

Planning Commission Meeting July 6, 2020

IMPORTANT UPDATE: Please note that as the City is responding to current COVID-19 concerns, it is important to keep members of the public, our Planning Commission, and staff as safe as possible. For that reason, we will conduct the Planning Commission meeting on July 6, 2020 as a remote video conference meeting. We will continue to update <https://www.fairhopeal.gov/departments/planning-and-zoning> for the latest information.

The City of Fairhope Planning Commission will hold a virtual public hearing at 5:00 PM on Monday, July 6, 2020. Microsoft Teams will be utilized to host our virtual meeting. We will strive to meet the intent of the State's Open Meetings Act under unprecedented circumstances. If you would like your comments to be considered prior to the meeting, please mail comments to the Planning Department at P.O. Box 429, Fairhope, AL 36533, e-mail to planning@fairhopeal.gov or hand deliver to 555 S. Section Street (a drop box is provided outside our front door) by 3:00 PM on Monday, July 6, 2020.

To participate during the public hearings you may join by computer or smartphone:

Please send a request to planning@fairhopeal.gov. We will send you a calendar invitation and instructions by 3:00 PM on Monday, July 6, 2020.

You may also join by telephone at: [+1 334-530-5148](tel:+13345305148)

Access code: **623 398 78#**

Please call in 10-15 minutes prior to the 5:00PM start time.

If you are unable to participate by either of the methods above, you may submit a written request to planning@fairhopeal.gov, or call (251) 990-0214 and we will do our best to accommodate.

As always, our meetings are also live streamed on YouTube. You may follow along with the meeting at <https://www.youtube.com/user/cityoffairhope>.

Our response is changing daily. Please monitor <https://www.fairhopeal.gov/departments/planning-and-zoning> for the latest information.



**City of Fairhope
Planning Commission Agenda
5:00 PM
Council Chambers
July 6, 2020**

1. Call to Order

Karin Wilson
Mayor

2. Approval of Minutes

- June 1, 2020

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACMO

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Deborah A. Smith, CPA
City Treasurer

3. Consideration of Agenda Items:

- A. SD 20.17 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department of Resolution 2020-01 for various proposed amendments to Article IV, Section E. Procedure Exceptions; Article V, Section C. Greenspace; Article VI, Section D. Sidewalks; Article VI, Section E.8. As-Built Drawings; and Article VI, Section L. Requirement to Complete Improvements in the Subdivision Regulations.
- B. SD 20.25 Public hearing to consider the request of CFP Housing, LLC for plat approval of Mars Hill Subdivision, a 3-lot minor division. The property is approximately 29.39 acres and is located on the east side of US Highway 98 and the north side of County Road 32.
PPIN #: 235003
- C. SD 20.29 Public hearing to consider the request of FST Mapp Limited Partnership, an Alabama Limited Partnership for plat approval of USA Mapp Subdivision, a 2-lot minor division. The property is approximately 16.75 acres and is located at the southeast corner of the intersection of St. Hwy. 181 and St. Hwy. 104.
PPIN #: 77680
- D. SD 20.30 Public hearing to consider the request of Corinne J. Snyder for plat approval of Ferry Road Estate, a 2-lot minor division. The property is approximately .89 acres and is located the east side of Ferry Road between Keeney Drive and Ferry Road Circle.
PPIN #: 317
- E. SD 20.31 Public hearing to consider the request of Joey and Janet Langley for plat approval of Dewberry Estates, a 2-lot minor division. The property is approximately 3.80 acres and is located on the north side of Dewberry Lane, at 9781 Dewberry Lane.
PPIN #: 56024

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36555

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

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- F. UR 20.04 Request of AT&T for 11.52.11 Utility Review and approval of the proposed installation of approximately 3,729 linear foot of underground fiber optic cable. The project will run along the north side of Twin Beech Road from 8345 Twin Beech to County Road 13.

4. Old/New Business

- Discussion to consider the request of the City of Fairhope Planning and Zoning Department of Resolution 2020-01 for proposed amendments to Article IV, Section E. Procedure Exceptions for One-Time Splits; and Article VI, Section G. Fire Hydrants in the Subdivision Regulations.
- ZC 20.03 Zoning Ordinance Amendment
Discussion to consider the request of the City of Fairhope Planning and Zoning Department for proposed amendments to Article III, Section B., Table 3-1: Use Table – Zoning Districts and Specific Land Uses to allow Food Processing in the M-1 Light Industrial District permitted subject to general ordinance standards and conditions in the Zoning Ordinance.

5. Adjourn

The Planning Commission met virtually Monday, June 1, 2020 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Rebecca Bryant; Harry Kohler; John Worsham; Hollie MacKellar; Clarice Hall-Black; Richard Peterson; Kevin Boone, Council Liaison; Buford King, Development Services Manager; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Planner; Carla Davis, Planner; Samara Walley, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: none

Chairman Turner called the meeting to order at 5:07 PM and explained the procedures of the meeting. Mr. Turner took a roll call of those present.

The minutes of the May 4, 2020 Planning Commission meeting were considered. Mr. Dyas noted his motion for case SD 19.41 was not verbalized in the previous meeting and he clarified his motion for denial was due to the health, safety, and welfare of the community. Art Dyas made a motion to accept the minutes as amended. John Worsham 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Kevin Boone. NAY – none.

SD 20.18 Public hearing to consider the request of James Scopolites for plat approval of Gayfer Place, a 3-lot minor subdivision, Seth Moore. The property is located on the northeast corner of the intersection of Gayfer Road Extension and Bishop Road. Mrs. Walley gave the staff report saying this request was tabled at the May meeting. The Commission tabled the application due to concerns regarding the configuration of the lots, proximity to a fire hydrant, and construction of sidewalks. Waivers are being requested regarding sidewalks and fire hydrants. Staff recommends DENIAL of SD 20.18 based upon non-conformance with the subdivision regulations. If it is the pleasure of the Planning Commission to APPROVE case number SD 20.18, staff presents to the Planning Commission three (3) possible approval scenarios it may wish to consider:

1. Acceptance of the requested fire hydrant and sidewalk waivers as requested and approval of the minor subdivision as a concurrent preliminary and final plat approval.
 - a. The Planning Commission may wish to rule upon Article V.B.2.e regarding health, safety, welfare, or property.
2. Non-acceptance of one or more of the requested waivers, and approval of case number SD 20.18 as a preliminary plat in lieu of a concurrent preliminary/final plat as is typical of a minor subdivision.
 - a. The applicant will have two years to install the necessary improvements, appear before the Planning Commission for a final plat request, and recording of a final plat.
 - b. If case number SD 20.18 is approved using approval option “2”, the applicant may wish to contact the City of Fairhope Public Works Department to determine if the sidewalks may be installed by the City utilizing an aid-to-construction fee.

3. Partial acceptance of the fire hydrant and sidewalk waivers and **approval** of case number SD 20.18 as a minor subdivision with the following conditions to be noted on the plat:
 - a. Sidewalks and a fire hydrant must be installed on the proposed lot “2” ROW at the time of any vertical construction activities and shall be a condition of receiving final occupancy approval.
 - b. Sidewalks must be installed on the proposed Lot 1 and Lot 2 ROW at the time of any new vertical construction or class 3 renovation of existing structures on proposed Lot 1 and Lot 2, and installation of sidewalks shall be a condition of receiving final occupancy approval.
 - c. A signature block for the City of Fairhope Building Official shall be included on the plat.

Seth Moore was present on behalf of the applicant and requested the Commission accept option number three. Mr. Dyas questioned the fire hydrant requirements and Mr. Worsham explained the requirement is not in relation to lots but distance from one hydrant to another. Mrs. Bryant said the flag lot is a concern because it was only created to meet the 450’ requirement. She asked if the applicant would remove the “flag pole” portion of the lot and Mr. Moore stated the applicant would be agreeable to rearranging the lot lines.

John Worsham made a motion to accept the staff recommendation option number 3 for partial acceptance of the fire hydrant and sidewalk waivers and **approval** of case number SD 20.18 as a minor subdivision with the following conditions to be noted on the plat:

- a. Sidewalks and a fire hydrant must be installed on the proposed lot “2” ROW at the time of any vertical construction activities and shall be a condition of receiving final occupancy approval.
- b. Sidewalks must be installed on the proposed Lot 1 and Lot 2 ROW at the time of any new vertical construction or class 3 renovation of existing structures on proposed Lot 1 and Lot 2, and installation of sidewalks shall be a condition of receiving final occupancy approval.
- c. A signature block for the City of Fairhope Building Official shall be included on the plat.

Art Dyas 2nd the motion and the motion carried with the following voice vote: AYE – Art Dyas, Harry Kohler, John Worsham, Lee Turner, Hollie MacKellar, Clarice Hall-Black, and Kevin Boone. NAY – Rebecca Bryant and Richard Peterson.

SD 20.24 Public hearing to consider the request of 68V Pay Dirt, LLC for Village Subdivision approval of Laurelbrooke Subdivision, a 178-lot division, Steve Pumphrey. The property is located on the east side of State Highway 181 approximately ½ mile north of County Road 24. Ms. Davis gave the staff report saying the property is within the City’s (ETJ) extraterritorial jurisdiction. The applicant is proposing 176 single family lots on 59.72 acres with one main entrance along Highway 181, and a 30’ ingress/egress easement to serve as an emergency vehicle only road. The initial Phase One is planned to start construction in January 2021. Phase Two of construction is scheduled for June 2022, and Phase Three is anticipated to start approximately January 2024; with all the above dates subject to change dependent upon the market. Staff conducted a density analysis and it determined that if the lots were developed to normal subdivision standards the density rate would be 1.47 units per acre however the

applicant is requesting 2.95 units per acre. Based on the current subdivision standards 100 units can successfully fit on the 59.72 acres of property to be developed; however, the applicant wishes to construct 176 units. The purpose of the Village Subdivisions is to provide an alternative to the standard subdivision regulations and encourage imaginative design, planning, and environmental sensitivity. As presented, the plan does not appear to depict “imaginative design” nor does it display innovative design standards with the current layout of the site. As proposed, the plat greatly exceeds the density for this area. The current plat does not depict a vast range of lot sizes nor does it incorporate a variety of amenities considering the number of units proposed. Staff recommends DENIAL of case SD 20.24 Laurelbrooke Village Subdivision due to the fact it creates a higher-density development that is not appropriate in an area that is essentially undeveloped; however staff does not object to tabling the request to a future meeting to allow revisions by the applicant. Steve Pumphrey of Dewberry Engineers, Inc. was present on behalf of the applicant. He addressed the Commission saying this proposal will meet a market need and will create a community aspect within the development. He said the property is outside the City’s Comprehensive Plan boundary and asked the Commission not to apply the typical density comparisons. He stated it meets the County’s regulations. Joe Everson of 68 Ventures, LLC address the Commission saying this design will promote physical activity and create a sense of community with the proposed amenities. He reiterated this design will meet a current demand of the market for this size home. Mr. Turner opened the public hearing.

Mrs. Boyett stated two letters of support and one letter of opposition have been received from adjacent property owners.

Having no one present to speak, he closed the public hearing.

Mr. Turner stated he likes the lake and walking trails but is concerned with the density and only one ingress/egress to St. Hwy. 181. Mr. Dyas said the site needs some unique aspect not just high density. He said one access for 176 lots is not appropriate.

Art Dyas made a motion to accept the staff recommendation to deny the request due to the higher density and the single point of ingress/egress for the development.

Harry Kohler 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Kevin Boone. NAY – none.

SD 20.25 Public hearing to consider the request of CFP Housing, LLC for plat approval of Mars Hill Subdivision, a 3-lot minor division, Steve Pumphrey. The property is located on the east side of US Highway 98 and the north side of County Road 32. Mr. King gave the staff report saying the property is approximately 29.39 acres in unzoned Baldwin County. A private ROW to be named “Mars Hill Lane” is requested as a component of the subdivision request. No development activities are known at this time above and beyond the creation of requested lots via minor subdivision. The applicant is requesting waiver to the sidewalks and public rights-of-way requirements. Staff recommendation for **DENIAL** of case number SD 20.25 for the following reasons:

1. Proposed Lot 1 fails to comply with *Article V, Section E.3.a. Lot Standards – Lot Access*
 - a. Proposed Lot 1 does not front upon a paved, publicly-maintained street
 - b. A wavier from this requirement has been requested

2. Proposed “Mars Hill Lane” fails to comply with *Article V, Section E.3 Lot Standards* or with *Article IV, Section C.1.c. Street Plan Requirements*
 - a. As proposed, Mars Hill Lane meets the standards of neither a “lot” nor a right-of-way (ROW).
 - b. A wavier from this requirement has been requested to allow the private ROW to be platted as submitted.
3. No sidewalks are contemplated by the application as required by *Article VI, Section D. Construction Standards-Sidewalks*
 - a. Staff does not necessarily object to a request for a partial sidewalk waiver as the ROWs on which the property fronts are more than one road mile from the nearest sidewalk and a pedestrian/sidewalk easement could be placed upon the plat.
 - b. A wavier from **all** sidewalk requirements was submitted.

Staff does not object to tabling the application to a future planning commission meeting to allow further study.

*If it is the pleasure of the Planning Commission to **APPROVE** case number SD 20.25, staff requests the following conditions of approval:*

1. A preliminary plat is granted in lieu of the concurrent preliminary/final plat approval typically granted to requesters of a minor subdivision.
 - a. The purpose of the preliminary plat approval is to allow the necessary improvements to Mars Hill Lane to attain a public ROW standard.
 - b. If required by the Planning Commission in lieu of granting a wavier, installation of sidewalks along Greeno Road and CR32.
2. Preparation and submission of a Stormwater Operations Maintenance Plan and Agreement for the existing stormwater system on subject property.
3. The Planning Commission may wish to make a ruling on *Article V.B.2.e.* regarding health, safety, welfare, or property. Condition “3” serves as a placeholder if that ruling is desired.

Steve Pumphrey of Dewberry Engineers, Inc. was present on behalf of the applicant. Mr. Dyas asked if the road is built in a right-of-way or an easement and Mr. King responded neither, it is like a driveway. Mr. Turner and Mr. Dyas stated concerns with the access issues. Mr. Pumphrey explained the site was originally all part of a master plan for a church which is not going to be developed. He stated the County will not accept the existing road as a public right-of-way because of the parking spaces along the road’s edge. Mr. Worsham suggested removing the parking spaces along the road and Mr. Pumphrey said the applicant may be willing to consider that option. Mr. Turner suggested tabling the request to workout some of the concerns and Mr. Pumphrey agreed to tabling. Art Dyas made a motion to table at the request of the applicant’s representative. John Worsham 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Kevin Boone. NAY – none.

SD 20.26 Public hearing to consider the request of Roberds Brothers, LLC for plat approval of Roberds Brothers Subdivision, a 2-lot minor division, Larry Smith and David Diehl. The property is located on the west side of State Highway 181 just south of Hollowbrook Avenue at 21883 State Highway 181. Mr. King gave the staff report saying the property is approximately 1.62 acres in unzoned Baldwin County Planning District

17. Subject property is the location of a Multiple Occupancy Project (MOP) that was approved April 1, 2019 via case number SD 19.16 and this minor subdivision case seeks to maintain the MOP approval concurrent with the creation of two new lots. Staff recommends **APPROVAL** of Case # SD 20.26 subject to the conditions below:

- 1) Prior-approved Multiple Occupancy Project (MOP) via case number SD 19.16 is preserved and memorialized by this condition of approval with the following requirements:
 - a. Lot 1 is limited to eight (8) units
 - b. Lot 2 is limited to one (1) unit
 - c. The addition of any new units will require a new MOP application
- 2) Memorialize condition of approval #1 from case SD 19.16 will be satisfied by the following follow-up tasks by the applicant also related to subject application:
 - a. Submission of a flow model test of the new 12" water main more fully-described in case SD 19.16.
 - b. The 12" main is not yet in service but should be more than adequate pressure and flow to serve subject property
 - c. The Planning Commission may wish to rule on Article V Section B.2.e. as this is a health, safety, welfare, and property issue. A private fire hydrant serving the property was included in the utility drawings included with case number SD 19.16.
- 3) Memorialize condition of approval #4 from case SD 19.16 will be satisfied by the following follow-up tasks by the applicant also related to subject application:
 - a. Record the Stormwater Operations and Maintenance Plan and Agreement once the slide number of the recorded plat is identified.
 - b. Furnish the instrument number of the recorded O&M Plan and Agreement to staff once recorded.
- 4) Condition of approval #5 from case SD 19.16 has been fulfilled as follows:
 - a. Greenspace has been amended to reflect 0.13 acres (outside the highway construction setback) along the property's frontage along HWY 181 on Lot 1
 - b. 0.07 acres greenspace is reflected on the plat on the west side of lot 2
 - c. Total of 0.2 acres total greenspace is reflected on the plat, satisfying the 10% total greenspace requirement for the MOP and applies 10% greenspace to each lot within the existing MOP.
- 5) Planning Commission Consideration of the waiver request that Lot 2 not be required to front upon a paved, publicly-maintained street.
 - a. Staff does not object to the waiver because future subdivision of proposed Lot 2 appears highly unlikely without complete redevelopment of subject property. Proposed lot 2 will be accessed via a common access easement shown on the plat. Subject property has undergone an engineered development process through the MOP case, including drainage.
- 6) Planning Commission Consideration of the waiver request from furnishing sidewalks along the HWY 181 frontage.
 - a. Staff does not object to the waiver because sidewalks were not required by the Planning Commission when MOP case number SD 19.16 was considered.

- b. Further, the nearest sidewalk along the HWY 181 ROW is greater than one road mile from subject property.

7) Reflection of any notes on the plat as required by Baldwin County.

Larry Smith and David Diehl of S.E. Civil Engineering, LLC were present on behalf of the applicant. Mr. Smith stated one building is already built, the second building is under construction, and the building pad is ready for the third. He explained the water line is live, but he is waiting on the City to authorize the flow test which was delayed due to the drought.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Mr. Peterson asked the difference between this case and the last case and Mr. Turner explained this site has a dedicated easement for access. Mr. King detailed the previous approval processes for this site. Mr. Peterson asked what portion of the site the access easement covers, and Mr. Diehl answered the travel lanes of the driveway are included in the easement.

John Worsham made a motion to accept the staff recommendation of **APPROVAL** of Case # SD 20.26 subject to the conditions below:

- 1) Prior-approved Multiple Occupancy Project (MOP) via case number SD 19.16 is preserved and memorialized by this condition of approval with the following requirements:
 - a. Lot 1 is limited to eight (8) units
 - b. Lot 2 is limited to one (1) unit
 - c. The addition of any new units will require a new MOP application
- 2) Memorialize condition of approval #1 from case SD 19.16 will be satisfied by the following follow-up tasks by the applicant also related to subject application:
 - a. Submission of a flow model test of the new 12" water main more fully-described in case SD 19.16.
 - b. The 12" main is not yet in service but should be more than adequate pressure and flow to serve subject property
 - c. The Planning Commission may wish to rule on Article V Section B.2.e. as this is a health, safety, welfare, and property issue. A private fire hydrant serving the property was included in the utility drawings included with case number SD 19.16.
- 3) Memorialize condition of approval #4 from case SD 19.16 will be satisfied by the following follow-up tasks by the applicant also related to subject application:
 - a. Record the Stormwater Operations and Maintenance Plan and Agreement once the slide number of the recorded plat is identified.
 - b. Furnish the instrument number of the recorded O&M Plan and Agreement to staff once recorded.
- 4) Condition of approval #5 from case SD 19.16 has been fulfilled as follows:
 - a. Greenspace has been amended to reflect 0.13 acres (outside the highway construction setback) along the property's frontage along HWY 181 on Lot 1
 - b. 0.07 acres greenspace is reflected on the plat on the west side of lot 2
 - c. Total of 0.2 acres total greenspace is reflected on the plat, satisfying the 10% total greenspace requirement for the MOP and applies 10% greenspace to each lot within the existing MOP.

- 5) Planning Commission Consideration of the waiver request that Lot 2 not be required to front upon a paved, publicly-maintained street.
 - a. Staff does not object to the waiver because future subdivision of proposed Lot 2 appears highly unlikely without complete redevelopment of subject property. Proposed lot 2 will be accessed via a common access easement shown on the plat. Subject property has undergone an engineered development process through the MOP case, including drainage.
- 6) Planning Commission Consideration of the waiver request from furnishing sidewalks along the HWY 181 frontage.
 - a. Staff does not object to the waiver because sidewalks were not required by the Planning Commission when MOP case number SD 19.16 was considered.
 - b. Further, the nearest sidewalk along the HWY 181 ROW is greater than one road mile from subject property.
- 7) Reflection of any notes on the plat as required by Baldwin County.

Rebecca Bryant 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Lee Turner, Hollie MacKellar, Clarice Hall-Black, and Kevin Boone. NAY –Richard Peterson.

SD 20.27 Public hearing to consider the request of Provision Investments, LLC for preliminary approval of Bishop Road MOP, a 7-unit multiple occupancy project, Larry Smith. The property is located on the west side of Bishop Road just north of Gayfer Road. Mrs. Walley gave the staff report saying the applicant has provided a site plan illustrating two (2) proposed buildings on a 1.08 acre property. There are 7 units total with a gross density of 6.42 units per acre. The site plan illustrates a sidewalk along Bishop Road. There is a total of 22 parking spaces provided. Each unit will have a single car garage. There is also an uncovered parking space (driveway). Lastly, a new fire hydrant will be installed within the required 450' of the subject property. Staff recommends **PRELIMINARY PLAT APPROVAL** of SD 20.27 Bishop Road MOP subject to the following condition:

- 1) Replat of Lots 1 and 2 into a single lot prior to any land disturbance activities.

Larry Smith of S.E. Civil Engineering, LLC was present on behalf of the applicant. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Art Dyas made a motion to accept the staff recommendation for **PRELIMINARY PLAT APPROVAL** of SD 20.27 Bishop Road MOP subject to the following condition:

- 1) Replat of Lots 1 and 2 into a single lot prior to any land disturbance activities.

Harry Kohler 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson, and Kevin Boone. NAY – none.

IR 20.02 Request of Tammy Barber, on behalf of Barbara Childress, for an Informal Review of a proposed 3-lot subdivision. The property is located on the north side of County Road 11 between Lyter Lane and Keller Road and is approximately 16 acres. Ms. Barber addressed the Commission saying the property was previously farmland and currently has 3 existing single family homes. She stated they would like to subdivide the property to create separate parcels for each of the existing homes and

dedicate access/utility easements for each parcel. Mr. Simmons stated staff has a letter from the Barnwell Fire Department requesting the fire protection requirements be met for properties within their jurisdiction.

Old/New Business

SD 18.10 Replat of Lot 2, Young Oaks – Sidewalk discussion, Buford King. Mr. King gave a review saying the referenced case was approved by the Planning Commission on April 2, 2018, as a 2-lot minor subdivision zoned R-3PGH. The subdivision plat was recorded April 25, 2018 and is reflected by Slide # 2637-C. The Planning Commission added a condition of approval “Sidewalks *shall* be installed along Nichols Avenue.” A subdivision performance bond agreement was submitted to staff by the applicant and included a check for \$2,613.00. The sidewalk cost was approved by the public works director as indicated on the Engineer’s Schedule of Values. Due to factors illuminated by the Public Works Director, plans for sidewalk construction along Nichols Avenue have been suspended and future sidewalk construction is not planned. The applicant is requesting refund of \$2,613.00 due to non-installation of sidewalks because the installation of sidewalks was a specific requirement of the Planning Commission via condition of approval, staff presents the refund request to the planning commission for consideration. Mr. Turner stated the sidewalks should be built and cited the new development in the area currently being built. He said he would like to see sidewalks all the way down Nichols Avenue. Mr. Peterson agreed and added the sidewalk was part of the approval for the subdivision and should be built. David Cooper, applicant, addressed the Commission saying there was a proposal for Fairhope Single Tax Corporation (FSTC) to construct a sidewalk along Nichols Avenue, but the residents of Hawthorne Glen did not want them. Mr. Turner explained FSTC decided against the project due to the resident’s opposition. Mr. Peterson said the drainage needs to be addressed on Nichols Avenue before sidewalks. Mrs. Boyett stated Richard Johnson, Public Works Director, stated he would send a crew to build the sidewalk as soon as possible. Mr. Cooper said he wants a sidewalk and the sooner the better.

