

ORDINANCE NO. 1769

AN ORDINANCE AMENDING ORDINANCE NO. 1253 KNOWN AS THE ZONING ORDINANCE TO AMEND ORDINANCE NO. 1317: A PLANNED UNIT DEVELOPMENT KNOWN AS FLY CREEK; AND TO FURTHER AMEND ORDINANCE 1572; TO APPROVE A REVISED MASTER PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Fairhope has approved a request to zone property to a PUD – Planned Unit Development to be known as Fly Creek PUD on the 23rd day of October 2006;

WHEREAS, the City of Fairhope has further approved a request by Fred Corte and Angelo A. Corte to amend said ordinance, specifically approximately 39.46 acres of the total 214 acres;

NOW THEREFORE, the current Owners/Applicants, Highlands at Fairhope Village, LLC, requesting an amendment to the Master Plan; and

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 Highlands at Fairhope Village, LLC, is located on the southeast corner of the intersection of US Highway 98 and Parker Road, north of The Woodlands at Fairhope subdivision and south of Sandy Ford subdivision.

| | |
|---------------------|----------------------------------|
| TAX PARCELS: | 05-46-02-04-0-000-001.000 |
| | 05-46-02-04-0-000-002.000 |
| | 05-46-03-08-0-000-002.000 |
| | 05-46-03-08-0-000-002.001 |
| | 05-46-03-08-0-000-002.002 |
| | 05-46-03-08-0-000-002.003 |
| | 05-46-03-08-0-000-002.004 |
| | 05-46-03-08-0-000-002.005 |
| | 05-46-03-08-0-000-002.006 |

Legal Description: (Case number ZC 22.14)

THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 2 EAST, CONTAINING 80.20 ACRES. (RECORDED IN DEED BOOK 506, PAGE 717, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA)

AND

BEGINNING AT AN OLD IRON PIPE LOCATED AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 2 EAST, RUN THENCE NORTH 89 DEGREES 53 MINUTES 02 SECONDS EAST FOR 2657.26 FEET TO AN IRON PIPE; THEN RUN SOUTH 00 DEGREES 01 MINUTES 41 SECONDS EAST 1323.02 FEET TO AN IRON PIPE; THENCE RUN SOUTH 89 DEGREES 53 MINUTES 40 SECONDS WEST 2659.18 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 03 MINUTES 15 SECONDS EAST 1322.53 FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 2 EAST, AS SHOWN IN AND BY THE PLAT OF SURVEY OF OCTOBER, 1973, PREPARED BY MICHAEL N. PONDER, A REGISTERED LAND SURVEYOR, ALA. REG. NO. 6775. (RECORDED IN DEED BOOK 459, PAGE 677, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA)

AND

LOTS 1-4 OF THE RESUBDIVISION OF THE REPLAT OF PHASE 1 OF FAIRHOPE VILLAGE, P.U.D. (PLANNED UNIT DEVELOPMENT), AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2424-E AND SLIDE 2424-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

AND:

LOTS 5-6 OF PHASE 2 OF FAIRHOPE VILLAGE, P.U.D. (PLANNED UNIT DEVELOPMENT), AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2431-A AND SLIDE 2431-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

AND THE FOLLOWING DESCRIBED PARCEL, TO WIT:

COMMENCE AT THE RECORD LOCATION OF AN IRON PIPE AT THE SOUTHEAST CORNER OF FRACTIONAL SECTION 5, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 41 MINUTES 40 SECONDS WEST, A DISTANCE OF 875.33 FEET TO A CAPPED REBAR (LS #19254); THENCE RUN NORTH 89 DEGREES 41 MINUTES 51 SECONDS WEST, A DISTANCE OF 168.00 FEET TO A REBAR; THENCE SOUTH 00 DEGREES 24 MINUTES 23 SECONDS WEST, A DISTANCE OF 40.03 FEET TO A CAPPED REBAR (CA-0422-LS) ON THE SOUTH RIGHT-OF-WAY OF PARKER ROAD FOR A POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 19 MINUTES 52 SECONDS WEST, A DISTANCE OF 146.85 FEET TO A CAPPED REBAR (CA-0279-LS); THENCE RUN SOUTH 89 DEGREES 54 MINUTES 28 SECONDS WEST, A DISTANCE OF 148.21 FEET TO A CAPPED REBAR (LS #19254) AT THE SOUTHEAST CORNER OF LOT 5 OF PHASE 2 OF FAIRHOPE VILLAGE, P.U.D. (PLANNED UNIT DEVELOPMENT), AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2431-A AND SLIDE 2431-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 24 MINUTES 11 SECONDS EAST, A DISTANCE OF 147.99 FEET TO A CAPPED REBAR (CA-0422-LS) AT THE NORTHEAST CORNER OF LOT 5 OF SAID PHASE 2 OF FAIRHOPE VILLAGE, P.U.D. AND THE SOUTH RIGHT-OF-WAY OF SAID PARKER ROAD; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 07 SECONDS EAST, A DISTANCE OF 148.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.50 ACRES, MORE OR LESS AND LIES IN GRANT SECTION 8, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

1. **That**, in case number ZC 22.14 the property described shall develop in substantial conformity with the site plan attached as "Exhibit A" and further detailed in the project narratives attached as "Exhibit B" and shall remain in compliance with the previously approved and amended PUD site plan. Any substantial deviation from the attached site plan or the previously approved and amended PUD site plan, as determined by the Planning Director will require re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama as a PUD amendment;

2. **That**, the following amendments have been made to approximately 39.46 acres of the total 214 acres:

Use: 240 apartment units, 90 flat/townhomes.

Road Network: Reconfigured in "Lot 6E" in the attached "Exhibit A" to allow for more efficient site layout.

Buildings: Modify the unit mix and elevations within Highlands at Fairhope Village Subdivision as shown on "Exhibit C."

The Planned United Development (PUD), Fly Creek, is hereby amended (Ordinance No. 1317 and Ordinance No. 1572). 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 of 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.

Ordinance No. 1769

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

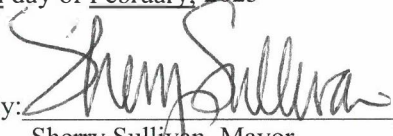
Adopted and approved this 13th day of February, 2023

By: 
Jay Robinson, Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

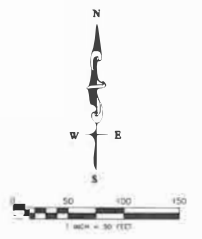
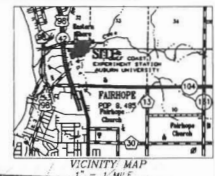
Adopted and approved this 13th day of February, 2023

By: 
Sherry Sullivan, Mayor

Ord. No. 1769 Published in
FAIRHOPE COURIER
on February 22, 2023
Jenny Opal Wilson Assistant City Clerk

Exhibit A

PROPERTY IS LOCATED IN GRANT SECTION 4, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA



SITE DATA:
 CURRENT ZONING - PUD
 LOT 6D SIZE - 1.69 ACRES
 LOT 6E SIZE - 7.34 ACRES
 LOT 6A SIZE - 2.73 ACRES
 TOTAL - 11.76 ACRES
 LIN. FT. STREET - 2463 LF
 TOTAL GREENSPACE - 4.40± (37%)
 IMPERVIOUS AREA - 3.03 AC (26%)
 PROPOSED NUMBER OF PARKING SPACES - 215
 PROPOSED BUILDING HEIGHT - SEE ARCHITECTURAL PLANS
 PROPOSED BUILDING COVERAGE - 89,893 SF

| BUILDING UNIT BREAKDOWN | | | | |
|--------------------------|----------|--------------|--------------|-----------|
| UNIT TYPE | LOT 6D | LOT 6E | LOT 6A | TOTAL |
| A | 0 | 18 | 0 | 18 |
| B | 0 | 3 | 0 | 3 |
| C | 0 | 3 | 0 | 3 |
| D | 0 | 2 (PROPOSED) | 2 (EXISTING) | 4 |
| E | 0 | 24 | 12 | 36 |
| F | 0 | 8 | 8 | 16 |
| G | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 60 | 22 | 82 |
| DENSITY (UNITS PER ACRE) | 4.73 | 8.17 | 8.06 | 7.65 |

