ORDINANCE NO. 1737

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 Del Corte generally located at the northwest corner of State Highway 181 and State Highway 104, Fairhope, Alabama.

Lot 2 of NW Corner Hwy 181-Hwy 104 Subdivision

PPIN # 388078

Legal Description: (Case number ZC 21.13)

LOT 2, NW CORNER HWY 181-HWY 104 SUBDIVISION, AS RECORDED ON SLIDE NO. 2725-E IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

A map of the property to be rezoned is attached as Exhibit A.

The property is hereby initially zoned B-2, General Business District, concurrent with annexation into the City of Fairhope. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

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

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

Adopted and approved this 22nd day of December, 2021.

James Reid Conye Council President

Attest:

By: Koa MAN Lisa A. Hanks. MMC

City Clerk

Adopted and approved this 22nd day of December, 2021.

By:__

Sherry Sullivan, Mayor

FAIRHOPE COURIER
On ble Andrey
City Clerk



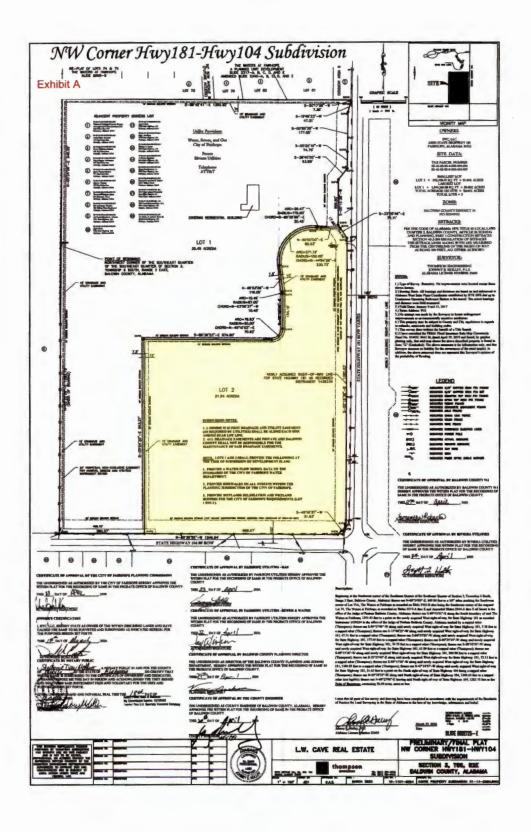
CITY OF FAIRHOPE P.O. DRAWER 429 FAIRHOPE, AL 36533 251/928-2136

PETITION FOR ANNEXATION

STATE OF ALABAMA COUNTY OF BALDWIN)()(
attached EXHIBIT A, such property be Alabama, but being contiguous to the s the corporate limits or police jurisdiction	owner(s) of the lands in fee simple described in the sing without the Corporate Limits of the City of Fairhope, aid Corporate Limits; and such property not lying within on of any other municipality, do, by these presents, hereby oal corporation, that said property be annexed into the City
The subject land is delineated on the m	ap 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 Zo	ning
▼ The condition of the Petiti	on is that zoning be established as B-2
Concurrent with Annexat	ion. (Zoning Request)
Signature of Petitioner	Del Corte
Signature of Petitioner	Print petitioner's name
Signature of Petitioner	Print petitioner's name
Signature of Petitioner	Print petitioner's name
Physical Address of property being	annexed: 9867 State Highway 104
Petitioner's Current Physical Addre 22353 State Highway 181, Fairhope, AL	
Telephone Number(s): 251-421-	8147
TT	
Hom	

