

**ORDINANCE NO. 1770**

**AN ORDINANCE AMENDING ORDINANCE NO. 1253 KNOWN AS THE ZONING ORDINANCE AND ORDINANCE NO. 1402: A PLANNED UNIT DEVELOPMENT KNOWN AS THE IDLEWILD PLACE PUD**

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

**Whereas**, the City of Fairhope, Alabama, has approved a request to rezone property to PUD – Planned Unit Development, with Ordinance No. 1402 on the 26<sup>th</sup> day of October 2009 to establish the Idlewild Place PUD;

Fairhope East, LLC, made an application to amend Ordinance No. 1402 and to rename the development to the Boardwalk Village PUD;

**Now Therefore**, after appropriate public notice and hearing, the Planning Commission of the City of Fairhope, Alabama, has forwarded a **favorable** recommendation to amend the Idlewild Place PUD, to be known as the Boardwalk Village PUD.

The property of FST, Fairhope East, LLC, generally located on the west side of State Highway 181 just south of Fairhope Avenue, in Fairhope, Alabama.

**Boardwalk Village PUD**

**PPIN #: 261908, 310693**

**Legal Description:** (Case number ZC 22.06)

Commencing at the NE corner of the  $\text{Se}1/4$  of Section 16 T-6-S R-2-E Baldwin County, Al; thence  $\text{S}00^{\circ}24'23''\text{W}$ , a distance of 409.12 feet more or less to a POINT; thence  $\text{N}89^{\circ}35'37''\text{W}$ , a distance of 40.00 feet more or less to a 1/2" CAPPED REBAR (FAIRHOPE) on the West R-O-W of State Hwy 181 at the SE corner of Lot 3 of TILLMAN'S CORNER S-D as recorded on SLIDE 1556-A in the Probate Records of Baldwin County, Al. being the POINT OF BEGINNING; thence  $\text{S}00^{\circ}25'07''\text{W}$ , along said West R-O-W a distance of 1,251.42 feet to a 5/8" CAPPED REBAR (EDS) at the NE corner of COMMON AREA 2 as shown on a Plat of JACKSON PLACE PHASE TWO as recorded on SLIDE 2117-D in said Probate Records; thence  $\text{N}89^{\circ}39'26''\text{W}$ , leaving said R-O-W a distance of 61.30 feet to a SET 5/8" CAPPED REBAR at the SE corner of COMMON AREA 8 as shown on a Plat of JACKSON PLACE PHASE TWO as recorded on SLIDE 2117-D in said Probate Records; thence  $\text{N}00^{\circ}21'49''\text{E}$ , a distance of 119.93 feet to a 5/8" CAPPED REBAR (EDS) at the NE corner of Said Common Area 8; thence  $\text{N}89^{\circ}34'36''\text{W}$ , a distance of 59.95 feet to a 5/8" CAPPED REBAR (EDS) at the NW corner of said Common Area 8; thence  $\text{S}00^{\circ}26'04''\text{W}$ , a distance of 120.01 feet to a 5/8" CAPPED REBAR (ILLEGIBLE) at the SW corner of said Common Area 8; thence  $\text{N}89^{\circ}33'53''\text{W}$ , a distance of 241.15 feet to a 5/8" CAPPED REBAR (EDS) at the SE corner of Common Area 3 as shown on a Plat of IDLEWILD SUBDIVISION PHASE 8 as recorded on SLIDE 2169-A in said Probate Records; thence  $\text{N}00^{\circ}26'37''\text{E}$ , along the East line of said Subdivision and its extension thereof a

distance of 1,251.43 feet to a POINT at the SW corner of Lot 3 of said TILLMAN'S CORNER S-D as recorded on SLIDE 1556-A in said Probate Records, said POINT being on the East line of Lot 101 of IDLEWILD PHASE SEVEN "A" as recorded on SLIDE 2117E , said Point being 5.0' Westerly of a SET 5/8" CAPPED REBAR online for Reference; thence S89°35'37"E, through said Reference pin set a distance of 362.00 feet to the POINT OF BEGINNING, said parcel containing 10.24 acres, more or less and being situated in the Nel/4 of Section 16 T-6-S R-2-E Baldwin County, Al.

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. The property must develop in substantial conformance with the approved site plan and supporting documents. Any substantial deviation from the Master Development 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.
3. **That**, the following amendments have been made to the PUD:

Setbacks: Front (Hwy 181) – 118'; Rear – 40'; Side – 20'

Maximum Building Height: 30'

- 38.5' for the Hotel; Hotel is limited to two stories maximum.
- Exception for parapet walls as shown on building elevations may extend to 38.5'.

Building Coverage: Maximum 19%

Lot Coverage: Maximum of 39%

Exterior Building Construction: All buildings shall have "four-sided" architecture.