FLY CREEK PUD (2nd) Amendment

DECEMBER 1, 2022 - SHEET 1 OF 1
 A PLANNED UNIT DEVELOPMENT

| | | | | | |
|--------|--------|----------|------------------|----------|--------|
| DESIGN | BY | DRAWN | A.E.F. | CHECKED | V.L.G. |
| INC | A.N.B. | SURVEYOR | V.L.G. | PROJ MGR | A.N.B. |
| | | | SCALE 1" = 50' | | |
| | | | PROJ NO 50166286 | | |
| | | | FILE | | |
| | | | SHEET 1 of 2 | | |

W50155286 - THE HIGHLANDS AT FAIRHOPE VILLAGE PLANNING 50154286PUD BUILDING SWAP rev.dwg 12/1/2022 9:57:22 AM



Fly Creek PUD Amendment, second amendment

Case No. ZC22.14

PUD Narrative

Pre-application Meeting: June 30th Meeting with Stewart Speed

Owner: Highlands at Fairhope Village LLC

Legal Description: Warranty Deed / Survey

Background:

Fly Creek, a Planned Unit Development was approved by the City of Fairhope City Council on October 23, 2006 by Ordinance No. 1317. In April of 2008 Phase 1 of Fairhope Village, a 2 lot subdivision within the Fly Creek Planned Unit Development, was recorded in the Probate Office and a subsequent replat was recorded in July of 2009 adding the detention pond and access road to the subdivision. Lot 1 of that subdivision was developed into the Publix and other commercial businesses. In September of 2009 a re-subdivision of Phase 1 was recorded basically creating Lot 3 which is now the bank site. Then in December of 2009, Phase 2 of Fairhope Village was recorded, which created Lots 5 and 6. Lots 2 and 4 of Phase 1 and Lots 5 and 6 of Phase 2 are undeveloped at this time. Lot 5 is the site of the Fairhope Fire Department Substation. PUD was modified again to add the 0.5 acre site immediately east of and adjacent to Lot 5 of Phase 2, revise a portion of Lot 6 of Phase 2 of Fairhope Village, from the mixed use of townhome lots, townhome/flat lots, condominiums, and various sizes of single family lots, to a new layout of apartments, flats/townhomes and live/work units; and, re-subdivision of Lot 6, with the addition of the 0.5 acre parcel mentioned above, into 6 new parcels.

This minor PUD amendment is in keeping with the intent and purpose of the PUD. The application proposes the following minor amendments:

1. Modify the work/live units to townhomes, PPIN 369518
2. Reconfigure the road network, PPIN 386029, "Phase 3" Highlands at Fairhope Village
3. Modify the unit mix and elevations within Highlands at Fairhope Village Subdivision

The proposed changes are in response to the current residential market. Although the work/live concept is innovative, the number of vacant storefronts within the Shoppes at Fairhope Village make it impractical to maintain this original use. The minor change to the road network was to accommodate a more efficient site layout. Construction for the develop is expected to start shortly after MOP approved and construction to be done for entire site taking 12-16 months depending on material availability. The prior PUD referenced phasing for the development, we propose references to phasing are removed for the Highlands at Fairhope Village.

The approximately 160 acres of the previously approved PUD located east of Lot 6 of Phase 2 of Fairhope Village is not being changed in anyway with this proposed modification request.

Comprehensive Plan:

The Fairhope Comprehensive Plan designates this site as a Neighborhood Village Center. The Fly Creek Planned Unit Development was previously approved by the city as being in compliance with the City's Comprehensive Plan. The mix of apartments and flats/townhomes in the vicinity of the existing commercial development within the Fly Creek Planned Unit Development, creates a neighborhood center as contemplated in the Comprehensive Plan description for Neighborhood Village Centers.

The existing commercial/retail stores within the Fly Creek PUD (bank, grocery store, and others) will provide convenience goods and personal services to the proposed development which are within the 1 mile service area radius as described for Neighborhood Village Centers.

The development is located at the intersection of US Highway 98 and Parker Road which also provides access to a local convenience store/gas station within the 1 mile service area radius. A Fire Department Substation has been constructed within the PUD development. The location and the existing/proposed uses are just as described in the Development Framework for a Neighborhood Village Center.

Sidewalks are located throughout the development with connections to the existing sidewalks on Parker Road, Fly Creek Avenue, and Angelo Lane. A multi-use trail is proposed along the southern and eastern edge of the development. Roadways are connected to provide vehicular access to the commercial/retail center as well as access to US Highway 98 via Fly Creek Avenue and Parker Road. All of these are in accordance to the policies established for Neighborhood Village Centers.

Development Schedule:

Project is expected to start shortly after MOP approved and construction to be done for entire site taking 12-16 months depending on material availability.

Future Intentions:

All lots and dwelling units will be individually platted.

Maintenance of open spaces:

All common areas will be maintained by the established property owners association.

Site Specifics:

Layout has been slightly reconfigured to add 2510 linear feet of new interior road.

There are 90 townhome units proposed for this site – the same density previously approved for the site. Parking spaces were designed for the entire PUD and will continue to be sized per the City regulations. Floor plans and elevations for the apartments are attached to the submittal.

Vehicular Traffic and Pedestrian Circulation:

Fly Creek Avenue and Parker Road will both provide for ingress/egress to this site. Improvements have been previously made at the intersections of these roads at US Highway 98.

A new road has been constructed from Parker Road which provides ingress/egress to this portion of the PUD and provide access to the remaining portion of the PUD to the east. We have eliminated one of the drive/road connections to Corte Ridge. In addition to eliminating the

modifications to the end of the existing island, this change will alleviate a setback issue and providing a better parking solution for the 8-unit E building below.

There are sidewalks adjacent to the majority of the parking areas, from the parking areas to the apartments, and to the clubhouse/pool /pavilion area. Connections are proposed to all existing sidewalks on Parker Road, Fly Creek Avenue, and Angelo Lane. A multi-use trail is also proposed along the southern and eastern edge of the development.

Landscaping:

A conceptual landscape plan is attached with this submittal to provide a general idea of the plans for landscaping the proposed development. The PUD Master Plan also shows the surveyed location of the existing trees over 20" (DBH) or greater. A determination of which trees can be saved will be provided once a site grading plan has been done for site plan review. More detailed landscape plans will be provided for the site plan review process.

Utilities:

Electric – Electrical service will be provided by Riviera Utilities. The City's requirements for street lighting will be adhered to.

Water, Sewer and Gas – Water, sewer and gas services will be provided by the City of Fairhope Utilities.

Telephone – Telephone services will be provided by AT&T.

Coordination with all utility providers will be done at the time of site plan review or subdivision review.

Drainage Plans:

Engineer of record has been consulted and confirmed the drainage will need to be further evaluated. This will be provided and completed within submission of the MOP.

Maximum Building Coverage:

Greenspace is increased to 37%

Exhibit C

Fly Creek PUD - (2nd) Amendment
 HIGHLANDS AT FAIRHOPE VILLAGE | FAIRHOPE, AL



ILLUSTRATIVE



FRONT ELEVATION

0 2 4 8

1/8" = 1'-0"



REAR ELEVATION

0 2 4 8

1/8" = 1'-0"

Unit A View from
Bascom Way/Dry
Falls Way



FRONT ELEVATION

0 2 4 8

1/8" = 1'-0"

CONCEPTUAL ELEVATIONS

| 2



REAR ELEVATION

0 2 4 8

1/8" = 1'-0"

Unit B View from
Bascom Way, Dry
Falls Way, and
Applesed Lane



FRONT ELEVATION



1/8" = 1'-0"

CONCEPTUAL ELEVATIONS



REAR ELEVATION

0 2 4 8
1/8" = 1'-0"



FRONT ELEVATION

0 2 4 6 10

3/32" = 1'-0"