U.S JUSTICE DEPARTMENT INFORMATION

	Size of property (acres or square feet) 21.2 acres
	If property is occupied, give number of housing unitsn/a
	Number of Persons residing in each unit, and their race n/a
	If property is unoccupied, give proposed use Commercial Shopping Center
	If property is being developed as a subdivision, give subdivision name
	Number of lots within proposed subdivision n/a
Petit	therine Stanky Flanty a Notary Public in and for said State and County, hereby fy that Del A. Corte whose name(s) is/are signed to the forgoing ion and who is/are known to me, this day appeared before me and, being first duly sworn, owledge that he/she/they have voluntarily executed this Petition on this day same bears date. Given under my Hand and Seal this 3rd day of December, 2021,
	Catherine Hand and Seal this 3 day of Vermber, 2021, Notary Public
orte	My commission expires <u>09-03-2024</u>
	a Notary Public in and for said State and County, hereby whose name(s) is/are signed to the forgoing ion and who is/are known to me, this day appeared before me and, being first duly sworn, owledge that he/she/they have voluntarily executed this Petition on this day same bears date.
	Given under my Hand and Seal this day of, 20,
(Sea	Notary Public
	My commission expires
	a Notary Public in and for said State and County, hereby
I,	
certi Petit	whose name(s) is/are signed to the forgoing ion and who is/are known to me, this day appeared before me and, being first duly sworn, owledge that he/she/they have voluntarily executed this Petition on this day same bears date
certi Petit	ion and who is/are known to me, this day appeared before me and, being first duly sworn,
certi Petit	ion and who is/are known to me, this day appeared before me and, being first duly sworn, owledge that he/she/they have voluntarily executed this Petition on this day same bears date. Given under my Hand and Seal this day of, 20,



City of Fairhope City Council



December 13, 2021

Planning Commission unanimously (7 Ayes, 0 Nays) voted to recommend approval of ZC 21.13

ZC 21.13 - Planter's Pointe Shopping Center



Project Name:

Planter's Pointe Shopping Center

Site Data:

21.24 acres

Project Type:

Zoning Change with Conditional Annexation

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

Unzoned to B-2

PPIN Number:

388078

General Location:

Northwest corner of State Highway 181 and State Highway 104

Surveyor of Record:

Engineer of Record:

Thompson Engineering

Owner / Developer:

Del Corte

School District:

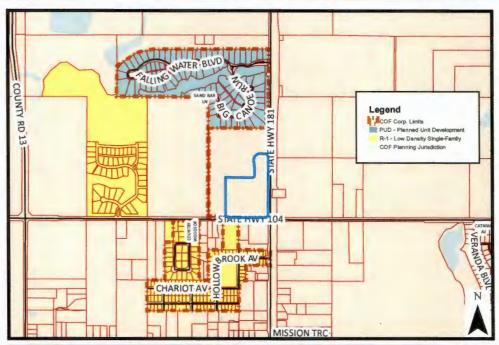
Fairhope East Elementary School Fairhope Middle and High Schools

Recommendation:

Approved w/ Conditions

Prepared by:

Hunter Simmons





CITY OF FAIRHOPE

P.O. Box 429 Fairhope, AL 36533 (251) 928-8003



ZONING APPLICATION



ZONING CHAGE APPLICATION

<u>Authority</u>: The City of Fairhope is authorized under the Code of Alabama, 1975 to create, establish, and amend zoning districts throughout the corporate limits.

<u>Public Notice:</u> All zoning change applications are required by State Law to give notice in both the newspaper and to all real property owners with 300 feet of the proposed change. The cost of this notice is paid by the applicant. All notice charges are paid at the time of application submission.

Zoning change requests are a public hearing at both the Planning Commission and the City Council meetings. All interested persons will be given the opportunity to speak either pro or con for the proposal.

<u>Planning Commission</u>: The Planning Commission will conduct the required public hearing and has three (3) options: 1) recommend approval to the City Council; 2) recommend denial to the City Council; or 3) table the request for further study.

<u>City Council</u>: The City Council will conduct the required public hearing and consider the recommendation of the Planning Commission. The Council has four (4) options: 1) deny the request; 2) approve the request; 3) table the request for further study; or 4) return the request to the Planning Commission for re-consideration.

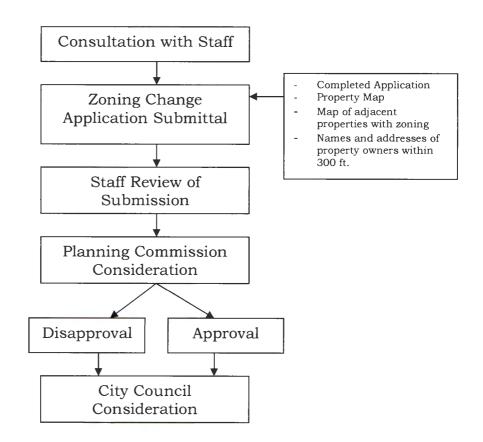
The City Council has final authority in determining if a zoning change request is approved.

Zoning Change Application Submission: The zoning change application must be complete. An application is not considered complete unless all required documents are provided at the time of submission. An incomplete application may not be accepted by staff.

<u>Deadlines</u>: The City of Fairhope wishes to expedite the zoning change process in the best and most effective manner possible. To that end, it is important that deadline times and dates are adhered to by the applicant.



