/A
- If property is being developed as a subdivision, give subdivision name  
N/A
- Number of lots within proposed subdivision N/A

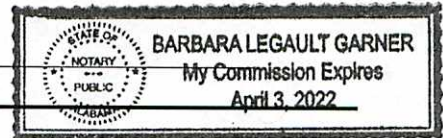
I, Barbara LeGault Garner a Notary Public in and for said State and County, hereby certify that Tom Mitchell whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.



Given under my Hand and Seal this 22nd day of May, 2019,

Barbara LeGault Garner  
Notary Public

My commission expires \_\_\_\_\_



I, \_\_\_\_\_ a Notary Public in and for said State and County, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

(Seal)

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

I, \_\_\_\_\_ a Notary Public in and for said State and County, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

(Seal)

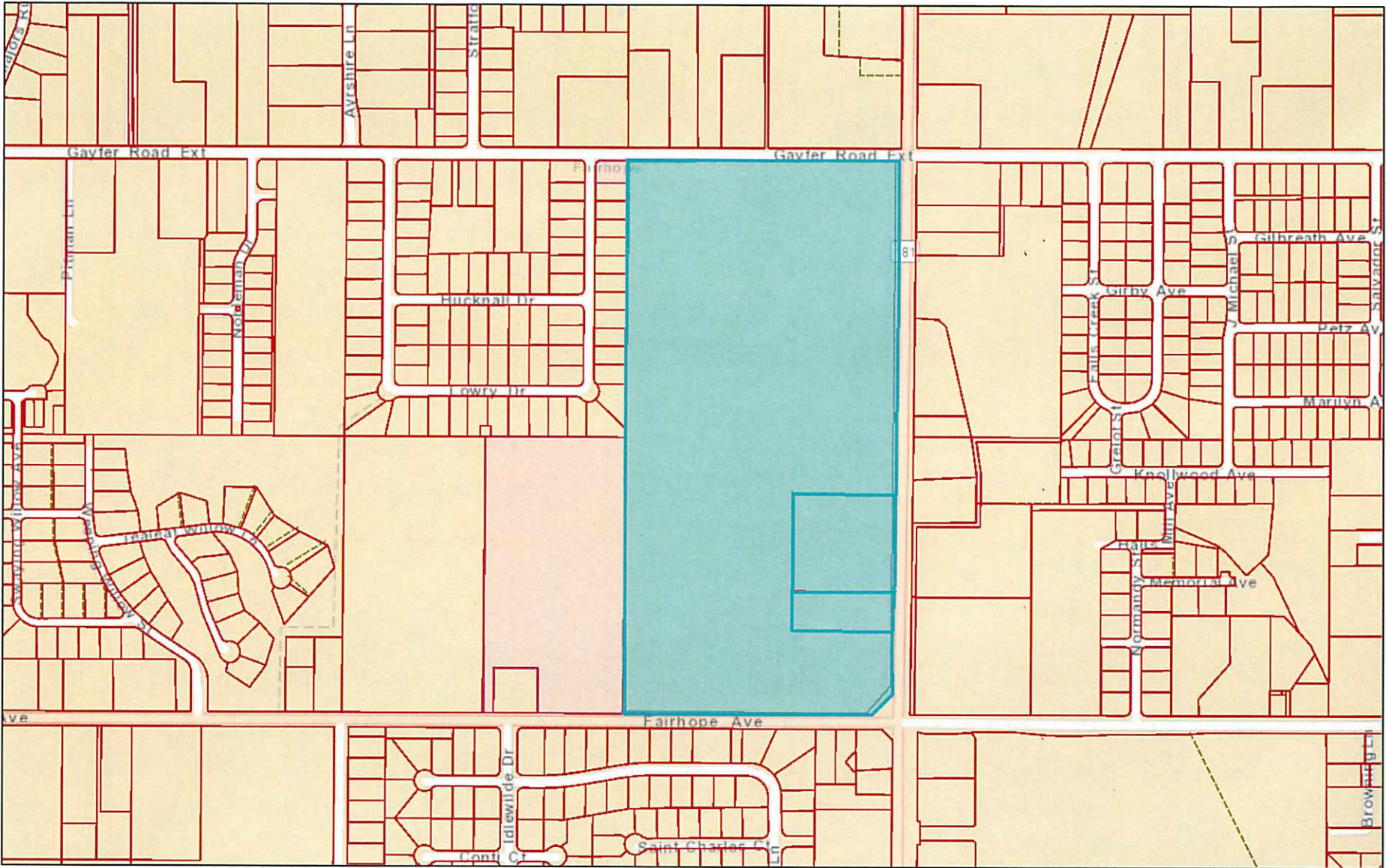
\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

BARBARA LEGAL T. GARNER  
My Commission Expires  
April 3, 2025

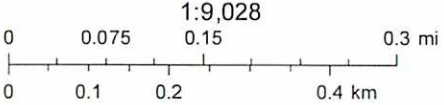
STATE OF ALABAMA  
NOTARY PUBLIC  
BARBARA LEGAL T. GARNER  
MY COMMISSION EXPIRES  
APRIL 3, 2025

# EXHIBIT B Viewer Map



May 22, 2019

<b>polygonLayer</b>	<b>polylineLayer</b>	Lot Lines
Override 1	Override 1	County Boundary
Override 2	Parcels	



