

ORDINANCE NO. 1767

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1375
AND 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, the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation.

The property of **Live Oak Properties, LLC**, is generally located on the east side of Main Street, just south of Parker Road in Fairhope, Alabama.

PPIN #: 11947

Legal Description: (Case number ZC 22.15)

FROM THE SOUTHEAST CORNER OF FORBES GRANT SECTION 7, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE NORTH 14 DEGREES 27MINUTES 26 SECONDS WEST, 349.89 FEET; THENCE RUN SOUTH 75 DEGREES 41 MINUTES 02 SECONDS WEST, 773.72 FEET TO THE NORTHEAST CORNER OF LOT 4 CHARBON WOODS SUBDIVISIONL THENCE RUN SOUTH 76 DEGREES 00 MINUTES WEST, ALONG THE NORTH SIDE OF SAID SUBDIVISION, 108.18 FEET TO A CRIMP TOP IRON PIPE FOR THE POINT-OF BEGINNING: THENCE CONTINUE SOUTH 76 DEGREES 00 MINUTES WEST, ALONG THE NORTH SIDE OF SAID SUBDIVISION, 491. 17 FEET TO AN IRON PIPE ON THE EAST RIGHT-OF WAY LINE OF SCENIC HIGHWAY NO. 98; THENCE RUN NORTHWARDLY ALONG A CURVE TO THE RIGHT, 253 FEET, MORE OR LESS, (CHORD BEARS NORTH 01 DEGREES 55 MINUTES 38 SECONDS WEST 252.71 FEET) TO A POINT; THENCE RUN NORTH 00 DEGREES 13 MINUTES 18 SECONDS WEST, 75.64 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN NORTH 35 DEGREES 07 MINUTES 10 SECONDS EAST, 77.66 FEET TO A CRIMP TOP IRON PIPE ON THE SOUTH RIGHT-OF-WAY OF PARKER ROAD; THENCE RUN NORTH 69 DEGREES 47 MINUTES 11 SECONDS EAST, 319.92 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN SOUTH 20 DEGREES 07 MINUTES 14 SECONDS EAST, 408.37 FEET TO THE POINT-OF-BEGINNING. TRACT CONTAINS 3.79 ACRES, MORE OR LESS.

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

The property is hereby rezoned from PUD (Planned Unit Development) to R-1, Low Density Single Family. 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. 1767

Page -2-

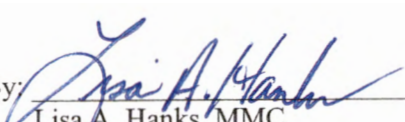
Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

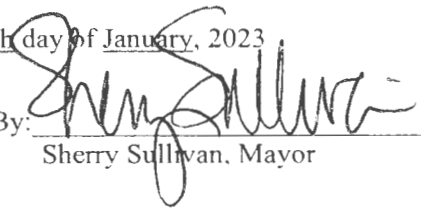
Adopted and approved this 9th day of January, 2023

By: 
Jay Robinson, Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 9th day of January, 2023

By: 
Sherry Sullivan, Mayor

Ord. No. 1767 Published In
FAIRHOPE COURIER
on January 25, 2023
Jenny Opat Wilson City Clerk
Assistant



**Exhibit A: Live Oak Properties LLC
Rezoning from PUD to R-1, Low Density Single Family
(ZC 22.15)**



City of Fairhope City Council



December 21, 2022

Planning Commission unanimously (7 Ayes, 0 Nays) voted to recommend approval of ZC 22.15.

ZC 22.15 - Parker Road PUD



Project Name:

Parker Road PUD

Site Data:

3.79 acres

Project Type:

Rezoning to R-1

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

PUD

PPIN Number:

11947

General Location:

East side of Main St, south of Parker Rd

Surveyor of Record:

Dewberry

Engineer of Record:

Dewberry

Owner / Developer:

Live Oak Properties, LLC

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Approval.