CONCEPTUAL ELEVATIONS

| 5

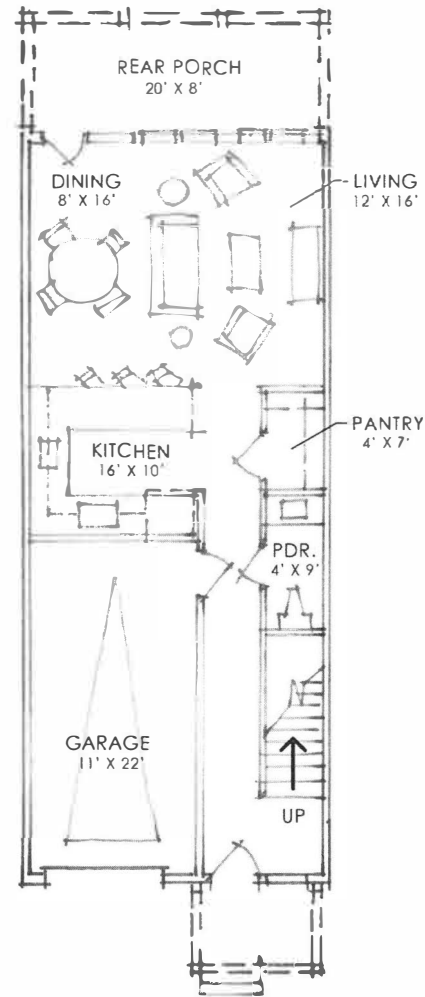


REAR ELEVATION

0 2 4 8

1/8" = 1'-0"

Unit B Floor Plan



20' TOWNHOME FIRST FLOOR

SCALE: 1/8" = 1'-0"

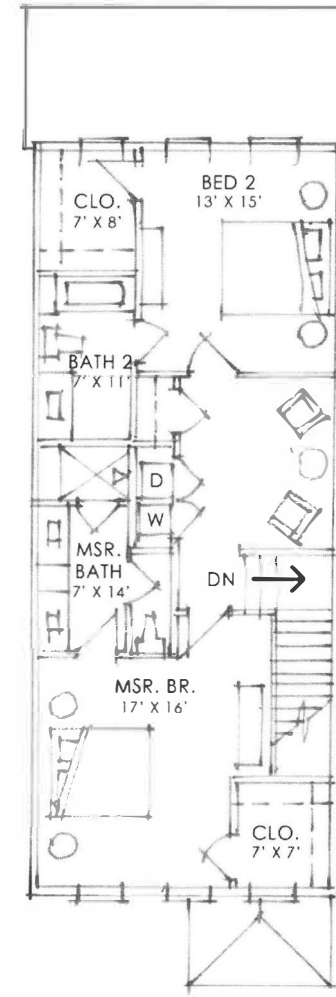
AREA:

| | |
|------------------------------|-----------------------|
| 1 ST FLOOR HEATED | 685 S.F. +/- |
| 2 ND FLOOR HEATED | 890 S.F. +/- |
| TOTAL | 1,575 S.F. +/- |

| | |
|--------------------------------|-----------------------|
| 1 ST FLOOR HEATED | 460 S.F. +/- |
| 2 ND FLOOR UNHEATED | 0 S.F. +/- |
| TOTAL | 460 S.F. +/- |
| OVERALL TOTAL | 2,035 S.F. +/- |

SCHEMATIC DESIGN

THE HIGHLANDS OF
FAIRHOPE VILLAGE
FAIRHOPE, AL



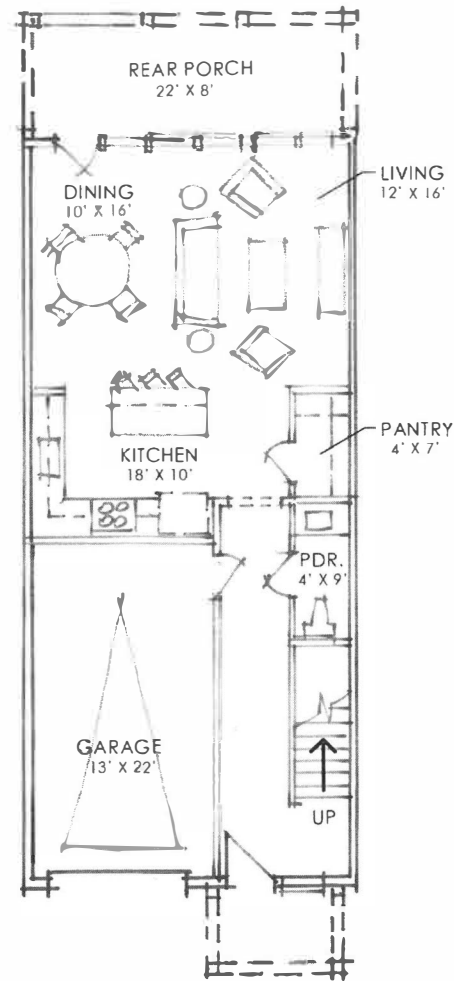
20' TOWNHOME SECOND FLOOR

SCALE: 1/8" = 1'-0"



05/04/2022

Units C and E Floor Plan Option 1



AREA:

| | |
|------------------------------|-----------------------|
| 1 ST FLOOR HEATED | 740 S.F. +/- |
| 2 ND FLOOR HEATED | 970 S.F. +/- |
| TOTAL | 1,710 S.F. +/- |

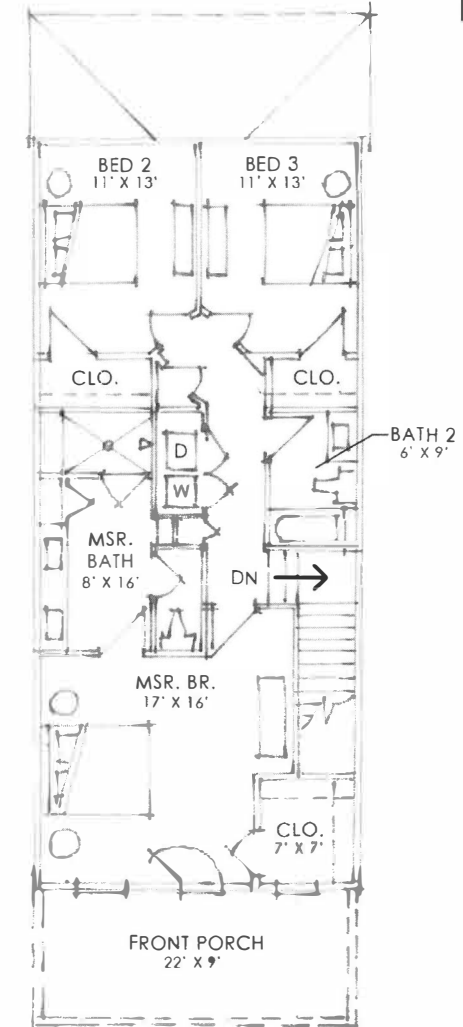
| | |
|--------------------------------|-----------------------|
| 1 ST FLOOR UNHEATED | 500 S.F. +/- |
| 2 ND FLOOR UNHEATED | 200 S.F. +/- |
| TOTAL | 700 S.F. +/- |
| OVERALL TOTAL | 2,410 S.F. +/- |

22' TOWNHOME FIRST FLOOR OP. 1

SCALE: 1/8" = 1'-0"

SCHEMATIC DESIGN

THE HIGHLANDS OF
FAIRHOPE VILLAGE
FAIRHOPE, AL



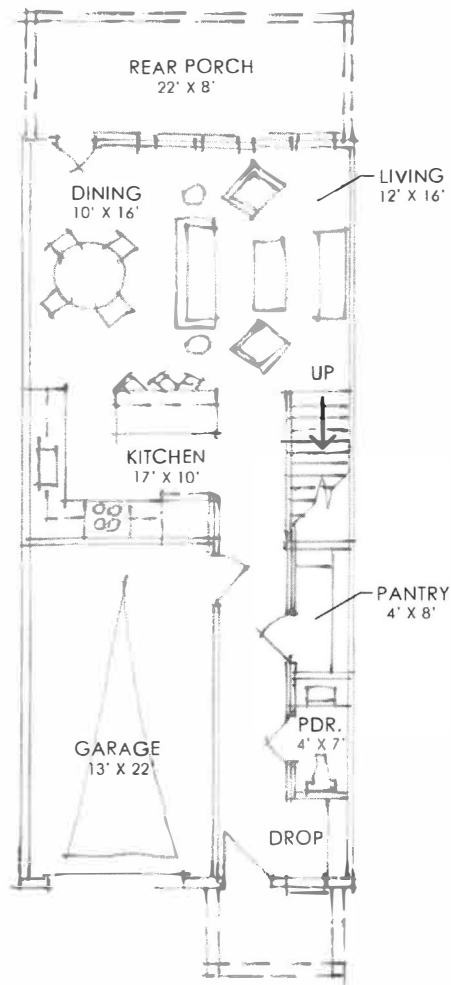
22' TOWNHOME SECOND FLOOR OP. 1

SCALE: 1/8" = 1'-0"