ZONING CHANGE FLOW CHART





APPLICATION FOR ZONING DISTRICT CHANGE

Name: Corte Cave/Mitchell 1, LLC Pl	
Street Address: 22353 State Highway 18	
City: Fairhope State	: AL Zip: 36532
	ent Information
	from above. puired if an agent is used for representation.
	none Number:
Street Address:	
City: State:	Zip:
Current Zoning of Property: Unzoned	
Proposed Zoning/Use of the Property:	B-2, General Business District
Property Address: 9867 State Highway 1	
Parcel Number: 05-46-02-03-0-000-004.	
Property Legal Description: See Attache	
Reason for Zoning Change: Petition of A	Milexauon
Property Map Attached	(YES) NO
Metes and Bounds Description Attached	(YES) NO
Names and Address of all Real Property Owners within 300 Feet of Above Described Property At	
Character of Improvements to the Property and See attached overall site plan	
- Coo attached overall site plan	
Zoning Fee Calculation:	
Reference: Ordinance 1269	
I certify that I am the property owner/leasehold	ler of the above described property and hereb
submit this application to the City for review. *	If property is owned by Fairhope Single Tax
Corp. an authorized Single Tax representative s	shall sign this application.
Del Corte	1 SINCA
Property Owner/Leaseholder Printed Name	Signature
September 7, 2021	D 11 01 1 M 0 0 001
Date	Fairhope Single Tax Corp. (If Applicable)



ORDINANCE NO. 1054

AN ORDINANCE AMENDING ORDINANCE NO. 557 KNOWN AS THE ZONING ORDINANCE TO REQUIRE THAT PUBLIC NOTICE SIGNS BE POSED ON PROPERTY BEING CONSIDERED FOR A ZONING CHANGE

- WHEREAS, The City of Fairhope, Alabama has recognized that the planning process is open to public participation and input, and
- WHEREAS, The City of Fairhope, Alabama realizes that planning decisions that impact the city should be publically known, and
- ❖ WHEREAS, The City of Fairhope, Alabama desires to maximize public knowledge and input into the planning process, and
- * WHEREAS, The City of Fairhope, Alabama is dedicated to serve the citizens of the community by keeping them informed about potential change,

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

1. The ordinance known as the Zoning Ordinance (No. 557) Section 8.61, amended by Ordinance 1025, is hereby amended to insert the following paragraph:

The applicant is also required to post on the property being considered for a zoning change a sign that gives public notice. This sign shall be posted adjacent to a publicly dedicated street. The sign shall be furnished by the City at the time of application. The sign shall be no later than 15 days before the Planning Commission meeting and shall remain posted until after final action by the City Council. The applicant shall remove the sign from the property and return it to the City within 2 days of final action by the City Council.

It is the sole responsibility of the applicant to post the sign in accordance with these regulations. Failure to post this sign may result in nullification of the zoning change decision and application.

2. Severability Clause

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

3. Effective Date

This ordinance shall be in full force upon its adoption and publication as provided by law.

Adopted this the 10th day of May 1999. James P. Nix, Mayor Geniece W. Johnson, City Clerk



CERTIFICATION OF PROPERTY OWNER NOTIFICATION LIST

As Required by the City of Fairhope

Hearings on Zoning Change applications require notification to all property owners within 300 feet of the property under consideration for the change. This list must be the most current property owners' records available from the Baldwin County Revenue Office.

By signing below, I Corte Cave/Mitchell 1, LLC , (applicant) do hereby certify that the property owner list attached to this application was obtained from the Baldwin County Revenue Office and is a complete list of all real property owners/lessees within 300 feet of the parcel submitted for consideration by the Planning & Zoning Commission.

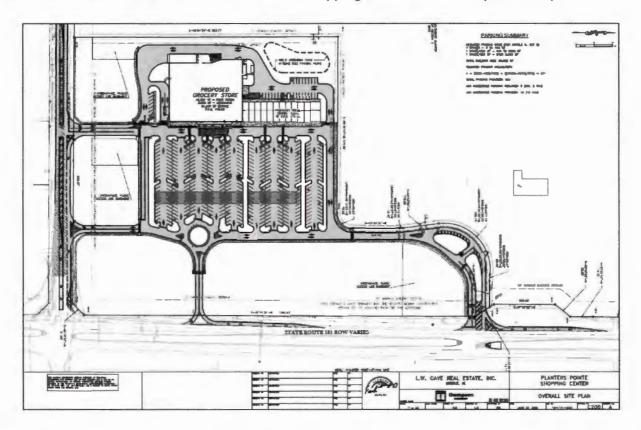
Signature of Applicant or Authorized Agent