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

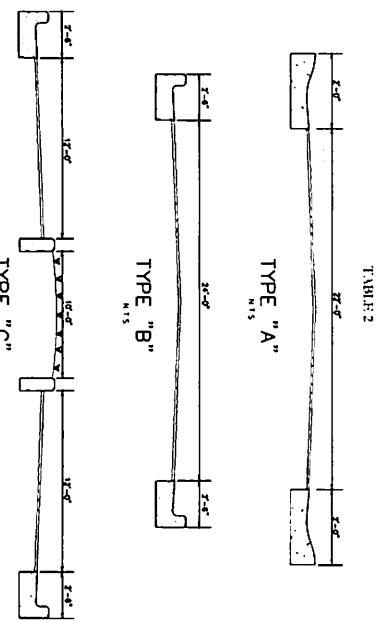




A B C D E F G H

**PROPERTY DESCRIPTION**  
 STATE OF ALABAMA  
 COUNTY OF BALDWIN  
 COMMENCE AT A BALDWIN STREET AT THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 15 1380 FEET TO A POINT FROM WHICH AN ALIQUOT PART OF SAID SECTION 15 IS TO BE TAKEN FOR THE SOUTH RIGHT-OF-WAY LINE OF GARFIELD AVENUE FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED, SAID POINT BEING THE NORTHEAST CORNER OF WHITE GROVE SUBDIVISION UNIT TWENTY AS RECORDED ON SLICE 134-4-8 IN THE ALABAMA COUNTY DEED RECORD, CONTAINING THECE SOUTH 02-27-18 WEST 1/2 OF SAID SECTION 15, ALIQUOT PART OF SAID SECTION 15, BEING THE NORTHWEST CORNER OF SAID SUBDIVISION, RUN THENCE SOUTH 04-04-09 WEST, 1297.31 FEET TO A CURVED REBAR MARKER ON THE NORTH RIGHT-OF-WAY LINE OF PARADISE AVENUE, RUN THENCE SOUTH 88-28-28 EAST, ALONG THE NORTH 43-4-11 EAST, 1329 FEET TO A CURVED REBAR MARKER ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 27, RUN THENCE NORTH 00-44-18 EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 229.22 FEET TO A CURVED REBAR MARKER TO A CURVED REBAR MARKER, THENCE RUN NORTH 04-42-18 EAST ALONG SAID RIGHT-OF-WAY LINE, 100.24 FEET TO A CURVED REBAR MARKER, THENCE RUN NORTH 00-44-18 EAST, ALONG SAID RIGHT-OF-WAY LINE, 423.07 FEET TO A CURVED REBAR MARKER, RUN THENCE NORTH 04-42-18 EAST, ALONG SAID RIGHT-OF-WAY LINE, 1982.89 FEET TO A CURVED REBAR MARKER, THENCE SOUTH 88-28-28 EAST, ALONG THE SOUTH 04-04-09 WEST, 1297.31 FEET TO A CURVED REBAR MARKER ON THE NORTH RIGHT-OF-WAY LINE OF PARADISE AVENUE, RUN THENCE SOUTH 88-28-28 EAST, ALONG THE NORTH 43-4-11 EAST, 1329 FEET TO A CURVED REBAR MARKER ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 27, RUN THENCE NORTH 00-44-18 EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 229.22 FEET TO A CURVED REBAR MARKER TO A CURVED REBAR MARKER, THENCE RUN NORTH 04-42-18 EAST ALONG SAID RIGHT-OF-WAY LINE, 100.24 FEET TO A CURVED REBAR MARKER, THENCE RUN NORTH 00-44-18 EAST, ALONG SAID RIGHT-OF-WAY LINE, 423.07 FEET TO A CURVED REBAR MARKER, RUN THENCE NORTH 04-42-18 EAST, ALONG SAID RIGHT-OF-WAY LINE, 1982.89 FEET TO A CURVED REBAR MARKER, THENCE SOUTH 88-28-28 EAST, ALONG THE SOUTH 04-04-09 WEST, 1297.31 FEET TO A CURVED REBAR MARKER ON THE NORTH RIGHT-OF-WAY LINE OF PARADISE AVENUE, CONTAINING 75.83 ACRES, MORE OR LESS.

1. Damage, utility and pedestrian statements will be provided and recorded as necessary during site plan and subdivision approval.
2. Each lot of each unit must provide and maintain positive drainage for adjacent properties that may be discharging onto it.
3. This PUD does not propose the installation of sidewalks along State Highway 181.
4. Sidewalks (from 5' wide) will be provided along both sides of every public street within the PUD at the time the streets are constructed.
5. Sidewalks within all Unit 1 and Unit 2 lots will be designed and constructed in accordance with the Site Plan approved for each lot.
6. This PUD document will not be affected by future revisions to the current, September 2019, City of Fairhope's Zoning Ordinance.
7. This PUD document will not be affected by future M O P or Subdivision Modifications issued by the City of Fairhope.



**TYPICAL ROAD SECTIONS**

UNIT AND RIGHT-OF-WAY ACRES	ACRES EXCLUDING R.O.W.	ACRES OF R.O.W.
UNIT 1	28.79	6.67
UNIT 2	23.20	3.16
UNIT 3	14.11	9.83
TOTAL SITE	66.10	