Prepared by:

Mike Jeffries



APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: Live Oak Properties, LLC Phone Number: 251-278-4720
 Street Address: 561 Fairhope Ave, STE 201
 City: Fairhope State: AL Zip: 3653 2

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

Name: Cathy Barnette | Dewberry Phone Number: 251-929-9801
 Street Address: 25353 Friendship Rd
 City: Daphne State: AL Zip: 36526

Current Zoning of Property: PUD
 Proposed Zoning/Use of the Property: R-1 / residential
 Property Address: 7220 Parker Rd, Fairhope, AL 36532
 Parcel Number: 05-46-03-07-0-000-018.000
 Property Legal Description: See attachment
 Reason for Zoning Change: Market conditions support R-1 lots

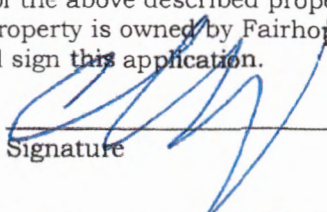
- Property Map Attached YES NO
- Metes and Bounds Description Attached YES NO
- Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. YES NO

Character of Improvements to the Property and Approximate Construction Date: No proposed improvements for single family lots, construction to start Spring 2023

Zoning Fee Calculation:
Reference: Ordinance 1269

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

Live Oak Properties, LLC
 Property Owner/Leaseholder Printed Name
09/27/2022
 Date

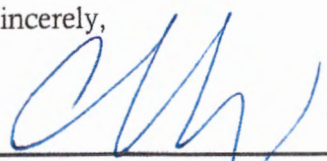

 Signature
 Fairhope Single Tax Corp. (If Applicable)

LIVE OAK PROPERTIES, LLC
561 Fairhope Ave, STE 201
Fairhope, AL 36532

To whom it may concern,

DEWBERRY is hereby authorized as our agent to represent us before the City of Fairhope Planning Commission and City Council regarding the Parker Road PUD Modification.

Sincerely,



Signature 9/25/22
Date

Chris Haley

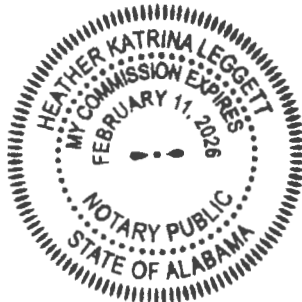
Print Name 9/25/22
Date

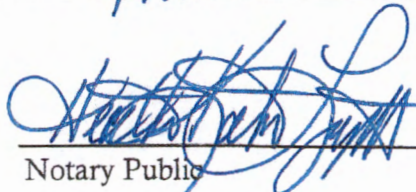
State of Alabama

County of Baldwin

Signed and affirmed before me on 26 by September

[SEAL]





Notary Public

My commission expires: _____

Summary of Request:

Applicant, Cathy Barnette with Dewberry, acting on behalf of the Owner, Live Oak Properties, LLC is requesting to rezone from a Planned Unit Development (PUD) to R-1 - Low Density Single-Family Residential District. The property is approximately 3.79 acres and is located on the east side of Main Street, south of Parker Road. The applicant no longer desires to develop the property due to the cost of development currently.

Comments:

The subject property is currently zoned a PUD Ordinance #1375 that has a corresponding site plan and ordinance that the property must be built in substantial conformance to. The PUD was approved January 12th, 2009. The full ordinance is provided in the packet, but in short it is a cul-de-sac development consisting of 8 lots with the smallest lot being 12,760 SF. Below are a few unique requirements of the PUD:

- Setbacks
 - o Front Setback – 15’
 - o Rear Setback – 20’
 - o Side Setback – 10’
 - o Front Garage Setback – 20’

- Landscape Buffers (natural and heavily wooded creating a dense buffer)
 - o Scenic Highway 98 – 30’
 - o Parker Road – 20’

- Building height – 35’ (measured from finished floor to peak of roof)

- Sidewalks internally were to be routed to have maximum tree preservation. Required adding the sidewalk along Parker Road.

Rezoning to R-1 if approved will essentially erase all the requirements of the PUD and any future development would have to conform to R-1 dimension standards and meet the requirements of the subdivision regulations.

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by all structures	Max. height
			Front	Rear	Side	Street side		
R-1	15,000 s.f./ -	100’	40’	35’	10’ ^b	20’	40%	30’ ^a

The applicant has included a lot layout that consists of 4 lots meeting the R-1 standards. A 4-lot subdivision in the future would be required to accomplish this. The rezoning does not create these lots.

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

(1) Compliance with the Comprehensive Plan;

Response: Meets

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

Response: Meets

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

Response: Meets

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

Response: This is a re-zoning request, without a Site Plan review. Future projects within the subject property shall ensure adequate public infrastructure.

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

Response: Staff does not anticipate an issue at this time.

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

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

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

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

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

Response: Staff does not anticipate any significant issues relating to this criterion at this time.

(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.

Recommendation:

Staff recommends **approval** of ZC 22.15 Parker Place rezoning from **PUD to R-1**.

