

ORDINANCE NO. 1668

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE TO AMEND ORDINANCE NO. 1273: A
PLANNED UNIT DEVELOPMENT KNOWN AS EAST PARK SUBDIVISION; TO
APPROVE A REVISED MASTER PLAN; PROVIDING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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 Wendell and Charlotte Barnhill, to be known as East Park PUD, generally located on the north side of Parker Road just east of US Highway 98, Fairhope, Alabama.

East Park PUD

PPIN #: 15985 and 32028

Legal Description: (Case number ZC 19.14)

COMMENCING AT THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-89°16'49"-W, 1545.07 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WEST LINE OF HIGH RIDGE ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED AT MAP BOOK 7, PAGE 11 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°23'25"-W, ALONG SAID WEST LINE, 518.79 FEET TO A POINT; THENCE RUN S-00°27'13"-W, 615.40 FEET TO A POINT; THENCE RUN N-88°59'13"-W, LEAVING SAID WEST LINE, 208.48 FEET TO A POINT; THENCE RUN S-00°28'04"-W, 149.90 FEET TO A POINT LOCATED ON THE NORTH RIGHT OF WAY LINE OF PARKER ROAD; THENCE RUN N-89°07'38"-W, ALONG SAID NORTH RIGHT OF WAY LINE, 131.27 FEET TO A POINT; THENCE RUN N-89°07'28"-W, 83.64 FEET TO A POINT; THENCE RUN N-89°22'35"-W, 15.89 FEET TO A POINT; THENCE RUN N-00°18'39"-E, LEAVING SAID NORTH RIGHT OF WAY LINE, 397.73 FEET TO A POINT; THENCE RUN N-00°14'45"-E, 327.32 FEET TO A POINT; THENCE RUN N-89°58'14"-W, 83.35 FEET TO A POINT; THENCE RUN N-00°21'47"-E, 279.72 FEET TO A POINT; THENCE RUN S-89°57'19"-E, 83.06 FEET TO A POINT; THENCE RUN N-00°23'16"-E, 284.58 FEET TO A POINT; THENCE RUN S-88°23'33"-E, 434.06 FEET TO THE POINT OF BEGINNING.

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**, attached as "Exhibit B" is an approved project narrative.
3. **That**, the following development regulations shall govern:

Overall Development:

Lots: There shall be 44 lots total.

Density: Density shall not exceed 3.48 lots per acre.

Accessory Structures and Dwellings: No accessory structures or dwellings are allowed.

Cell Tower: A cell tower and ancillary support structures currently exist on the property as identified on Exhibit A. The property encompassed by the tower is fenced and access controlled by a locked gate. This fenced area will be identified by an easement with a designated use. It is unlikely the tower will ever be put out of service; however, should the tower be deemed unnecessary or no longer useful, this area will convert to green space for use by the residents of the PUD.

- Use: Communication tower.

Residential Development:

Lots: There shall be 43 residential lots.

Use: Lots shall be single family residential.

Setbacks:

- Lots 1-17 and 21-43:
Front – 20', Rear – 20', Side – 7', and Street Side – 15'.
- Lots 18-20:
Front – 15', Rear – 15', and Side – 7', and Street Side – Not applicable.

Principle Structure Lot Coverage: Shall not exceed 48% of the total lot.

Building Height: Maximum building height shall not exceed 35'.

Commercial Development:

Lots: There shall be one commercial lot.

Uses: Commercial uses shall be restricted to B-2 requirements.

Setbacks: Front – 20', Rear – 20', Side – 10', and Street Side – 20'.

Building Height: Maximum building height shall be 30'.