SD 18.39 Fox Hollow, Phase 3 – Request for a 2-year extension of the preliminary plat approval, Emily Boyett. Mrs. Boyett stated the subdivision is approximately 13.78 acres of R-2 Medium Density Single Family Residential District zoned property with 32 lots. Preliminary plat approval was granted by the Planning Commission on November 5, 2018. The applicant is requesting a 2-year extension of the preliminary plat approval. Staff recommends granting a 1-year extension of the preliminary plat approval. Mr. Turner agreed a 1-year extension is what he is comfortable with approving. Art Dyas made a motion to accept the staff recommendation to grant a 1-year extension of the preliminary plat approval. Richard Peterson 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson, and Kevin Boone. NAY – none.

Subdivision Regulation Amendment Discussion – Buford King. Mr. King provided the Commission with an overview of several proposed amendments to the Subdivision Regulations. The proposed amendments include an amended date to the cover page, lot definition, PUDs not required to have additional community meetings, submission of ESRI ArcMap shapefiles, infrastructure definition for minor subdivisions, replat discrepancies regarding lots versus tax parcels, one-time splits, multiple occupancy projects infrastructure, strengthening wording for approval standards, clarifying greenspace wording and definition, no bonding for sidewalks, sidewalk installation, lot access deviation allowance, streets and lane construction standards, bond wording for final plats, testing submittal requirements, waiver wording clarity, and fire hydrant wording clarity. There was discussion of creating an ad hoc committee to review the substantial changes to the regulations and having a worksession to discuss them in detail.

Zoning Ordinance Amendment Discussion – Hunter Simmons. Mr. Simmons stated staff is preparing several amendments to the Zoning Ordinance for the upcoming Planning Commission meetings.

Having no further business, Kevin Boone made a motion to adjourn. Hollie MacKellar 2nd the motion and the meeting was adjourned at 7:58 PM.

Lee Turner, Chairman

Emily Boyett, Secretary

RESOLUTION NO: 2020-01

A RESOLUTION AMENDING THE COVERPAGE; ARTICLE II, DEFINITIONS; ARTICLE IV, SECTION B. PRE-APPLICATION AND SKETCH PLAT; ARTICLE IV, SECTION C. PRELIMINARY PLAT; ARTICLE IV, SECTION D. FINAL PLAT; ARTICLE IV, SECTION E. PROCEDURE EXCEPTIONS; ARTICLE IV, SECTION H. MULTIPLE OCCUPANCY PROJECTS; ARTICLE V, SECTION B. APPROVAL STANDARDS; ARTICLE V, SECTION C. GREENSPACE STANDARDS; ARTICLE V, SECTION D. STREET STANDARDS; ARTICLE V, SECTION E. LOT STANDARDS; ARTICLE VI, SECTION B. STREETS AND LANES; ARTICLE VI, SECTION D. SIDEWALKS; ARTICLE VI, SECTION E. STORMWATER; ARTICLE VI, SECTION I. PERMANENT MONUMENTS; ARTICLE VI, SECTION L. REQUIREMENT TO COMPLETE IMPROVEMENTS; ARTICLE VII, SECTION A. WAIVER STANDARDS OF THE CITY OF FAIRHOPE SUBDIVISION REGULATIONS

WHEREAS, Alabama Code Section 11-52-31, expressly authorizes a municipal planning commission to adopt subdivision regulations governing the subdivision of land within its jurisdiction; and

WHEREAS, the Planning Commission desires to amend the Subdivision Regulations as hereinafter provided.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

1. The cover page is hereby revised to reflect the date of last amendment.
2. Article II Definitions of the Subdivision Regulations is hereby revised as follows:

Lot: a parcel of land intended as a unit for transfer of ownership or for building development, or both, which will generally front upon a public right-of-way, exclusive of any part of the right-of-way. Designation of land as a tax parcel by the Baldwin County Revenue Commissioner does not establish a lot of record within the meaning of these regulations.
3. Article IV, Section B. Pre-Application and Sketch Plat, 1.b. of the Subdivision Regulations is hereby revised to add the following:

(2) Subdivisions preceded by the creation of a Planned Unit Development (PUD) are not required to conduct an additional community meeting prior to submission of a subdivision preliminary plat provided that a community meeting was conducted prior to the application requesting rezoning to Planned Unit Development (PUD).
4. Article IV, Section C. Preliminary Plat, 1.b.(13) of the Subdivision Regulations is hereby revised as follows:

(13) Tree protection plan shall be submitted for all required street trees or trees over 20" DBH. Tree protection fences shall be installed prior to land disturbance activities. (See Appendix G)

5. Article IV, Section D. Final Plat, 1. of the Subdivision Regulations is hereby revised to remove the following wording:

a. Either a financial guaranty (in the form of a performance maintenance bond) 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.

6. Article IV, Section D. Final Plat, 1.b. of the Subdivision Regulations is hereby revised to add the following:

(20) ESRI ArcMap Shapefiles including, but not limited to locations of: street centerlines, sidewalk centerlines, curb lines (including back of curb), property corners, lot lines, and edge of pavement.

7. Article IV, Section E. Procedure Exceptions of the Subdivision Regulations is hereby revised to read as follows:

- 1. Minor Subdivisions - For platting of four (4) or fewer lots, where there are no new streets or rights-of-way, no new utility mains, or any other public infrastructure (hereinafter "streets or public infrastructure") required, application for simultaneous preliminary and final approval may be made to the Planning Commission. Submittals shall in all other respects meet the minimum requirements of these regulations.*
- 2. Replat - Lot line adjustments may be approved administratively by a replat approved by the Planning Director and/or his/her authorized agent without review by the Planning Commission, provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Zoning Ordinance. The replat shall otherwise comply with all requirements of Article V, Section E. Lot Standards. A replat shall require the submission of a sketch plat as specified in Article IV, Section B.2., except that the location and dimension of lot lines, and existing facilities shall be exact. Additionally, a replat may be required by the Planning Director to resolve discrepancies between lots of record and tax parcels comprising multiple lots.*

8. Article IV, Section H. Multiple Occupancy Projects, 5. of the Subdivision Regulations is hereby revised to read as follows:

- 5. **PROCEDURE EXCEPTION** - For Multiple Occupancy Projects which include four (4) or fewer units and for which no new streets or public infrastructure is required, application for simultaneous preliminary and final approval may be made*

to the Planning Commission. Submittals shall in all other respects meet the minimum requirements of these regulations.

9. Article V, Section B. Approval Standards, 2.e. of the Subdivision Regulations is hereby revised to read as follows:

- e. Notwithstanding that the proposed subdivision may satisfy the technical, objective provisions of these regulations, the Commission has discretion to deny a subdivision if there is any articulable, rational basis for a determination that the proposed subdivision otherwise endangers the health, safety, or welfare of persons or property. within the planning jurisdiction of the City.*

10. Article V, Section C. Greenspace Standards, 1. of the Subdivision Regulations is hereby revised to read as follows:

- 1. Purpose - These greenspace standards shall implement the Comprehensive Plan for the physical development of the City by setting the location, character and extent of playgrounds, squares, parks, and other public grounds and greenspace to promote good civic design and arrangement. This design and arrangement shall ensure adequate and convenient greenspace for recreation.*

These standards shall promote the following goals in the Comprehensive Plan: (a) create focal points for new and existing neighborhoods by providing appropriately located parks, schools, parkways, and other amenities; (b) support development of recreational opportunities; (c) link village centers to neighborhoods with a parks and trail system; (d) provide public gathering places; and (e) include greenspace (plaza, parks, greenspace) for social activity and recreation in new infill development.

11. Article V, Section C. Greenspace Standards, 2. of the Subdivision Regulations is hereby revised to read as follows:

- 2. Applicability and Requirements - The regulations in this Section C. shall apply to any development, whether or not in the City Limits. Greenspace amounts to be provided shall be calculated based on the net density of a subdivision and applied to the gross area of the subdivision to determine the required greenspace for the subdivision. For the purposes of this section, net density of a site is the resulting number of units per acre after removing public or private rights-of-way, storm water infrastructure, wetlands, water course and undevelopable land based on topography or physical constraints.*

<i>Units Per Acre</i>	<i>Greenspace Amount</i>
<i>Less than 2 units per acre</i>	<i>10%</i>
<i>2-4 units per acre</i>	<i>15%</i>
<i>4-6 units per acre</i>	<i>20%</i>

<i>More than 6 units per acre</i>	<i>25%</i>
<i>Multiple Occupancy Project – Commercial</i>	<i>10%</i>
<i>Multiple Occupancy Project – Residential, including but not limited to Mobile Home Developments and Manufactured Home Developments as defined by the City of Fairhope Zoning Ordinance, Baldwin County Zoning Ordinance, or Baldwin County Subdivision Regulations as applicable.</i>	
<i>Less than 3 units per acre</i>	<i>10%</i>
<i>3 units per acre</i>	<i>15%</i>
<i>4-6 units per acre</i>	<i>20%</i>
<i>More than 6 units per acre</i>	<i>25%</i>

12. Article V, Section C. Greenspace Standards, 3. of the Subdivision Regulations is hereby revised to read as follows:

3. Eligible Greenspace - Greenspace eligible for meeting the requirements of this section shall:
 - a. *be usable land for public active or passive recreation purposes.*
 - b. *be located in FEMA FIRM map zones AO, A99, D, or VO.*
 - c. *not be located in any wetland areas as defined by the Federal Government.*
 - d. *not include any retention, detention or similar holding basins, unless:*
 1. *The wet holding basin is clearly integrated into an open space/park site with adjacent pedestrian facilities and passive recreation provided by the applicant.*
 2. *Wet holding basin banks shall not exceed a 3:1 slope.*
 3. *Greenspace credit for wet holding basins basin shall not exceed 30% of the surface area of the wet holding basin at the basin’s static water level.*
 - e. *not include any right-of-way.*

13. Article V, Section C. Greenspace Standards, 4. of the Subdivision Regulations is hereby revised to read as follows:

4. 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 shall not be located adjacent to a collector or arterial street, provided however, greenspace may be located adjacent to, but outside any highway construction setback lines.*
 - d. *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.*
 - e. *The amount, distribution and type of open space provided shall be context sensitive with the built environment around it.*
 - f. *Types of Greenspace*

The following Table 4-1 indicates the categories, types, locations and general sizes of greenspace that are to be used to meet the City requirements for greenspace.

Table 4-1: Greenspace Categories and Types

14. Article V, Section C. Greenspace Standards, 4. Table 4-1 of the Subdivision Regulations is hereby revised to replace “open space” with “greenspace” throughout Table 4-1.

15. Article V, Section C. Greenspace Standards, 7. of the Subdivision Regulations is hereby revised to read as follows:

7. Greenspace Maintenance – *All required greenspace shall be indicated on the recorded plat as a public access and use easement. The plat must also have a note that 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. Lakes, ponds, watercourses or similar sites will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, park or greenspace. Such areas must be approved by the Recreation Board and accepted by the City Council before approval of the plat.*

16. Article V, Section D. Street Standards, 5.a.(9) of the Subdivision Regulations is hereby revised to read as follows:

- (9) *An inventory of all live trees greater than 20” DBH on site shall be protected and indicated on a tree preservation plan. Said preservation plan shall reflect tree protection in the diagram in Appendix G and verbiage below.*

Erecting Barriers is essential to protecting trees during construction. The applicant shall provide construction fences around all significant trees. Allow one foot of space from the trunk for each inch of trunk diameter. The intent is not merely to protect the above ground portion of the trees, but also the root systems. The fenced area shall be clear of building materials, waste, and excess soil. No digging, trenching or other soil disturbance shall be allowed in the fenced area.

Fines for not complying with the City of Fairhope’s ordinance 1193, tree protection, will be levied in accordance to the City of Fairhope’s restitution table.

17. Article V, Section D. Street Standards, 5.a.(11)(a) of the Subdivision Regulations is hereby revised to read as follows:

- (a) *A significant tree is defined as any living tree (overstory or understory) with a DBH that exceeds twenty (20) inches. Significant trees are protected under this Ordinance and cannot be cut or intentionally harmed without expressed written consent of the City Horticulturist.*

18. Article V, Section D. Street Standards, 6. of the Subdivision Regulations is hereby revised to remove the following wording:

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.

19. Article V, Section D. Street Standards, 6. of the Subdivision Regulations is hereby revised to add the following:

(4) Sidewalks

- (a) Sidewalks are not required to be installed in the right-of-way where all lots front on and have access to existing streets or roads, and such streets or roads are under the jurisdiction of another governing authority, and that authority has prohibited the installation of sidewalks in the right-of-way. In such event, the Commission may require the installation of sidewalks in easements along the margin of the lots adjacent to the right-of-way.*
- (b) If so requested, the Commission may waive the requirement to install sidewalks if, in the discretion of the Commission, sidewalks will not serve the intended purposes due to the absence of other sidewalks in proximity to the subdivision or due to topographical conditions. However, in such cases the Commission shall require sidewalk easements along the margin of lots adjacent to the right-of-way to accommodate the installation of sidewalks in the future.*

20. Article V, Section E. Lot Standards, 3.a. of the Subdivision Regulations is hereby revised to read as follows:

- a. Except in rural and agricultural subdivisions under Section D.7(c) and (d), or as otherwise provided in these regulations, all lots shall front upon a paved, publicly maintained street, and be accessed via such frontage. The Commission, in its discretion, may (but is not required to) allow deviation from this requirement where such frontage and access to each lot is unattainable due to unique and extraordinarily unusual characteristics of the property. Deviation will not be allowed where it appears to the Commission that that the deviation is proposed, in whole or in part, for the purpose of reducing development costs or increasing density. In allowing such deviation the Commission shall require the creation of easements at least 30' in width to provide for safe and convenient access for ingress/egress, utilities, and public services. Double frontage lots are prohibited, except where lots consist of more than 66% of a block.*

21. Article VI, Section B. Streets and Lanes, 4. of the Subdivision Regulations is hereby revised to read as follows:

- 4. Wearing Surface shall consist of a surface course constructed with asphaltic concrete. It shall be constructed in one layer, not less than an average weight of*

one hundred sixty-five pounds per square yards at an average thickness of not less than one and one half inches. Wearing surface shall conform to the lines, grades, and typical cross sections shown on the Plans. A cross slope of not less than one: quarter inch per foot shall be maintained from centerline to curb line. Plant mix shall conform to state specifications for the type work.

22. Article VI, Section D. Sidewalks of the Subdivision Regulations is hereby revised to read as follows:

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, or as elsewhere provided for in 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.

23. Article VI, Section E. Storm Water of the Subdivision Regulations is hereby revised to add the following:

9. *ESRI ArcMap Shapefiles – Electronic ESRI ArcMap shapefiles including but not limited to locations of all storm drainage piping, structures, inlets, ponds, swales, ditches, and any other forms of stormwater storage, treatment, or conveyance.*

24. Article VI, Section I. Permanent Monuments of the Subdivision Regulations is hereby revised to read as follows:

Monuments shall be set at all points where the exterior boundaries of the subdivision intersect, including points of curvature and points of tangency on curved boundaries. All monuments and interior lot corners shall be marked as prescribed by the most recent edition of the Alabama Society of Professional Land Surveyors document Standards of Practice for Surveying in the State of Alabama.

25. Article VI, Section L. Requirement to Complete Improvements of the Subdivision Regulations is hereby revised to read as follows:

Sub-divider shall be responsible for providing all required minimum improvements in the subdivision. This shall be accomplished by full installation of such improvements before the Final Plat is submitted to the Planning Commission for approval.

Sub-divider shall be responsible for providing all test reports, inspection videos, and ESRI ArcMap Shapefiles including but not limited to the following:

1. *Submission of all roadway and drainage-related test reports and inspection videos as required by Chapter 19 of the City of Fairhope Code of Ordinances stamped by a licensed professional engineer in the State of Alabama and*

including the engineer's stamp and statement certifying the roadway construction meets the requirements of the project plans.

2. *Submission of ESRI ArcMap Shapefiles are required by Article IV Section D. and Article VI. Section E.*
3. *Submission of all utility-related test reports, inspection videos, and ESRI ArcMap Shapefiles as required by Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities with reports stamped by a licensed professional engineer in the State of Alabama and including the engineer's stamp and statement certifying the utility services constructed meets the requirements of the project plans.*

26. Article VII, Section A. Waiver Standards of the Subdivision Regulations is hereby revised to read as follows:

Except where these regulations elsewhere provide for a waiver as to a specific matter, waivers may be granted where the Planning Commission finds that the following conditions exist:

1. *An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.*
2. *The condition is beyond the control of the sub-divider.*
3. *The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.*
4. *The waiver is the minimum deviation from the required standard necessary to relieve the hardship;*
5. *The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;*
6. *The waiver is necessary so that substantial justice is done.*

DULY ADOPTED this ___ day of _____, 2020.

Lee Turner, Chairman

Attest:

Emily Boyett, Secretary

City of Fairhope
Planning Commission
July 6, 2020

Adoption of various
amendments to the
subdivision regulations



Subdivision Regulations

Adopted March 8, 2007

Date of last amendment XXXX, 20XX

Article II Definitions

Lot: a parcel of land intended as a unit for transfer of ownership or for building development, or both, which **will generally front ~~fronts~~** upon a public right-of-way, exclusive of any part of the right-of-way. **Designation of land as a tax parcel by the Baldwin County Revenue Commissioner does not establish a lot of record within the meaning of these regulations.**

Article IV Section "B" Pre-Application and Sketch Plat

1. 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 – **except as specified in (2) below**. 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
- v. Written comments in lieu of attendance if provided

(2) Subdivisions preceded by the creation of a Planned Unit Development (PUD) are not required to conduct an additional community meeting prior to submission of a subdivision preliminary plat provided that a community meeting was conducted prior to the application requesting rezoning to Planned Unit Development (PUD).

xiii. Tree protection plan shall be submitted for all required street trees or trees over 20" ~~24"~~ DBH. Tree protection fences shall be installed prior to land disturbance activities.(See Appendix G)

Article IV Section "D.1.a. and D.1.b.(3). "Procedure for Plat Approval – Final Plat Requirements

Prior to expiration of preliminary plat approval, applicant may submit eighteen (18) copies of the Final Plat to the commission staff for review and, if in compliance, placement on the commission agenda.

1. Submission Requirements – The staff shall not place any proposed Final Plat on the agenda for review until staff has received the following items:
 - a. ~~Either a financial guaranty (in the form of a performance maintenance bond) 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.~~ (RE-NUMBER AS APPROPRIATE)
 - b. Final Plat and Final Plans showing all information required by and meeting requirements of Article IV., Section C.1. and the following additional information:
 - (1) Location of all blocks and lots with numbers in final numerical order.
 - (2) Sufficient data to determine and to reproduce on the ground the location, bearing and length of every road line, block line, boundary line, and building line, whether curved or straight, and including the radius of arc, central angle, length of tangent and length of curve for the centerline of all roads or streets and for all property lines. Dimensions shall be shown to the nearest 1/100 foot and bearings to the nearest 15 seconds.
 - (3) ESRI ArcMap Shapefiles including, but not limited to locations of: street centerlines, sidewalk centerlines, curb lines (including back of curb), property corners, lot lines, and edge of pavement.

Article IV Section "E" Procedure Exceptions

1. Minor Subdivisions - For platting of four (4) or fewer lots, where there are no new streets or rights-of-way, ~~and~~ no new utility mains ~~required~~, or any other public infrastructure (hereinafter "streets or public infrastructure") required, application for simultaneous preliminary and final approval may be made to the Planning Commission. Submittals shall in all other respects meet the minimum requirements of these regulations.
2. Replat - Lot line adjustments may be approved administratively by a replat approved by the Planning Director and/or his/her authorized agent without review by the Planning Commission, provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Zoning Ordinance. *The replat shall otherwise comply with all requirements of Article V, Section E Lot Standards.* A replat shall require the submission of a sketch plat as specified in Article IV, Section B.2., except that the location and dimension of lot lines, and existing facilities shall be exact. *Additionally, a replat may be required by the Planning Director to resolve discrepancies between lots of record and tax parcels comprising multiple lots.*

5. PROCEDURE EXCEPTION For Multiple Occupancy Projects which include four (4) or fewer units and for which no new streets or public infrastructure is ~~rights of way and no new utility mains are~~ required, application for simultaneous preliminary and final approval may be made to the Planning Commission. Submittals shall in all other respects meet the minimum requirements of these regulations.

Article V Section "B.2.e." Approval Standards

1. Generally - According to the City of Fairhope Comprehensive Plan, no street, square, park or other public way, ground or open space or public building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character and extent thereof shall have been submitted to and approved by the Commission.

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. **Notwithstanding that** the proposed subdivision may satisfy the technical, objective provisions of these regulations, the Commission has discretion to deny a subdivision if there is any articulable, rational basis for a determination that the proposed subdivision otherwise endangers the health, safety, or welfare of persons or property. ~~within the planning jurisdiction of the City.~~

1. Purpose - These greenspace standards shall implement the Comprehensive Plan for the physical development of the City by setting the location, character and extent of playgrounds, squares, parks, and other public grounds and **greenspace open spaces** to promote good civic design and arrangement. This design and arrangement shall ensure adequate and convenient **greenspace open spaces** for recreation. These standards shall promote the following goals in the Comprehensive Plan: (a) create focal points for new and existing neighborhoods by providing appropriately located parks, schools, parkways, and other amenities; (b) support development of recreational opportunities; (c) link village centers to neighborhoods with a parks and trail system; (d) provide public gathering places; and (e) include **greenspace open spaces** (plaza, parks, greenspace) for social activity and recreation in new infill development.

Article V Section "C" Greenspace Standards

2. Applicability and Requirements - The regulations in this Section C. shall apply to any development, whether or not in the City Limits. **Greenspace** ~~Open-space~~ amounts to be provided shall be **calculated** based on the net density of a subdivision **and applied to the gross area of the subdivision to determine the required greenspace for the subdivision.** For **the** purposes of this section, net density of a site is the resulting number of units per acre after removing public or private rights-of-way, storm water infrastructure, wetlands, water course and undevelopable land based on topography or physical constraints.

Units Per Acre	Greenspace 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%

Article V Section “C” Greenspace Standards

Subsection “2” Continued

Multiple Occupancy Project – Residential, including but not limited to Mobile Home Developments and Manufactured Home Developments as defined by the City of Fairhope Zoning Ordinance, Baldwin County Zoning Ordinance, or Baldwin County Subdivision Regulations as applicable.

Less than 3 units per acre	10%
3 units per acre	15%
4-6 units per acre	20%
More than 6 units per acre	25%

Article V Section "C" Greenspace Standards

3. Eligible Greenspace - Greenspace eligible for meeting the requirements of this section shall:
 - a. be usable land for public active or passive recreation purposes.
 - b. be located in FEMA FIRM map zones AO, A99, D, or VO.
 - c. not be located in any wetland areas as defined by the Federal Government.
 - d. not include any retention, detention or similar holding basins, unless:
 1. The **wet** holding basin is clearly integrated into an open space/park site with adjacent ~~land available for~~ pedestrian facilities and passive recreation **provided by the applicant**.
 2. **Wet** holding basin banks shall not exceed a 3:1 slope.
 3. **Greenspace** ~~Open space~~ credit for **wet** holding ~~basins~~ **basin** shall not exceed 30% **of the surface area of the wet holding basin at the basin's static water level**.
 - e. not include any right-of-way.

Article V Section “C” Greenspace Standards

4. 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 shall not be located adjacent to a collector or arterial street, [provided however, greenspace may be located adjacent to, but outside any highway construction setback lines.](#)
- d. 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.
- e. The amount, distribution and type of open space provided shall be context sensitive with the built environment around it.
- f. Types of Open Space and Greenspace

The following **Table 4-1** indicates the categories, types, locations and general sizes of [greenspace](#) ~~open-space~~ that are to be used to meet the City requirements for [greenspace](#) ~~open-space~~ and greenspace.

Article V Section "C" Greenspace Standards

Table 4-1: ~~Greenspace Open Space~~ Categories and Types

Replace
 "open space"
 with
 "greenspace"
 throughout
 table 4-1

Category	Type	Description	Location	Size Recommendation	Image
	Preserve	An undeveloped area that contains significant natural features or habitat worthy of preservation. Features such as large stands of trees, water elements, or prominent topography characterize preserves. A preserve may be used for passive recreation or as a scenic and visual buffer. It generally contains little or no constructed improvements although trails may access the preserve.	Preserves may be located in development type based natural features and the required level of preservation of natural characteristics required.	The size of a Preserve greenspace open space should be based on the site characteristics and potential continuity of natural features in the area along with the potential to connect to adjacent natural areas.	
	Trail / Greenway	An undeveloped area of continuous linear natural features, often following a stream or floodplain. A trail or greenway should be usable for recreation and non-motorized transportation. It includes few constructed improvements except for those to enhance travel or recreational use.	Trail and Greenway system may be located in any development type based on linkages to proposed or existing trail / greenway networks.	Generally, should include at least 3 acres but should be sized and located based on providing significant continuity throughout a development and to areas beyond the development area. Must be at least 30' wide at all locations.	