UNIT	LOT(S)	ZONING DISTRICT	ALLOWED USES	REQUIREMENTS	REQUIREMENTS	PLANNING	REVIEW	APPROVAL	APPROVAL
1	1-16	R-3	R-3	Shall be designed and constructed in accordance with the Stormwater Standards of the Fairhope Subdivision Regulations.	Shall be designed and constructed in accordance with the Stormwater Standards of the Fairhope Subdivision Regulations.	B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z	See Part 6 of the Fairhope Zoning Ordinance.	Yes*	In accordance with Article II - Procedure of the Fairhope Zoning Ordinance, the applicant shall follow the following procedure: 1. Submittal of Site Plan Application by applicant 2. Determination by Director of Planning and Building that the application is complete 3. Review and recommendation by Planning Commission with optional public hearing 4. Final decision by City Council
2	1	R-5	R-5	Shall be designed and constructed in accordance with the Stormwater Standards of the Fairhope Subdivision Regulations.	Shall be designed and constructed in accordance with the Stormwater Standards of the Fairhope Subdivision Regulations.	B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z	See Part 6 of the Fairhope Zoning Ordinance.	Yes*	In accordance with Article IV - Procedure for Final Approval of the Fairhope Subdivision Regulations, Unit 3 shall follow the following steps: 1. Submittal of Preliminary Final Application by applicant 2. Determination by Director of Planning and Building that the application is complete 3. Review and recommendation by Planning Commission with optional public hearing 4. Final decision by City Council
3	1-67 and Common Area	R-3	R-3	Shall be designed and constructed in accordance with Stormwater Standards of the Fairhope Subdivision Regulations.	Shall be designed and constructed in accordance with the Stormwater Standards of the Fairhope Subdivision Regulations.	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z	See Part 7 of the Fairhope Zoning Ordinance.	Yes*	In accordance with Article IV - Procedure for Final Approval of the Fairhope Subdivision Regulations, Unit 3 shall follow the following steps: 1. Submittal of Preliminary Final Application by applicant 2. Determination by Director of Planning and Building that the application is complete 3. Review and recommendation by Planning Commission with optional public hearing 4. Final decision by City Council

- NOTES**
- a. The zoning dimensions for Unit 2, Lot 1 are modeled after, but not identical to, the zoning requirements for R-5 found in the Fairhope Zoning Ordinance. The following exceptions apply:
    1. The minimum lot width shall not apply. The lot dimensions shall be as shown on the PUD drawing.
    2. The zoning dimensions for Unit 3, Lots 1-67, are modeled after, but not identical to, the zoning requirements for R-3 found in the Fairhope Zoning Ordinance. No changes to Residential Accessory Structures are allowed. The following exceptions apply:
      1. The minimum lot width shall be 55'.
      2. The minimum lot area shall be 6,000 S.F.
      3. The front setback shall be 20'.
      4. The side setback shall be 7.5'.
      5. The maximum total lot coverage by principle structure shall be 45%.
      6. Additional street side setbacks shall not apply.
    - c. Each lot in Unit 1 shall provide its own stormwater control and detention.
    - d. Common detention shall be provided in the Common Area of Unit 3 for all lots in Unit 3.
    - e. This PUD document, along with the City of Fairhope's Ordinances, Regulations, and review processes will provide a development that complies with the City's Comprehensive Plan.

# EXHIBIT A

<p><b>NOTES</b></p> <p>NO SCALE</p> <p>2</p> <p>Sheet 2 of 2</p>	<p>KLUMPP PUD</p> <p>APPROVED SITE DEVELOPMENT</p> <p>FAIRHOPE, ALABAMA</p> <p>GMC Project: CMO8190186</p>	<p>AUGUST 2019</p>	<p>2039 Main Street</p> <p>Daphne, AL 36526</p> <p>T 251.626.2626</p> <p>GMCNETWORK.COM</p>	
		<p>DRAWN BY JHP</p> <p>CHECKED BY</p>		