The Planned Unit Development (PUD), for East Park is hereby amended. 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 23RD DAY OF DECEMBER, 2019

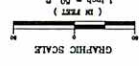

Jack Burrell, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Ord. No. 1668 Published in
FAIRHOPE COURIER
on Wednesday, January 8, 2020
Lisa A. Hanks, City Clerk

NUMBER:	
REVISION:	
DATE:	

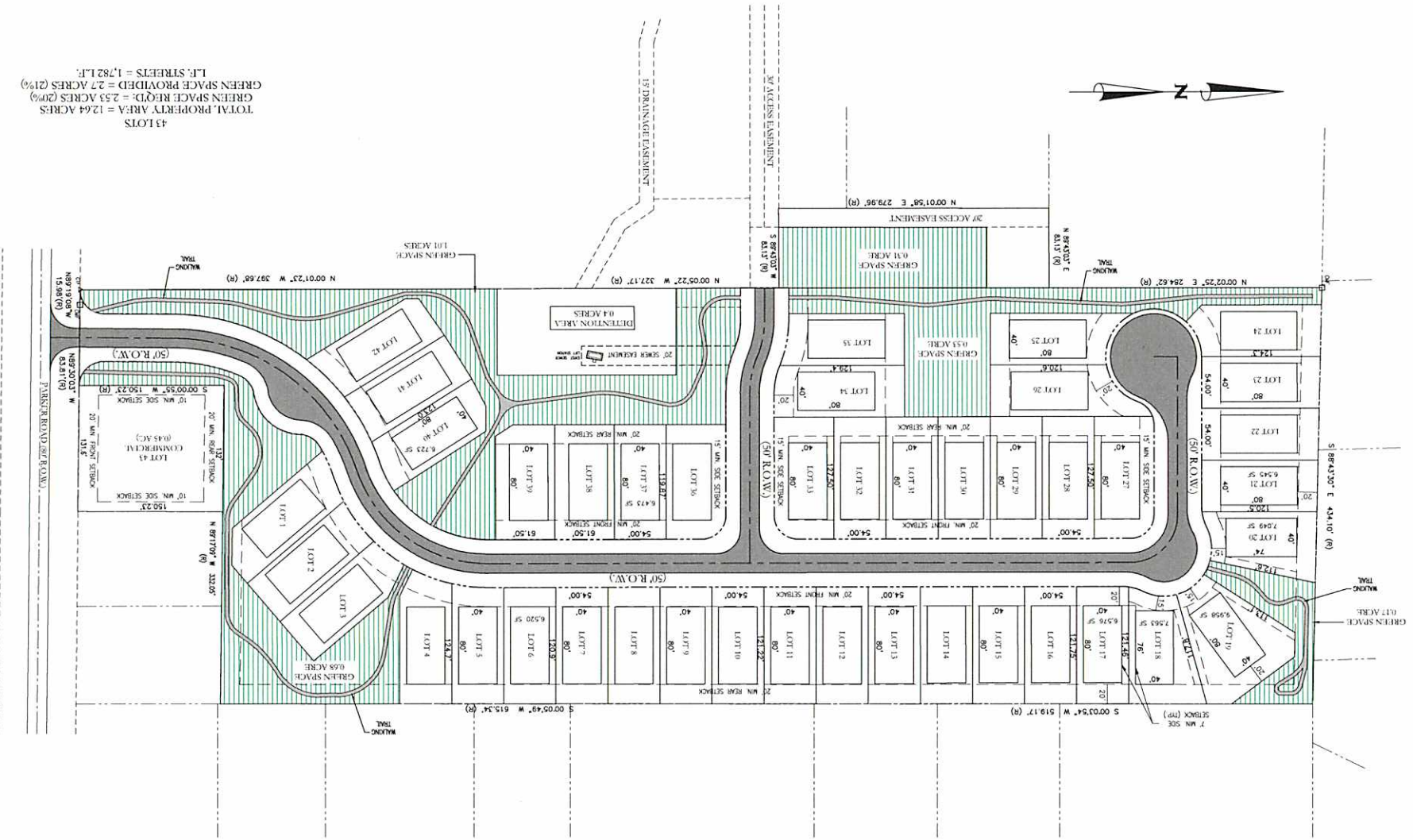
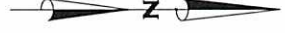