05/04/2022

Units C and E floor plan option 2

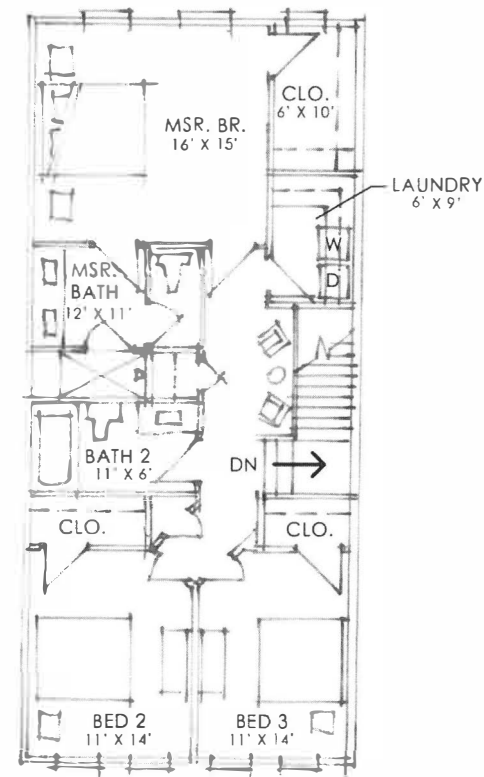


AREA:

| | |
|------------------------------|-----------------------|
| 1 ST FLOOR HEATED | 745 S.F. +/- |
| 2 ND FLOOR HEATED | 980 S.F. +/- |
| TOTAL | 1,725 S.F. +/- |

| | |
|--------------------------------|-----------------------|
| 1 ST FLOOR UNHEATED | 500 S.F. +/- |
| 2 ND FLOOR UNHEATED | 0 S.F. +/- |
| TOTAL | 500 S.F. +/- |
| OVERALL TOTAL | 2,225 S.F. +/- |

22' TOWNHOME FIRST FLOOR OP. 2
SCALE: 1/8" = 1'-0"

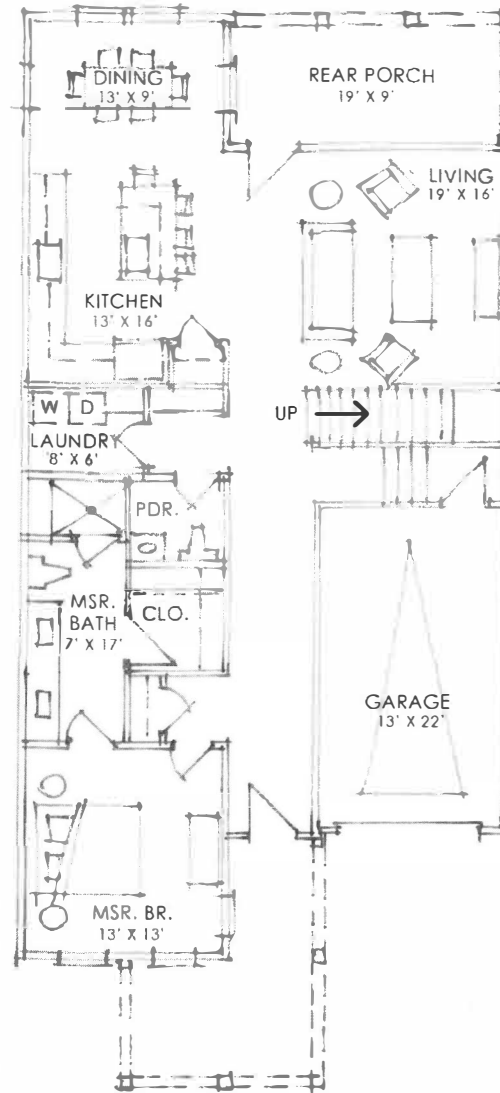


22' TOWNHOME SECOND FLOOR OP. 2
SCALE: 1/8" = 1'-0"



05/04/2022

Unit A Floor Plans



AREA:

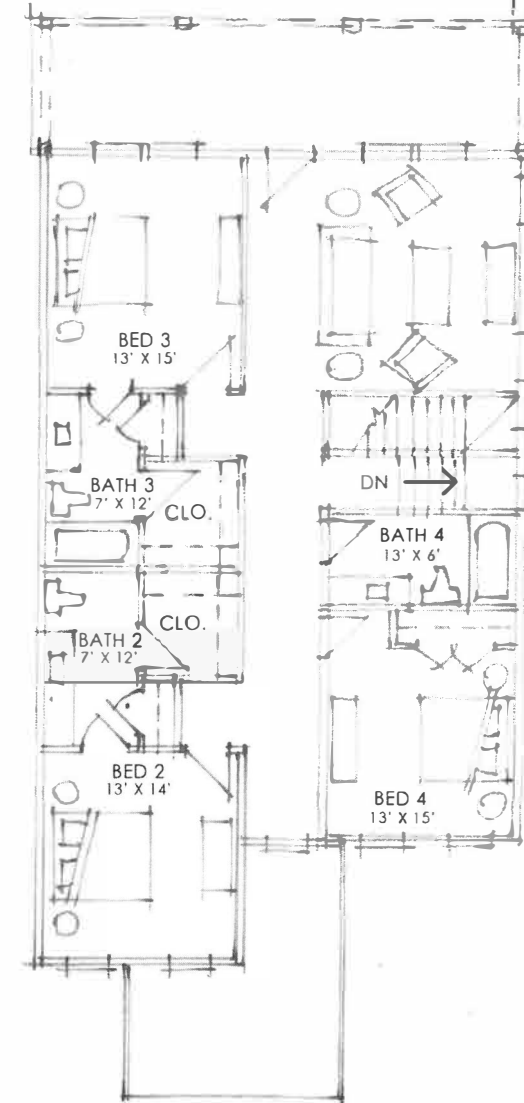
| | |
|--------------------------------|-----------------------|
| 1 ST FLOOR HEATED | 1,365 S.F. +/- |
| 2 ND FLOOR HEATED | 1,430 S.F. +/- |
| TOTAL | 2,795 S.F. +/- |
| | |
| 1 ST FLOOR UNHEATED | 585 S.F. +/- |
| 2 ND FLOOR UNHEATED | 280 S.F. +/- |
| TOTAL | 865 S.F. +/- |
| OVERALL TOTAL | 3,660 S.F. +/- |

DUPLEX FIRST FLOOR

SCALE: 1/8" = 1'-0"

SCHEMATIC DESIGN

THE HIGHLANDS OF
FAIRHOPE VILLAGE
FAIRHOPE, AL



DUPLEX SECOND FLOOR

SCALE: 1/8" = 1'-0"



05/04/2022

MEMORANDUM

DATE: January 13, 2023
TO: Fairhope City Council
FROM: Hunter Simmons, Planning Director
RE: Proposed Amendments to Fly Creek PUD ZC 22.14

The Fly Creek PUD Amendment, ZC 22.14, received a unanimous vote from the Planning Commission to recommend approval (with conditions) to City Council at the October 3, 2022, meeting. The staff report, as presented to the Planning Commission, is attached for your convenience.

Staff reviewed the request and made a recommendation to the Planning Commission to approve ZC 22.14 with the following conditions:

1. Buildings shall fall within established setbacks and allow room for required landscape/buffers.
2. A formal Site Plan/Multiple Occupancy Project shall be conducted.
3. Detailed floor plans shall be provided for each building type with front/rear elevations with particular focus on the rear of buildings located along Corte Ridge Road.