# City Council

Case: ZC 19.13 Klumpp PUD

1<sup>st</sup> Reading: October 28, 2019

## Conditional Annexation and rezoning to Planned Unit Development

**Project Name:**

Klumpp PUD

**Site Data:**

Unit 1 – 28.79 acres +/-

Unit 2 – 23.20 acres +/-

Unit 3 – 14.11 acres +/-

ROW – 9.83 acres +/-

**Project Type:**

Conditional Annexation to PUD

**Jurisdiction:**

City of Fairhope Planning Jurisdiction

**Zoning District:**

Unzoned Baldwin County *Planning District 14*

**PPIN:** 236701, 24160, 316793

**General Location:**

Northwest corner of Fairhope Avenue / CR 48 and State HWY 181

**Engineer of Record:**

Mr. Scott Hutchinson, PE  
Goodwyn, Mills, and Cawood

**Owner:**

Gayfer Village Partners, LLC

**Developer:**

Mr. Tom Mitchell on behalf of  
Gayfer Village Partners

**School District:**

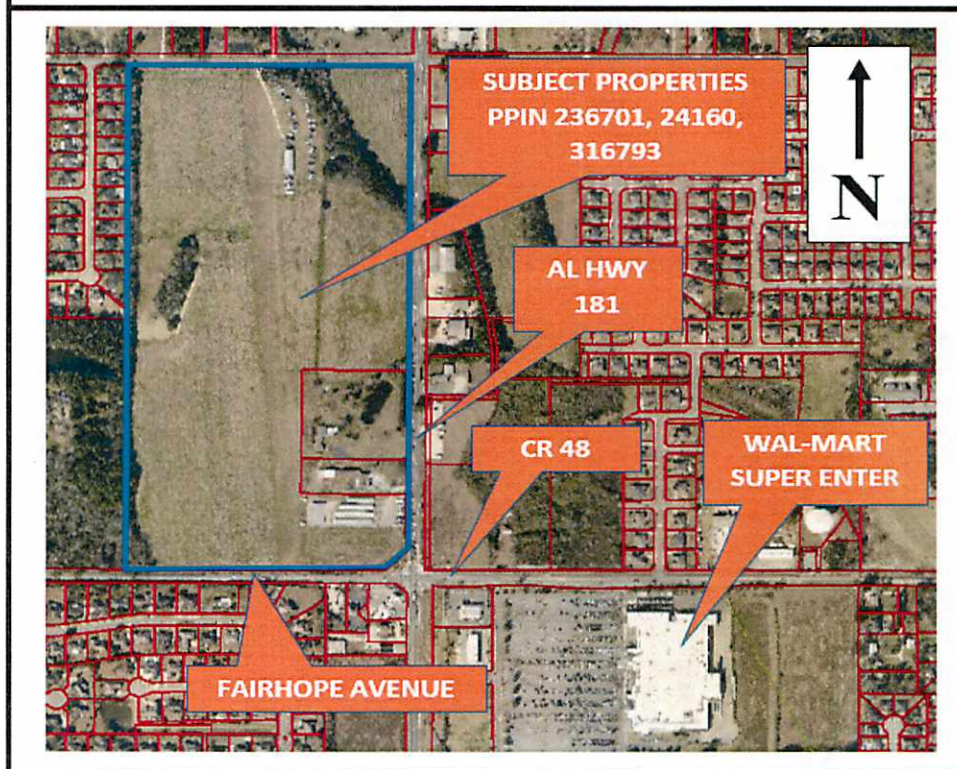
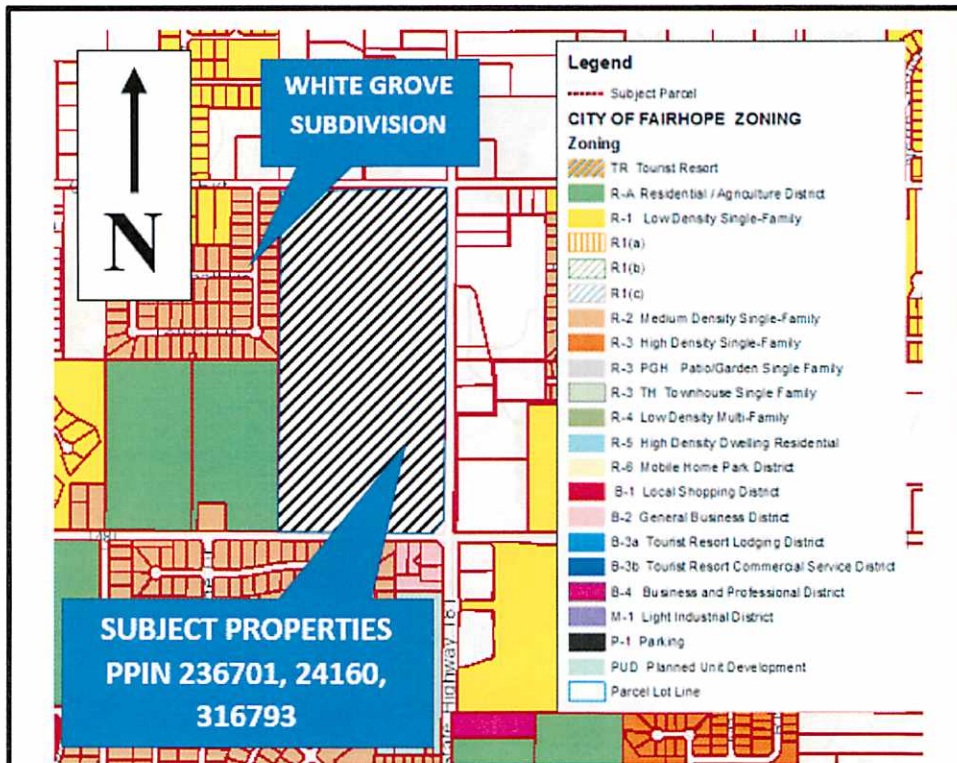
Fairhope Elementary School  
Fairhope Middle and High Schools