20073 SP & 1 "Block" Thomas Drive, Suwanee, GA 30027
 Phone: (770) 544-7900

EAST PARK P.U.D. - 12.6 ACRES	PRELIMINARY LOT LAYOUT	PARKER ROAD, FAIRHOPE, AL.
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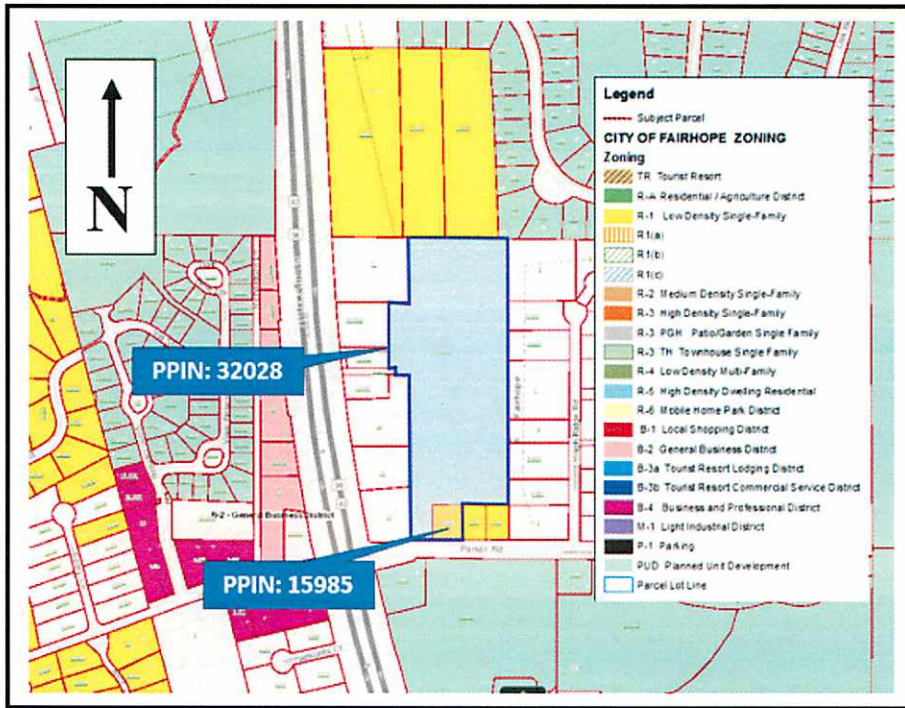
SCALE:	1"=50'
DATE:	SEPTEMBER, 2019
DRAWN BY:	JC
CHECKED BY:	TEG
SHEET:	1 OF 1

43 LOTS
 TOTAL PROPERTY AREA = 12.64 ACRES
 GREEN SPACE PROVIDED = 2.53 ACRES (20%)
 GREEN SPACE PROVIDED = 2.7 ACRES (21%)
 L.F. STREETS = 1,782 L.F.



ZC 19.14 East Park PUD Amendment

LOCATION: Parker Rd west of Greeno Rd



ZONING DISTRICT: PUD

OWNER/APPLICANT: Wendall Barnhill represented by Tom Granger with Sawgrass.

Summary

Request to amend the East Park Planned Unit Development (PUD) to increase acreage from 12.104 to 12.64; decrease single-family lots from 47 to 42; increase commercial lots from 0 to 1; decrease density from 3.88 lots/acre to 3.4 lots/acre; decrease road length from 3,145 to 1,722 linear feet; increase greenspace from 1.06 acres (8.39%) to 2.7 acres (21.3%); and other minor changes included on the site plan.

Analysis

Because this is a proposed amendment to an existing PUD, analysis will consider whether proposed amendments offer a better/worse condition as it relates to the existing PUD and the goals of the City as guided in the Comprehensive Plan and Zoning Codes.

Lots 30 and 31, as shown on the existing site plan were originally included in the discussions of the original PUD as single-family residential lots. However, the legal description failed to include those lots in the final plat. As a result, the acreage is increasing in the proposed PUD to reflect original intentions.

Five single-family lots are removed in the new request, and average lot sizes increase to 6,722 sf. In addition, the requested amendment shows a reduction in linear feet of proposed roads and an increase in available greenspace. Overall, the density of the proposed PUD is reduced from what is currently approved.