Screening: An eight-foot (8') privacy fence shall be constructed on the property lines of the PUD that abut single-family residential zoning and/or uses.

Buffers: Along the west boundary, a 20' drainage easement and a 20' heavily landscaped buffer (40' total) shall separate the PUD from the residential lots in Idlewild- Along the south boundary, a 20' heavily landscaped buffer shall separate the PUD from Jackson Place. Along the east boundary, a 60' construction setback/buffer shall separate the PUD from State Hwy, 181.

Exterior Lighting: Light poles shall be a maximum of twenty-four feet (24') high. Shielding shall be utilized, and foot-candle requirements met.

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Parking: 228 parking spaces are proposed. A shared parking agreement shall be maintained throughout the life of the PUD.

Hours of Operation: 5:30 AM to 11 PM

Permitted Uses: Retail, restaurant, restaurant with drive thru (maximum of one drive thru), hotel, and office/residential mixed-use.

Greenspace: Greenspace shall meet or exceed the Commercial Multiple Occupancy Project requirement of 10%.

Landscaping:

- Landscaping shall meet the City of Fairhope Landscape Ordinance and screening of the drainage pipes shall be required.
- The 20' heavily landscaped buffers along the western and southern boundaries shall consist of hollies, pines, cedars, wax myrtles and/or native oaks. There shall be three (3) total rows of landscaping; one (1) row of 3-3 h "caliper trees and two (2) staggered rows of 15-gallon shrubs.
- The 60' setback/buffer to the east, along State Hwy. 181 shall be planted with two (2) staggered rows of 3-3 h" caliper trees.

Connectivity: Pedestrian connectivity by way of a twelve-foot (12') wide mixed-use trail, (shall be provided at Orleans Drive).

- An easement for future connectivity to Idlewild Subdivision shall be provided.
- A 50' utility, drainage, and pedestrian easement shall be provided connecting to the Orleans Drive R.O.W.
- Pedestrian connectivity shall be provided to the North and the South.

Hotel Building Materials: Brick veneer, painted siding, asphalt shingle or metal roof panels, aluminum clad French Quarter style windows and doors, cast iron columns, wrought-iron railings, and copper awnings.

Signage:

- One complex sign is allowed adjacent to State Highway 181.
- All internal signage shall comply with the City of Fairhope Sign Ordinance.

**The Planned Unit Development (PUD) known as Idlewild Place PUD is hereby amended.** It 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.


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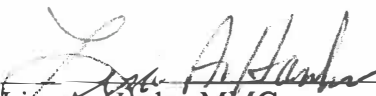
**Severability Clause** - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

Adopted and approved this 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

**MEMORANDUM**

**DATE:** January 23, 2023  
**TO:** Fairhope City Council  
**FROM:** Hunter Simmons, Planning Director  
**RE:** Idlewild PUD (ZC 22.06)

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On November 7, 2022, the Idlewild PUD Amendment was recommended for approval by the Fairhope Planning Commission (“Commission”). The staff report presented to the Planning Commission is attached for your convenience.

Staff reviewed the request and made a recommendation to the Planning Commission to approve Case ZC 22.06 with the following conditions:

1. A revised Greenspace Plan will be required for staff review prior to City Council.
2. A revised Master Development Plan will be required for staff review prior to City Council.
3. Provide a strong landscape buffer, such as evergreens, to provide screening from light pollution to be reviewed at time of Multiple Occupancy Project approval.
4. Rear setback shall be 40'. Front setbacks shall be as shown on the Site Plan, applicant shall supply dimension prior to City Council hearing.

The Planning Commission unanimously recommended approval of SR 22.03, subject to staff recommendations. The details of the landscape buffer and lighting will be reviewed and approved by the Planning Commissioners at the time of Multiple Occupancy Project (MOP) review.