September 7, 2021 Date of Application

Summary of Request:

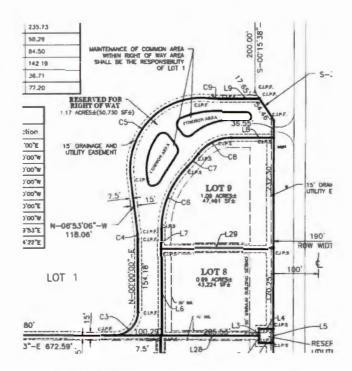
The applicant, Corte Cave/Mitchell 1, LLC, is requesting to conditionally annex the subject property into the City of Fairhope with a zoning designation of B-2, General Business District. The property is approximately 21.24 acres and is located the northwest corner of State Highway 181 and State Highway 104.

Case SD 20.34, a Multiple Occupancy Project (MOP), for Planter's Pointe Shopping Center, was approved in November 2020. The MOP included approval for 15 units on one lot as illustrated on the Site Plan below. The 15 units included a grocery store, which we now know is Publix, along with an additional 14 units of attached commercial. The site work and construction of the shopping center are currently underway.



Comments:

This month we also have a concurrent case, SD 21.48, which is a preliminary plat subdivision case to subdivide the subject property into 9 lots. The applicant requests to conditionally annex the nine lots created by Case SD 21.48 with an initial zoning of B-2, General Business District. The subject property currently lies within unzoned Baldwin County Zoning District 14. The annexation map included as an attachment was provided with the application for annexation and illustrates the area requested for annexation.



The area shown above and labeled "Reserved for Right of Way" is requested to be accepted for maintenance by the City of Fairhope; approval for which must take place after Final Plat approval. All other roads, drives, common area, and parking shall be privately owned and maintained.

Uses

Other than Lot 1, the exact uses are unknown for remaining lots 2-9. The allowable uses for B-2 General Business District are provided in Table 3-1: Use Table of the Fairhope Zoning Ordinance. Table 3-1 is included as an attachment for convenience.

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

(1) Compliance with the Comprehensive Plan;

Response: The existing comprehensive plan, revised in 2016, acknowledged the intersection of Hwy 181/Hwy 104 would likely see significant development pressure and designated this intersection as a future Village. It should also be noted, the Comprehensive Plan acknowledges the character of this Village will be much different from Downtown. The MOP for the shopping center approved the layout and parking when the property was in unzoned Baldwin County District 14. Consequently, there were little design guidelines available outside of the MOP Process of the subdivision regulations.

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

Response: There are some minor conflicts with the zoning ordinance, such as more parking than allowed, but those cifferences were approved by a former Multiple Occupancy Project and are under construction. If annexation and zoning is approved, Staff will view those items as legal non-conformities. Planters' Pointe meets the major items of the Zoning Ordinance, such as lot sizes and setbacks.

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

Response: Other similar development activities have been approved, and/or are planned, within the vicinity of the Hwy 181/Hwy 104 intersection. This area will likely development with more commercial and denser residential nearby.

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

Response: Fairhope Water, Gas, and Sewer is utilized within this development. Fairhope utilities are working with the Developer to make infrastructure improvements that will service not only this development, but nearby and future developments as well.

(5) Impacts on natural resources, including existing conditions and ongoing post-development conditions; Response: Existing development activities were reviewed pursuant to MOP requirements of the City of Fairhope Subdivision Regulations. Future developments activities shall meet all applicable rules and regulations of the City of Fairhope.

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

Response: All applicable laws of the City will be applied.

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

Response: Adjacent rights-of-ways are owned ALDOT; access to and within those ROW's shall be reviewed and approved by ALDOT. Drainage within the ROW's will also be reviewed and approved by ALDOT.

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

Response: Lands surrounding this site are owned by the applicant. A traffic study was provided with MOP and a revised TIS is provided with Case SD 21.48. Additional improvements are being constructed as required. ALDOT will review and approve the recommended requirements.

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

Response: Staff does not anticipate any significant issues relating to this criterion that were not addressed during reviews of the MOP and subdivision cases.