R-1, Low Density Single-Family, lies to the north and south of the site. Property to the east and west are zoned by Baldwin County. Property to the east is zoned Baldwin County RSF-2, Medium Density Single-Family. Property to the west is Baldwin County B2 and B3 – both business zoning. Across Parker road, to the south, is the Fly Creek PUD. The immediately adjacent property is the current location of a Publix grocery store and shopping center. The proposed density of the single-family lots, which is denser than surrounding properties, offers an appropriate transition to adjacent business uses and meets the intent of the Comprehensive Plan. Spacing and Setbacks are prescribed on the site plan (Appx. 5) and within the applicant's narrative (Appx. 3).

The existing PUD prohibits Accessory Structures.

The applicant requests one commercial lot where lots 30 and 31 currently exist, and which are adjacent to Parker Rd, north of the entrance into the development. B-2 zoning is requested on the commercial lot. Allowable uses shall conform to those allowed by B-2 Zoning within the City of Fairhope Zoning Code. Dimensional standards for B-2 zoning will also apply unless explicitly requested and approved as part of this PUD amendment.

It is important to note the proposed commercial lot is adjacent to a current residential property to the north, which, if the commercial use is approved, will need to meet requirements prescribed by the City of Fairhope's Tree Ordinance. There being adjacent commercial lots to the west and south, and due its location in a Village Center, the commercial lot, and the corresponding B-2 use, meets the intent of the Comprehensive Plan.

There are two means of ingress/egress intersecting existing public roads as shown on both the existing PUD and the proposed amended PUD – one accessible from Parker Rd and one accessible from Greeno Rd. An easement provides ingress/egress directly onto Greeno Rd. At this time, the ingress/egress and the associated easement is not intended as a public road to be maintained by the City of Fairhope.

Per our public works department, as part of the Fly Creek PUD, a traffic study determined Parker Rd has been improved as much as possible. Therefore, a traffic study is not required at this time, but the City does retain the right to require a traffic study if needed now or later, as part of the subdivision review.

An existing cell tower exists within the PUD. Per the most recent Zoning Ordinance, the proposed single-family housing would not be allowed within the fall line of an existing tower. However, the existing PUD was approved prior to adoption of new requirements for cell towers. Consequently, the cell tower and approved single-family housing may be viewed as an existing non-conformity.

Background

Prior to 2005, this property was used as a 90-unit mobile home park within unincorporated Baldwin County.

On October 24, 2005 the Fairhope City Council approved Ordinance No. 1273, which rezoned the Subject Property from R1 to a PUD to allow for reduced lot sizes. A copy of Ordinance No. 1273 is appended below.

Staff Recommendation:

Approve with Conditions

Conditions of Approval:

In addition to Accessory Structures, also prohibit Accessory Dwellings.

To make use of the rearranged greenspace, add a walking trail on the site plan.

Provide an easement to access the pump station.

Provide proof of western easement that provides secondary access directly to Greeno Rd.

Planning Commission Recommendation:

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

1. In addition to accessory structures, also prohibit accessory dwellings.
2. To make use of the rearranged greenspace, add a walking trail on the site plan.
3. Provide an easement to access the pump station.
4. Provide proof of western easement that provides secondary access directly to Greeno Road.