ORDINANCE NO. 1375

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1373
AND AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE
CONCURRENT WITH ANNEXATION

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 and Zoning Commission of the City of Fairhope, Alabama has forwarded a favorable recommendation,

The property of Christopher L. Haley located at 7220 Parker Road, Fairhope, Alabama.

PARKER PLACE SUBDIVISION

TAX PARCEL 05-46-03-07-0-000-018.000

Legal Description: (Case number ZC 08.08)

COMMENCING AT THE PURPORTED SOUTHEAST CORNER OF THE FORBES GRANT SECTION 7, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE NORTH 14 DEGREES 27 MINUTES 26 SECONDS WEST, A DISTANCE OF 349.99 FEET TO A POINT; THENCE SOUTH 75 DEGREES 41 MINUTES 02 SECONDS WEST, A DISTANCE OF 773.72 FEET TO A POINT LOCATED AT THE NORTHEAST CORNER OF LOT 4 CHARBON WOODS SUBDIVISION; THENCE SOUTH 76 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE NORTHERN BOUNDARY OF CHARBON WOODS A DISTANCE OF 108.16 FEET TO A CRIMPED TOP PIPE FOUND, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHERN BOUNDARY SOUTH 76 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 491.17 FEET TO A POINT TO A IRON PIPE FOUND ON THE EAST RIGHT-OF-WAY LINE OF SCENIC HIGHWAY NO. 98 (80 FOOT RIGHT-OF-WAY); THENCE ON A CURVE TO THE RIGHT, HAVING A ARC LENGTH OF 253.00 FEET, WITH A RADIUS OF 1,527.00 FEET AND BEING SUBTENDED BY (A CHORD OF NORTH 01 DEGREES 55 MINUTES 38 SECONDS WEST, A CHORD DISTANCE OF 252.71 FEET) TO A POINT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE NORTH 00 DEGREES 13 MINUTES 18 SECONDS WEST, A DISTANCE OF 75.64 FEET TO A CRIMPED TOP PIPE FOUND AT A MITER POINT OF SAID EAST RIGHT-OF-WAY LINE OF SCENIC HIGHWAY NO. 98 AND THE SOUTH RIGHT-OF-WAY LINE OF PARKER ROAD (80 FOOT RIGHT-OF-WAY); THENCE NORTH 35 DEGREES 07 MINUTES 10 SECONDS EAST, ALONG SAID MITER A DISTANCE OF 77.66 FEET TO A CRIMPED TOP PIPE FOUND; THENCE NORTH 69 DEGREES 47 MINUTES 09 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY OF PARKER ROAD A DISTANCE OF 319.92 FEET TO A CRIMPED TOP PIPE FOUND AT THE NORTHWEST CORNER OF LOT 1 FLYING CREEK SUBDIVISION; THENCE SOUTH 20 DEGREES 07 MINUTES 14 SECONDS EAST, ALONG THE WESTERN BOUNDARY OF FLYING CREEK SUBDIVISION A DISTANCE OF 408.37 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.795 ACRES, MORE OR LESS.

A map of the property to be zoned is attached as "Exhibit A"

MAIL TO:
CITY OF FAIRHOPE
P. O. DWR 429
FAIRHOPE, AL 36533

1. **That**, attached as "Exhibit A" is an approved site plan. The property must develop in substantial conformance with the approved site plan.

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

Lots: There shall be 8 lots with twenty percent (20%) open space requirement and maximum lot coverage of 40% with a note placed on the preliminary plat, site plan and the construction drawings stating the required maximum lot coverage of 40%.

Impacts on Natural Resources: The applicant shall take all necessary best management steps during development to minimize runoff of sediment to Fly Creek and maintain the area as naturalized as possible. Lots to be cleared, as they are sold and ready for a building permit, to minimize soil loss and potential deposition to Fly Creek with minimal land disturbance during construction.

Setbacks: Setbacks are specified on the attached site plan as follows: Front setback-15'; Rear Setback-20'; Side Setback-10'; Front Garage Setback: 20'.

Landscape Buffers: 30' along Scenic Highway 98; 20' along Parker Road, 30' in Common Area 4

Building Height: Maximum building height within the PUD will be 35' from finished floor to peak of roof.

Utility Easements: Utility easements shall be at the front of all lots.

Sidewalks: The pedestrian circulation plan shall provide pedestrian connectivity in the Southern Common area to the Eastern Shore Trail. The sidewalk shall be routed to have maximum tree preservation and connectivity with minimal impact to the natural vegetation in the buffer. A sidewalk shall be added along Parker Road.