The application is advertised in the newspaper as required by the Fairhope Zoning Ordinance prior to a Public Hearing before the Fairhope City Council. This Memorandum supplements the application to summarize the applicant's request.

The Applicant, Dewberry Engineers Inc., proposed the following three (3) minor amendments to the existing PUD. The proposed amendments are summarized as follows:

This PUD amendment focuses on the request and review of three (3) minor revisions:

1. Modify the work/live units to townhomes.
2. Reconfigure the road network and add a new private interior road.
3. Modify the unit mix and elevations within Highlands at Fairhope Village Subdivision.

The first and third amendments were approved by the Planning Commission and have not been altered since the October 3, 2022, meeting. However, the second amendment has been adjusted slightly pursuant to the following paragraph and Exhibit A to the proposed Ordinance.

Proposed Amendment 2: Reconfigure the road network and adding a new private interior road

This Amendment has been partially abandoned as the addition of a new interior road was eliminated. Updated reconfiguration of existing road(s) does not interfere with the existing landscaped traffic island on Corte Ridge Road, which was a concern. Moreover, the reconfiguration yields better parking and also satisfies a tight setback. Exhibit A is the most up-to-date site plan, which varies slightly from the plan reviewed by the Planning Commission.

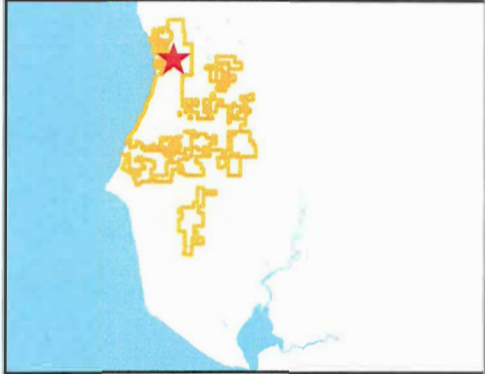
END OF PROPOSED AMENDMENT

City of Fairhope Planning Commission

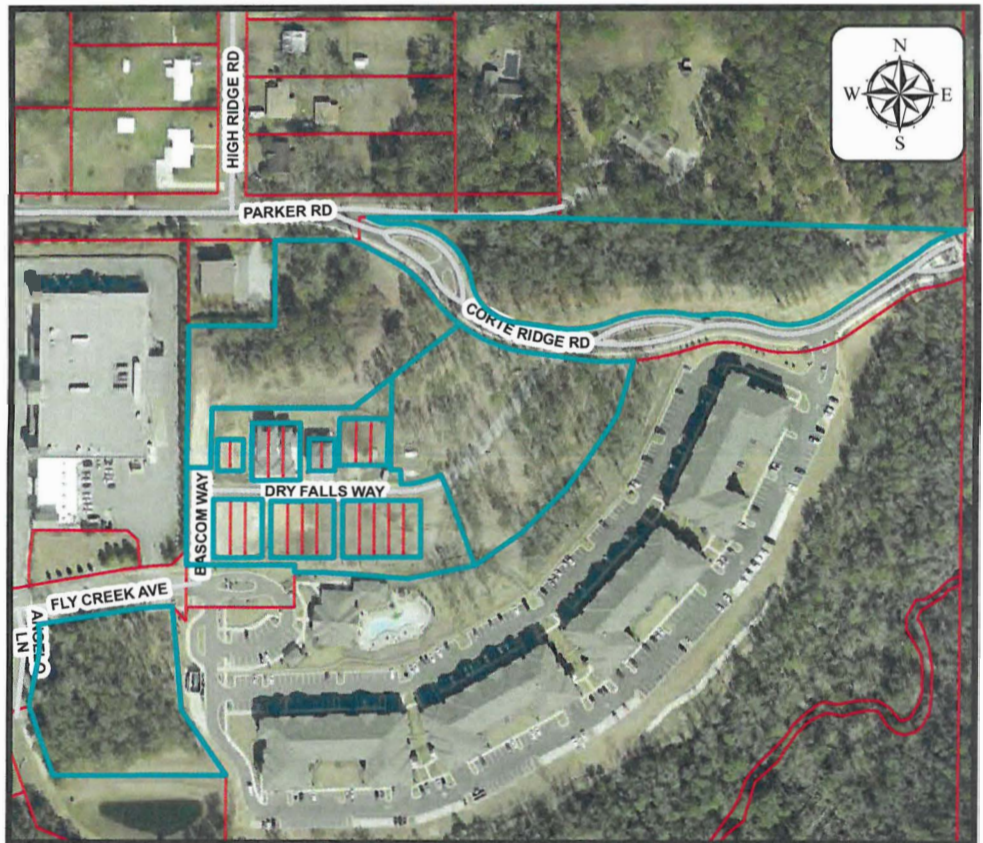
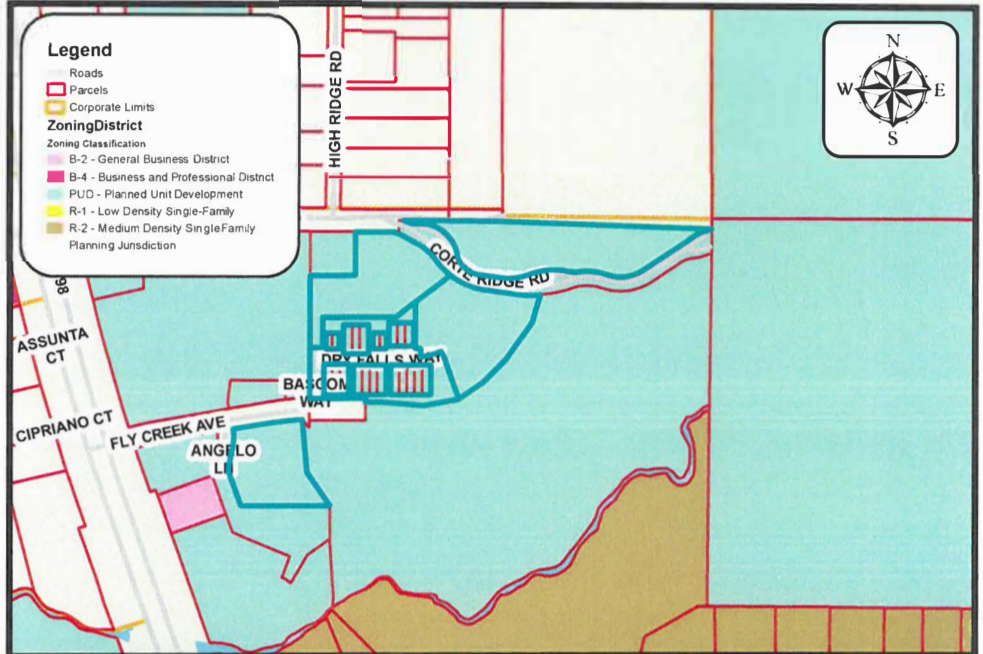
October 3, 2022



ZC 22.14 - Fly Creek PUD Amendment



| | |
|----------------------------|---|
| Project Name: | Fly Creek PUD Amendment |
| Site Data: | 11.76 acres |
| Project Type: | PUD Amendment |
| Jurisdiction: | Fairhope Planning Jurisdiction |
| Zoning District: | PUD |
| PPIN Number: | 369505, 369508, 386030, 386029, 369509 |
| General Location: | North and South side of Corte Ridge Road, and East of the Publix on U.S. Highway 98 |
| Surveyor of Record: | Dewberry |
| Engineer of Record: | Dewberry |
| Owner / Developer: | Highlands at Fairhope Village LLC |
| School District: | Fairhope Elementary School Fairhope Middle and High Schools |
| Recommendation: | Approve with Conditions |
| Prepared by: | Hunter Simmons |





APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: Highlands at Fairhope Village LLC Phone Number: 601-941-8860
 Street Address: 476 Colony Drive
 City: Fairhope State: AL Zip: 36532

Applicant / Agent Information

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

Name: Dewberry Phone Number: 251-929-9791
 Street Address: 25353 Friendship Rd
 City: Daphne State: AL Zip: 36526

Current Zoning of Property: PUD
 Proposed Zoning/Use of the Property: Residential
 Property Address: See attachments.
 Parcel Number: See attachments.
 Property Legal Description: See attachments.
 Reason for Zoning Change: Layout change.