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

Appends

Appx. 1: Aerial of site

Appx. 2: Rezoning Application

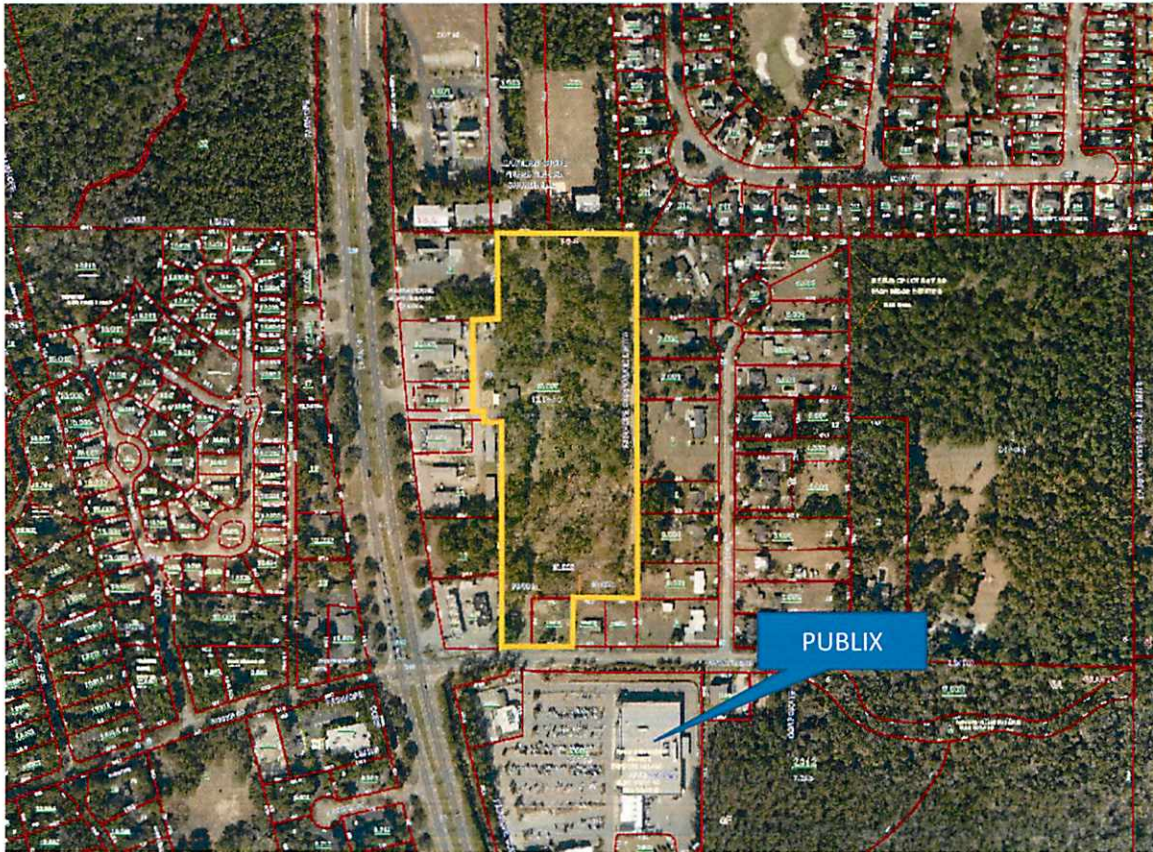
Appx. 3: Applicant's Narrative

Appx. 4: Existing PUD Site Plan

Appx. 5: Proposed PUD Site Plan

Appx. 6: Ordinance 1273 – East Park PUD

Appendix 1: Aerial Images of Site





APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: Wendall Barnhill Phone Number: _____
 Street Address: 111 Ingleside Street North
 City: Fairhope State: AL Zip: 36532

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

Name: Wendell Barnhill Phone Number: 251-802-2665
 Street Address: 111 N Ingleside St
 City: Fairhope State: Ala Zip: 36532

Current Zoning of Property: PUD
 Proposed Zoning/Use of the Property: PUD (Amended)
 Property Address: 7625 Parker Road Fairhope, AL 36532
 Parcel Number: 05-46-03-05-0-000-010.007
 Property Legal Description: Attached
 Reason for Zoning Change: Improve PUD

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

Character of Improvements to the Property and Approximate Construction Date: _____

Zoning Fee Calculation:
 Reference: Ordinance 1269

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

Wendell Barnhill
 Property Owner/Leaseholder Printed Name
Aug 26 2019.
 Date

Wendell Barnhill
 Signature

 Fairhope Single Tax Corp. (If Applicable)

RECEIVED
 AUG 27 2019
 BY: EB



30673 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527
202 Government Street, Suite 225, Mobile, AL 36602
P: 251-544-7900
sawgrassllc.com

Mr. Mike Jeffries, QCI
City of Fairhope
City Planner
555 S. Section Street
Fairhope, AL 36532

RE: East Park PUD
Request for PUD Amendment

Dear Mike:

Enclosed please find the Application and supporting documents for the request to amend the East Park PUD. We have included:

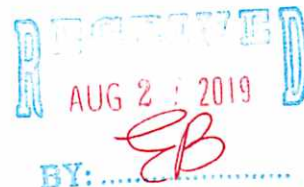
- The Rezoning Application
- A check in the Amount of \$1,020 for the Application Fee and Advertising
- The Revised PUD Layout
- A Narrative listing the Revision Requested
- Property Deed with Legal Description
- A Certified List of Adjacent Property Owners

Thank you for your assistance in processing this request and please let me know if you need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Thomas E. Granger".