7. Greenspace Maintenance - All required greenspace shall be indicated on the recorded plat as a public access and use easement. The plat must also have a note that 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. Lakes, ponds, watercourses or similar sites will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, park or **greenspace** ~~open space~~. Such areas must be approved by the Recreation Board and accepted by the City Council before approval of the plat.

Article V Planning Design Standards – Section D.5.a.(9) and (11) “Street Standards”

(9) An inventory of all live trees greater than ~~20”~~ 24” DBH on site shall be protected and indicated on a tree preservation plan. Said preservation plan shall reflect tree protection in the diagram in Appendix G and verbiage below.

Erecting Barriers is essential to protecting trees during construction. The applicant shall provide construction fences around all significant trees.

Allow one foot of space from the trunk for each inch of trunk diameter. The intent is not merely to protect the above ground portion of the trees, but also the root systems. The fenced area shall be clear of building materials, waste, and excess soil. No digging, trenching or other soil disturbance shall be allowed in the fenced area.

Fines for not complying with the City of Fairhope’s ordinance 1193, tree protection, will be levied in accordance to the City of Fairhope’s restitution table.

(10) Developer shall be responsible for watering trees prior to subdivision acceptance and during the 2-year maintenance bond period.

(11) Tree Protection Requirements: The following requirements apply to all properties other than single-family residences:

- (a) A significant tree is defined as any living tree (overstory or understory) with a DBH that exceeds twenty ~~four (24)~~ (20) inches. Significant trees are protected under this Ordinance and cannot be cut or intentionally harmed without expressed written consent of the City Horticulturist.

6. 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.

Article V Planning Design Standards – Section “D.7.” Exceptions to Street Standards

(3) Cul-de-sacs or “loop” streets may be approved where connections with a through street would intersect with the natural or topographical feature. “Loop” streets are preferred to cul-de-sacs wherever practicable. Cul- de-sacs shall not exceed 660 feet and loop streets shall not exceed 1300 feet.

(4) Sidewalks

(a) Sidewalks are not required to be installed in the right-of-way where all lots front on and have access to existing streets or roads, and such streets or roads are under the jurisdiction of another governing authority, and that authority has prohibited the installation of sidewalks in the right-of-way. In such event, the Commission may require the installation of sidewalks in easements along the margin of the lots adjacent to the right-of-way.

(b) If so requested, the Commission may waive the requirement to install sidewalks if, in the discretion of the Commission, sidewalks will not serve the intended purposes due to the absence of other sidewalks in proximity to the subdivision or due to topographical conditions. However, in such cases the Commission shall require sidewalk easements along the margin of lots adjacent to the right-of-way to accommodate the installation of sidewalks in the future.

3. Lot Access –

- a. Except in rural and agricultural subdivisions under ~~as provided in~~ Section D.7(c) and (d), or as otherwise provided in these regulations, ~~D.6.~~, all lots shall front upon a paved, publicly maintained street, and be accessed via such frontage. The Commission, in its discretion, may (but is not required to) allow deviation from this requirement where such frontage and access to each lot is unattainable due to unique and extraordinarily unusual characteristics of the property. Deviation will not be allowed where it appears to the Commission that that the deviation is proposed, in whole or in part, for the purpose of reducing development costs or increasing density. In allowing such deviation the Commission shall require the creation of easements at least 30’ in width to provide for safe and convenient access for ingress/egress, utilities, and public services. Double frontage lots are prohibited, except where lots consist of more than 66% of a block.

Article VI Construction Standards – Section “B” Streets and Lanes

4. Wearing Surface shall consist of a surface course constructed with asphaltic concrete. It shall be constructed in one layer, not less than an average weight of one hundred ~~fifty~~ sixty-five pounds per square yards at an average thickness of not less than one and one half inches. Wearing surface shall conform to the lines, grades, and typical cross sections shown on the Plans. A cross slope of not less than one: quarter inch per foot shall be maintained from centerline to curb line. Plant mix shall conform to state specifications for the type work.

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, **or as elsewhere provided for in 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.

9. ESRI ArcMap Shapefiles - Electronic ESRI ArcMap shapefiles including but not limited to locations of all storm drainage piping, structures, inlets, ponds, swales, ditches, and any other forms of stormwater storage, treatment, or conveyance.

Article VI Construction Standards – Section “I” Permanent Monuments

~~Concrete Monuments four inches in cross section and three feet long, with a flat top~~ shall be set at all points where the exterior boundaries of the subdivision intersect, including points of curvature and points of tangency on curved boundaries. ~~The top of the monument shall have an "X" indented therein to identify the exact point and the top shall be set flush with grade.~~ All monuments and interior lot corners shall be marked with a pipe not smaller than three quarters inch diameter, 24 inches length and shall be driven flush with finish grade as prescribed by the most recent edition of the Alabama Society of Professional Land Surveyors document *Standards of Practice for Surveying in the State of Alabama*.

Article VI Construction Standards – Section “L” Requirement to Complete Improvements

Sub-divider shall be responsible for providing all required minimum improvements in the subdivision.

This shall ~~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 subdivider 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 subdivider’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.~~

Article VI Construction Standards – Section “L” Requirement to Complete Improvements (continued)

Sub-divider shall be responsible for providing all test reports, inspection videos, and ESRI ArcMap Shapefiles including but not limited to the following:

1. Submission of all roadway and drainage-related test reports and inspection videos as required by Chapter 19 of the City of Fairhope Code of Ordinances stamped by a licensed professional engineer in the State of Alabama and including the engineer’s stamp and statement certifying the roadway construction meets the requirements of the project plans.
2. Submission of ESRI ArcMap Shapefiles are required by Article IV Section D. and Article VI. Section E.
3. Submission of all utility-related test reports, inspection videos, and ESRI ArcMap Shapefiles as required by *Standard Specifications for Constructing Sanitary Sewer Facilities and Water Facilities* with reports stamped by a licensed professional engineer in the State of Alabama and including the engineer’s stamp and statement certifying the utility services constructed meets the requirements of the project plans.

Article VII Section "A" - Wavier Standards

Except where these regulations elsewhere provide for a wavier as to a specific matter, waivers may be granted where the Planning Commission finds that the following conditions exist:

1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.
 1. The condition is beyond the control of the sub-divider.
 2. The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.
 3. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;
 4. The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;
 5. The waiver is necessary so that substantial justice is done.



Planning Commission

July 6, 2020

Subdivision Approval

Case: SD 20.25 Mars Hill Subdivision

Project Name:

Mars Hill Subdivision

Project Type:

Minor Subdivision

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

Unzoned Baldwin County within
County Planning District 17

PPIN Number:

235003

General Location:

Northeast intersection of CR32
and US HWY 98 (Greeno Road)

Engineer of Record:

Dewberry Engineers

Owner / Developer:

CFP Housing, LLC (Curtis F. Pilot)

School District:

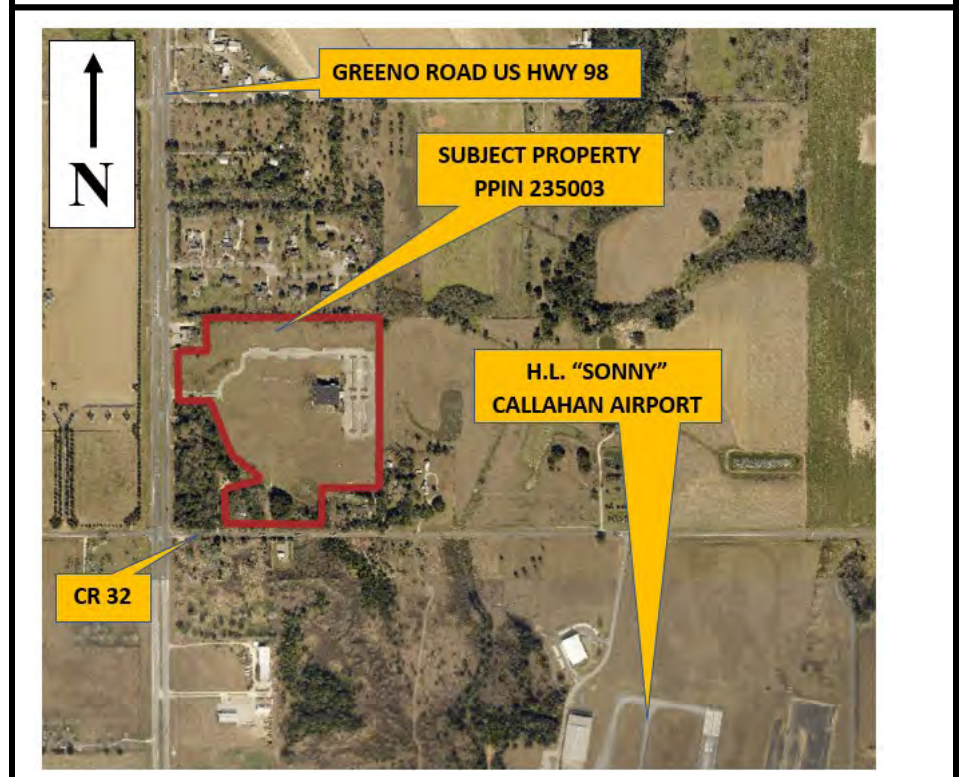
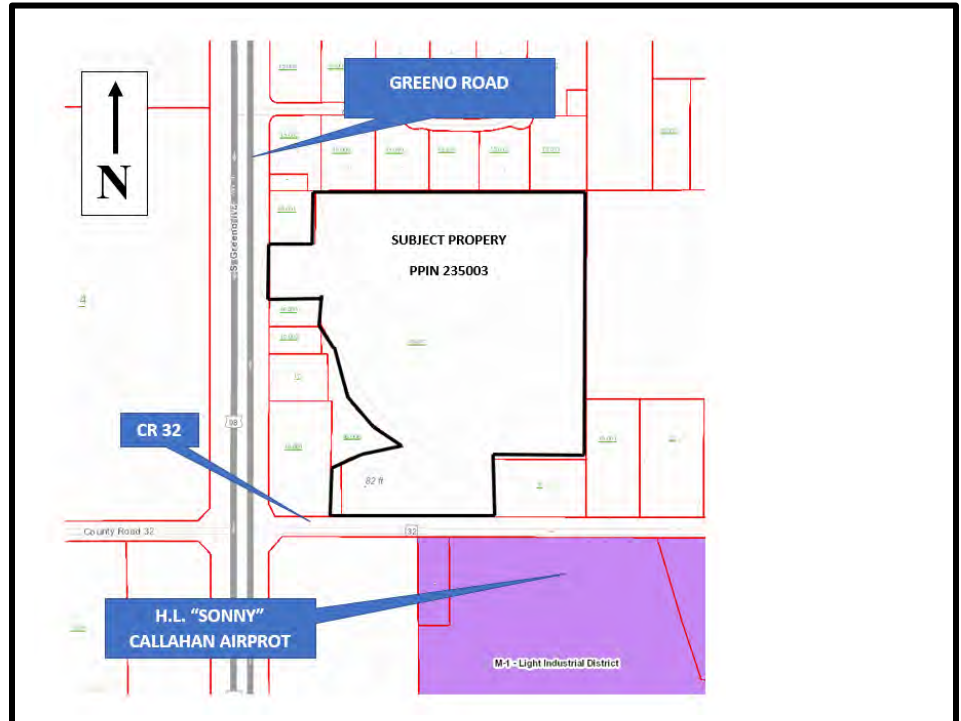
Fairhope Elementary,
Intermediate, Middle, and High
Schools

Recommendation:

Approve with conditions

Prepared by:

J. Buford King
Development Services
Manager



Summary of Request:

Public hearing to consider the request of surveyor of record Mr. Steven Pumphrey and engineer of record Mr. Jason Estes, PE of Dewberry Engineers on behalf of Curtis F. Pilot of CFP Housing, LLC for the approval of Mars Hill Subdivision, a three-lot minor subdivision. Subject property is located on the east side of US HWY 98 (Greeno Road) near the intersection of County Road 32, north of the H.L. "Sonny" Callahan Airport. Proposed Lot 1 is 5.35 acres +/-, proposed Lot 2 is 15.38 acres +/- and proposed Lot 3 is 6.57 acres +/- . No development activities are known at this time above and beyond the creation of requested lots via minor subdivision.

Comments:

- *Article V, Section E.3.a. Lot Standards – Lot Access*
 - a. The initial application included proposed Lot 1 not fronting upon a paved, publicly-maintained street
 - b. The plat has been amended to reflect Lot 1 as a "flag" lot that fronts upon Greeno Road and thus meets the requirements of this section.
- *Article IV, Section C.1.c. Street Plan Requirements*
 - a. The initial application proposed "Mars Hill Lane" which was requested as a private ROW but met neither the lot nor ROW standards.
 - b. The private ROW is no longer requested and proposed Lot 1 is now a "flag" lot that includes the former Mars Hill Lane. An ingress/egress easement across the portion of Lot 1 connecting to Greeno Road is included on the plat in favor of lots 2 and 3, however proposed Lots 2 and 3 also meet the frontage requirements of the subdivision regulations.
- *Article VI, Section D. Construction Standards-Sidewalks*
 - a. No sidewalks along US HWY 98/Greeno Road and County Road 32 are provided in subject application or proposed within pedestrian/sidewalk easements
 - b. A waiver from the sidewalk installation requirement has been requested and the developer is willing to place a pedestrian access easement along the margin of the affected ROWs upon which sidewalks may be constructed at a future time.
- *Article IV, Section C.1.b.(13) and Article V, Section D.5.a.(9) Tree Protection Plan*
 - a. The applicant indicates no development activities above and beyond the creation of proposed lots is known for the site at the time of consideration and thus no tree protection is required
- *Article IV, Section C.1.h. Traffic Data and Traffic Study:*
 - a. The engineer of record (EOR) has provided correspondence indicating the proposed subdivision does not trigger a traffic study
- *Article IV, Section.D.1.b.(17) Maintenance Plan for maintenance of detention facilities*
 - a. Two existing detention ponds provide stormwater storage and treatment for the site and to continue to accommodate drainage needs for the entire site after the creation of multiple lots, a blanket drainage easement is noted on the plat on the entirety of the property.
 - b. An Operations and Maintenance (O&M) Plan and Agreement will be necessary for the detention ponds and the stormwater system in order to meet the current requirements of the subdivision regulations, and will be included as a condition of approval.

The subdivision regulations contain the following criteria in Article V.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.

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.

- N/A – subject property is located in unzoned Baldwin County. The 2015 comprehensive plan contemplates a commercial node near subject property, however subject application does not present any development activities above and beyond the creation of proposed lots.

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.

- N/A - subject application does not present any development activities above and beyond the creation of proposed lots for which analysis by the plans described above is triggered.

c. The proposed subdivision is not consistent with these regulations.

- Meets – pending approval of the partial sidewalk waiver request

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.”

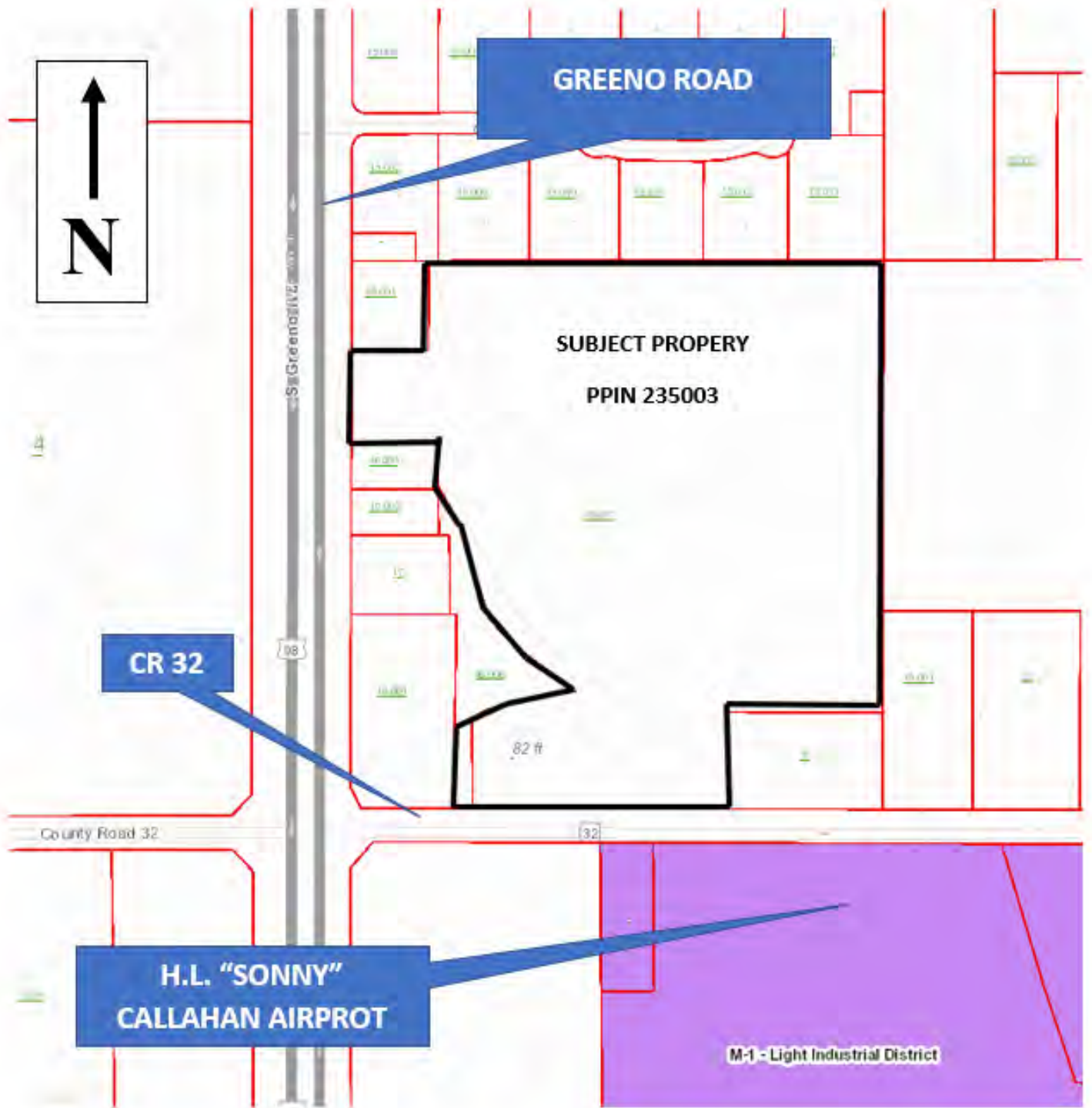
- Does not appear to endanger health, safety, welfare, or property

Recommendation:

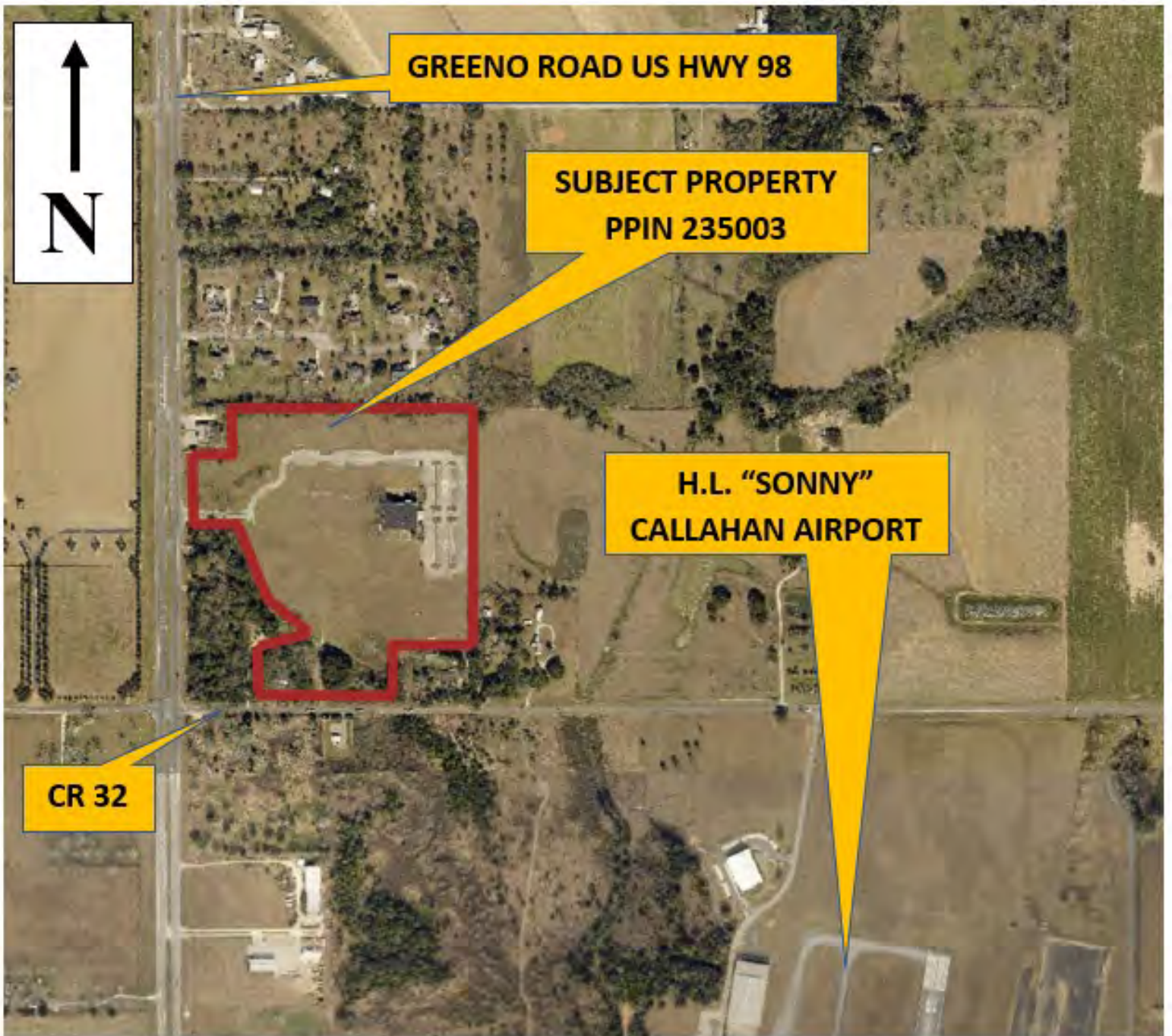
Staff recommends **APPROVAL** of case number SD 20.25 subject to the following conditions:

1. Acceptance of the applicant’s request for a partial wavier of Article IV, Section “D” sidewalks.
 - a. In lieu of installing sidewalks along CR 32 and Greeno Road, the applicant is willing to place a pedestrian access easement on the subdivision plat along the margin of the frontage of the CR 32 and US 98 ROWs which will allow installation of sidewalks at a future time.
 - b. Staff does not object to this waiver request because the nearest sidewalks along the respective ROWs are more than one road mile from the subject property.
2. Preparation, submission, and recording of a Stormwater Operations Maintenance Plan and Agreement for the existing stormwater system on subject property as prerequisite to applying staff signatures on the plat.

Enlarged Zoning Map:



Enlarged Aerial Map:





Dewberry Engineers Inc. | 251.990.9950
25353 Friendship Road | 251.990.9910 fax
Daphne, AL 36526 | www.dewberry.com

June 15, 2020

Mr. Buford King
City of Fairhope
161 North Section Street
Fairhope, AL 36532

**Re: Mars Hill Subdivision
Minor Subdivision (SD 20.25)**

Dear Buford:

With this letter, we are requesting on behalf of the property owner for a waiver from Article VI, Section "D" Sidewalks of the Fairhope Subdivision Regulations. There are no existing sidewalks in the proximity of this property and there is no site construction proposed as part of this subdivision. If desired by the Planning Commission, the property owner is willing to place a pedestrian access easement along the frontage of US Highway 98 and County Road 32 right-of-ways.

If you need any additional information regarding this application, please advise.

Sincerely,

DEWBERRY

Steven Pumphrey
Senior Planner

Cc: File: 50120268

CERTIFICATE OF APPROVAL BY FAIRHOPE PUBLIC UTILITIES:

THE UNDERSIGNED, AS AUTHORIZED BY BOARD RESOLUTION, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2020.

CERTIFICATE OF APPROVAL BY THE F-011 ADDRESSING:

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY F-11 BOARD, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2020.

CERTIFICATE OF APPROVAL BY TELEPHONE (T&T):

THE UNDERSIGNED, AS AUTHORIZED BY A STATE ENGINEER, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2020.