- 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: See attached narrative.

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.

Jason Lewis _____
 Property Owner/Leaseholder Printed Name Signature

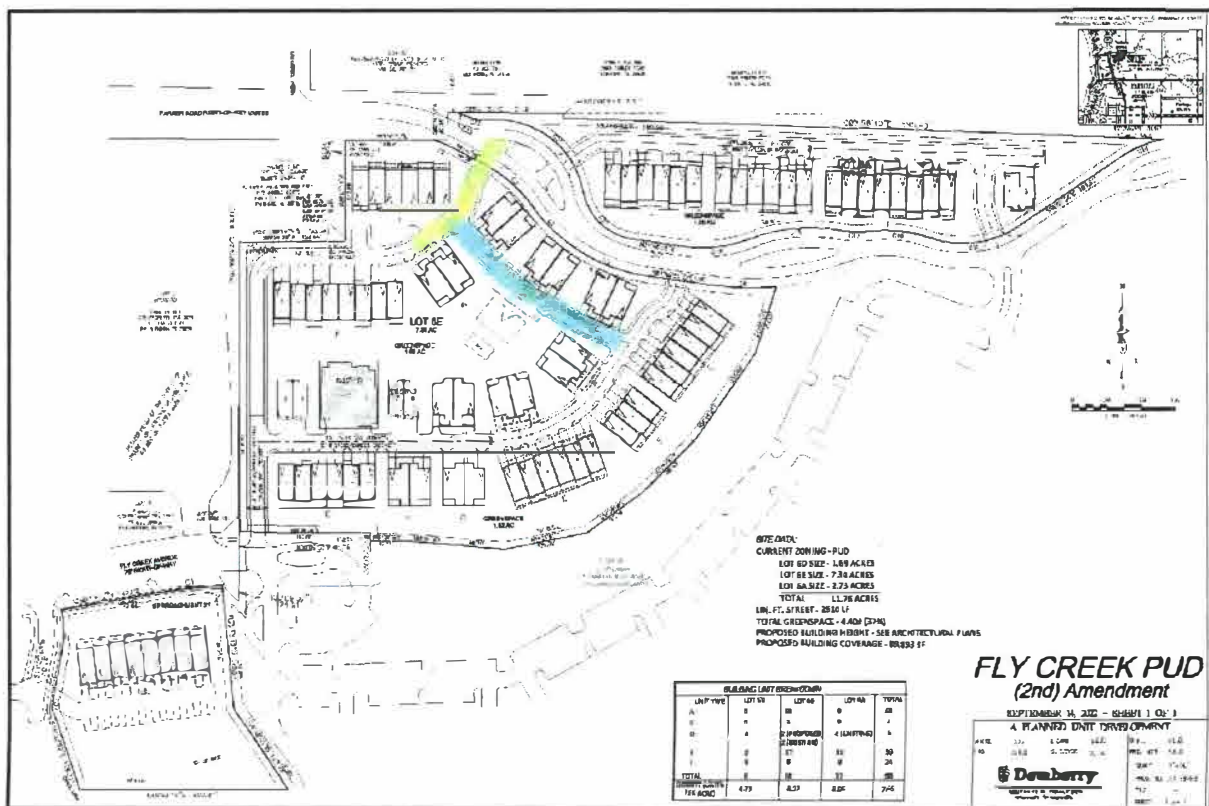
08/23/2022 _____
 Date Fairhope Single Tax Corp. (If Applicable)

Summary of Request:

Dewberry Engineers, Inc., on behalf of the of the Owner, Highlands at Fairhope Village, LLC, request a second amendment to the Fly Creek PUD originally approved in 2006 by Ordinance 1317, as amended by Ordinance 1572 in 2016. Ordinance 1572 states that the use of the PUD is 240 apartment units and 90 flat/townhome and live/work units (Total: 330 units).

This PUD amendment focuses on the request and review of three (3) minor revisions:

1. Modify the work/live units to townhomes. (See pink highlighted section on the plan below).
2. Reconfigure the road network and adding a new private interior road (See yellow and turquoise highlighted sections, respectively).
3. Modify the unit mix and elevations within Highlands at Fairhope Village Subdivision.



A Multiple Occupancy Project was approved in 2019 that, once again, altered the unit count and layout. The layout generally remains the same as the approved site plan and the number of units of the PUD remains the same at 330. The apartments already exist making up 240 units and there are already five (5) townhomes (1 triplex and 1 duplex) constructed. This amendment applies to the remaining 85 units to be built.

Comments:

This review focuses on the *differences* between the currently approved PUD and the proposed amendments included within this application. The staff reports and ordinance for the currently approved PUD are included for reference, but the following is a bullet point list of applicable highlights from Ordinance 1572.

- The property described shall develop in substantial conformance with the site plan and project narrative; and shall remain in compliance with the previously approved and amended PUD site plan.
- Use is 240 apartment units and 90 flat/townhome and live/work units;
- Building Heights: Residential – 35 ft.; Mixed-Use/Commercial – 40 ft; and
- 30 – 50 ft wetlands/creek bank buffer along Fly Creek.

Review comments are included for each request with a closing summary and recommendation below. The Applicant provided a narrative, which is included, in full, as an attachment.

1. *Modify the work/live units to townhomes.*



Figure 1

The original PUD approved in 2006 created a diverse mix of residential, as well as commercial components. Live/Work was a labeled use, but not clearly defined. As verbally described, it was intended to be residential on top of commercial units. The 2016 PUD amendment altered the layout of the apartments/townhomes, but did not approve a change in the use of the live/work units circled in Figure 1.

In 2019, the layout of 77 townhomes were refined in a MOP that did not include the live/work units. Figure 2 illustrates the live/work site (Lot 6D) in relation to current buildings.

As an explanation for this request, the Applicant provided the following:

“The proposed changes are in response to the current residential market. Although the work/live concept is innovative, the number of vacant storefronts within the Shoppes at Fairhope Village make it impractical to maintain this original use.”

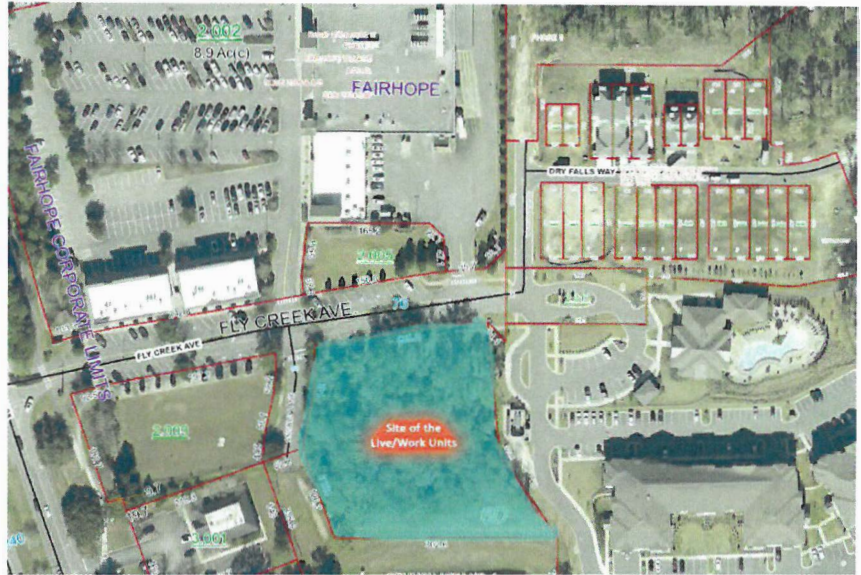


Figure 2: Lot 6D

Fly Creek Avenue was originally approved with a mix of uses that transitioned from commercial to residential as one moves further from Greeno Rd. The two existing buildings adjacent to Fly Creek Drive are commercial with no residential components. Work/live units at the site highlighted in Figure 2 support this transition and Staff typically recommends mixed-use within Village Centers.