Thomas E. Granger, PE
President



East Park PUD Amendment

Location

The East Park PUD Property is located on the north side of Parker Road, on the east side of Highway 98 across from the entrance to Publix.

Vicinity Map



East Park PUD Approval

The property was annexed into the City of Fairhope with an R-1 zoning designation. This property had served as a 90-unit mobile home park prior to Annexation which created a non-conforming zoning use under the R1 designation.

Ordinance No. 1273, approved by the Fairhope City Council at their regular Meeting of October 24, 2005, provided for the Subject Property to be rezoned from R1 to a PUD to allow for reduced lot sizes from that permitted under R1 zoning. The approved PUD provided 47 single family residential lots.

The East Park PUD is located in the North Village District within the Greeno Road Corridor Overlay.

The 2005 approved PUD layout is shown in Figure 1.

**East Park PUD
(Existing)**

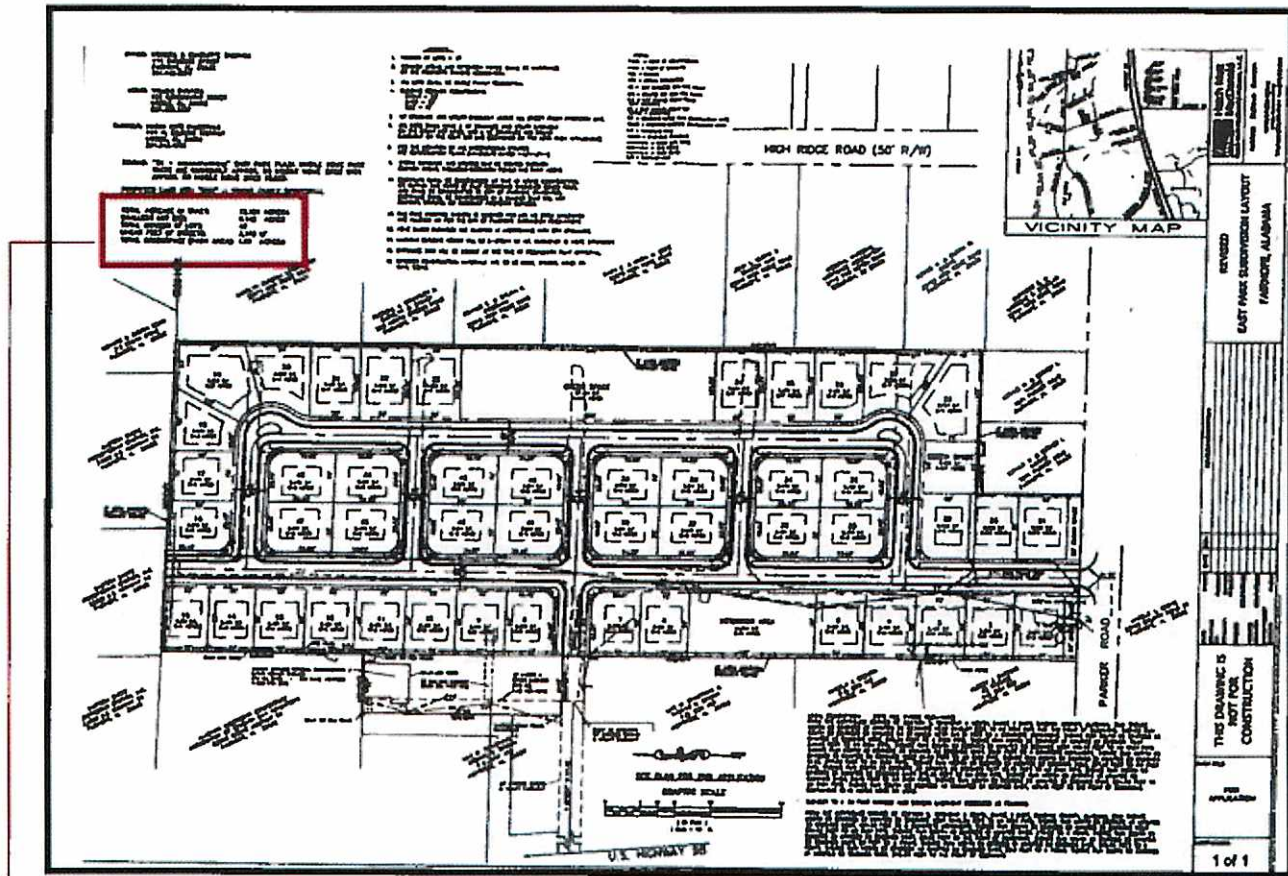


Figure 1

Site Data Table

Total Acreage in Tract	12.104 acres
Smallest Lot Size	0.145 acres
Total Number of Lots	47
Linear Feet of Streets	3,175 lf
Total Greenspace (Park Area)	1.06 acres

The Proposed Amended PUD is primarily a 43-lot single-family residential development with one larger lot designated for Commercial use along Parker Road. Existing Commercial development adjoins the property to the south and west with existing residential properties adjoining on the east side. The Commercial Lot (Lot 44) will follow the B-2 zoning designation for Use and for Dimensional Standards.