CERTIFICATE OF APPROVAL BY RIVERIA UTILITIES (ELECTRIC):

THE UNDERSIGNED, AS AUTHORIZED BY A STATE ENGINEER, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2020.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

THIS IS TO CERTIFY THAT THE UNDERSIGNED AS SHOWN BY THE ADJACENT MAP AND DEED TO THE UNDERSIGNED HAS CAUSED THIS TRAIL TO BE CONSTRUCTED AND DEDICATED TO THE PUBLIC USE AND PURPOSES OF THE STATE OF ALABAMA, AND THE UNDERSIGNED HEREBY KNOWINGLY AND INTENTIONALLY ACCEPTS THE SAME UNDER THE DEED AND THIS HERON TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED HEREON OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATE THIS _____ DAY OF _____, 2020.

PRINTED _____

SIGNATURE _____

ACKNOWLEDGEMENT OF NOTARY PUBLIC:

STATE OF _____

COUNTY OF _____

THIS STATE HEREBY CERTIFY THAT _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY

DO SO IN WITNESS WHEREOF I HAVE SIGNED AND DELIVERED TO THE PERSON AND ACKNOWLEDGE THAT HE/SHE IS/ARE HEREIN FREELY AND VOLUNTARILY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2020.

BY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

CERTIFICATE OF APPROVAL BY TELEPHONE (T&T):

THE UNDERSIGNED, AS AUTHORIZED BY A STATE ENGINEER, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2020.

CERTIFICATE OF APPROVAL BY RIVERIA UTILITIES (ELECTRIC):

THE UNDERSIGNED, AS AUTHORIZED BY A STATE ENGINEER, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2020.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

THIS IS TO CERTIFY THAT THE UNDERSIGNED AS SHOWN BY THE ADJACENT MAP AND DEED TO THE UNDERSIGNED HAS CAUSED THIS TRAIL TO BE CONSTRUCTED AND DEDICATED TO THE PUBLIC USE AND PURPOSES OF THE STATE OF ALABAMA, AND THE UNDERSIGNED HEREBY KNOWINGLY AND INTENTIONALLY ACCEPTS THE SAME UNDER THE DEED AND THIS HERON TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED HEREON OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATE THIS _____ DAY OF _____, 2020.

PRINTED _____

SIGNATURE _____

ACKNOWLEDGEMENT OF NOTARY PUBLIC:

STATE OF _____

COUNTY OF _____

THIS STATE HEREBY CERTIFY THAT _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY

DO SO IN WITNESS WHEREOF I HAVE SIGNED AND DELIVERED TO THE PERSON AND ACKNOWLEDGE THAT HE/SHE IS/ARE HEREIN FREELY AND VOLUNTARILY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2020.

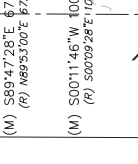
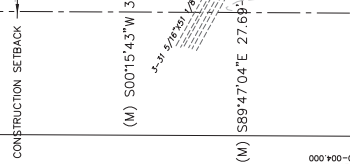
BY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____



LEGEND:

- ≡ AIR CONDITIONER
- ≡ CLOSET
- ≡ ELECTRICAL PANEL
- ≡ ELECTRIC BOX
- ≡ ELECTRIC METER
- ≡ FIRE HYDRANT
- ≡ GAS METER
- ≡ TELEPHONE PEDestal
- ≡ 2" x 2" IN-GROUND TELEPHONE BOX
- ≡ GAS METER
- ≡ LIGHT POLE
- SEWER CLEAN-OUT
- SEWER MANHOLE
- UTILITY MARKER (FIBER OPTIC)
- UTILITY MARKER (GAS LINE)
- UTILITY MARKER (POWERS)
- WATER METER
- WATER SPROUT
- WATER VALVE
- WELL/LAND MARKER
- CONCRETE MONUMENT FOUND IN PLACE
- COPPER CHAIN IRON FOUND IN PLACE
- DICED IRON PIN FOUND IN PLACE
- 5/8" CAPPED REBAR SET (CA-1109-1LS)
- CALCULATED BEARING AND DISTANCE
- CORRUGATED METAL PIPE
- MEASURED BEARING AND DISTANCE
- REINFORCED CONCRETE ARCH PIPE
- RECORD DEED BEARING AND DISTANCE
- SEWER LINE (GRAVITY)
- SEWER LINE (FORCE MAIN)
- WATER LINE
- BUILDING SETBACK LINE



SITE DATA

ZONING: UNZONED BALDWIN COUNTY
PROPOSED USE: COMMERCIAL

NUMBER OF LOTS: 3
SMALLEST LOT: 6.57 AC
LARGEST LOT: 15.38 AC
TOTAL AREA: 29.39 AC.

REQUIRED SETBACKS:

FRONT: 30 FEET
REAR: 30 FEET
SIDE: 10 FEET
SIDE STREET: 20 FEET

WATER SERVICE: CITY OF FAIRHOPE
SEWER SERVICE: CITY OF FAIRHOPE
ELECTRIC SERVICE: RIVERIA UTILITIES
TELEPHONE SERVICE: AT&T

GENERAL NOTES:
1. THERE IS DEDICATED HEREWITH A 15 FOOT (7.5 FEET EACH SIDE) UTILITY EASEMENT...
2. THERE IS DEDICATED HEREWITH A BLANKET UTILITY EASEMENT OVER THE ENTIRETY...
3. THIS PROPERTY LIES WITHIN THE AIRPORT OVERLAY AND SHALL FOLLOW THE...
4. SECTION 17...
5. SECTION 18...
6. SECTION 19...
7. HIGHEST ELEVATION AT BUILDING FOOTPRINT.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED AND APPROVED BY ME OR A STATE ENGINEER AS AUTHORIZED BY BALDWIN COUNTY AND SURVIVING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

DEWBERRY
VICTOR L. GERMAN AL P.L.S. NO. 38473
DATE _____

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL

PROPERTY IS LOCATED IN THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

MARS HILL SUBDIVISION
BOUNDARY SURVEY AND PLAT OF MINOR SUBDIVISION
JUNE 15, 2020 - SHEET 1 OF 1

DESIGN	M.S.P.	DRAWN	A.E.F.	CHKD.	M.S.P.
ENG	---	SURVEYOR	V.L.G.	PROJ. MGR	M.S.P.
					SCALE 1"=80'
					PROJ. NO. 50120268
					FILE MINOR SUBDIV
					SHEET 1 OF 1

Dewberry
25533 Friendship Road Daphne, AL 36528
251-999-9950 fax: 251-999-9951

Dewberry
25533 Friendship Road Daphne, AL 36528
P.O. BOX 91206
MOBILE, AL 36691



Planning Commission

July 6, 2020

2-Lot Minor Subdivision Approval

Case: SD 20.29 USA Mapp Subdivision

Project Name:
USA Mapp Subdivision Minor

Property Owner /Applicant:
Mapp Limited Partnership, an Alabama Limited Partnership

General Location:
The property is located at the southeast corner of the intersection of State Highway 181 and State Highway 104

Project Type:
Minor Subdivision inside Fairhope's ETJ

Number of lots:
2

Project Acreage:
16.75

Zoning District:
Unzoned

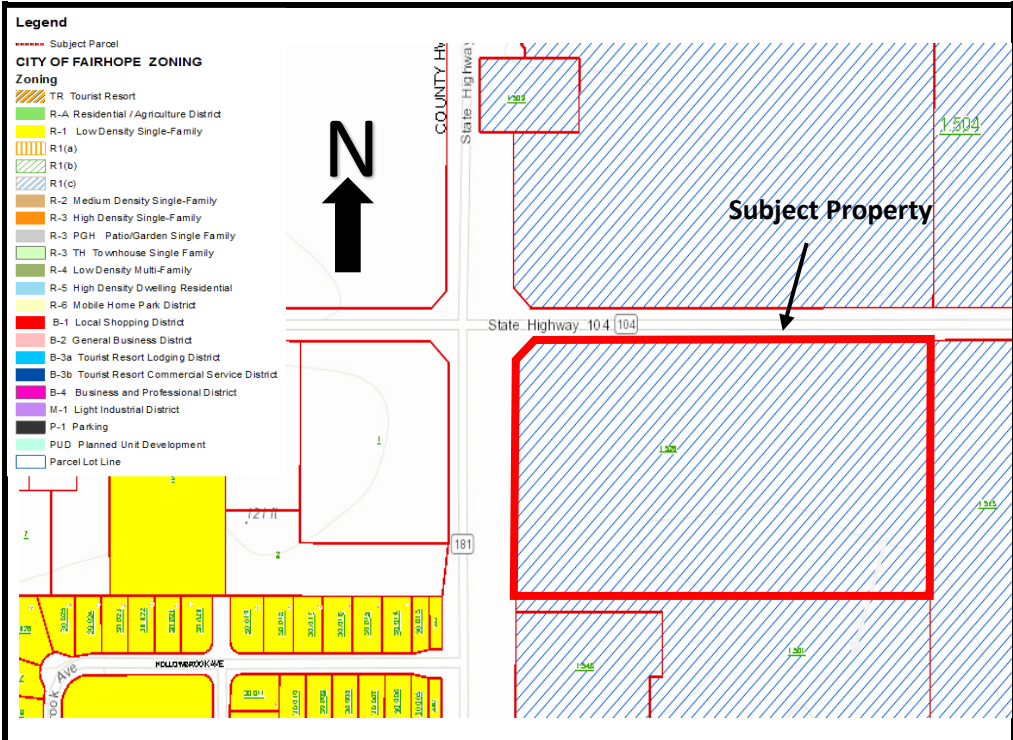
PPIN Number:
77680

Surveyor of record:
Dewberry

School District:
Fairhope East Elementary, Fairhope Middle, Fairhope High

Report prepared by:
Carla L. Davis
City Planner

Recommendation:
Approval



Summary of Request:

Public hearing to consider the request of Mapp Limited Partnership, an Alabama Limited Partnership, owner, and applicant for a 2-lot minor subdivision. The property is located on the east side of County Road 3 just south of Rose Bishop Lane. The subject property is approximately 16.75 acres and the applicant desires to divide the property into two separate lots. The proposed Lot 1 is approximately 8.00 acres (9348,263 square feet). The proposed Lot 2 is approximately 8.75 acres (381,583 square feet).

Comments:

The subject property is in Fairhope's Extra Territorial Jurisdiction and therefore must follow Fairhope's Subdivision Regulations. The proposed subdivision according to Fairhope's Subdivision Regulations is a minor subdivision and has been reviewed accordingly. Fairhope's Subdivision Regulations Article VI Section D requires the provision of sidewalks along all streets in the Planning Jurisdiction of Fairhope. The preliminary plat depicts a 10' sidewalk easement along US Highway 181 and Highway 104. The applicant is also requesting a sidewalk waiver.

Article VI, Section G also requires the provision of fire hydrants to 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. The applicant is also requesting a fire hydrant waiver along US Highway 181 and 104 for the deferral of installation of fire hydrants until the submission of a site plan (the applicant states it is forthcoming).

The proposed subdivision does not include the building of any infrastructure or improvements therefore a tree protection plan, landscape plan, and other criteria required for a major subdivision is not applicable. The proposed subdivision did not trigger a traffic study. Concerning storm water runoff none of the existing flow patterns will be changed by this replat. Water services will be provided by the City of Fairhope. Power is supplied by Riviera Utilities. Baldwin County Sewer Service will be provided sewer, and the telephone service will be provided by AT& T.

Waiver Request:

Article VI Section D. Sidewalks requirement in the City of Fairhope Subdivision Regulations which states, "sidewalks shall be installed on all streets within the planning jurisdiction of the City of Fairhope."

The applicant has provided a letter stating the following regarding the request for sidewalk waivers:

On behalf of the owner, Mapp Limited Partnership, an Alabama Limited Partnership, we are requesting a waiver from the sidewalk requirements along US Hwy 181 and US Hwy 104. We have depicted a 10-foot sidewalk easement along US Hwy 104 and US Hwy 181.

Article VI, Section G. Fire Hydrants requirement in the City of Fairhope Subdivision Regulations which states, "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 at otherwise required by the fire authority having jurisdiction."

The applicant has provided a letter stating the following regarding the request for a sidewalk waiver:

On behalf of the owner, Mapp Limited Partnership, an Alabama Limited Partnership, we are requesting a waiver from the fire hydrant requirement along US Hwy 181 and US Hwy 104. We are requesting the deferral of installation of additional fire hydrants to future site plan application.

A. WAIVER STANDARDS: (Staff response in purple)

Waivers may be granted where the Planning Commission finds that the following conditions exist:

1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.
Article VI Section D. - Sidewalks: Though no hardship is presented, currently there are no sidewalks in the nearby vicinity. However, the applicant is proposing to allow a 10' sidewalk easement thus a sidewalk can be constructed in the future if needed.
Article VI, Section G.- Fire Hydrants: The applicant has not presented any extraordinary hardship; however, plans to construct fire hydrants at the time of site plan review.
2. The condition is beyond the control of the sub-divider.
Article VI Section D. - Sidewalks: Not applicable for this individual case.
Article VI, Section G.- Fire Hydrants: Not applicable for this individual case.
3. The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.
Article VI Section D. - Sidewalks: Staff finds that this waiver will not nullify the intent of the regulations because the existing character of the surrounding properties is such that there are no sidewalks. However, the applicant has provided additional space for the construction of a sidewalk, if needed.
Article VI, Section G.- Fire Hydrants: Staff finds that this waiver will not nullify the intent of the regulations because fire hydrants will be added before new construction takes place.
4. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;
Article VI Section D. - Sidewalks: Because property is allocated for future construction for sidewalks, the waiver would be a minimal deviation from the required standard.
Article VI, Section G.- Fire Hydrants: Because the fire hydrants are being installed prior to development, the waiver would be a minimal deviation from the required standard.
5. The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;
Article VI Section D. - Sidewalks: No, the waiver shall not have adverse effects.
Article VI, Section G.- Fire Hydrants: No, the waiver shall not have adverse effects as installment of the hydrants will take place at a later time.
6. The waiver is necessary so that substantial justice is done.
Article VI Section D. - Sidewalks: Staff is neutral on this standard.
Article VI, Section G.- Fire Hydrants: Staff is neutral on this standard.

The subdivision regulations contain the following criteria in Article IV.B.2. Approval Standards:

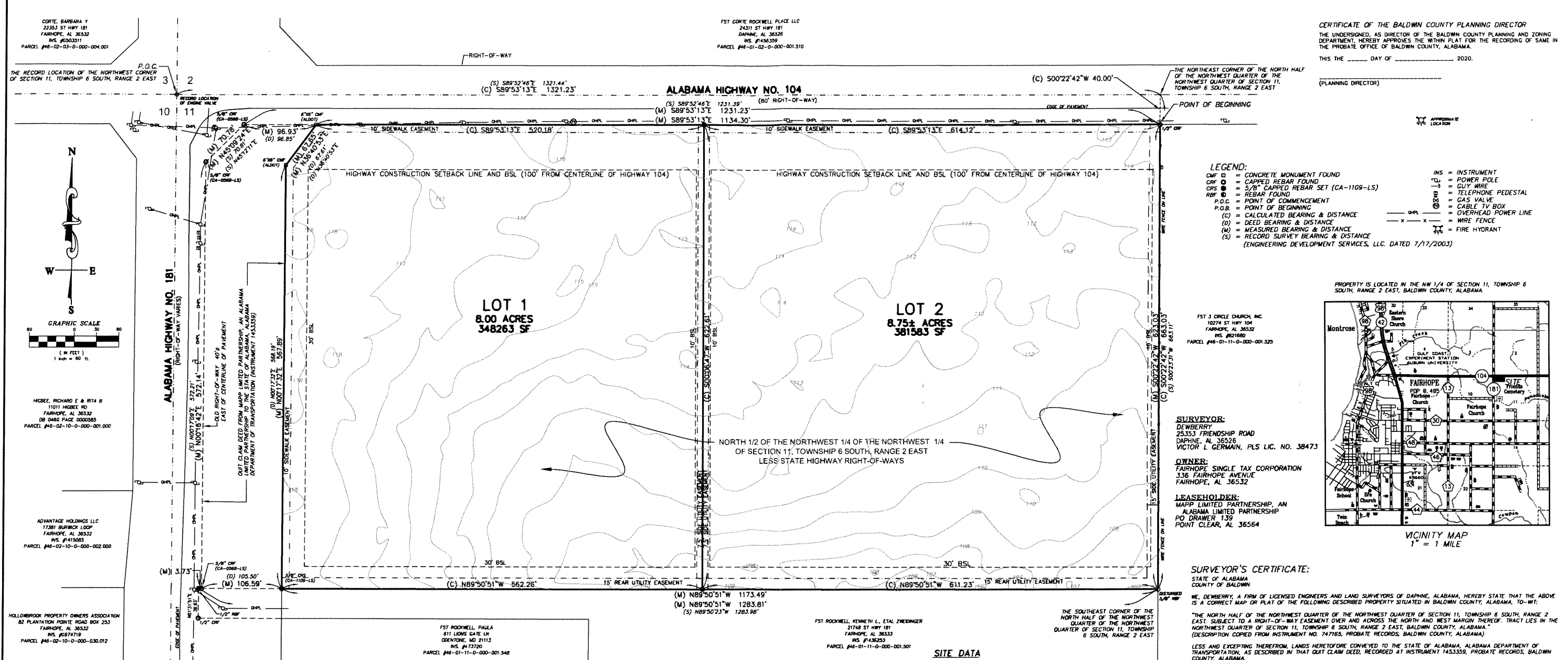
"2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

- a. **The proposed subdivision is not consistent with the City's Comprehensive Plan, and/or the City's Zoning ordinance, where applicable;**
 - **Not 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;*
 - **Not applicable**
- 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 20.29 conditional upon the approval of a sidewalk waiver and the fire hydrant waiver to be deferred until site plan review.



CORTE, BARBARA Y
22353 ST HWY 181
FAIRHOPE, AL 36532
INS. #0503011
PARCEL #46-02-03-0-000-004.001

FST CORTE ROCKWELL PLACE LLC
24311 ST HWY 181
DAPHNE, AL 36526
INS. #1436359
PARCEL #46-01-02-0-000-001.510

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR
THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.
THIS THE _____ DAY OF _____ 2020.
(PLANNING DIRECTOR) _____

RIGHT-OF-WAY
THE RECORD LOCATION OF THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST
P.O.C. RECORD LOCATION OF ENGINE MONUMENT
THE NORTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST
POINT OF BEGINNING
ALABAMA HIGHWAY NO. 104
80' RIGHT-OF-WAY
10' SIDEWALK EASEMENT
HIGHWAY CONSTRUCTION SETBACK LINE AND BSL (100' FROM CENTERLINE OF HIGHWAY 104)
ALABAMA HIGHWAY NO. 181
15' SIDE UTILITY EASEMENT
15' REAR UTILITY EASEMENT
LOT 1
8.00 ACRES
348263 SF
LOT 2
8.75± ACRES
381583 SF
NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST
LESS STATE HIGHWAY RIGHT-OF-WAYS
THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST
LEGEND:
CONCRETE MONUMENT FOUND
CAPPED REBAR FOUND
5/8" CAPPED REBAR SET (CA-1109-LS)
REBAR FOUND
POINT OF COMMENCEMENT
POINT OF BEGINNING
CALCULATED BEARING & DISTANCE
DEED BEARING & DISTANCE
MEASURED BEARING & DISTANCE
RECORD SURVEY BEARING & DISTANCE
ENGINEERING DEVELOPMENT SERVICES, LLC, DATED 7/17/2003
INS = INSTRUMENT
GUY WIRE
TELEPHONE PEDESTAL
GAS VALVE
CABLE TV BOX
OVERHEAD POWER LINE
WIRE FENCE
FIRE HYDRANT
VICINITY MAP
1" = 1 MILE
SURVEYOR:
DEWBERRY
25353 FRIENDSHIP ROAD
DAPHNE, AL 36526
VICTOR L. GERMAIN, PLS LIC. NO. 38473
OWNER:
FAIRHOPE SINGLE TAX CORPORATION
336 FAIRHOPE AVENUE
FAIRHOPE, AL 36532
LEASEHOLDER:
MAPP LIMITED PARTNERSHIP, AN ALABAMA LIMITED PARTNERSHIP
PO DRAWER 139
POINT CLEAR, AL 36564
SURVEYOR'S CERTIFICATE:
STATE OF ALABAMA
COUNTY OF BALDWIN
WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:
"THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SUBJECT TO A RIGHT-OF-WAY EASEMENT OVER AND ACROSS THE NORTH AND WEST MARGINS THEREOF. TRACT LIES IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA."
(DESCRIPTION COPIED FROM INSTRUMENT NO. 747163, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA)
LESS AND EXCEPTING THEREFROM, LANDS HERETOFORE CONVEYED TO THE STATE OF ALABAMA, ALABAMA DEPARTMENT OF TRANSPORTATION, AS DESCRIBED IN THAT OAT CLAIM DEED, RECORDED AT INSTRUMENT 1453359, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.
LANDS SURVEYED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCE AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN AND RUN THENCE SOUTH 89°31'13" EAST, ALONG THE NORTH MARGIN OF SAID SECTION 11, A DISTANCE OF 1321.23 FEET TO A POINT; THENCE RUN SOUTH 00°22'42" WEST, A DISTANCE OF 40.00 FEET TO AN IRON PIN IN THE SOUTH RIGHT-OF-WAY OF STATE HIGHWAY 104 (80 FOOT RIGHT-OF-WAY) FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°22'42" WEST, A DISTANCE OF 623.03 FEET TO AN IRON PIN; THENCE RUN NORTH 89°50'51" WEST, A DISTANCE OF 1173.49 FEET TO A CAPPED REBAR (CA-1109-LS) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°17'32" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 567.89 FEET TO A 6"x6" CONCRETE MONUMENT; THENCE RUN NORTH 36°40'33" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 67.65 FEET TO A 6"x6" CONCRETE MONUMENT ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF ALABAMA HIGHWAY 104; THENCE SOUTH 89°31'13" WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 1134.30 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 16.75 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.
(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY).
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.
DEWBERRY DATE
VICTOR L. GERMAIN AL. P.L.S. NO. 38473
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.
ALABAMA LICENSED PROFESSIONAL LAND SURVEYOR VICTOR L. GERMAIN

HOBBE, RICHARD E & RTA II
11011 HOBBS RD
FAIRHOPE, AL 36532
DB 0480 PAGE 0000383
PARCEL #46-02-10-0-000-001.000

ADVANTAGE HOLDINGS LLC
17381 BURBICK LOOP
FAIRHOPE, AL 36532
INS. #1415025
PARCEL #46-02-10-0-000-002.000

HOLLOWBROOK PROPERTY OWNERS ASSOCIATION
82 PLANTATION POINTE ROAD BOX 253
FAIRHOPE, AL 36532
INS. #0274719
PARCEL #46-02-10-0-000-030.012

FST ROCKWELL, PAULA
611 LIONS GATE LN
ODONTONE, MO 21113
INS. #473720
PARCEL #46-01-11-0-000-001.348

FST ROCKWELL, KENNETH L, ETAL ZMEIDINGER
2748 ST HWY 181
FAIRHOPE, AL 36533
INS. #1436253
PARCEL #46-01-11-0-000-001.501

GENERAL NOTES:
1. THERE IS DEDICATED HERewith A 15 FOOT (7.5 FOOT EACH SIDE) UTILITY EASEMENT ALONG ALL SIDE LOT LINES AND 15' ALONG THE REAR LOT LINES.
CERTIFICATE OF APPROVAL BY THE FAIRHOPE PLANNING COMMISSION
THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING COMMISSION OF FAIRHOPE, ALABAMA, AND IS APPROVED BY SUCH COMMISSION.
THE CITY OF FAIRHOPE PLANNING COMMISSION
BY: _____ DATE: _____
SECRETARY

CERTIFICATE OF LEASEHOLD OWNERSHIP
WE, THE UNDERSIGNED, MAPP LIMITED PARTNERSHIP, AN ALABAMA LIMITED PARTNERSHIP, AS PROPRIETOR(S), HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAD OUT AND PLATTED TO BE KNOWN AS USA MAPP SUBDIVISION, BALDWIN COUNTY, ALABAMA, AND THAT THE STREETS AND EASEMENTS, AS SHOWN ON SAID PLAT, ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.
DATED THIS _____ DAY OF _____ 20____
MAPP LIMITED PARTNERSHIP, AN ALABAMA LIMITED PARTNERSHIP
BY: MEFM, INC. AN ALABAMA CORPORATION
ITS GENERAL PARTNER
BY: _____ SIGNATURE
LOUIS E. MAPP
ITS: PRESIDENT
(AFFIX CORPORATE SEAL)

CERTIFICATE OF NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN
I, _____ NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT _____ AS PRESIDENT, AND _____ AS SECRETARY OF FAIRHOPE SINGLE TAX CORPORATION, AN ALABAMA CORPORATION, AS OWNER OF THE LANDS PLATTED HEREON IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO ARE KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, AND IN THEIR CAPACITY AS SUCH OWNER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.
GIVEN UNDER MY HAND AND OFFICIAL SEAL THE _____ DAY OF _____ 20____
NOTARY PUBLIC MY COMMISSION EXPIRES _____

CERTIFICATE OF NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN
I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, HEREBY CERTIFY THAT LOUIS E. MAPP, WHOSE NAME AS PRESIDENT OF MEFM, INC. AN ALABAMA CORPORATION, ACTING IN ITS CAPACITY AS GENERAL PARTNER OF MAPP LIMITED PARTNERSHIP, AN ALABAMA LIMITED PARTNERSHIP, 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 THE INSTRUMENT, HE, AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID MEFM, INC. AN ALABAMA CORPORATION, ACTING IN ITS CAPACITY AS GENERAL PARTNER OF MAPP LIMITED PARTNERSHIP, AN ALABAMA LIMITED PARTNERSHIP.
GIVEN UNDER MY HAND AND OFFICIAL SEAL THE _____ DAY OF _____ 2020
NOTARY PUBLIC MY COMMISSION EXPIRES _____

FLOOD CERTIFICATE:
THIS PROPERTY LIES WITHIN ZONE "X" (UNSHADED), AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, PANEL NUMBER 0100030661, SUFFIX M, MAP EFFECTIVE DATE APRIL 19, 2019.