**Recommendation:**

Approval with conditions

**Prepared by:**

J. Buford King,  
Development Services Manager

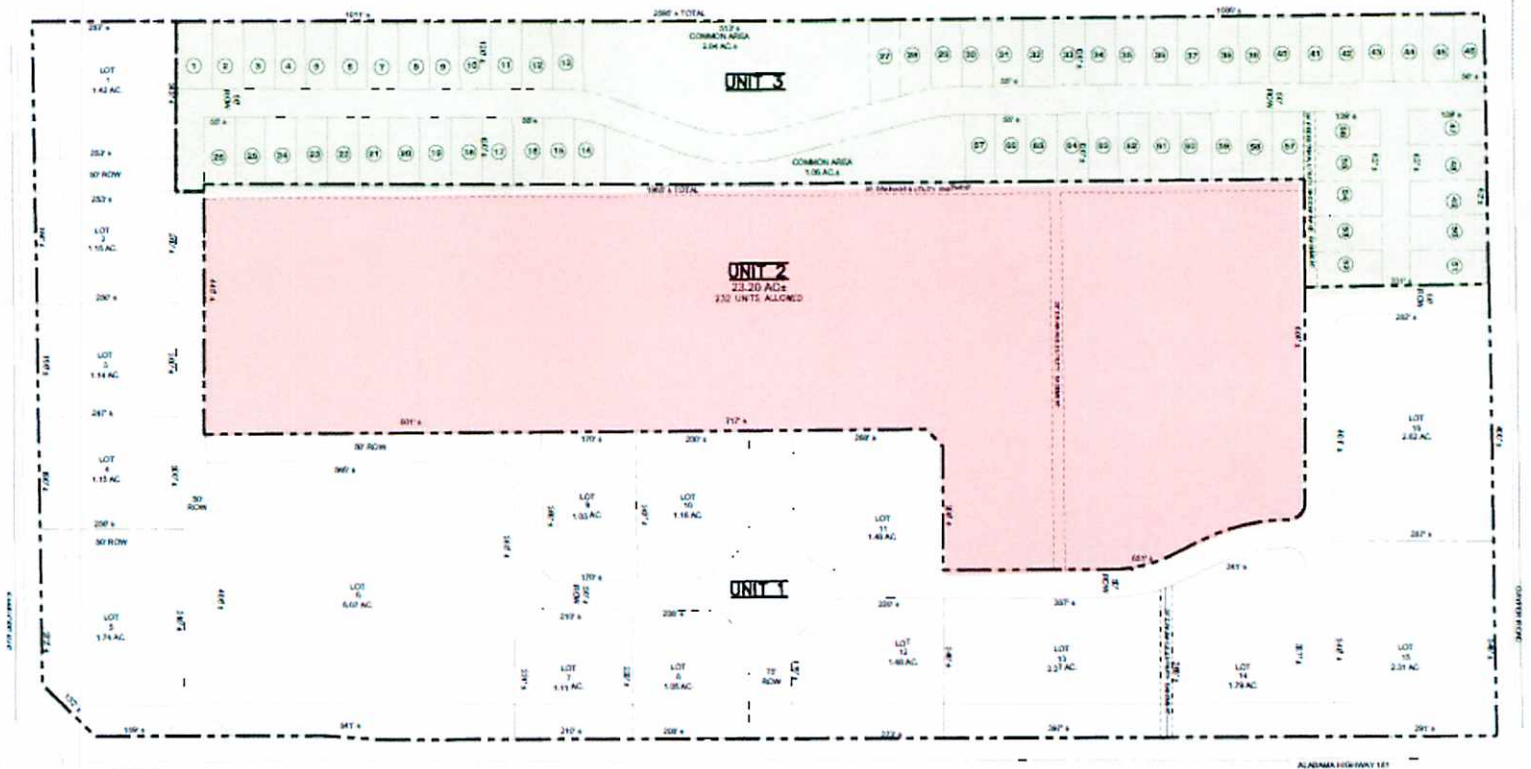


**Summary of Request:**

The applicant is seeking concurrent annexation and rezoning of approximately 75.93 acres +/- from unzoned Baldwin County to the City of Fairhope as a Planned Unit Development (PUD). The subject property is located at the northwest intersection of State Highway 181 and Fairhope Avenue/County Road 48 and extends north to the southwest corner of State Highway 181 and Gayfer Avenue/County Road 30. The subject property is bordered to the northwest by the adjoining White Grove subdivision, zoned R-2 medium density single family residential, and bordered to the southwest by the adjoining PPIN 14493 zoned R-A residential agricultural. The subject property adjoins Idlewild Subdivision (R-2) to the south, separated by the Fairhope Avenue right-of-way (ROW) as well as various properties comprising the southwest intersection of Fairhope Avenue and HWY 181, all zoned B-2 general business district. All remaining properties adjoining subject property are separated from subject property via ROW and are located within unzoned Baldwin County Planning District 14.

**Comments:**

The subject property is comprised of one large (PPIN 236701) generally rectangular parcel fronting AL HWY 181, Fairhope Avenue, and Gayfer Road Extension, all paved, publicly-maintained streets. PPINs 24160 and 316793 are inclusive of PPIN 236701 and will likely become functions of a future subdivision.



The site plan supporting Case number ZC 19.13 is included above in excerpted form and color-coded to reflect the “units” proposed for the PUD. An approximate acreage breakdown on each unit is included on the cover page of this staff report, and the acreage of the lots within each unit is included in the site plan drawing. The proposed uses of the various units are noted in the chart on the following page, which is an excerpt from the site plan provided with subject application. Supporting Drawings 1 of 2 and 2 of 2 are requested as exhibits to the PUD ordinance. The color-coding of the site plan is coordinated with the use chart shown at the top of the next page:

TABLE 1								
UNIT	LOTS	ZONING DIMENSION STANDARDS	ALLOWED USES	DRAINAGE AND DETENTION	ROADWAY TYPE	PARKING	CITY OF FAIRHOPE COMPREHENSIVE PLAN COMPLIANCE	CITY OF FAIRHOPE APPROVAL PROCESS
1	1-16	B-2	B-2	Shall be designed and constructed in accordance with the Stormwater Standards of the Fairhope Subdivision Regulations <sup>a</sup>	B (see Table 2 of PUD)	See Parking of the Fairhope Zoning Ordinance	Yes <sup>b</sup>	In accordance with Article II – Procedures of the Fairhope Zoning Ordinance, each lot of Unit 1 shall follow the Site Plan Review Procedures. This process requires, in general, the following steps: 1. Submittal of Site Plan Application by applicant 2. Determination by Director of Planning and Building that the application is complete 3. Review and recommendation by Planning Commission with optional Public Hearing 4. Final decision by City Council
2	1	R-5 <sup>c</sup>	R-5	Shall be designed and constructed in accordance with the Stormwater Standards of the Fairhope Subdivision Regulations	B.C (see Table 2 of PUD)	See Parking of the Fairhope Zoning Ordinance	Yes <sup>b</sup>	In accordance with Article II – Procedures of the Fairhope Zoning Ordinance, each lot of Unit 2 shall follow the Site Plan Review Procedures. This process requires, in general, the following steps: 1. Submittal of Site Plan Application by applicant 2. Determination by Director of Planning and Building that the application is complete 3. Review and recommendation by Planning Commission with optional Public Hearing 4. Final decision by City Council
3	1-67 and Common Area	R-3 <sup>d</sup>	R-3	Shall be designed and constructed in accordance with Stormwater Standards of the Fairhope Subdivision Regulations <sup>d</sup>	A (see Table 2 of PUD)		Yes <sup>e</sup>	In accordance with Article IV-Procedure for Plat Approval of the Fairhope Subdivision Regulations, Unit 3 shall follow the Subdivision Review Procedures. This process requires, in general the following steps: 1. Submittal of Preliminary Plat Application by applicant 2. Determination by Director of Planning and Building that the application is complete 3. Planning Commission Public Hearing and review 4. Planning Commission decision 5. Pre-Construction Conference 6. Upon completion of construction, the applicant submits a Final Plat Application 7. Determination by the Director of Planning and Building that the application is complete 8. Final decision by Planning Commission