Proposed PUD

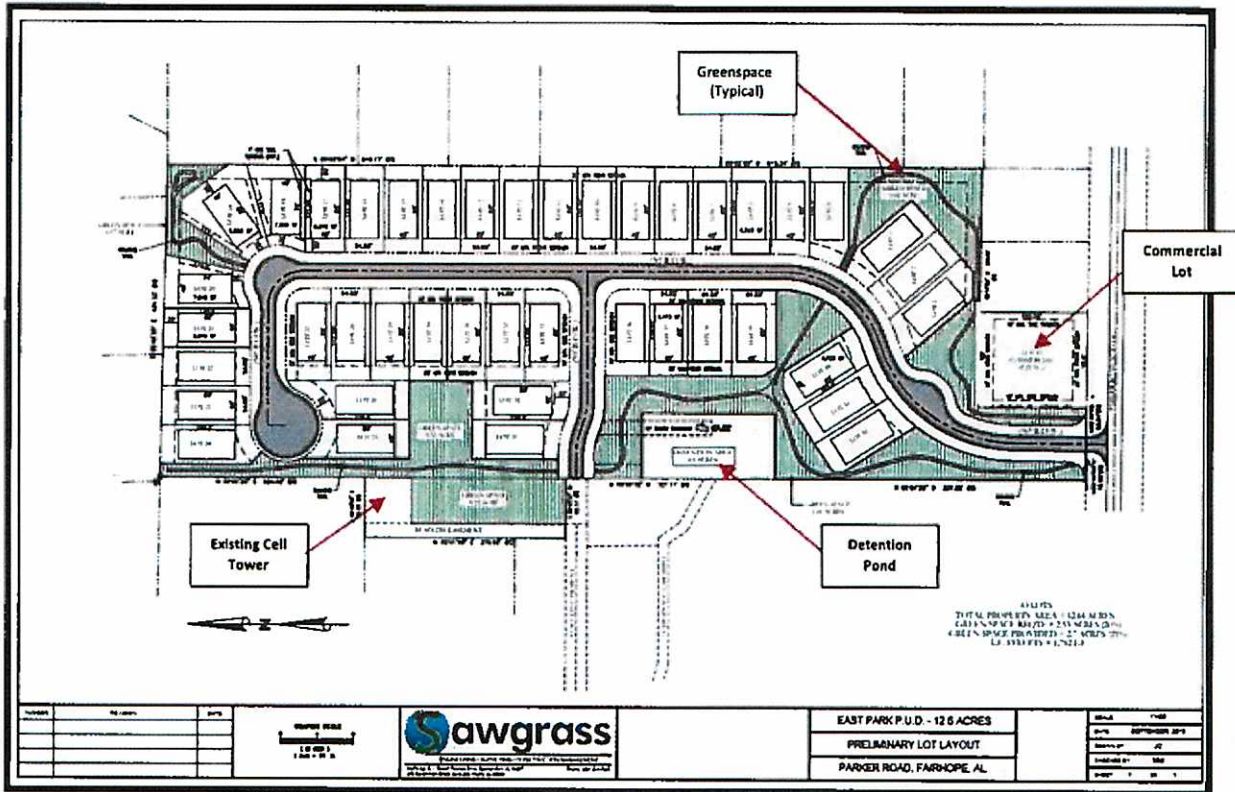


Figure 2

The purpose of this PUD Amendment request is to reduce the number of residential lots thereby reducing density, provide for a more efficient layout of lots and reduction of road length, create multiple greenspace areas with connectivity, and provide for a commercial component along Parker Road. The amended PUD will have significantly less roadway and more greenspace compared to the existing PUD which will allow for more tree preservation and lower long-term maintenance costs to the City should the roads be accepted for maintenance.

The Comparison Table shown in Figure 3 outlines the major changes affected.

Comparison Table

Feature	Existing PUD	Proposed PUD
Total Acreage	*12.104	12.64
Number of Lots	47	44
Density	3.88 lots/acre	3.48 lots/acre
Road Length	3,175 lf	1,772 lf
Greenspace	1.06 acres	2.53 acres
Lot Width at Street	70 ft	54 ft
Average Lot Size	5,660 sf	6,722 sf
Typical Lot Dimensions	70' x 75'	54' x 125'
Setbacks	20' front and rear 10' side	Lots 1-17, 21-43 20' front and rear 7' side, 15' side street Lots 18-21 15' front and rear, 7' side Lot 44 (Commercial) B-2 zoning Dimensions
Commercial	None	1 Lot (0.45 acres)

Figure 3

* As we understand, the original PUD was presented in final form with the addition of Lots 30 and 31 included on what is designated as the Commercial Lot fronting on Parker Road on the proposed PUD Amendment. The preliminary submittals of the original PUD in 2005, had not included these two lots so the acreage (12.104 acres) did not include lots 30 and 31 in the total acreage computation. The Amended PUD includes this Commercial Lot acreage for a total overall acreage of 12.64 acres.

The East Park PUD meets the Fairhope Comprehensive Plan as it is located at a Village Center as part of the North Village District within the Greeno Road Corridor Overlay. The Residential Development will include sidewalks which will connect to the existing sidewalks and crosswalk on Parker Road for connectivity to Publix, a bank, and other adjoining commercial operations.

