

**ORDINANCE NO. 1713**

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

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

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

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

The property of Roberta U. Harris; Stephen J. Urbanek, II; and Margaret U. Dunnam generally located southeast corner of the intersection of County Road 48 and Blueberry Lane, Fairhope, Alabama.

**Overland PUD**

**PPIN # 43640**

**Legal Description:** (Case number ZC 21.01)

COMMENCE AT A RAILROAD SPIKE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 6 SOUTH RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND RUN THENCE SOUTH 00 DEGREES 20 MINUTES 38 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED REBAR (FAIRHOPE) ON THE SOUTH RIGHT-OF-WAY OF FAIRHOPE AVENUE, SAID POINT ALSO BEING THE NORTHEAST CORNER OF RIVER MILL UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 1541-B, BALDWIN COUNTY PROBATE RECORDS, FOR THE POINT OF BEGINNING; CONTINUE THENCE SOUTH 00 DEGREES 20 MINUTES 38 SECONDS WEST, ALONG THE WEST LINE OF SAID RIVER MIL UNIT 1, A DISTANCE OF 532.55 FEET TO A CAPPED REBAR (MOORE); THENCE RUN SOUTH 00 DEGREES 22 MINUTES 09 SECONDS WEST, CONTINUING ALONG SAID WEST LINE OF RIVER MILL, A DISTANCE OF 751.65 FEET TO A CAPPED REBAR (FAIRHOPE); THENCE RUN SOUTH 89 DEGREES 43 MINUTES 52 SECONDS EAST, A DISTANCE OF 1041.41 FEET TO A CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 19 MINUTES 01 SECONDS EAST, A DISTANCE OF 1285.40 FEET TO A CAPPED REBAR (FAIRHOPE) ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF FAIRHOPE AVENUE; THENCE RUN NORTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 1040.47 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 30.70 ACRES, MORE OR LESS.

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

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

**Overall Development:**

Lots: There shall be 62 lots total.

Use: In general, the project is restricted for residential use. The uses are specifically described within the Site Plan and Master Development Plan that include:

- |    |   |
|----|---|
| 61 | Single Family Residential Lots                          |
| 1  | Multifamily Lot consisting of a maximum of 4 quadplexes |

Dimension Standards: Dimensional standards shall follow the layout on the approved site plan.

Density: 2.51 UPA.

Sidewalks and Street Trees: All sidewalks and street trees shall be installed prior to submission of Final Plat Approval, including sidewalks along Fairhope Avenue.

Drainage and Detention: Drainage and detention shall meet the Stormwater Standards in the Fairhope Subdivision Regulations.

Buffers: Buffers shall meet the applicable requirements of all City of Fairhope Regulations.

**Single Family Residential Development:**

Lots: There shall be 61 single family residential lots.

Use: Lots shall be single family residential.

Setbacks: Front – 25', Rear – 25', Side – 5', and Street Side – 20'.

Principle Structure Lot Coverage: Shall not exceed 45% of the total lot.

Building Height: Maximum building height shall not exceed 30'.

Lot Size: Minimum lot size shall be 6,500 square feet.

**Multi-Family Residential Development:**

Lots: There shall be 1 multi-family residential lot.

Use: Lot shall be multi-family residential with a maximum of 16 townhome units located in 4 quadplexes.

Setbacks: As shown on site plan.

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

**The property is hereby initially zoned Planned Unit Development (PUD) concurrent with annexation into the City of Fairhope.** This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.



Ordinance No. 1713

Page -3-

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

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

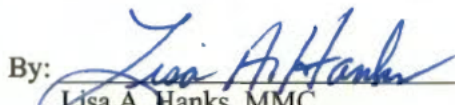
Adopted and approved this 28th day of June, 2021.

By:

  
Jack Burrell, Council President

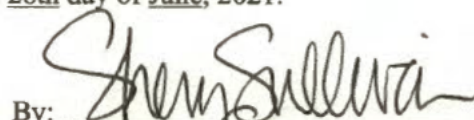
Attest:

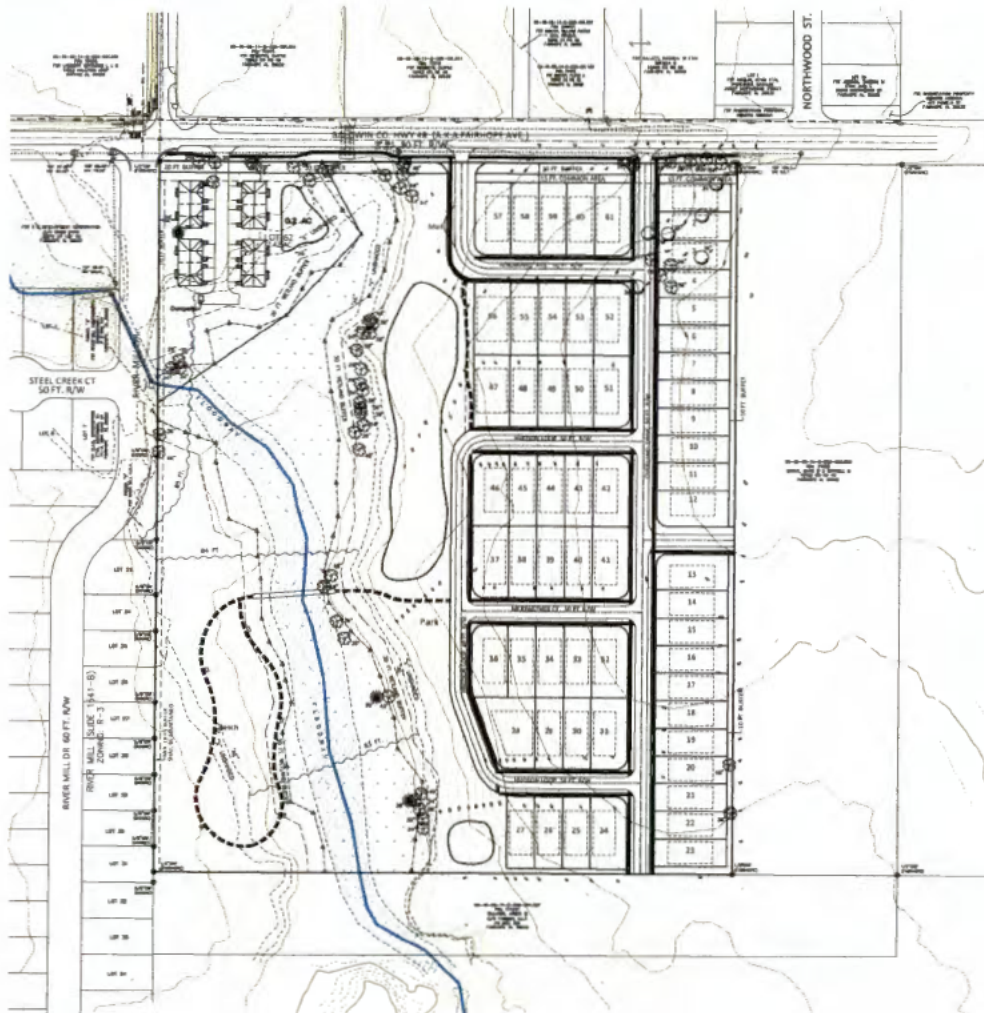
By:

  
Lisa A. Hanks, MMC  
City Clerk

Adopted and approved this 28th day of June, 2021.

By:

  
Sherry Sullivan, Mayor



**OWNER**  
ROBERTA U. HARRIS, STEPHEN  
JOHN URBANEK II, AND  
MARGARET URBANEK DUNHAM  
10824 U.S. HWY 98  
FAIRHOPE AL 36532

**DEVELOPER**  
88V PAYDIRT, LLC  
28891 WOODROW LANE, SUITE 300  
SPANISH FORT AL 36527

PARCEL NO: 05-46-06-14-0-000-002 000

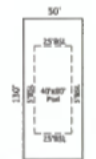
#### SITE DATA

CURRENT ZONING: NONE  
PROPOSED ZONING: P.U.D.  
MAX BLDG HEIGHT (SF): 30 FT  
MAX BLDG HEIGHT (TH): 35 FT  
MAX COVERAGE:  
(PRINCIPAL STRUCT): 45%  
MINIMUM HOUSE: 1,800 SF  
LIN. FT. STREETS: 3,468 LF  
S.F. LOTS: 81  
M.F. UNITS: 16  
TOTAL UNITS: 77  
DENSITY: 2.51 / AC.  
MINIMUM LOT: 6,500 SF  
SMALLEST LOT: 6,500 SF  
LARGEST SF LOT: 11,338 SF  
AVG LOT: 7,087 SF  
LARGEST LOT: 2.42 AC (T.H. PARCEL)  
COMMON AREAS: 14.85 AC (40%)  
TOTAL AREA: 30.70 AC

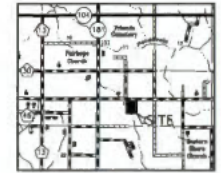
#### S.F. REQUIRED SETBACKS:

FRONT: 25 FEET  
REAR: 25 FEET  
SIDE: 5 FEET  
SIDE STREET: 20 FEET

WATER SERVICE: CITY OF FAIRHOPE  
SEWER SERVICE: CITY OF FAIRHOPE  
ELECTRIC SERVICE: BALDWIN EMC  
TELEPHONE SERVICE: AT&T



TYPICAL LOT



VICINITY MAP  
1" = 1 MILE

#### LAND USE PERCENTAGES

Single Fam. (Residential)	13.55 Ac	44%
Townhome (Residential)	0.85 Ac	3%
Wetlands	5.16 Ac	17%
Ponds	1.5 Ac	5%
Upland Open Space	8.57 Ac	28%
Buffers	1.07 Ac	3%
<b>TOTAL</b>	<b>30.7 Acres</b>	<b>100%</b>

#### GREEN SPACE DENSITY CALCULATION

30.70 TOTAL GROSS ACRES  
11.19 R.O.W., DETENTION & WETLANDS  
19.51 ACRES

77/19.51 = 3.94 UNITS PER ACRE (G.S. DENSITY)  
15% REQUIRED (4.61 AC.)

#### QUALIFYING GREEN SPACE CALCULATION

8.57 UPLAND AREAS  
0.45 30% OF PONDS  
9.02 TOTAL ACRES (29.4% OF TOTAL SITE)

#### SURVEYOR'S CERTIFICATE

I HEREBY STATE 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.

COMMENCE AT A RAILROAD SPIKE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 9 SOUTH RANGE 7 EAST, BALDWIN COUNTY, ALABAMA, AND RUN THENCE SOUTH 00 DEGREES 20 MINUTES 38 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED REBAR (FAIRHOPE) ON THE SOUTH RIGHT-OF-WAY OF FAIRHOPE AVENUE, SAID POINT ALSO BEING THE NORTHEAST CORNER OF RIVER MILL UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 1541-B, BALDWIN COUNTY PROBATE RECORDS, FOR THE POINT OF BEGINNING, CONTINUE THENCE SOUTH 00 DEGREES 20 MINUTES 38 SECONDS WEST, ALONG THE WEST LINE OF SAID RIVER MILL UNIT 1, A DISTANCE OF 252.50 FEET TO A CAPPED REBAR (MOORE); THENCE RUN SOUTH 00 DEGREES 22 MINUTES 09 SECONDS WEST, CONTINUING ALONG SAID WEST LINE OF RIVER MILL, A DISTANCE OF 751.65 FEET TO A CAPPED REBAR (FAIRHOPE); THENCE RUN SOUTH 89 DEGREES 43 MINUTES 52 SECONDS EAST, A DISTANCE OF 1041.41 FEET TO A CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 19 MINUTES 11 SECONDS EAST, A DISTANCE OF 1280.40 FEET TO A CAPPED REBAR (FAIRHOPE) ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF FAIRHOPE AVENUE; THENCE RUN NORTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 1040.47 FEET TO THE POINT OF BEGINNING, TRACT CONTAINS 30.70 ACRES, MORE OR LESS.

DAVID E. DIXIE, AL P.L.S. NO. 28014 DATE

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



**FLOOD STATEMENT**  
PROPERTY LIES IN FLOOD ZONE "X",  
"Y", "SHADED", "A", AND A FLOODWAY AS  
SCALED FROM FLOOD INSURANCE RATE MAP  
NUMBER 01003C0664K, COMMUNITY NUMBER  
010000, PANEL 1964A, SUFFIX "M", DATED  
APRIL 19, 2019

## OVERLAND

A PLANNED UNIT DEVELOPMENT

MC 21.01  
Exhibit A:  
Site Plan

**S.E. Civil**  
Engineering  
& Surveying  
88 W. OLIVE BLVD.  
FAIRHOPE, AL 36532  
(205) 884-1111





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

## PETITION FOR ANNEXATION

STATE OF ALABAMA                    )  
COUNTY OF BALDWIN                )

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

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

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

**This petition is for R-1 Zoning**

Planned Unit

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

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

Roberta U. Harris  
Signature of Petitioner

ROBERTA U. HARRIS  
Print petitioner's name

Stephen John Urbanek II  
Signature of Petitioner

STEPHEN JOHN URBANEK II  
Print petitioner's name

Margaret Urbanek Dunnam  
Signature of Petitioner

Margaret Urbanek Dunnam  
Print petitioner's name

Physical Address of property being annexed: Co Rd 48

Petitioner's Current Physical Address:      Petitioner's Current Mailing Address:

10824 US Hwy 90 FAIRHOPE, AL 36532      SAME

618 Weeping Willow St, Fairhope, AL 36532      Same

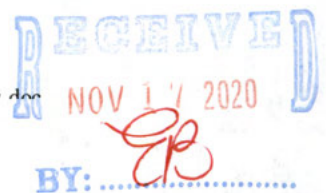
16 Quail Loop, Fairhope, AL 36532      Same

Telephone Number(s): \_\_\_\_\_

Home

Work

County Tax Parcel Number: 05-46-06-14-0-000-002.000



**U.S JUSTICE DEPARTMENT INFORMATION**Size of property (acres or square feet) 30.7 AcresIf property is occupied, give number of housing units VacantNumber of Persons residing in each unit, and their race 0If property is unoccupied, give proposed use Mixed Use ResidentialIf property is being developed as a subdivision, give subdivision name  
Overland, A Planned Unit DevelopmentNumber of lots within proposed subdivision 78 Units

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

Given under my Hand and Seal this 27<sup>th</sup> day of October, 20 20.

(Seal)

CORINNA L. HALLFORD  
Notary Public  
Alabama State at Large

Corinna L. Hallford  
Notary PublicMy commission expires 06/12/2024

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

Given under my Hand and Seal this 27<sup>th</sup> day of October, 20 20.

(Seal)

CORINNA L. HALLFORD  
Notary Public  
Alabama State at Large

Corinna L. Hallford  
Notary PublicMy commission expires 06/12/2024

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

Given under my Hand and Seal this 27<sup>th</sup> day of October, 20 20.

(Seal)

CORINNA L. HALLFORD  
Notary Public  
Alabama State at Large

Corinna L. Hallford  
Notary PublicMy commission expires 06/12/2024



# Exhibit AA

## 30.70 Ac.

BALDWIN COUNTY, ALABAMA  
TIM RUSSELL PROBATE JUDGE  
Filed/cert. 3/19/2014 2:21 PM  
TOTAL \$ 16.00  
3 Pages

1446731

STATE OF ALABAMA  
COUNTY OF BALDWIN



### TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS: That ROBERTA U. HARRIS, as Trustee of the Robert C. Urbanek Revocable Trust Dated June 20, 2011, and pursuant to the terms of said trust, hereinafter referred to as Grantor, hereby GRANTS, BARGAINS, SELLS and CONVEYS unto ROBERTA U. HARRIS, STEPHEN JOHN URBANEK, II and MARGARET URBANEK DUNNAM, hereinafter referred to as Grantees, as tenants in common, their heirs and assigns, subject to any matters set out below, the following described real estate situated in Baldwin County, Alabama, viz:

The Northwest Quarter of the Southeast Quarter of Section 14, Township 6 South, Range 2 East, Baldwin County, Alabama, containing forty (40) acres, more or less, EXCEPTING THEREFROM, nine (9) acres, more or less, previously conveyed to Wesley Grant.

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said Grantees as tenants in common, their heirs and assigns, in fee simple, FOREVER.

And, except for any matters set forth above and taxes hereafter falling due, the Grantor, for herself and her successors and assigns, hereby covenants and warrants with and unto the Grantees, their heirs and assigns, that said trust is seized of an indefeasible estate in fee simple in and to all of the property hereinabove conveyed; that the same is free from all liens and encumbrances; that she, as Trustee, has a good right to convey the same as herein conveyed; that she, as Trustee, will guarantee the peaceable possession thereof and she, as Trustee, and her successors and assigns shall forever warrant and defend the same unto the Grantees, their heirs and assigns, against the

lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal on this the 18 day of March, 2014.

Roberta U. Harris  
ROBERTA U. HARRIS, as Trustee of the Robert C. Urbanek  
Revocable Trust Dated June 20, 2011.

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that ROBERTA U. HARRIS, as Trustee of the Robert C. Urbanek Revocable Trust Dated June 20, 2011, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 18<sup>th</sup> day of March, 2014.

Brenda S. Ralston  
Notary Public, Baldwin County, Alabama  
My Commission Expires: 1/17/16

PROPERTY ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

GRANTOR'S ADDRESS:

10824 U. S. Highway 98  
Fairhope, Alabama 36532

GRANTEES' ADDRESS:

c/o Roberta U. Harris  
10824 U. S. Highway 98  
Fairhope, Alabama 36532



THIS DOCUMENT WAS PREPARED BY:

SAMUEL N. CROSBY of

STONE, GRANADE & CROSBY, P.C.

Attorneys at Law

8820 U. S. Highway 90

Daphne, Alabama 36526

(251) 626-6696

SNC/br

00288546.WPD

# EXHIBIT AB