- **Unit 1** (28.79 acres +/-) contains 16 lots with allowable uses and lots sizes identical to B-2 General Business District Zoning. The developer requests, via inclusion of drawing 2 of 2 in the PUD ordinance, self-imposing the Site Plan Review procedure as included within Fairhope’s Zoning Ordinance.
- **Unit 2** (23.20 acres +/-) depicted in light red identically replicates the use of R-5 High Density Dwelling Residential (10 units per acre, for 232 units total) but requests the lot size shown on the site plan drawing 1 of 2 in lieu of the allowable number of dwelling units included within Table 3-2 in the City of Fairhope Zoning Ordinance. Similar to Unit 1 Unit 2 will be required to follow the Site Plan Review procedure included in *The City of Fairhope Zoning Ordinance* as a self-imposed requirement of the PUD.
- **Unit 3** (14.11 acres +/-) depicted in light green contains 67 residential lots modeled after an R-3 zoning district with modifications that reduces the minimum lot size and increases the allowable lot coverage. At the time of development activities unit 3 shall follow the City of Fairhope’s Subdivision Review Process and comply with the current Subdivision Regulations in addition to the requirements of the PUD ordinance. The original submission to the Planning Commission included 77 single family lots, however the reduction to 67 single family lots reflects conditions of approval required by the Planning Commission.

**Article II Section C.1.e Criteria**

Fairhope’s Zoning Ordinance contains nine (9) criteria by which an application for re-zoning shall be reviewed:

- (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.

The review comments for each criteria are discussed in detail below.

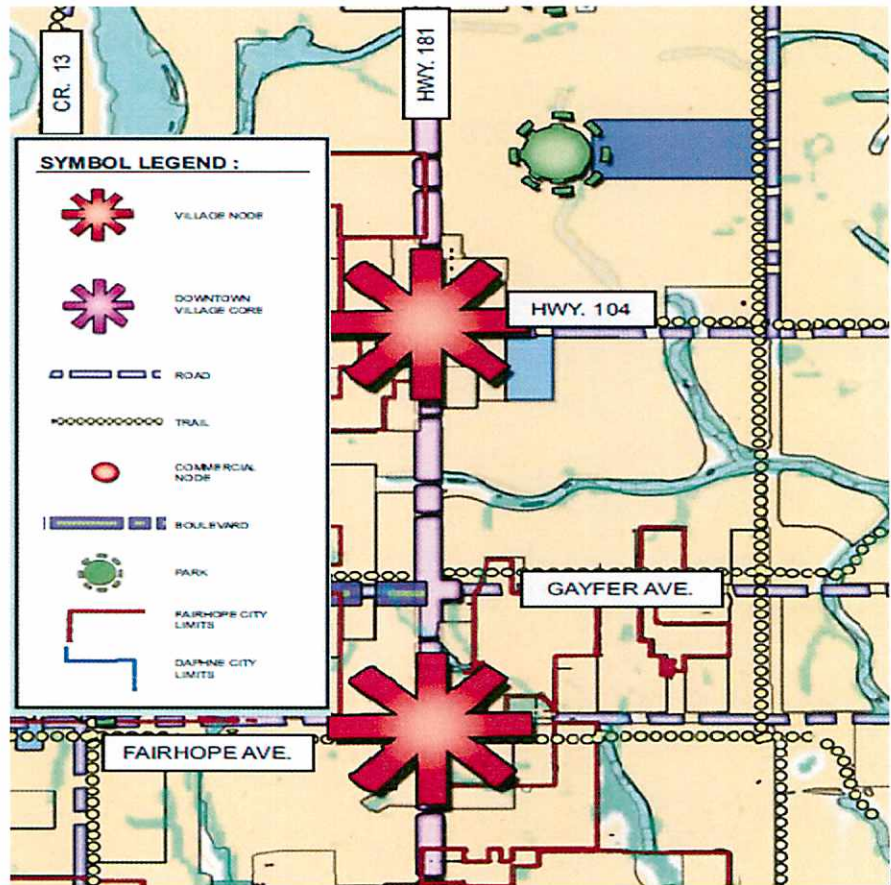
(1) Compliance with the Comprehensive Plan;

**Response:**

**Fairhope Comprehensive Plan Guidance**

In 2015 the Comprehensive Plan was updated to reflect what the community and citizens of Fairhope desired and envisioned for the city. “the planning process used to develop the Comprehensive Plan update was one that was built on extensive public input and collaboration. The final product represents a consensus of what the people of Fairhope said was important to them, what they saw as the future of Fairhope, and what they would like Fairhope to achieve.” Several public meetings, Town Hall meetings, and surveys were conducted to gather input and information from citizens. From this data four land use plans were created and presented. A Preferred Plan Map was then created. An excerpt of the Preferred Plan is included below showing the desired Village Center at the intersection of Fairhope Avenue and Highway 181.

“Highway 181 / Fairhope Ave presents an additional village opportunity. While this area has seen a growth of large retailers in the recent past due to regulatory limitations (i.e. significant property located outside of the City Limits in unzoned Baldwin County), it is in the early stages of village pattern development. River Mill Subdivision is connected to both Fairhope Avenue and Windmill Road. The residential areas around Gayfer Avenue and Blueberry Lane are built in accordance with the City Subdivision



Regulations and provide neighborhood level greenspace, sidewalks, streets, trees, and connectivity. While this area will evolve over time, the “bones” of a village are generally in place.”

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

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

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

**Response:** The comprehensive plan describes a village center at this location and states that the “bones” are already in place. The surrounding properties are unzoned, RA, R-2, and B-2. The transition of use and density follow the guidelines in the comprehensive plan and show no foreseeable negative impacts.