Recommendation:

Staff recommends **APPROVAL** for Case: ZC 21.13 rezoning to a PUD, Planned Unit Development with Conditional Annexation.

Article III

Zoning Districts

Section B Allowed Uses

Table 3-1: Use table

	Zoning District																					
Uses C	Categories /	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B4	M-1	M-2	PUD	VRM	NVC	cvc	нтр
- 411	Specific Uses	124	124	DE.	PL.	PL.	PE.	124	124	PL.	ш	ш	ш	ш	ш	~	-	1	-	-	-	-
Dwelli		•		•	-								•	•		-		-	•			
-	Single-family Two-family			-							•	0		•	-		-	-	•			
	Townhouse				3			9	9		3	3	-	-)			1	3			
	Patio Home		-		,	9		-	-		-				-			1	3			
	Multiple-family / Apartment		-			-		3	•				0	0				1	3	3	Э	0
	Manufactured Home							-		Э								1				
	Mixed-use										•	0	•	•						•	•	
	Accessory Dwelling									_)	Э	9	3	3				•	3	3)
	Estate																		•			
Civic				_			-				-											
	Elementary School		•	•		-	0		0	-		0	0	0		0	0	anc a	•	•	0	
-	Secondary School			0	-							0			•	•		iệ.		•		
	Education Facility Library	-			-	-						0				•	•	be specified based on a development plan according to the standards and procedures of this ordinance	•	•	•	
	Place of Worship	-	-	-	-		Ť	-	-		-		-	-		-		thi		0	0	0
	Cemetery	0	0	0			0	0	0		0	0	0			0	0	l of		0	0	0
	Hospital										0	0	0		0	0	0	Ires		0	0	0
	Public Open Space		•														•	- Po	•	•	•	
	Common Open Space	•	•								•	0	0			•		100	•	0	•	•
	Community Center or Club	0	0	0			0	0	0		0	0	0			0	0	Pu	0	0	0	0
	Public Utility	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8 22	0	0	0	0
Office				-	-	-	-				•	0	-			•		ard		•	•	
	General Professional		-	-	1						•	0			•			and		•	•	•
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Retail	Home Occupation	3	3	,	,	,	7	,	,	,	,		,	-	,			#		1		
100jani	Grocery			-							•	0	-					200			•	
	Convenience Store										3	Э		•		3	3	1 등		3	Э	3
-	General Merchandise													•		•		3				0
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	Outdoor Sales Limited											0				0	0	it i		0	0	0
	Outdoor Sales Lot											0	_			0	0	ě		_		-
	Garden Center				-							0	0			0	0	elop		0	0	0
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	Convalescent or Nursing Home Clinic	0	0	0	-		0	0	ő		0	0	0		-	0	0	- 8		0	0	0
-	Outdoor Recreation Facility	0	0	0	_		0	0	0		-	0	0		0	0	0	0		0	0	0
	Day Care	0	0	0	1		ō	0	0		0	0	0		0	0	0	3sec				
	General Personal Services		-	1							•							P	-	•		
	Mortuary or Funeral Home											0			0	0	0	fie		0	0	0
	Automobile Repair																•	100		0	0	
	Indoor Recreation										0	0		0				a s				
	Dry Cleaner / Laundry		_									0				0	0	1 4		0	0	
	Personal Storage											0		3	3	0	0	District shall	-	0	0	
	Bed & Breakfast												•	-			•	5	0	•		
	Hotel / Motel						-	-	-			0	•		-	-		stri	-	-		
	Boarding House or Dormitory		-		-	-	-	-	-	-	-	0	•		•	•	•		-	•	•	-
	Recreational Vehicle Park	-	-					-			0	9	_	9		0	3	15	-			-
	Restaurant Bar	-	-			1	-	-			0	0	0			-		Uses in the PUD		0		-
	Entertainment Venue		+	-			1		-	-		•		0			0	th		0	0	
	Marina Marina				1	1							0	0			0	20		0	0	
	Kennel or Animal Hospital					1	1					0	0				0	CS				
	Warehouse															•						
	Junk Yard or Salvage Yard															0	0					
Manuf	acturing					1				100												
	Limited											0			0	•			-	•	•	0
		1								1												
	Light	_								1						-	-	1				
	General												-			0	•					_
Daniel																0	0					
Rural	General Food Processing															0						
Rural	General	•														0						

Permitted subject to general ordinance standards and conditions.
 Permitted subject to special conditions listed in the ordinance
 Permitted only on appeal and subject to special conditions