Common Area: All common area areas shall be maintained by the property owners association including on-site drainage.

Screening/Buffer Zones/ Landscaping: The landscaped buffers along Highway 98 and Parker Road shall remain natural and heavily wooded creating a dense buffer. Any modification to the buffer shall be approved by the Public Works Director. A tree protection and barrier plan specifying the barrier detail shall be submitted for all trees over 20" dbh.

Accessory Buildings: All accessory structures proposed in the future shall meet the requirements of Article III Section C2 and Article III Section D 9 of the City of Fairhope Zoning Ordinance.

Exterior Lighting: Any lighting from the site shall not spill over on to adjacent properties.

Other: All outside agency approvals shall be obtained prior to the issuance of a land disturbance permit.

MAIL TO:
CITY OF FAIRHOPE
P.O. BOX 429
FAIRHOPE, AL 36533

Ordinance No. 1375

Parker Place

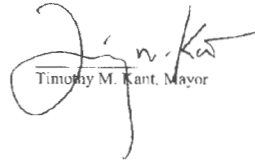
Page - 3 -

3. **That**, the property is hereby zoned to 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. 1373 is hereby repealed and replaced by this ordinance.

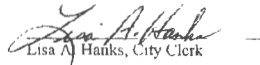
4. **Severability Clause** - If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such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

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

Adopted and approved this 12th day of January, 2009.


Timothy M. Kant, Mayor

ATTEST:


Lisa A. Hanks, City Clerk

Ord. No. 1375 Published in
THE FAIRHOPE COURIER
on January 1, 2009
Lisa A. Hanks City Clerk

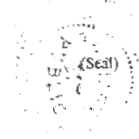
MAIL TO:
CITY OF FAIRHOPE
P.O. DWR 429
FAIRHOPE, AL 36533

U.S JUSTICE DEPARTMENT INFORMATION

- Size of property (acres or square feet) 3.79 +/- Acres
- If property is occupied, give number of housing units Not Occupied
- Number of Persons residing in each unit, and their race None
- If property is unoccupied, give proposed use Single Family Residential
- If property is being developed as a subdivision, give subdivision name
Parker Place
- Number of lots within proposed subdivision 8

I, Deborah Alice Martin a Notary Public in and for said State and County, hereby certify that Christopher L. Haley 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 11 day of June, 2008.



Deborah Alice Martin
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sep 26, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My commission expires _____

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

Given under my Hand and Seal this _____ day of _____, 20____.

(Seal)

Notary Public

My commission expires _____

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

Given under my Hand and Seal this _____ day of _____, 20____.

(Seal)