Utilities

Water, Sewer, and Power are all available and currently exist within the Development. The Water and Power will be relocated to conform with the new street and lot layout. We will utilize as much of the existing gravity sewer as feasible with the addition and relocation of manholes and piping as necessary to accommodate the proposed street and lot layout. We have been in contact with the City of Fairhope Utilities Department to confirm that the City maintains an active sewer lift station on site capable of serving the proposed Development. As part of the Subdivision Development, easements will be established and infrastructure provided, for access to the existing lift station and accessory structures.

Dimension Table-Lots and Principle Structure

Use	Min. Lot Area	Min. Lot Width	Setbacks				Max. total lot coverage by principle structure	Max. Height
	Avg. Lot Area		Front	Rear	Side	Street Side		
Residential	5,970 sf	54'	20'	20'	7'	15'	48%	35'
	6,720 sf							
Commercial	0.45 acres	131'	20'	20'	10'	20'		30'

Note: No accessory structures or dwellings will be allowed.

Cell Tower

A cell tower and ancillary support structures currently exist on the property as identified on Figure 2. The property encompassed by the Tower is fenced and access controlled by a Locked gate. This fenced area will be identified by an easement with a designated use in the PUD for a Communication Tower. It is unlikely the Tower will ever be put out of service, however, should the tower ever be deemed unnecessary or no longer useful, this area will convert to Green Space for use by the residents of the PUD.

Requested Amendments to East Park PUD

- Convert two Residential lots to one commercial lot
- Establish an Easement for the Cell Tower Property
- Reduce overall lot density
- Increase average lot size
- Reduce roadway length
- Provide more greenspace
- Reduce side yard setbacks from 10 feet to 7 feet