Changes in use, especially from mixed-use to residential, should be considered carefully. Commercial components of a Village Center not only provide gathering places for residents and visitors alike, but also provide a tax base for the City. However, the Comprehensive Plan does recognize the City needs to be flexible to market conditions, which is the reasoning behind the Applicant’s request. Work/Live Units are not clearly defined within this PUD, nor within Zoning Ordinance. Therefore, it is difficult to evaluate this request.

Although we are not developers, Staff feels converting the units on Lot 6D to solely residential is a missed opportunity. While work/live may be impractical, alternatives, such as commercial below and residential units above may be successful. For example, a restaurant/watering hole on the ground floor can be a gathering place for residents and commercial tenants alike. The Applicant stated there are still vacancies at the Shoppes at Fairhope Village. A restaurant could be an economic driver offering reciprocal benefits to all property owners within the PUD. Staff would request the Applicant consider alternatives on Lot 6D.

In contrast, our reviews react to specific requests, as well as previous approvals. Work/Live does not define, for example, percentage of commercial space. It is a flexible definition. Home Occupations are allowed, with restrictions, in residential property, which would fall under a general definition of Work/Live. With everything considered, Staff does not see where this request conflicts with our Comprehensive Plan, nor with previous approvals.

2. *Reconfigure the road network and adding a new private interior road*

In general, Staff believes the deviations from the approved road layout are minor and further believes the proposed changes meet the intent(s) of the PUD. With that in mind, the addition of Cider Mill Lane alters the view of the townhomes fronting Corte Ridge Road. The elevations provided illustrate the view from Cider Mill Lane. Care should be given to the rear elevations of these units as they impact the visual aesthetic of a City maintained road.

In addition, Bascom Way was slightly altered at the intersection of Corte Ridge Road with proposed changes to the installed planting islands (Figure 3). With the addition of Cider Mill Lane, residents can easily access Corte Ridge Road from Dry Falls Way. Staff does not support further alteration of the existing planting islands (Figure 4).

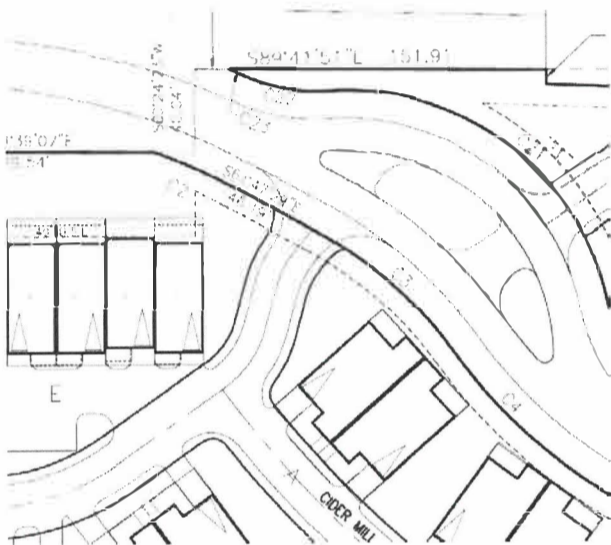


Figure 3



Figure 4

3. Modify the unit mix and elevations within Highlands at Fairhope Village Subdivision.

The site plan approved in 2019 (Figure 6) consists of 77 units mixed within five (5) different building types as shown in the Site Data Table (Figure 5).

The Building Unit Breakdown describes how the residential units were dispersed. The building plans and elevations, as approved in 2019, are included in the packet for reference.

174 Parking spaces were provided in total. 42.16% of the site was greenspace and 28.97% was impervious surface (excluding buildings). Gross Density was 7.65 Units/Acre.

| SITE DATA: | | BUILDING UNIT BREAKDOWN: | |
|---|--|--------------------------|-------------------------------------|
| CURRENT ZONING - PUD | | UNIT TYPE | # OF UNITS |
| LOT 6E SIZE - 7.34 ACRES | | A | 20 |
| LOT 6A SIZE - 2.73 ACRES | | B | 6 |
| TOTAL = 10.07 ACRES | | C | 31 |
| PROPOSED BUILDING HEIGHT - SEE ARCHITECTURAL PLANS | | D | 8 |
| TOTAL GROSS FLOOR AREA - 136,652 SF | | E | 12 |
| PROPOSED BUILDING COVERAGE - 130,568 SF | | TOTAL | 77 UNITS |
| PERCENTAGE OF IMPERVIOUS AREA (EXCL. BLDG.) - 28.07 % | | | |
| PERCENTAGE OF PROPOSED GREEN SPACE/LANDSCAPING - 42.16% | | | |
| REQUIRED NUMBER OF PARKING SPACES - 160 | | | |
| PROPOSED NUMBER OF PARKING SPACES - 174 | | | |
| STRIPED PARKING: | | | |
| STANDARD ASPHALT SPACES: | | 33 | |
| STANDARD PERVIOUS SPACES: | | 19 | (25.00% OF PROPOSED STRIPED SPACES) |
| COMPACT SPACES: | | 20 | (32.26% OF REQUIRED STRIPED SPACES) |
| HANDICAP SPACES (VAN ACCESSIBLE) : | | 4 | |
| TOTAL | | 76 | |
| GARAGE PARKING: | | | |
| GARAGE SPACES: | | 98 | |
| TOTAL PROPOSED SPACES: | | 76 + 98 = 174 | |

Figure 5: Site Data Table from Site Plan approved in 2019.

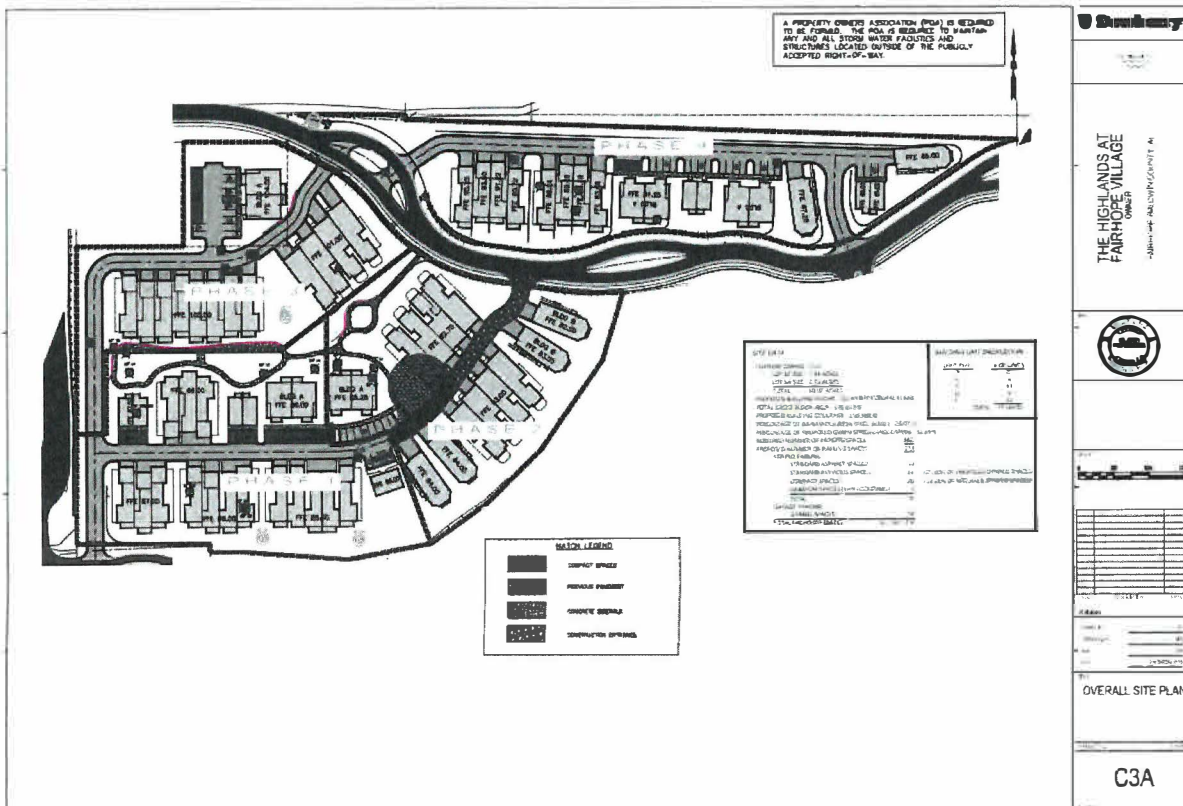


Figure 6: Site Plan as currently approved (2019)

Since 2019, five (5) townhomes have been constructed. The Applicant approached Staff about alternate building plans for those approved in 2019. Article III, Section D of the Fairhope Zoning Ordinance provides special conditions for townhomes, including layout, form, greenspace, etc. The proposed building plans submitted with this amendment are designed to accommodate the standards of the Zoning Ordinance. Front elevations and unit floor plans are included within the packet for reference. A couple of examples are included in Figures 7 (Smallest Unit) and 8 (Largest Unit) below. No elevation was provided for a 3-unit townhome.