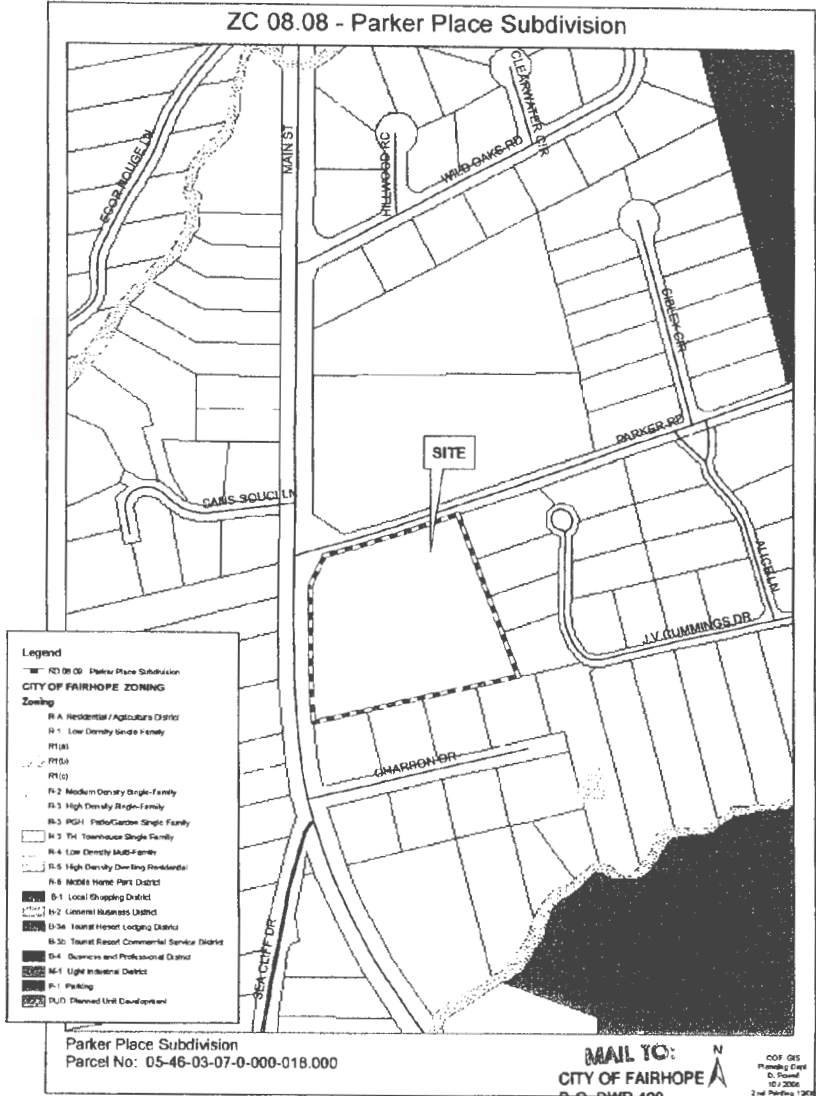
Notary Public

My commission expires _____

MAIL TO:

**CITY OF FAIRHOPE
P. O. DWR 429
FAIRHOPE, AL 36533**

ZC 08.08 - Parker Place Subdivision



Legend

RD 08.08 Parker Place Subdivision

CITY OF FAIRHOPE ZONING

Zoning

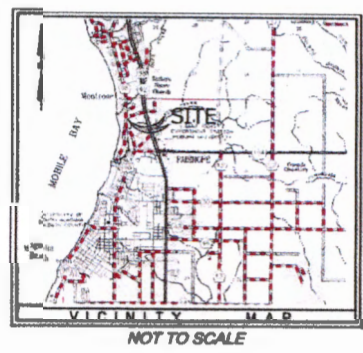
- R-A Residential / Agriculture District
- R-1 Low Density Single Family
- RI(A)
- RI(B)
- RI(C)
- R-2 Medium Density Single-Family
- R-3 High Density Single-Family
- R-3 (RH) Flexi-Corridor Single Family
- M-3 TH Townhouse Single Family
- R-4 Low Density Multi-Family
- R-5 High Density Diverse Residential
- R-6 Middle Home Plan District
- D-1 Local Shopping District
- B-2 General Business District
- U-3a Tourist Resort Lodging District
- B-3a Tourist Resort Commercial Service District
- D-4 Business and Professional District
- M-1 Light Industrial District
- P-1 Parking
- PLU Planned Unit Development

Parker Place Subdivision
 Parcel No: 05-46-03-07-0-000-018.000

MAIL TO:
CITY OF FAIRHOPE
 P.O. DWR-429
 FAIRHOPE, AL 36533

COF GIS
 Planning Dept
 D. Powell
 10/1/2008
 2 of 2 sheets 1/2008

PARKER PLACE 1st REVISION MASTER PLAN



DEVELOPMENT SUMMARY

TOTAL ACREAGE: 3.79 ACRES
 DENSITY: 1.05 UNITS PER ACRE
 ZONING: R-1
 TOTAL LOTS: 4
 AVERAGE INDIVIDUAL LOT SIZE= 0.949 ACRES

SETBACKS

FRONT: 40'
 BACK: 95'
 SIDES: 10'
 CORNER: 20'

OCTOBER 17, 2022 - SHEET 1 OF 1

ZONING R-1

N/A	H.B.P.	A.E.F.
N/A	V.L.G.	C.C.B.
1" = 30'		
50157517		
50157517		

Dewberry

1750 Hammonds Road, Williamsburg, VA 23186
 800-541-9999

From: [James Allen](#)
To: [planning](#)
Subject: PPIN# 11947 Zoning request
Date: Tuesday, October 25, 2022 2:27:36 PM

SENT FROM AN EXTERNAL ADDRESS

Planning and Zoning Department:

RE: Case ZC22.15

I am immediately adjacent to the property being considered in this case. I would ask for your consideration that you require a buffer zone on the east side of the property to protect the backyard of my home. Secondly, I would ask that the size of lot and square footage of the homes being built be similar to the surrounding area.

Thanks for your consideration,

James Allen
251-232-1062

--

James Allen