CERTIFICATE OF APPROVAL BY SEWER (BALDWIN COUNTY SEWER SERVICE):
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SEWER SERVICE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 20____
AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY TELEPHONE (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 _____ DAY OF _____ 20____
AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (ELECTRIC):
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 20____
AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.
DATED THIS _____ DAY OF _____ 20____
COUNTY ENGINEER _____

SURVEYOR'S NOTES:
1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. DESCRIPTION AS FURNISHED BY CLIENT.
3. THERE MAY BE RECORDS OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
4. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
5. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
6. SURVEY WAS CONDUCTED ON MARCH 30TH, 2020, AND IS RECORDED IN FIELD BOOK #328, AT PAGE 30, AND IN AN ELECTRONIC DATA FILE.
7. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES.
8. BEARINGS ARE BASED ON STATE PLANE GRID COORDINATES, ALABAMA WEST ZONE 0102, NAD 83 (2011).
9. ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC (RTK) GPS.
10. NO IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN HEREON.

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE UTILITIES (WATER):
THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 20____
AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE UTILITIES (WATER):
THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 20____
AUTHORIZED REPRESENTATIVE _____

SITE DATA
CURRENT ZONING: UNZONED BALDWIN COUNTY (DIST 14)
MINIMUM LOT SIZE: 8.00 AC
LIN. FT. STREETS: 0
NUMBER OF LOTS: 2
TOTAL AREA: 16.75AC
SETBACKS:
FRONT (HWY 104): 100 FT (FROM CENTERLINE OF HWY 104)
FRONT (HWY 181): 30 FT
REAR: 30 FT
SIDE: 10 FT
WATER SERVICE: CITY OF FAIRHOPE
SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T

BOUNDARY SURVEY AND MASTER PLAN
DESIGN C.K.H. DRAWN C.K.H. CHKD. M.S.P.
ENG J.N.E. SURVEYOR V.L.G. PROJ MGR J.N.E.
SCALE 1"=60'
PROJ. NO. 50127627
FILE 50127627 MINOR
SHEET 1 of 1

USA MAPP SUBDIVISION
15 MAY 2020 - SHEET 1 OF 1 SHEETS

Dewberry
25353 Friendship Road Daphne, AL 36526
251-990-9950 fax 251-919-9815



Planning Commission

July 6, 2020

2-Lot Minor Subdivision Approval

Case: SD 20.30 Ferry Road Subdivision

Project Name:
Ferry Road Estate Subdivision

Property Owner /Applicant:
Corinne Snyder

General Location:
The property is located on the east side of Ferry Road between Keeney Drive and Ferry Road Circle

Project Type:
Minor Subdivision inside Fairhope's ETJ

Number of lots:
2

Project Acreage:
0.89

Zoning District:
Unzoned

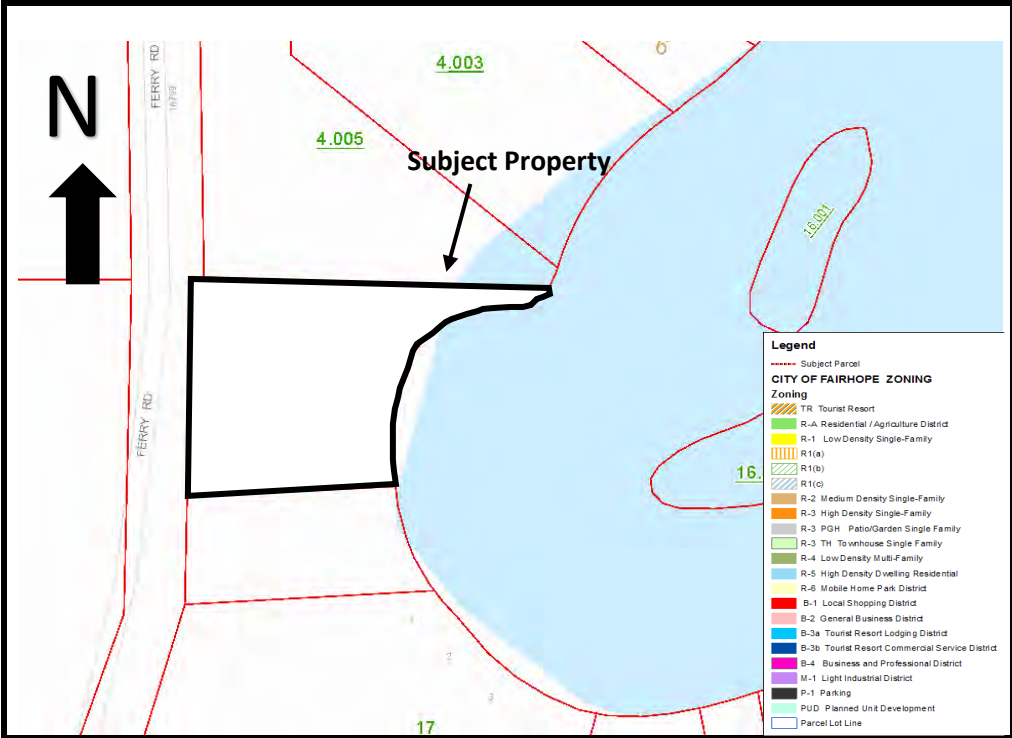
PPIN Number:
317

Surveyor of record:
Moore Surveying, Inc.

School District:
J Larry Newton, Fairhope Middle, Fairhope High School

Report prepared by:
Carla L. Davis
City Planner

Recommendation:
Approval



Summary of Request:

Public hearing to consider the request Corinne J. Snyder owner and applicant for a 2-lot minor subdivision. The property is located on the east side of Ferry Road between Keeney Drive and Ferry Road Circle. The subject property is approximately 0.89 acres and the applicant desires to divide the property into two separate lots. The proposed Lot 1 is approximately 0.37 acres (16,378 square feet) and the proposed Lot 2 is approximately 0.51 acres (22,368 square feet).

Comments:

The subject property is in Fairhope’s Extra Territorial Jurisdiction and therefore must follow Fairhope’s Subdivision Regulations. The proposed subdivision according to Fairhope’s Subdivision Regulations is a minor subdivision and has been reviewed accordingly. Fairhope’s Subdivision Regulations Article VI Section D requires the provision of sidewalks along all streets in the Planning Jurisdiction of Fairhope. The preliminary plat depicts a 15’ drainage, utility, and sidewalk easement. The applicant has also requested a sidewalk waiver.

The proposed subdivision does not include the building of any infrastructure or improvements at this time, therefore a tree protection plan, landscape plan, and other criteria required for a major subdivision is not applicable. The proposed subdivision did not trigger a traffic study. Concerning storm water runoff none of the existing flow patterns will be changed by this replat. Water and gas services will be provided by the City of Fairhope. Power is supplied by Baldwin County EMC.; and Baldwin County Sewer Service will provide sewer.

Waiver Request:

Article VI Section D. Sidewalks requirement in the City of Fairhope Subdivision Regulations which states, “sidewalks shall be installed on all streets within the planning jurisdiction of the City of Fairhope.”

The applicant has provided a letter stating the following regarding the request for a sidewalk waiver:

On the behalf of the Owner (Corinne J. Snyder) of the property located on the East side of Ferry Road, she is requesting a waiver of the required sidewalk construction along Ferry Road. We have added a 15- foot wide easement along Ferry Road for future sidewalk construction. This request is being asked due to the fact that there are not any sidewalks within miles in all directions of this property.

A. WAIVER STANDARDS: (Staff response in purple)

Waivers may be granted where the Planning Commission finds that the following conditions exist:

- 1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.

Article VI Section D. - Sidewalks: Though no hardship is presented, currently there are no sidewalks in the nearby vicinity. However, the applicant is proposing to allow a 15’ sidewalk easement thus a sidewalk can be constructed in the future if needed.

- 2. The condition is beyond the control of the sub-divider.
Article VI Section D. - Sidewalks: Not applicable for this individual case.

- 3. The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.

Article VI Section D. - Sidewalks: Staff finds that this waiver will not nullify the intent of the regulations because the existing character of the surrounding properties is such that there are no sidewalks. However, the applicant has provided space for the construction of a sidewalk, if needed.

4. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;
Article VI Section D. - Sidewalks: Because property is allocated for future construction for sidewalks, the waiver would be a minimal deviation from the required standard.
5. The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;
Article VI Section D. - Sidewalks: No, the waiver shall not have adverse effects.
6. The waiver is necessary so that substantial justice is done.
Article VI Section D. - Sidewalks: Staff is neutral on this standard.

The subdivision regulations contain the following criteria in Article V.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;**
 - Not 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;**
 - Not applicable
- c. **The proposed subdivision is not consistent with these Regulations;**
 - Meets, pending acceptance of the sidewalk waiver
- 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 20.30 conditional upon the approval of a sidewalk waiver.

Emily Boyett

From: Arlene DiPietro <aldipietro928@gmail.com>
Sent: Sunday, June 28, 2020 1:42 PM
To: planning
Subject: Fwd: Planning and Zoning Department, City of Fairhope

----- Forwarded message -----

From: Arlene DiPietro <aldipietro928@gmail.com>
Date: Sun, Jun 28, 2020 at 1:36 PM
Subject: Planning and Zoning Department, City of Fairhope
To: <planning@fairhope.gov>
Cc: Arlene DiPietro <aldipietro928@gmail.com>

To Whom it may Concern:

I am writing in response to your notification of subdividing the property on Ferry Road, owned by Corinne J Snyder, Case SD 20.30. I **do not** approve of subdividing this property. **Reason one** is: all the adjacent properties have houses set on multiple acreage. The properties are not small lots but generally consist of 2 or more acres. These acres are not subdivided. Many of us bought our land and built houses years ago with the understanding that our land was for single family ownership without subdivision of said properties. Subdividing this Ferry Road property, Case SD 20.30 will not enhance the aesthetic value of our neighborhood. **Reason two:** I was told at the time of purchase of my land that the plots could only be subdivided one time. The property listed in Case SD 20.30 has been divided not once but twice and this subdivision will make it the third time. **Reason Three:** This property sits adjacent to Fish River. We have all heard the numerous reports with regards to the pollution of Fish River. We do not need to take small lots and then subdivide them to put more houses in a smaller area. This will not help the pollution of Fish River. **Reason Four:** This property floods! I have lived over 30 years in my current home and I can assure you that

with each and **EVERY** hurricane flooding has occurred. In order for a house built on this property to avoid any flooding it would have to be built 6-8 feet off the ground. None of the adjacent houses are built on "stilts." Again this would NOT enhance the aesthetic appearance of the said property or neighborhood.

In your letter you asked for comments. I hope this email will result in your reconsideration of allowing this property to be subdivided. I understand about progress and the changes in time and rules. However, I bought my house with an agreement that subdivision would never be an issue. Promises made and promises kept are what this Country, State and County are all about. These are troubling times and it would be nice to know that we have the support of our local county representatives. Promises made over 30 years ago should not be ignored for the sake of progress but the promises should be kept.

Thank you in advance for your consideration in the matter of the subdivision of property on Ferry Road, Case SD 20.30.

Arlene DiPietro
16799 Ferry Road
Fairhope, AL 36532
251-928-1519

OWNER'S CERTIFICATE OF ACCEPTANCE:

STATE OF _____)
COUNTY OF _____)
This is to certify that, CORINNE JOHNSON SWYDER, the undersigned, do hereby certify that I, on the Owner's behalf, have caused the same to be surveyed and subdivided as indicated hereon, for the uses and purposes herein set forth and hereby approve the within plat for the recording of same in the Office of Probates Office, Baldwin County, Alabama, and grant all easements and dedicate all streets to the public or private uses as noted on this plat.

CORINNE JOHNSON SWYDER Date

NOTARY PUBLIC:
STATE OF _____)
COUNTY OF _____)
I, _____ a Notary Public, in and for said State and County, do hereby certify that the _____ hereby approved and who are known to me, that they voluntarily executed said ACCEPTANCE on this date _____ day of _____ 20__ given under my hand and seal this the _____ day of _____ 20__

Notary Public - _____ County,
My Commission Expires: _____

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY E-911 ADDRESSING BOARD

The undersigned, as authorized by the Baldwin County E-911 Addressing Board, hereby approves the Road names as depicted on the within plat and hereby approves the within plat for the recording of same in the Office of Probates Office, Baldwin County, Alabama, on this the _____ day of _____ 20__

Authorized Representative Signature

CERTIFICATE OF APPROVAL BY AT&T - ALABAMA - TELEPHONE:

The undersigned, as authorized by _____ hereby approves the within plat for the recording of same in the Office of the Judge of Probate, Baldwin County, Alabama, this the _____ day of _____ 2020.

Authorized representative _____

POWER COMPANY CERTIFICATE:

The undersigned, as authorized by Baldwin County EMC, hereby approves the within plat for the recording of same in the Office of the Judge of Probate, Baldwin County, Alabama, this the _____ day of _____ 2020.

Authorized representative _____

CERTIFICATE OF APPROVAL OF UTILITIES BY CITY OF FAIRHOPE FOR GAS & WATER:

The undersigned, as authorized by The City of Fairhope, hereby approves the within plat for the recording of same in the Office of the Judge of Probate/Baldwin County, Alabama, this the _____ day of _____ 20__

Authorized Representative GAS _____

Authorized Representative WATER _____

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE:

The undersigned, as authorized by Baldwin County Sewer Service does hereby approve the within plat for the recording of same in the Office of the Judge of Probate, Baldwin County, Alabama, this the _____ day of _____ 2020

Authorized Representative _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE PLANNING COMMISSION

This plat has been submitted to and considered by the City of Fairhope Planning Commission and is hereby approved.

Dated this the _____ day of _____ 20__

Secretary or Authorized Representative _____

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR:

The undersigned, as Director of the Baldwin County Planning and Zoning Department, do hereby approve the within plat for the recording of same in the Office of Probates Office, Baldwin County, Alabama, on this the _____ day of _____ 20__

Planning Director _____

COUNTY ENGINEER:

The undersigned, as County Engineer of Baldwin County, Alabama, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the _____ day of _____ 20__

County Engineer _____

OWNER / DEVELOPER
05-55-03-06-0-001-016.000
PIN: 317 CORINNE JOHNSON
555 NORTH SECTION STREET
BLOWING ROCK NC 28605
RESIDENTIAL NOT ZONED

WEST 894.00'

NE Corner of Sec 6, T-7-S, R-2-E

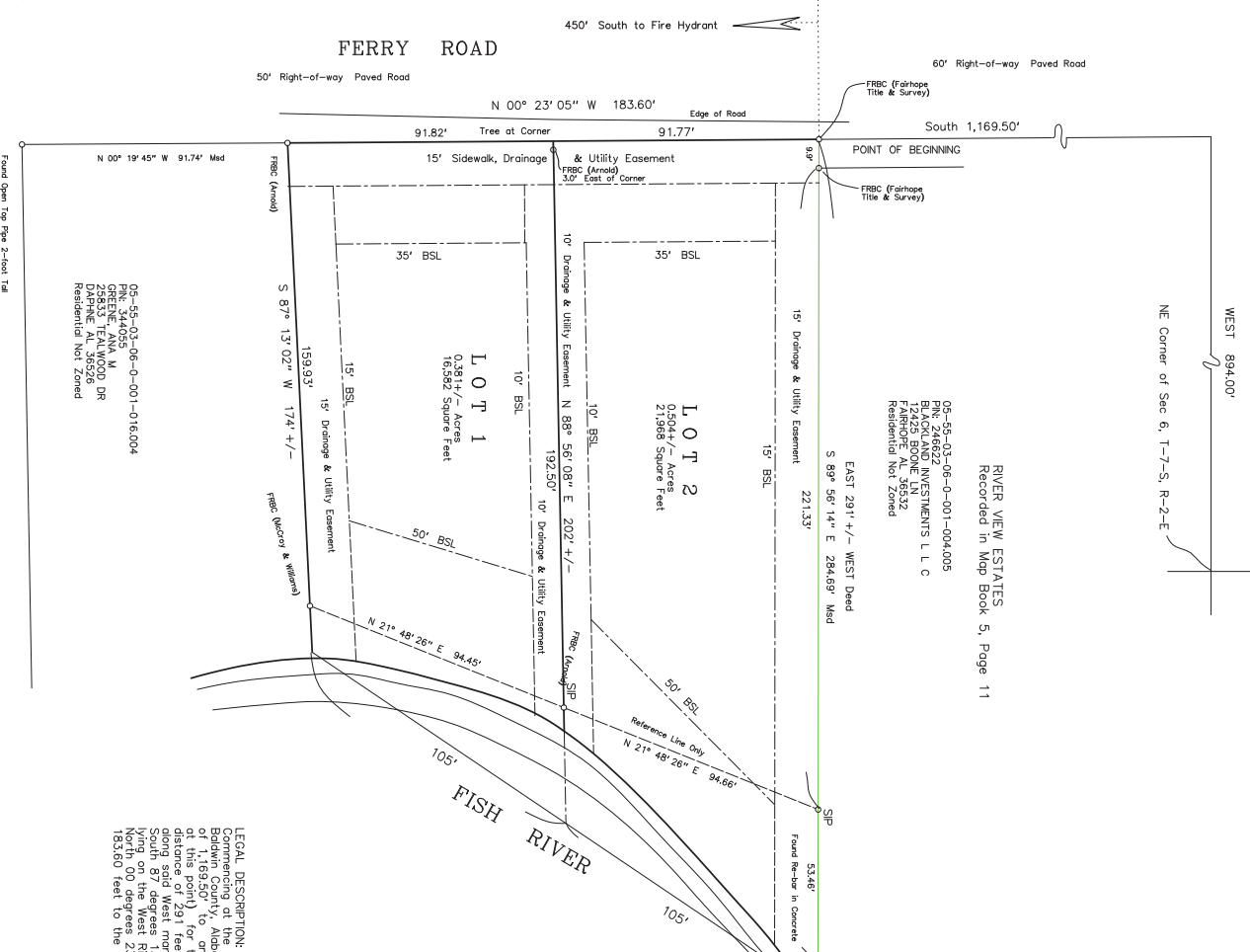
JUDGE OF PROBATE SWAMP

RIVER VIEW ESTATES
Recorded in Map Book 5, Page 11

05-55-03-06-0-002-001.001
PIN: 59699
DETECTIVE ARLENE L & FUSSNER, BONNIE
16799 FERRY RD
FAIRHOPE AL 36532
Residential Not Zoned

05-55-03-06-0-001-004.005
PIN: 246822
BLANK AND INVESTMENTS L L C
FAIRHOPE AL 36532
Residential Not Zoned

05-55-03-06-0-002-020.000
PIN: 25655
PRYOR, BARBARA BECK
4732 CAMBRIDGE DRIVE
ATLANTA GA 30338
Timber Land Not Zoned



SITE DATA:

- 1. Total Number of Lots 2.
Project Size 0.89 Acres
Smallest Lot 16,328 Square Feet
Largest Lot 21,988 Square Feet
2. The Lots are served by (BELLSOUTH) - Telephone, City & I Communications (BellSouth) - Sewer
Baldwin County Sewer Service
Baldwin County EMC - Power
3. Property lies Outside the City of Fairhope.
4. Property is NOT Zoned.
REAR 35 Feet
FRONT 35 Feet
SIDE 15 Feet from River Bank
Unless Otherwise Noted Hereon.
NO NEW Streets or Utility Lines this Project at this time.
Drainage and Utility Easements are as shown hereon.
There is a 15-foot wide Sidewalk, Drainage and Utility Easement along Ferry Road.

FLOOD CERTIFICATE:

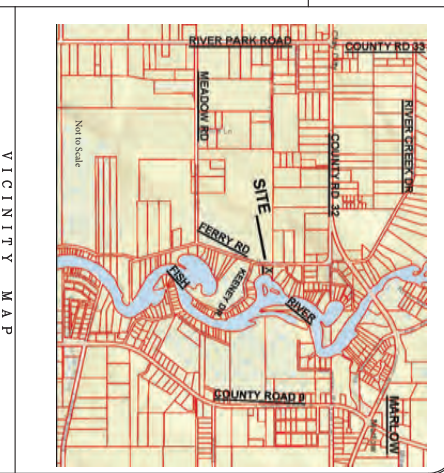
I also state that I have examined the current FIA Official Flood Hazard Map, Community Number 015000, and found referenced lot above lies in Flood Zone AE (Elev. 12), Map Dated April 19, 2019.

LEGAL DESCRIPTION:

Commencing at the Northeast Corner of Section 6, Township 7 South, Range 3 East, St. Stephens Meridian, Baldwin County, Alabama, thence on West 1/4 of the 1/4 Section 6, to the Point of Beginning (50 feet Right-of-way at this point), for the POINT OF BEGINNING; thence run South 89 degrees 56 minutes 14 seconds East, a distance of 291 feet, more or less, to a point on the West margin of Fish River; thence run Southerly South 87 degrees 13 minutes 02 seconds West a distance of 174 feet, more or less, to an iron pin marker lying on the West Right-of-way line of Ferry Road (50 feet Right-of-way at this point); thence run North 00 degrees 23 minutes 05 seconds West, along said West Right-of-way line, a distance of 153.50 feet to the Point of Beginning, containing 0.89 acres, more or less.

I, Seth W. Moore, a Licensed Professional Land Surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the laws and regulations of the State of Alabama to the best of my knowledge, information and belief, this is a true and correct map.
All according to my survey made this the _____ day of _____ 2020.
I also state that this drawing and/or certification does not reflect ground or provided by the clients at time of survey.

Seth W. Moore, P.L.S.
Ala. Reg. No. 16671



MOORE SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
555 NORTH SECTION STREET
FAIRHOPE, ALABAMA 36532
PHONE (251) 928 - 6777
Email mooresurveying@bellsouth.net

Table with 3 columns: Job No., Date, Date. Job No. 2020 89, Date 5/20/2020, Date 5/07/2020.