FRONT ELEVATION

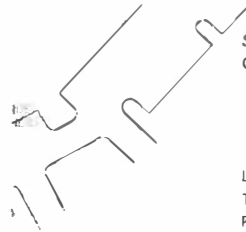
Figure 7: Example of the Proposed Building Elevation (Smallest Building)



FRONT ELEVATION

Figure 8: Example of the Proposed Building Elevation (Largest Building)

In comparison to the 2019 plan, which only included Lots 6A and 6E (10.07 Acres), the proposed site plan consists of 82 units (instead of 77) on Lots 6A and 6E, with an additional eight (8) units proposed on Lot 6D. As a reminder, Lot 6D required Live/Work units and was not included in the 2019 site plan.



SITE DATA:
 CURRENT ZONING - PUD
 LOT 6D SIZE - 1.69 ACRES
 LOT 6E SIZE - 7.34 ACRES
 LOT 6A SIZE - 2.73 ACRES
 TOTAL - 11.76 ACRES
 LIN. FT. STREET - 2510 LF
 TOTAL GREENSPACE - 4.40± (37%)
 PROPOSED BUILDING HEIGHT - SEE ARCHITECTURAL PLANS
 PROPOSED BUILDING COVERAGE - 89,893 SF

Figure 9 includes the Site Data Table as presented with the proposed site plan. The Building Unit Breakdown describes how the residential units are dispersed. As a note, of the five (5) building elevations provided, there are two (2) options for the duplex townhomes, but none for the triplex townhome. If this PUD amendment is approved, final elevations, including rear elevations, and floor plans shall be required for the MOP review.

| BUILDING UNIT BREAKDOWN | | | | |
|--------------------------|----------|------------------------------|--------------|-----------|
| UNIT TYPE | LOT 6D | LOT 6E | LOT 6A | TOTAL |
| A | 0 | 18 | 0 | 18 |
| C | 0 | 3 | 0 | 3 |
| D | 0 | 2 (PROPOSED) 2 (EXISTING) | 2 (EXISTING) | 6 |
| E | 0 | 27 | 17 | 39 |
| F | 8 | 8 | 8 | 24 |
| TOTAL | 8 | 60 | 22 | 90 |
| DENSITY (UNITS PER ACRE) | 4.73 | 8.17 | 8.06 | 7.65 |

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Figure 9: Site Data Table as proposed.

Building heights of the proposed buildings range from approximately 33'-37' (top of ridge). This is comparable to the approved building plans. This PUD allows building height to be measured "from the FFE of the first full floor to the eave of the building".

Exact parking counts are not provided. The addition of five (5) units on lots 6A and 6E may require additional parking. Greenspace has been reduced from 42.16% to 37%. Impervious surface calculations are also not provided. Gross density is the same as the plan from 2019 – 7.65 Unit/per acre. The commercial component is removed.

There are two (2) site plans submitted with this application: Figure 10 does not illustrate sidewalk/trails, but does include a pool and clubhouse adjacent to the newly proposed Cider Mill Lane. Figure 11 is a rendered site plan illustrating a different location of the pool/clubhouse. A schematic pedestrian path is shown in Figure 11.

In addition to the amendments proposed, a PUD includes approval of a site plan. Since Planning Commission is making a recommendation to the City Council on this case, Staff recommends review comments in this staff report, as well as comments from Commissioners during the October 3 Planning Commission, be incorporated into a single site plan prior to presenting to the City Council.

It is important to note, neither plan clearly defines pedestrian connectivity throughout the site, nor with the surrounding components of the PUD. A pedestrian circulation plan shall be required with the MOP for review.

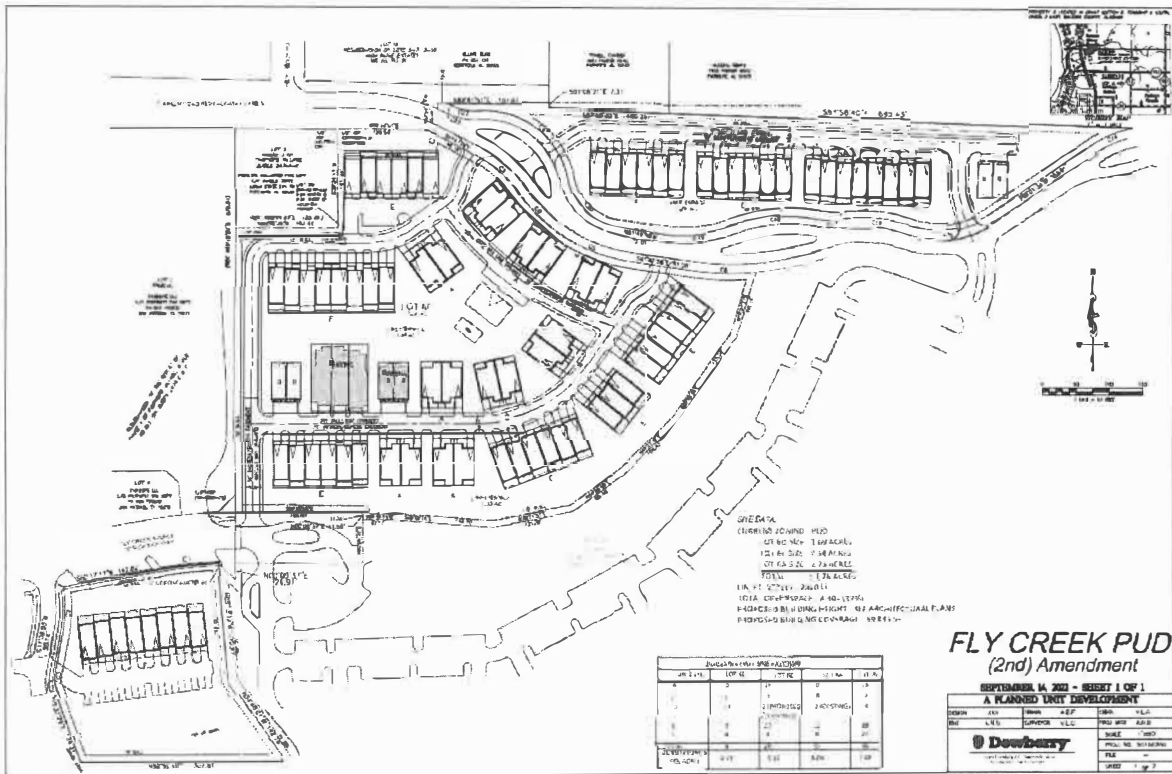


Figure 10



Figure 11

Landscaping

Conceptual landscape plans are submitted, but revisions will be required in the follow-up MOP review that should clarify sidewalks, trails, buffers, fencing, and materials. Especially important is the buffer along the northern side of Lot 6A. Staff believes a more substantial buffer is needed than what is illustrated on the landscape plans included with this application and recommends a 20' densely planted buffer.

Drainage and Utilities

Engineered plans for drainage and utilities will adjust to accommodate the proposed revisions, if approved. Revised plans will be reviewed during the MOP.

Staff Recommendation:

Staff recommends **approval** of Case ZC 22.14 Fly Creek PUD (2nd) Amendment with the following conditions:

- 1.) Buildings shall fall within established setbacks and allow room for required landscape/buffers.
- 2.) A formal Site Plan/Multiple Occupancy Project shall be conducted.
- 3.) Detailed floor plans shall be provided for each building type with front/rear elevations with particular focus on the rear of buildings located along Corte Ridge Road.