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

**Response:** Fairhope Public Utilities can be made available during the subdivision process.

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

**Response:** Wetlands are present on the subject property and all wetland delineations, reports, ordinances, and buffers will required during the development process.

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

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

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

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

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

**Response:** Staff does not anticipate any significant issues relating to this criteria.

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

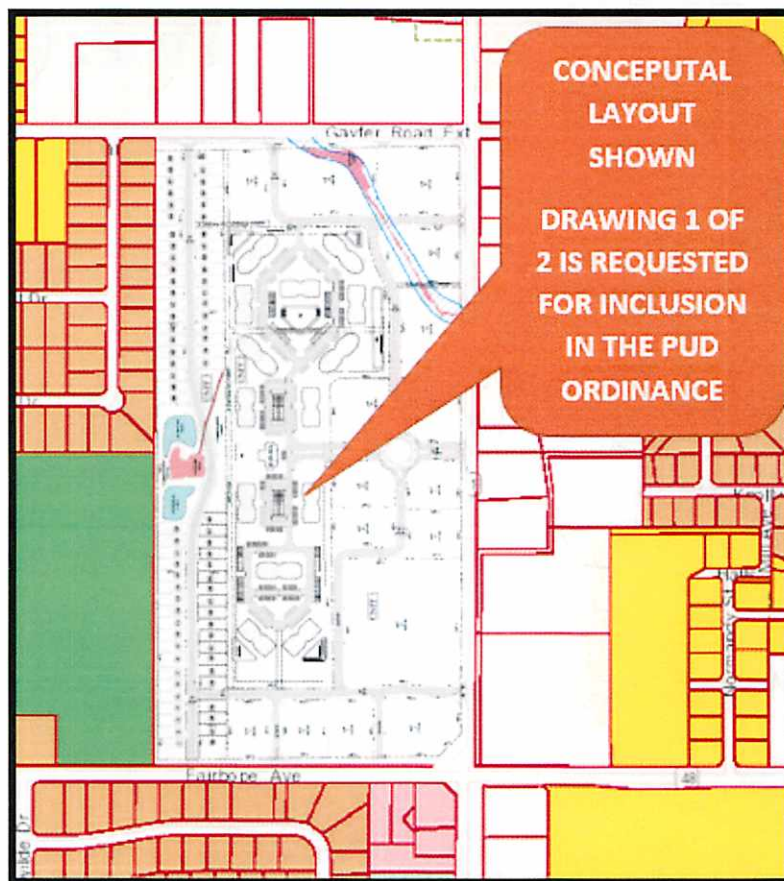
**Response:** Staff does not anticipate any significant issues relating to this criteria. A traffic study will be required at time of subdivision. All required buffers and setbacks will apply to address any concerns. Unit 1 and 2 have a self-imposed mandatory site plan review requirement that will again address the above concerns.

**Additional Zoning/Comprehensive Plan/Development Staff Comments**

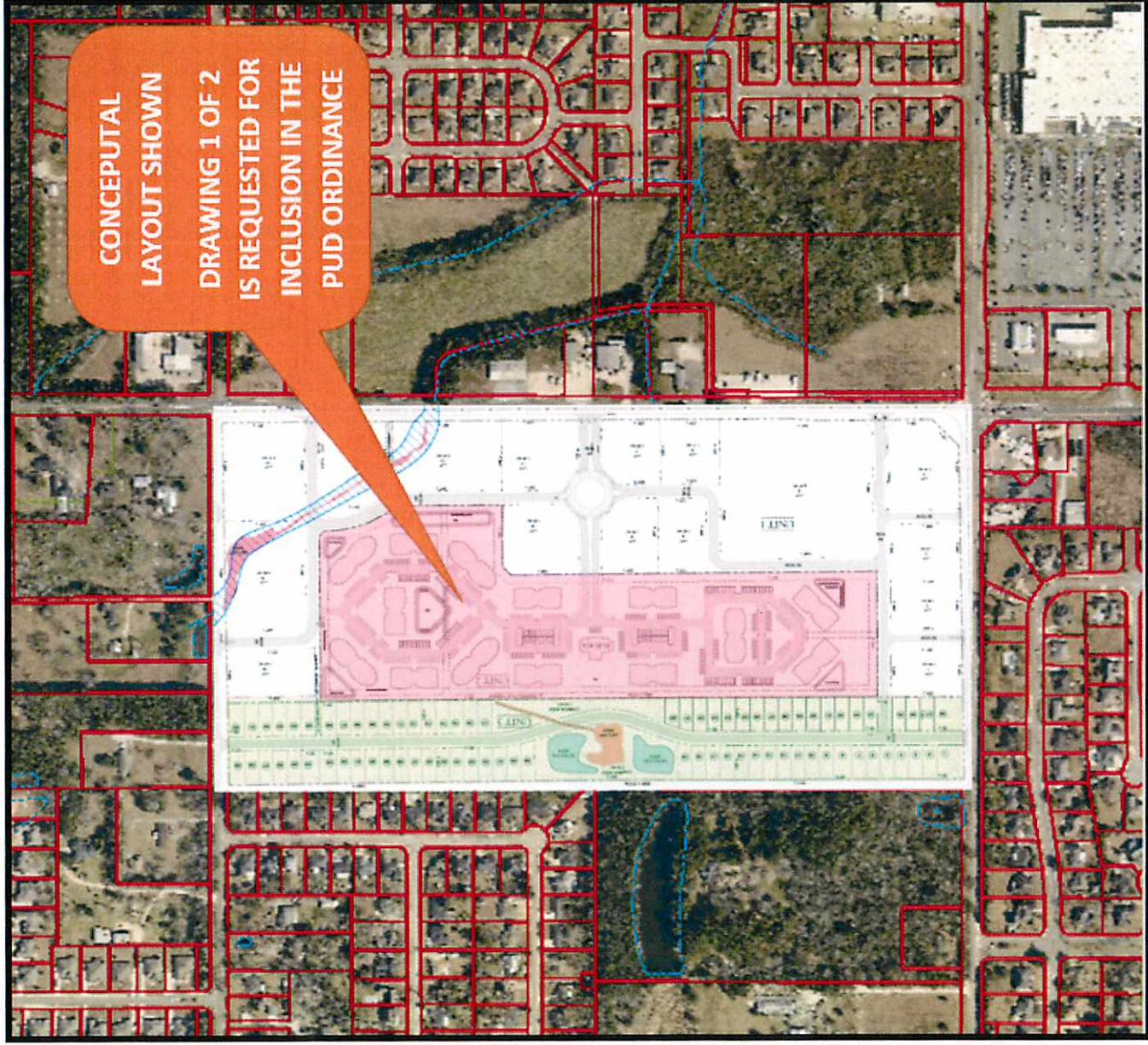
- “The immediate areas around Villages are to be more dense (more units per acre) and then transition to lower density development patterns.”