FERRY ROAD ESTATE
A RESIDENTIAL SUBDIVISION



Planning Commission

July 6, 2020

2-Lot Minor Subdivision Approval
Case: SD 20.31 Dewberry Estates

Project Name:

Dewberry Estates
Minor

Property Owner /Applicant:

Joey & Janet Langley

General Location:

North side of Dewberry Lane

Project Type:

Minor Subdivision inside
Fairhope's ETJ

Number of lots:

2

Project Acreage:

3.80

Zoning District:

Unzoned

PPIN Number:

56024

Surveyor of record:

Smith, Clark & Associates

School District:

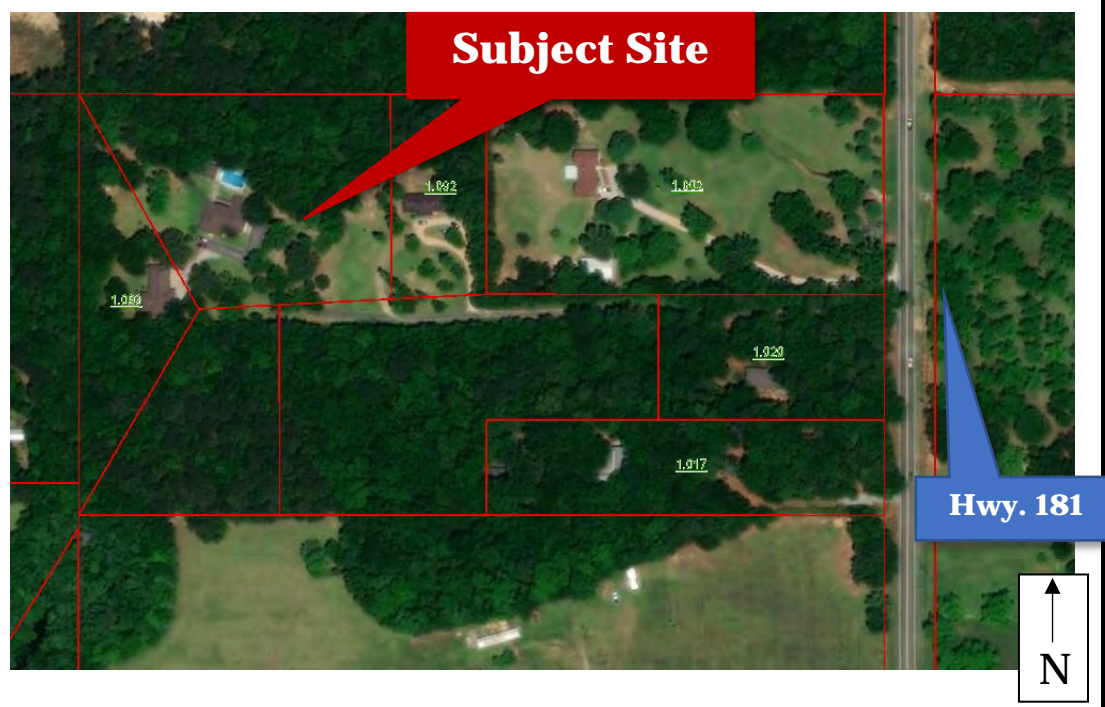
J Larry Newton School,
Fairhope Middle, Fairhope
High School

Report prepared by:

Samara Walley, MCP
City Planner

Recommendation:

Tabling



Summary of Request:

Public hearing to consider the request of Joey and Janet Langley for plat approval of Dewberry Estates, a 2-lot minor division. The property is approximately 3.80 acres and is located on the north side of Dewberry Lane, at 9781 Dewberry Lane.

Comments:

The subject property is in Fairhope’s Extra Territorial Jurisdiction and therefore must follow Fairhope’s Subdivision Regulations. The proposed subdivision according to Fairhope’s Subdivision Regulations is a minor subdivision and has been reviewed accordingly.

The proposed subdivision does not include the building of any infrastructure or improvements therefore a tree protection plan, landscape plan, and other criteria required for a major subdivision is not applicable. The proposed subdivision did not trigger a traffic study. Concerning storm water runoff none of the existing flow patterns will be changed by this replat. Gas and Water services will be provided by the City of Fairhope. Sewer is not available. Power is supplied by Riviera Utilities. AT&T will provide services as well.

The preliminary plat illustrates a 2-lot subdivision. There is an existing dwelling on the proposed Lot 1 and an existing 15’x12’ shed on the proposed Lot 2. There are utilities easements located along the perimeter of each lot. The proposed lots do not front a paved, publicly maintained road but rather a 30’ ingress & egress easement. The applicant has submitted a waiver request for frontage on a public street. The applicant has also submitted waiver requests for a sidewalk and fire hydrant.

It should be noted that Staff received comments via email from the City of Fairhope Fire Inspector official stating that he would not be in favor of the approval of a waiver for a fire hydrant at this location. He noted the following reasons for his disapproval: 1) Nearest hydrant location. 2) Road access, width, and condition 3) Hydrant located across major roadway

Waiver Request:

Article V Section E. Lot Standards requirement in the City of Fairhope Subdivision Regulations which states, “Except as provided in Section D.6., all lots shall front upon a paved, publicly maintained street.”

Article VI Section D. Sidewalks requirement in the City of Fairhope Subdivision Regulations which states, “sidewalks shall be installed on all streets within the planning jurisdiction of the City of Fairhope.”

Article VI, Section G. Fire Hydrants requirement in the City of Fairhope Subdivision Regulations which states, “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 at otherwise required by the fire authority having jurisdiction.”

A. WAIVER STANDARDS: (Staff response in blue)

Waivers may be granted where the Planning Commission finds that the following conditions exist:

1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.

Article V Section E. – Lot Standards: *Though no hardship is presented, the lot has functioned in this configuration with the 30’ access easement as illustrated.*

Article VI Section D. - Sidewalks: *Though no hardship is presented, currently there are no sidewalks in the nearby vicinity.*

Article VI, Section G. - Fire Hydrants: *The applicant has not presented an extraordinary hardship.*

2. The condition is beyond the control of the sub-divider.
Article V Section E. – Lot Standards: *Not applicable for this individual case.*
Article VI Section D. - Sidewalks: *Not applicable for this individual case.*
Article VI, Section G. - Fire Hydrants: *Not applicable for this individual case.*

3. The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.
Article V Section E. – Lot Standards: *Staff finds that this waiver will not nullify the intent of the regulations because the existing dwelling has been accessed through the existing easement.*
Article VI Section D. - Sidewalks: *Staff finds that this waiver will not nullify the intent of the regulations because the existing character of the surrounding properties is such that there are no sidewalks.*
Article VI, Section G. - Fire Hydrants: *As stated, fire hydrants must be located or installed as required by Article VI section G. The closest hydrant requires the fire department to lay more than 1000’ of fire hose to reach the proposed lots for firefighting purposes. Staff will recommend the denial of said waiver. It should be noted that the construction of fire hydrants (installation of infrastructure) will trigger the requirement of a 2-lot major subdivision (submission of plans and profiles of the new fire hydrant and water main).*

4. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;
Article V Section E. – Lot Standards: *The waiver will be a minimum deviation from the requirements.*
Article VI Section D. - Sidewalks: *The waiver would be minimum deviation from the required standard.*
Article VI, Section G. - Fire Hydrants: *The applicant has not presented any hardship associated with site that would justify the approval of this waiver. Therefore, Staff will recommend the denial of said waiver. It should be noted that the construction of fire hydrants will trigger the requirement of a 2-lot major subdivision.*

5. The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;
Article V Section E. – Lot Standards: *No, the waiver shall not have adverse effects.*
Article VI Section D. - Sidewalks: *No, the waiver shall not have adverse effects.*
Article VI, Section G. - Fire Hydrants: *The absence of a fire hydrant within the appropriate radius could be a potential safety concern for surrounding properties.*

6. The waiver is necessary so that substantial justice is done.
Article V Section E. – Lot Standards: *Staff is neutral on this standard.*
Article VI Section D. - Sidewalks: *Staff is neutral on this standard.*
Article VI, Section G. - Fire Hydrants: *Staff does not find a substantial hardship and would therefore recommend denial of this waiver.*

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;**
 - **Not 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;*
 - Not applicable
- c. *The proposed subdivision is not consistent with these Regulations;*
 - Does not meet – The subdivision does not provide a fire hydrant within the required distance of the proposed lots.
- 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.”*
 - Potentially does not meet - due to the lack of a fire hydrant

Recommendation:

Staff recommends **TABLING SD 20.31 (with applicant’s consent)** to allow the applicant to submit the following:

1. Submission of Plans and Profiles of a fire hydrant as required by Article VI Section G and resubmission of the application to reflect a major subdivision containing a preliminary plat approval request in lieu of concurrent preliminary and final plat approval.

If it is the pleasure of the Planning Commission to approve case number SD 20.31, Staff recommends the following conditions of approval:

1. Acceptance of a waiver from the requirement to install a fire hydrant as required by Article IV Section G.;
2. Acceptance of the waiver from the requirement for sidewalk installation as required in Article VI, Section D; and
3. Acceptance of the waiver request to allow a subdivision that does not front a paved, publicly maintained road as required in Article V Section E.



Planning Commission

July 6, 2020
Utility Review
Case: UR 20.04 AT&T – Twin Beech Road

Project Name:
AT&T - Twin Beech Road

Applicant:
AT&T

Owner:
City of Fairhope
Right-of-Ways

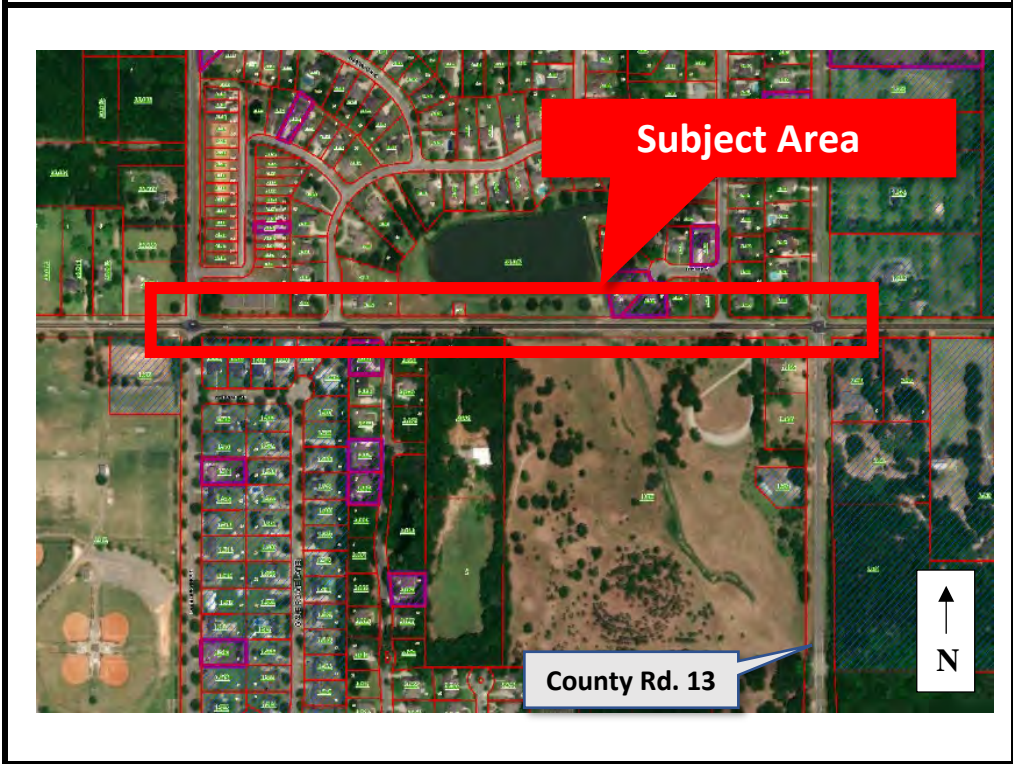
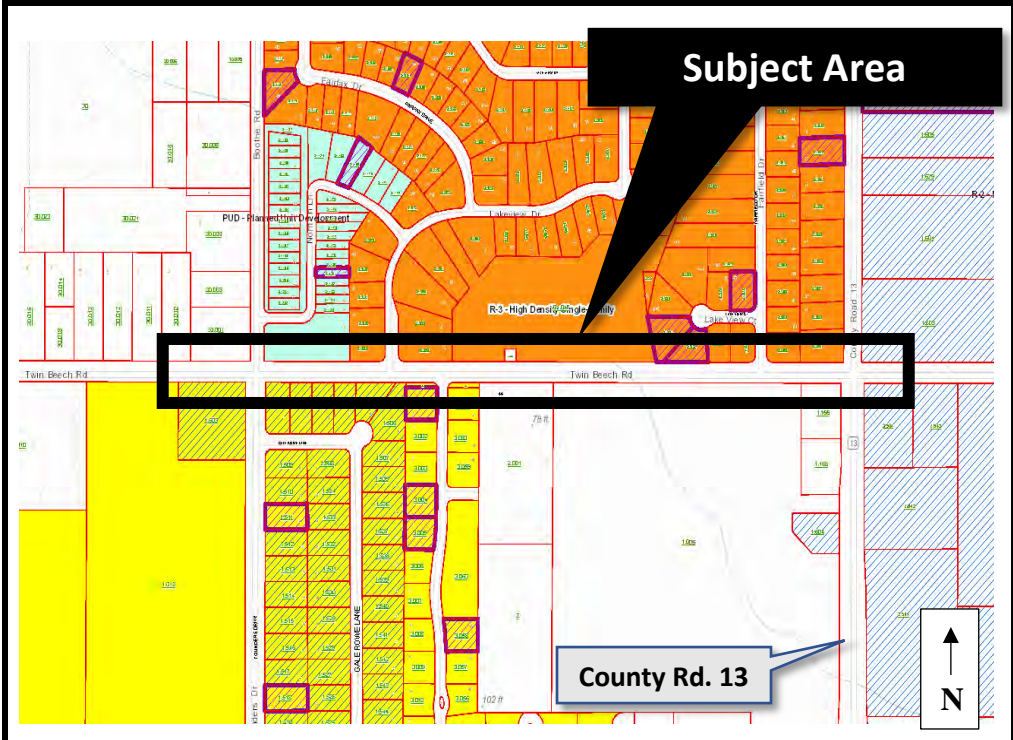
General Location:
North side of Twin Beech Rd.
from 8345 Twin Beech Rd. to
County Road 13.

Project Scope:
Proposed installation of
approximately 3,729 linear
foot of underground fiber
optic cable

Jurisdiction:
City of Fairhope

Report prepared by:
Samara Walley, MCP
City Planner

Recommendation:
Approval with conditions



Summary of Request:

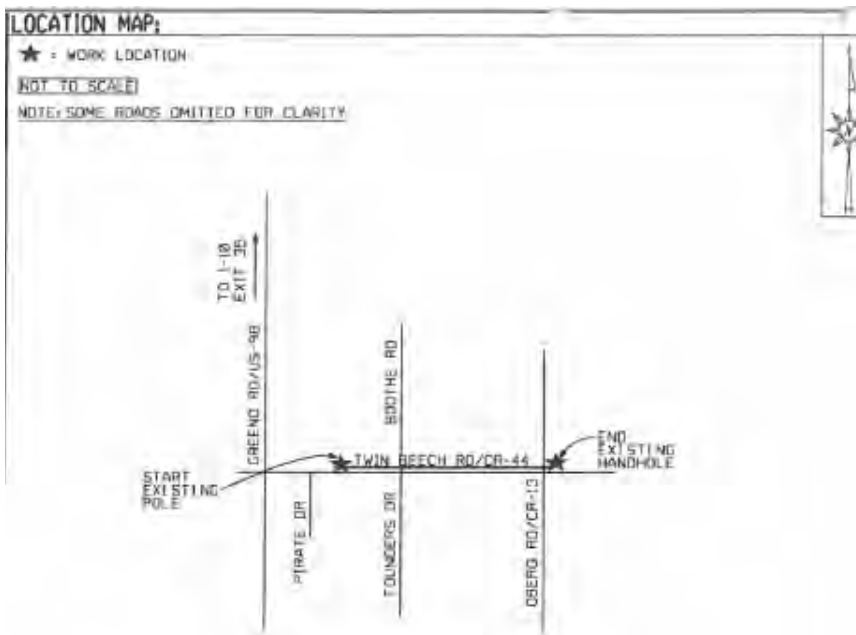
Request of AT&T for 11.52.11 Utility Review and approval of the proposed installation of approximately 3,729 linear foot of underground fiber optic cable. The project will run along the north side of Twin Beech Road from 8345 Twin Beech to County Road 13.

Comments:

The proposed utility construction falls within the Corporate limits of the City 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.

This application has been reviewed by the Planning Department as well as the Public Works and Utilities departments. The Right of Way inspector required that all City utility crossings be potholed and verified by City ROW inspector before crossing. The applicant coordinated with the Right of Way inspector and agreed that potholing could be completed just prior to the boring process. Elevations for all crossings have been requested on as-built drawings at the end of the project.

Below is a sketch of the location of work, provided by the applicant.



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 sidewalks. 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 a 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 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.

Additional Review Comments:

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. The applicant shall provide full size plans (24"X36" or 11"x17" to correct scale) for this application and for future applications.

Recommendation:

Staff recommends **approval of UR 20.04 subject to the following conditions:**

1. Consultation with the City's horticulturalist, Paul Merchant, to determine if the required depth of bore must be increased so that no trees are impacted by the project. **The contractor is responsible for any damaged trees.**
2. Edit the note on drawing 4 of 11 to reflect 36" separation from all drainage and utilities
3. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and gps coordinates of the pothole locations on a set of as-built drawings.
 - a. An additional right-of-way permit may be required for the potholing procedures.
4. Memorialize the follow-up activities below required by staff and the applicant:
 - a. Applicant shall submit as-built drawings to the Construction Inspector reflecting the requirements of condition of approval "3" above.
 - b. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the utilities GIS technician for inclusion in GIS utility maps as needed.

JOINT USE/OTHER UTILITY INFORMATION:

TYPE	UTILITY NAME	EMERGENCY PHONE	CONTACT NAME/PHONE	NOTES AERIAL
ELECTRIC	RIVIERA UTILITIES	251-626-5000		301V TO 15KV PHASE TO GROUND
CATV	MEDIACOM	1-800-239-8411		
WATER	FAIRHOPE UTILITIES	251-928-2136		
GAS	FAIRHOPE UTILITIES	251-928-2136		
SEWER	FAIRHOPE UTILITIES	251-928-2136		
MEDIA	UNITI FIBER	251-662-1170		

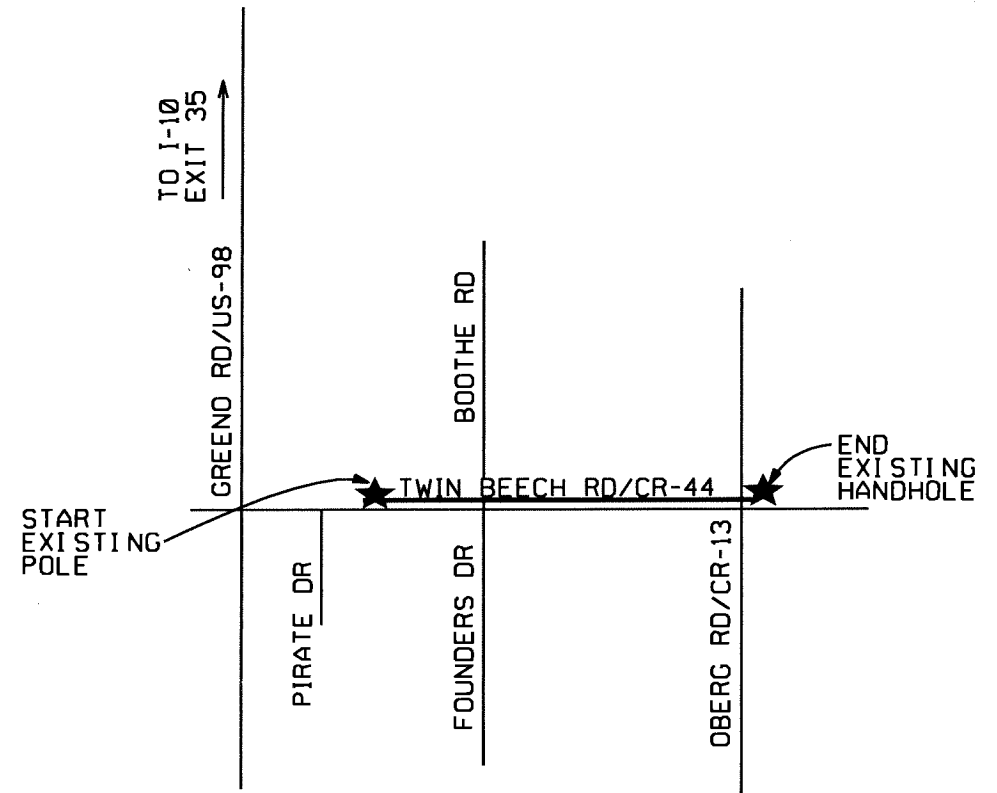
CITY OF FAIRHOPE PERMIT REQUIRED

DESIGNED BY:
BYERS ENGINEERING COMPANY
SEAN MOOER, 251-259-2332

SYMBOL LEGEND		
Proposed	Existing	Description
		BURIED CABLE
		POWER POLE
		ENCLOSURE
		HANDHOLE
		PIPE/CONDUIT
		CABLE MARKER
	N/A	BORE
	N/A	SPLICING PIT

LOCATION MAP:

★ = WORK LOCATION
NOT TO SCALE
NOTE: SOME ROADS OMITTED FOR CLARITY



SCOPE OF WORK:
DIRECTIONAL BORE APPROX. 3729' OF 1.5" HDPE CONDUIT EQUIPPED WITH A FIBER OPTIC CABLE FROM EXISTING POLE AT 8345 TWIN BEECH RD TO EXISTING HANDHOLE AT NE CORNER OF INTERSECTION OF TWIN BEECH RD AND CR-13.

APPROVED
JUN 18 2020
BY: EB

CONSTRUCTION NOTES:

- CONTACT CITY OF FAIRHOPE BUILDING DEPT. AT 251-990-0153 - 48 HOURS PRIOR TO START OF PROJECT.
- ALL PERMIT WORK WILL MEET OR EXCEED CITY OF FAIRHOPE SPECIFICATIONS.
- LOCATE ALL UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION. MINIMUM 48 HOURS NOTIFICATION FOR LOCATES IS REQUIRED.
- CONTRACTOR MUST HAVE CURRENT BUSINESS LICENSE WITH THE CITY OF FAIRHOPE, AND MUST HAVE A COPY OF THE RIGHT OF WAY PERMIT WITH THEM AT ALL TIMES, POSTED ON SITE OR IN WINDOW OF VEHICLE.
- DISTURBED AREAS SHALL BE COVERED AT THE END OF EACH DAY.
- MULCH / SEED SHALL ONLY BE ACCEPTABLE AS TEMPORARY COVER.
- SOLID SOD ALL DISTURBED AREAS IN THE RIGHT OF WAY WITHIN 10 DAYS OF COMPLETION.
- SOD SHALL BE WATERED TO ENSURE SURVIVAL.

REVISED - 6/16/2020

CAUTION
Volts to Ground
RIVIERA 301V-15kV
AERIAL

CALL BEFORE YOU DIG

ALABAMA
DIAL 811 or
1-800-292-8525
www.call811.com

TWO FULL BUS. DAYS BEFORE YOU DIG

IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION AS THE LOCATION OF UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE AND POSSIBLY INCOMPLETE. THEREFORE CERTIFICATION TO THE LOCATION OF ALL UNDERGROUND UTILITIES IS WITHHELD.

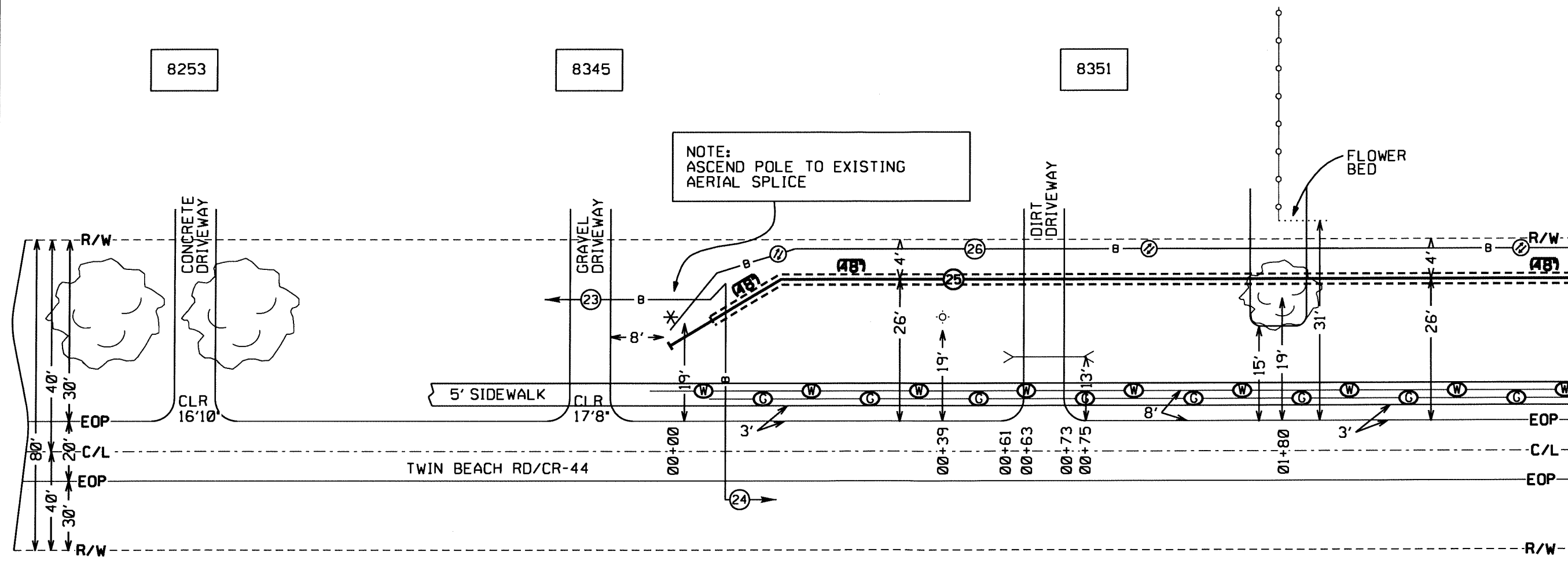
ATTSE	
PROPOSED TELEPHONE FACILITIES ON RIGHT OF WAY OF CITY OF FAIRHOPE	
CR-44 / TWIN BEECH RD	
Exchange:	251928
Designer:	Mitchell, Wade
Phone:	251-471-8361
Authorization:	OAN00205N
Dwg. <u> 1 </u> of <u> 11 </u>	

11R 20 04

Revised As Per Comments



- Ⓜ EXISTING BURIED CABLE
- Ⓜ EXISTING BURIED CABLE
- Ⓜ EXISTING BURIED CABLE
- Ⓜ PROPOSED 1.5" HDPE CONDUIT EQUIPPED WITH FIBER CABLE



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CR-44 /TWIN BEECH RD

Exchange: 251928

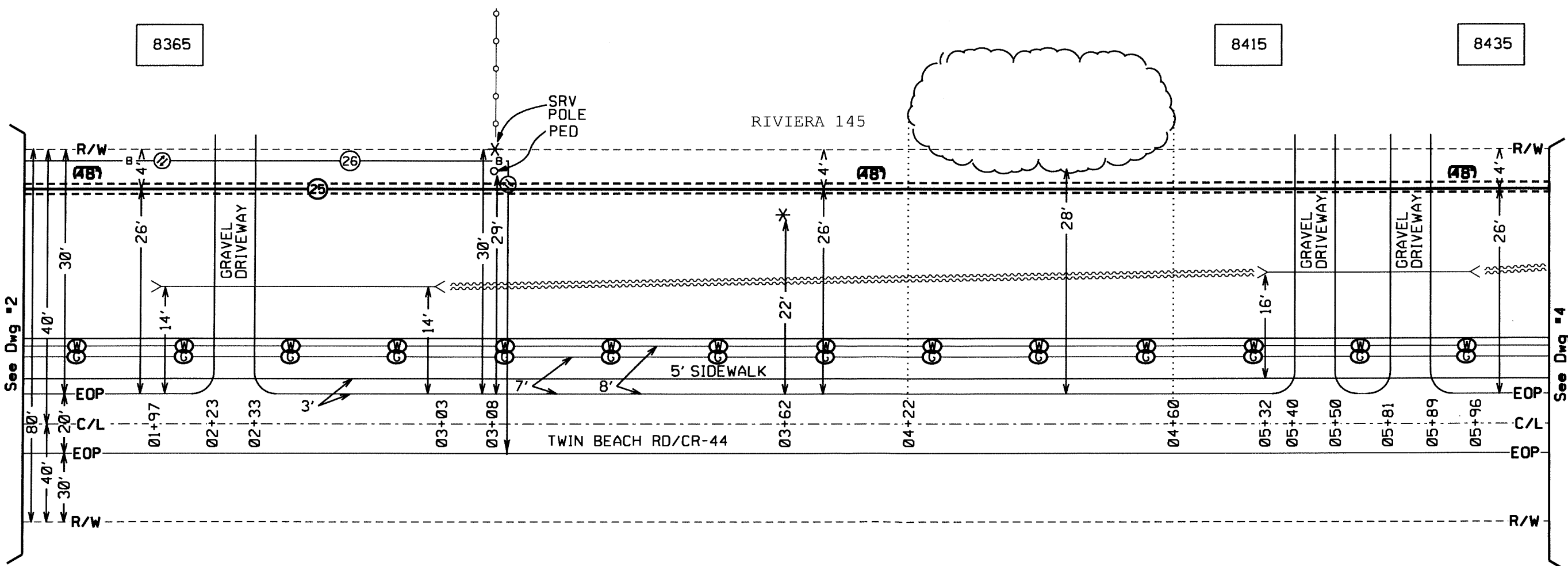
Designer: Mitchell, Wade

Phone: 251-471-8361

Authorization: OAN00205N

Dwg. 2 of 11


See Dwg #3



- Ⓜ PROPOSED 1.5" HDPE CONDUIT EQUIPPED WITH FIBER CABLE
- Ⓜ EXISTING BURIED CABLE

CAUTION
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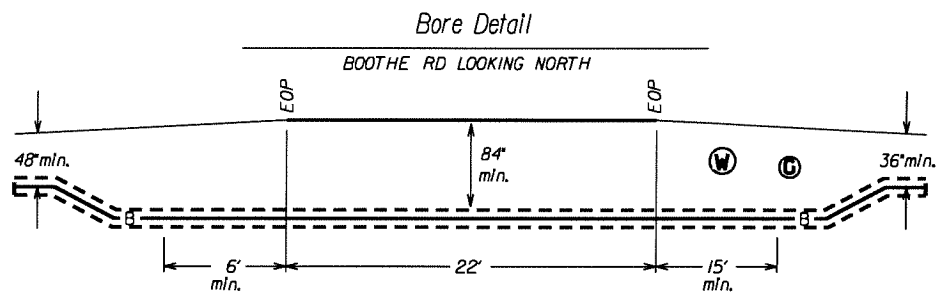
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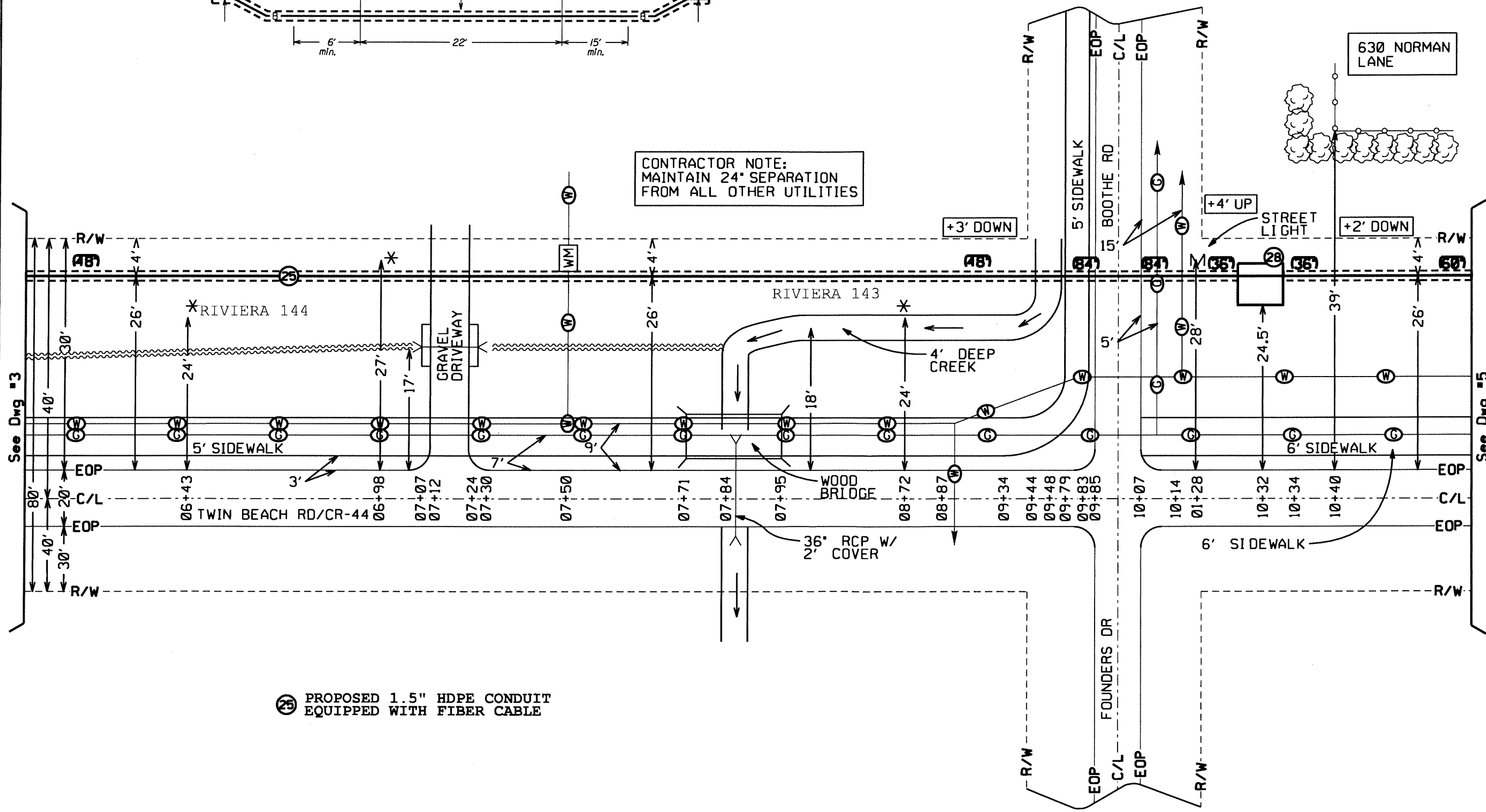
CR-44 / TWIN BEECH RD

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Designer:	Mitchell, Wade
Phone:	251-471-8361
Authorization:	OAN00205N
Dwg. <u>3</u> of <u>11</u>	



28 PROPOSED 30X48 HANDHOLE

CONTRACTOR NOTE:
MAINTAIN 24" SEPARATION
FROM ALL OTHER UTILITIES



25 PROPOSED 1.5" HDPE CONDUIT
EQUIPPED WITH FIBER CABLE

CAUTION
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RIVIERA 301V-15kV
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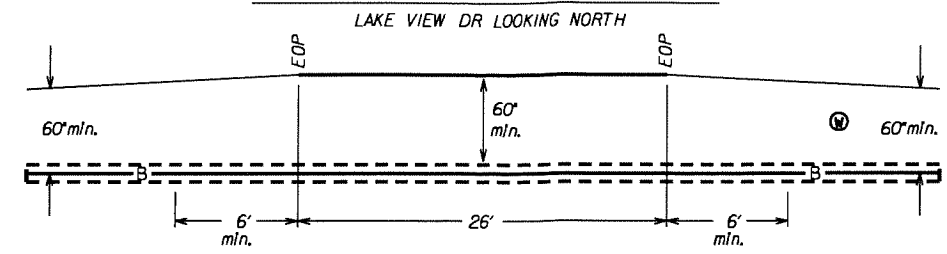
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CR-44 / TWIN BEECH RD

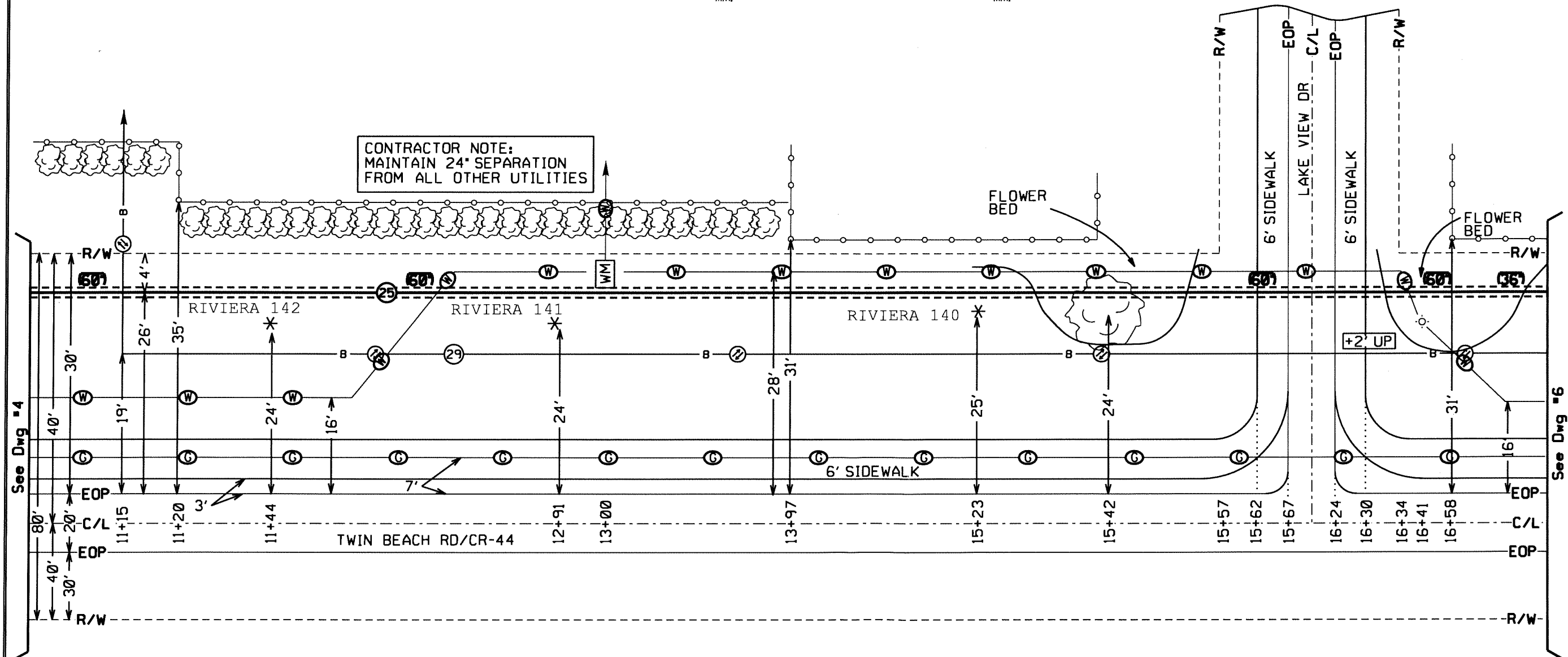
Exchange: 251928
Designer: Mitchell, Wade
Phone: 251-471-8361
Authorization: OAN00205N



Bore Detail



CONTRACTOR NOTE:
MAINTAIN 24" SEPARATION
FROM ALL OTHER UTILITIES



See Dwg #4

See Dwg #6

- Ⓜ 25 PROPOSED 1.5" HDPE CONDUIT EQUIPPED WITH FIBER CABLE
- Ⓜ 29 EXISTING BURIED CABLE

CAUTION
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CITY OF FAIRHOPE
CR-44 /TWIN BEECH RD

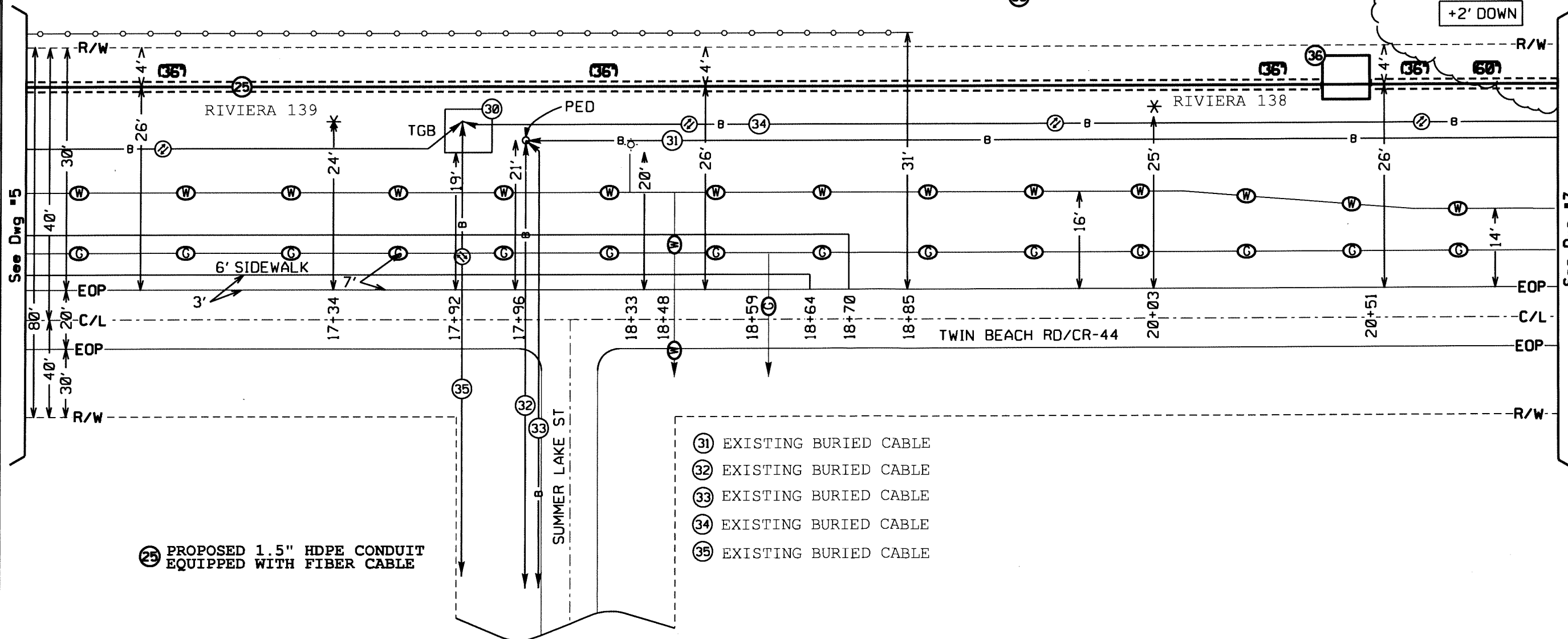
Exchange:	251928
Designer:	Mitchell,Wade
Phone:	251-471-8361
Authorization:	OAN00205N
Dwg. 5 of 11	



30 EXISTING 30X48 HANDHOLE

36 PROPOSED 30X48 HANDHOLE

+2' DOWN



25 PROPOSED 1.5" HDPE CONDUIT EQUIPPED WITH FIBER CABLE

- 31 EXISTING BURIED CABLE
- 32 EXISTING BURIED CABLE
- 33 EXISTING BURIED CABLE
- 34 EXISTING BURIED CABLE
- 35 EXISTING BURIED CABLE

CAUTION

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PROPOSED TELEPHONE FACILITIES
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CITY OF FAIRHOPE

CR-44 / TWIN BEECH RD

Exchange: 251928

Designer: Mitchell, Wade

Phone: 251-471-8361

Authorization: OAN00205N

Dwg. 6 of 11

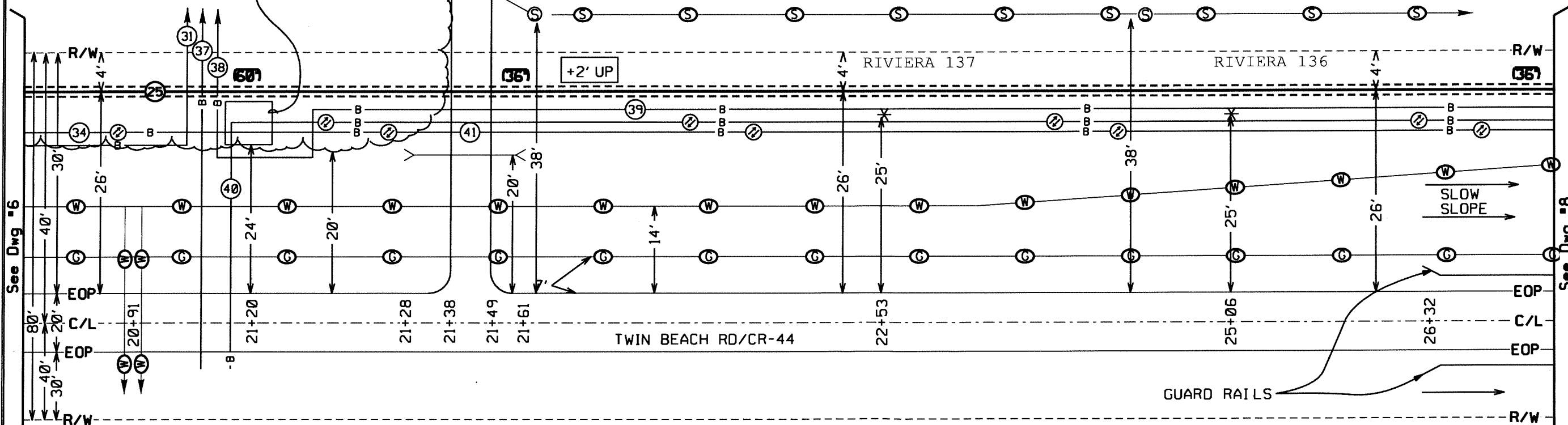


CITY OF FAIRHOPE
PUMPING STATION

GRAVEL
DRIVEWAY

EXISTING 30X48 HANDHOLE

25 PROPOSED 1.5" HDPE CONDUIT
EQUIPPED WITH FIBER CABLE



See Dwg #6

See Dwg #8

- 31 EXISTING BURIED CABLE
- 34 EXISTING BURIED CABLE
- 37 EXISTING BURIED CABLE
- 38 EXISTING BURIED CABLE
- 39 EXISTING BURIED CABLE
- 40 EXISTING BURIED CABLE
- 41 EXISTING BURIED CABLE

CAUTION

Volts to Ground
RIVIERA 301V-15kV
AERIAL

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CR-44 /TWIN BEECH RD

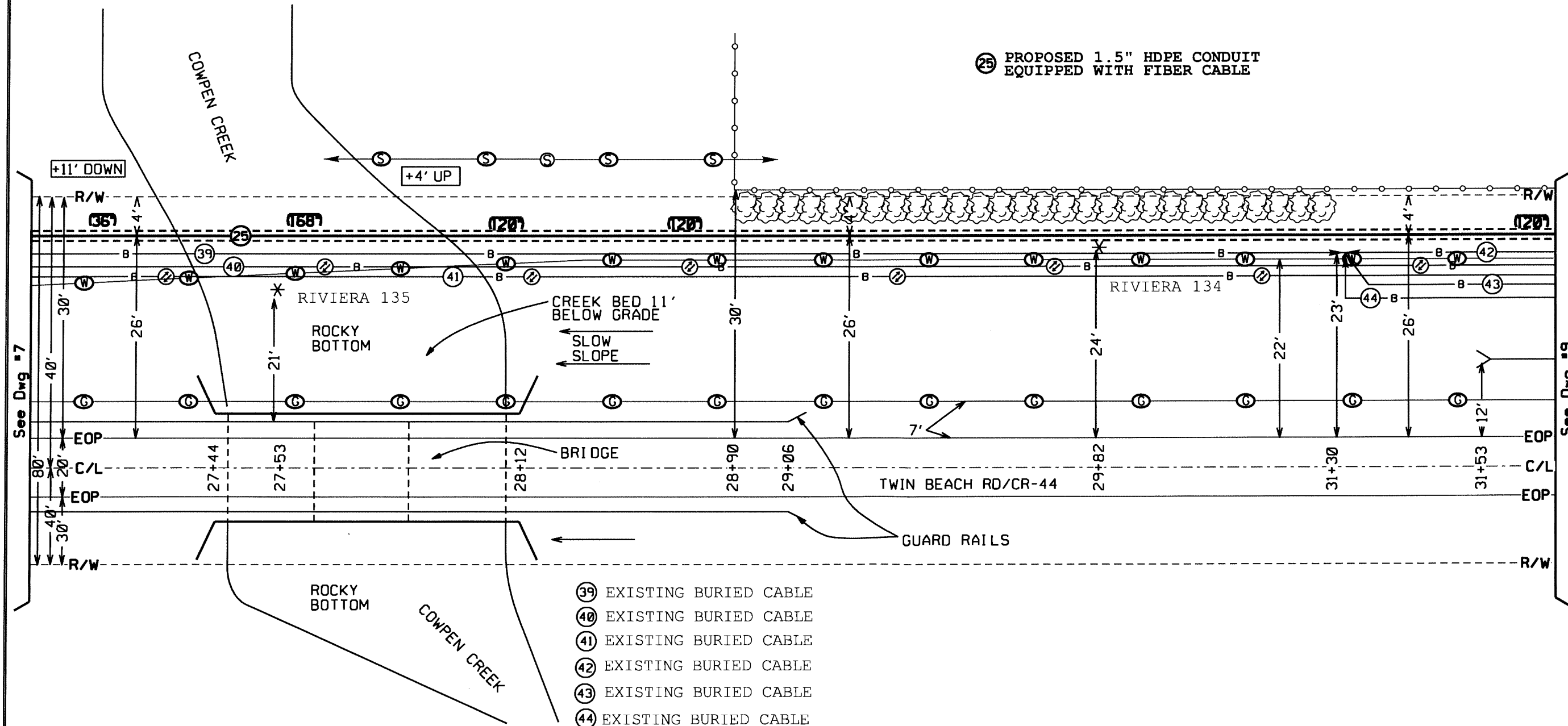
Exchange: 251928

Designer: Mitchell, Wade

Phone: 251-471-8361

Authorization: 0AN00205N

Dwg. 7 of 11



Ⓣ PROPOSED 1.5" HDPE CONDUIT
EQUIPPED WITH FIBER CABLE

CAUTION

Volts to Ground
RIVIERA 301V-15kV
AERIAL

CALL BEFORE YOU DIG



TWO FULL BUS. DAYS BEFORE YOU DIG
IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION AS THE LOCATION OF UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE AND POSSIBLY INCOMPLETE. THEREFORE CERTIFICATION TO THE LOCATION OF ALL UNDERGROUND UTILITIES IS WITHHELD.