- This village center as contemplated by the comprehensive plan already has the “bones” of a village in place. The proposed PUD reflects a multi-use development with a density transition becoming less dense farther from the village center and more dense closer to the village center.
- The village center will be comprised of commercial parcels in Unit 1 with the same allowable uses as B-2 General Business. Unit two is a residential equivalent to R-5 High Density Dwelling Residential and is bordered by Unit 1 on three sides, and Unit 3 on the west side which is equivalent to (with modifications) of an R-3 High Density Single Family Residential development.
- The surrounding properties are primarily zoned R-2, R-1, or unzoned Baldwin County in Baldwin Count Planning District 14.
- The southeast corner of the Highway 181 / Fairhope Ave contains an existing Wal-Mart Supercenter retail store with additional retail/service uses included on outparcels fronting upon State HWY 181.
- Currently this site could be developed utilizing the building permit/subdivision/multiple occupancy project (MOP) process, *however the City of Fairhope would not have regulatory authority over land use.*

### Zoning Map with Inset Site Plan



Aerial Image with inset Site Plan





### Site Photos



Subject property looking northwest from HWY 181/Fairhope Ave Intersection



Subject property looking west from HWY 181

### Staff Recommendation:

Staff recommends Case # ZC 19.13, conditional annexation to Planned Unit Development (PUD) Zoning District for PPIN's 236701, 24160, 316793 be **APPROVED** subject to the following conditions and forwarded to the City Council for consideration:

1. A master drainage plan shall be prepared for the entire site and included with the initial subdivision application creating units 1-3
2. Side setbacks in Unit 3 shall be at least 7.5 wide, with adjustments to side setback and lot coverage reflected on drawing 2 of 2 prior to submission to the City Council for consideration.
  - a. This condition approval has been satisfied and the requested 7.5' setbacks reflected on drawing 2 of 2.
3. A 10' wide landscape buffer compatible with Ordinance 1444 shall be constructed along the full width of the western side of Unit 3 concurrent with land disturbance in Unit 3.
4. City of Fairhope site plan review (Zoning Ordinance Article II, Section C.2.) shall be mandatory for each lot within units 1 and 2.
5. City of Fairhope subdivision regulations (including multiple occupancy project provisions as applicable) shall be required for the creation of all lots and units within the Klumpp PUD.

**Planning Commission Recommendation:**

The City of Fairhope Planning Commission, at its July 1, 2019 regular meeting, recommended Case # ZC 19.13, conditional annexation to Planned Unit Development (PUD) Zoning District for PPIN's 236701, 24160, 316793 be **APPROVED** subject to the following conditions and forwarded to the City Council for consideration. Staff note - supporting drawing 1 of 2 and 2 of 2 has been amended to reflect the requested change by the planning commission, listed below as conditions of approval. The conditions of approval are reproduced here and are a component of the recommendation to the City Council to memorialize their inclusion in the PUD:

1. A master drainage plan shall be prepared for the entire site and included with the initial subdivision application creating units 1-3
2. Side setbacks in Unit 3 shall be at least 7.5 wide, with adjustments to side setback and lot coverage reflected on drawing 2 of 2 prior to submission to the City Council for consideration.
  - a. This condition approval has been satisfied and the requested 7.5' setbacks reflected on drawing 2 of 2 and memorialized here as a condition of approval.
3. A 10' wide landscape buffer compatible with Ordinance 1444 shall be constructed along the full width of the western side of Unit 3 **concurrent with land disturbance in Unit 3.**
4. City of Fairhope site plan review (Zoning Ordinance Article II, Section C.2.) shall be mandatory for each lot within units 1 and 2.
  - a. This condition approval is reflected on drawing 2 of 2 and is memorialized here as a condition of approval.
5. City of Fairhope subdivision regulations (including multiple occupancy project provisions as applicable) shall be required for the creation of all lots and units within the Klumpp PUD.
  - a. This condition of approval is addressed by note "e" on drawing 2 of 2 but memorialized here as a condition of approval.
6. Commercial Lot 16 in Unit 1 shall be placed along Fairhope Avenue in lieu of its originally-submitted location along Gayfer Avenue, with necessary residential lots along Fairhope Avenue (Lots 1-4 and 35-38 in Unit 3) placed along Gayfer Avenue in the location formerly occupied by Lot 16.
  - a. This condition of approval has been reflected in supporting drawings 1 of 2 and 2 of 2 as requested by the Planning Commission, and memorialized here as a condition of approval.