ATTSE

PROPOSED TELEPHONE FACILITIES
ON RIGHT OF WAY OF
CITY OF FAIRHOPE

CR-44 / TWIN BEECH RD

Exchange: 251928

Designer: Mitchell, Wade

Phone: 251-471-8361

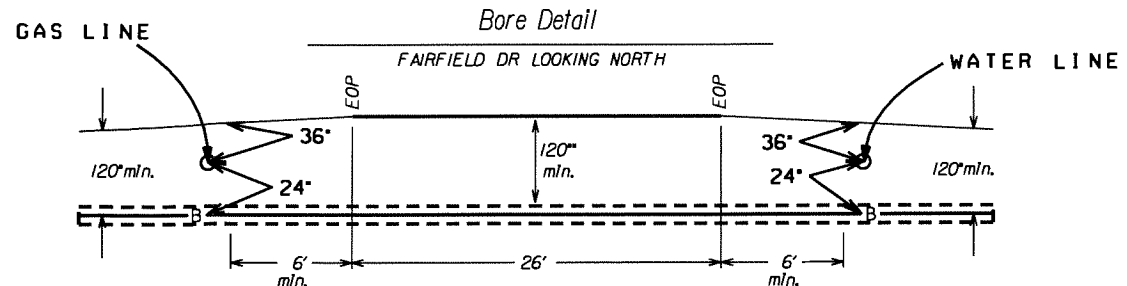
Authorization: OAN00205N

Dwg. 8 of 11

- Ⓣ EXISTING BURIED CABLE
- Ⓚ EXISTING BURIED CABLE
- Ⓛ EXISTING BURIED CABLE
- Ⓜ EXISTING BURIED CABLE
- Ⓨ EXISTING BURIED CABLE
- Ⓩ EXISTING BURIED CABLE

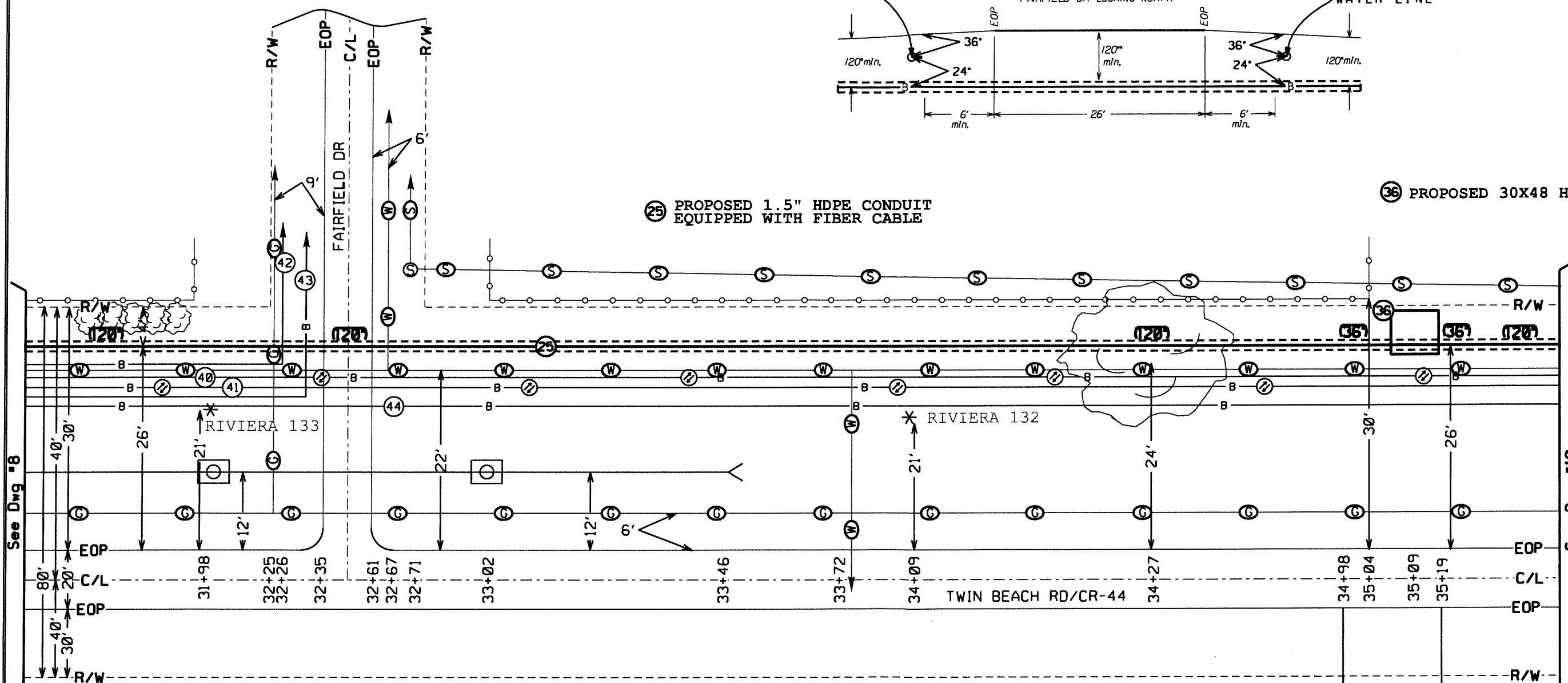
See Dwg #7

See Dwg #9



25 PROPOSED 1.5" HDPE CONDUIT EQUIPPED WITH FIBER CABLE

36 PROPOSED 30X48 HANDHOLE




See Dwg #8

See Dwg #10

- 40 EXISTING BURIED CABLE
- 41 EXISTING BURIED CABLE
- 42 EXISTING BURIED CABLE
- 43 EXISTING BURIED CABLE
- 44 EXISTING BURIED CABLE

CAUTION
Volts to Ground
RIVIERA 301V-15kV
AERIAL

CALL BEFORE YOU DIG



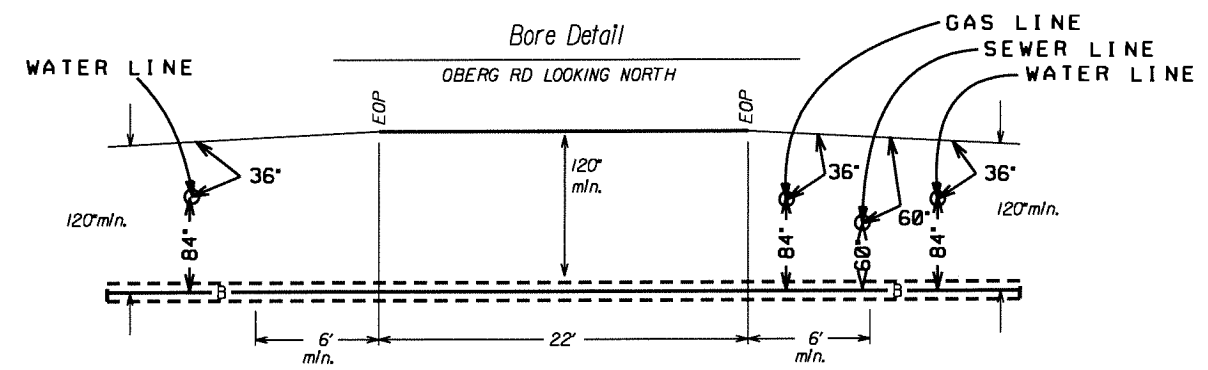
ALABAMA
DIAL 811 or
1-800-292-8525
www.call811.com

TWO FULL BUS. DAYS BEFORE YOU DIG

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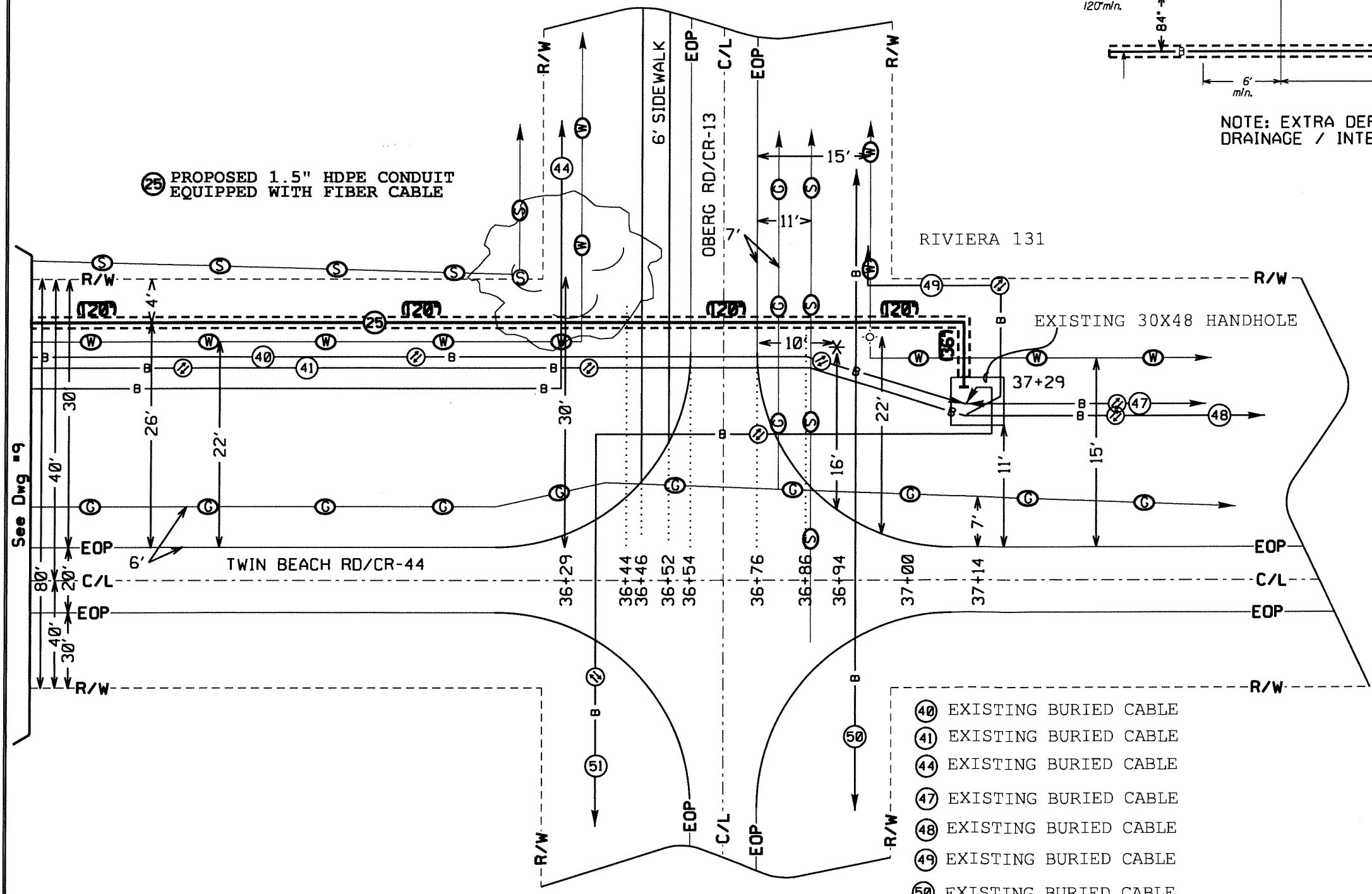
ATTSE
PROPOSED TELEPHONE FACILITIES
ON RIGHT OF WAY OF
CITY OF FAIRHOPE
CR-44 / TWIN BEECH RD

Exchange:	251928
Designer:	Mitchell, Wade
Phone:	251-471-8361
Authorization:	OAN00205N
Dwg. <u>9</u> of <u>11</u>	



NOTE: EXTRA DEPTH FOR FUTURE DRAINAGE / INTERSECTION IMPROVEMENTS

25 PROPOSED 1.5" HDPE CONDUIT EQUIPPED WITH FIBER CABLE



- 40 EXISTING BURIED CABLE
- 41 EXISTING BURIED CABLE
- 44 EXISTING BURIED CABLE
- 47 EXISTING BURIED CABLE
- 48 EXISTING BURIED CABLE
- 49 EXISTING BURIED CABLE
- 50 EXISTING BURIED CABLE
- 51 EXISTING BURIED CABLE

CAUTION

Volts to Ground
RIVIERA 301V-15KV
AERIAL

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CR-44 / TWIN BEECH RD

Exchange: 251928

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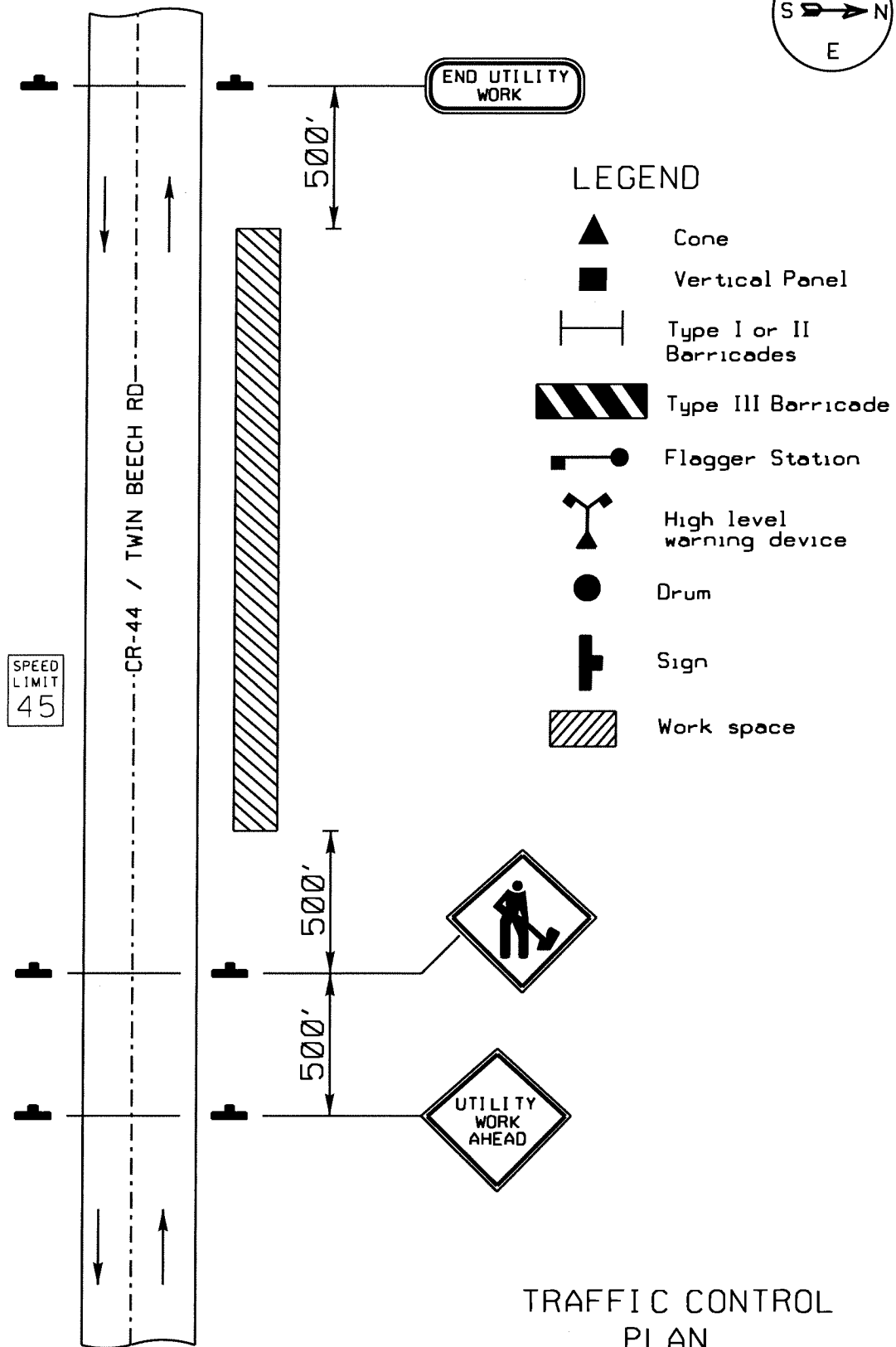
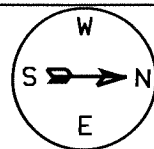
Phone: 251-471-8361

Authorization: OAN00205N

Dwg. 10 of 11



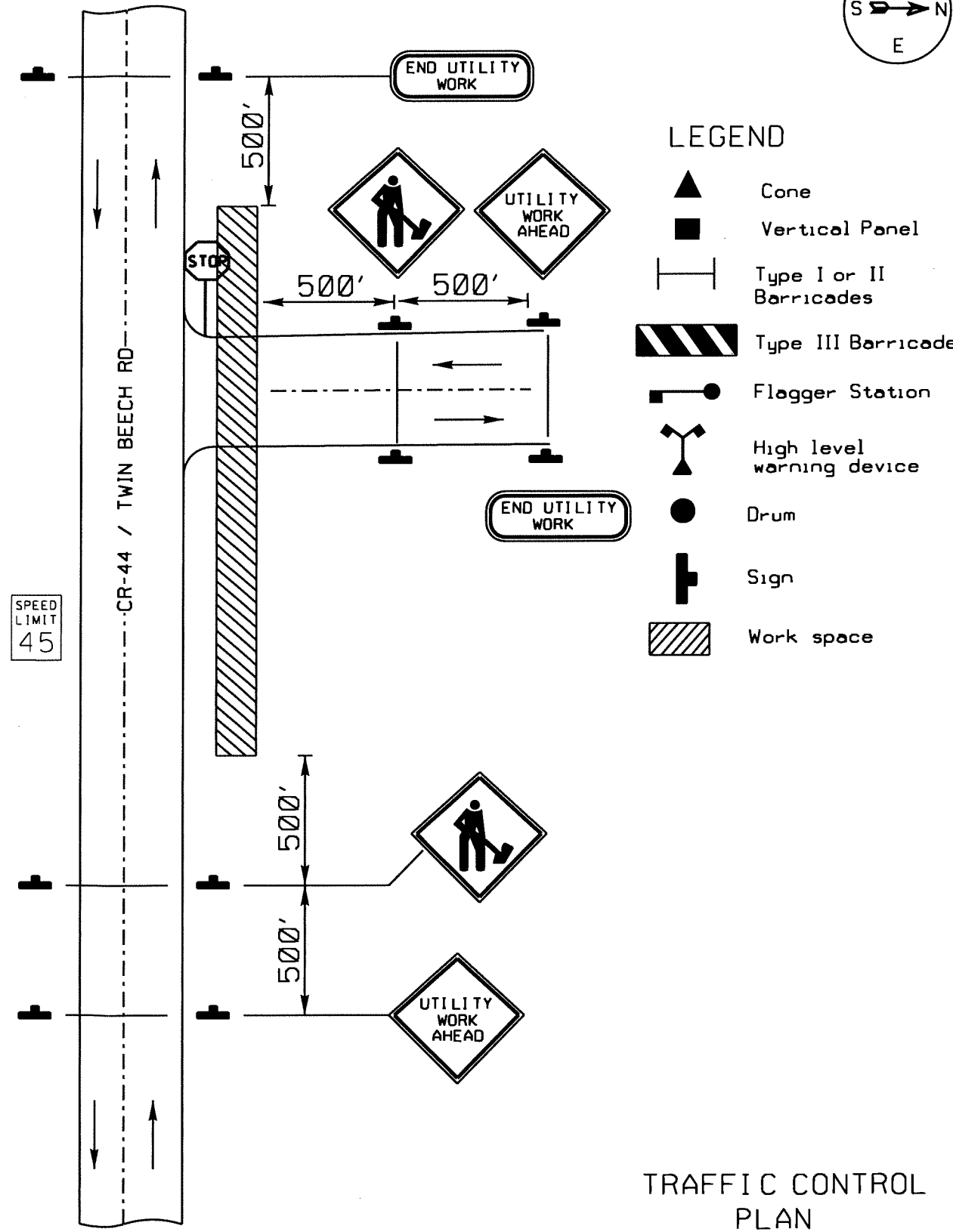
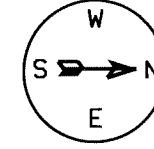
ROADSIDE WORK - TYPICAL



TRAFFIC CONTROL PLAN

JOB# : 0AN00205N

ROADWAY CROSSING - BOOTHE RD, FAIRFIELD DR, LAKEVIEW DR & CR-13 TYPICAL



TRAFFIC CONTROL PLAN

JOB# : 0AN00205N

ATTSE

PROPOSED TELEPHONE FACILITIES ON RIGHT OF WAY OF CITY OF FAIRHOPE

CR-44 / TWIN BEECH RD

Exchange: 251928

Designer: Mitchell, Wade

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Authorization: 0AN00205N

Dwg. II of II

City of Fairhope
Planning Commission
July 6, 2020

*Discussion of proposed
amendments to the
subdivision regulations*

Article IV Procedure Exceptions

1. One-Time Split

- a. A one-time split of a single lot/parcel into two lots may be approved administratively by the Planning Director and/or his/her authorized agent without review by the Planning Commission, provided that:
 - i. The lot or parcel existed and has not been divided since March 8, 2007. Sufficient documentation of property status as of March 8, 2007 must be submitted.
 - ii. No new streets or public infrastructure is required.
 - iii. At least one of the resulting lots fronts on and has access to a publicly-maintained street or road. The lot, if any, not fronting on a publicly-maintained street or road shall have access to the publicly-maintained street or road for ingress/egress, utilities, and public services, through an easement not less than 30' in width.
 - iv. The resulting lots will be in compliance with all lot standards set out in Article V Section E., except those determined by the Planning Director to be inapplicable to the particular split being requested.
 - v. A one-time split shall require the submission of a sketch plat as specified in Article IV, Section B.2., except that the location and dimension of lot lines, and existing facilities shall be exact.
 - vi. **Limit to Police Jurisdiction or Permit Jurisdiction or residential districts/units?**
- b. Submittals for “one time split” shall in all other respects meet the minimum requirements of these regulations
- c. A certificate of approval shall be reflected upon the sketch plat and signed by the Planning Director and County Engineer, as applicable, and recorded with the Judge of Probate within sixty days of approval by the Planning Director.
- d. Property undergoing a one-time split may not be subdivided for two (2) years from the date of recording.

Article VI Construction Standards – Section “G” Fire Hydrants

Fire Hydrants shall be installed along each street at a maximum interval of four hundred ~~fifty~~ (400 ~~450~~) feet, so that the building envelope of each lot is within 400’ ~~450~~’ of a hydrant, or at the ends and center of each block (contemplating a maximum block length of 660’), or at such shorter intervals 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. For subdivisions of four or fewer lots/units, located in a remote area of the ETJ where fire hydrants and water mains are not available, fire hydrant installation shall be at the direction of the fire authority having jurisdiction.

If so requested, the Commission may waive the requirement to install fire hydrants if the Commission deems an expansion of use requiring additional fire hydrants is not created by the subdivision.

Blue reflective markers shall be installed at the street line of streets to indicate the location of fire hydrants. NOTE: applicable building codes, fire codes, or other law may require the installation of fire hydrants or a shorter distance between fire hydrants and buildings or other structures than would result from compliance with this Article VI section G. Compliance with this Article VI Section G shall not render inapplicable the provision of any such codes or other law.