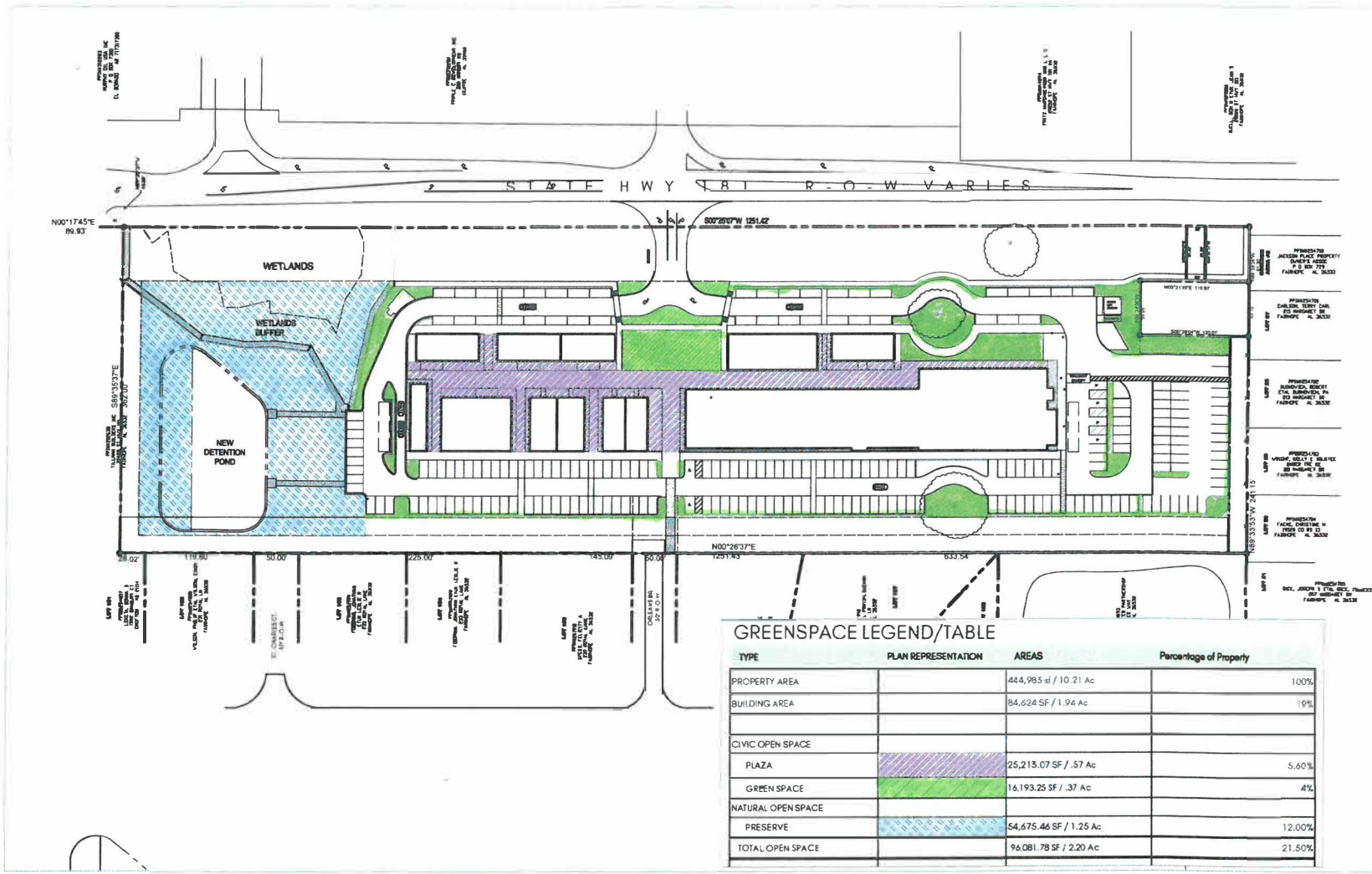
The Applicant submitted both a revised greenspace plan and a Master Development Plan since the Planning Commission. The revised greenspace plan is provided with this memorandum. The Master Development Plan is provided as Exhibit B. The applicant has also provided the front setback distance of 118 feet.

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Consequently, this PUD Amendment (Case ZC 22.06) is being forwarded to the City Council with recommendations of approval from staff, as well as a unanimous recommendation of approval from the Planning Commission with the following conditions:

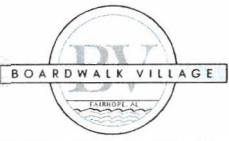
1. Provide a strong landscape buffer, such as evergreens, to provide screening from light pollution to be reviewed at time of Multiple Occupancy Project approval.
  2. Rear setback shall be 40'. Front setbacks shall be as shown on the Site Plan at 118 feet.
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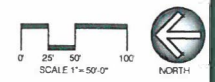


**GREENSPACE LEGEND/TABLE**

TYPE	PLAN REPRESENTATION	AREAS	Percentage of Property
PROPERTY AREA		444,983 sf / 10.21 Ac	100%
BUILDING AREA		84,624 SF / 1.94 Ac	19%
CIVIC OPEN SPACE			
PLAZA		25,213.07 SF / .57 Ac	5.60%
GREEN SPACE		16,193.25 SF / .37 Ac	4%
NATURAL OPEN SPACE			
PRESERVE		54,675.46 SF / 1.25 Ac	12.00%
TOTAL OPEN SPACE		96,081.78 SF / 2.20 Ac	21.50%



**BOARDWALK VILLAGE**  
 A New Development by Kleban Properties  
*Green Space Plan*





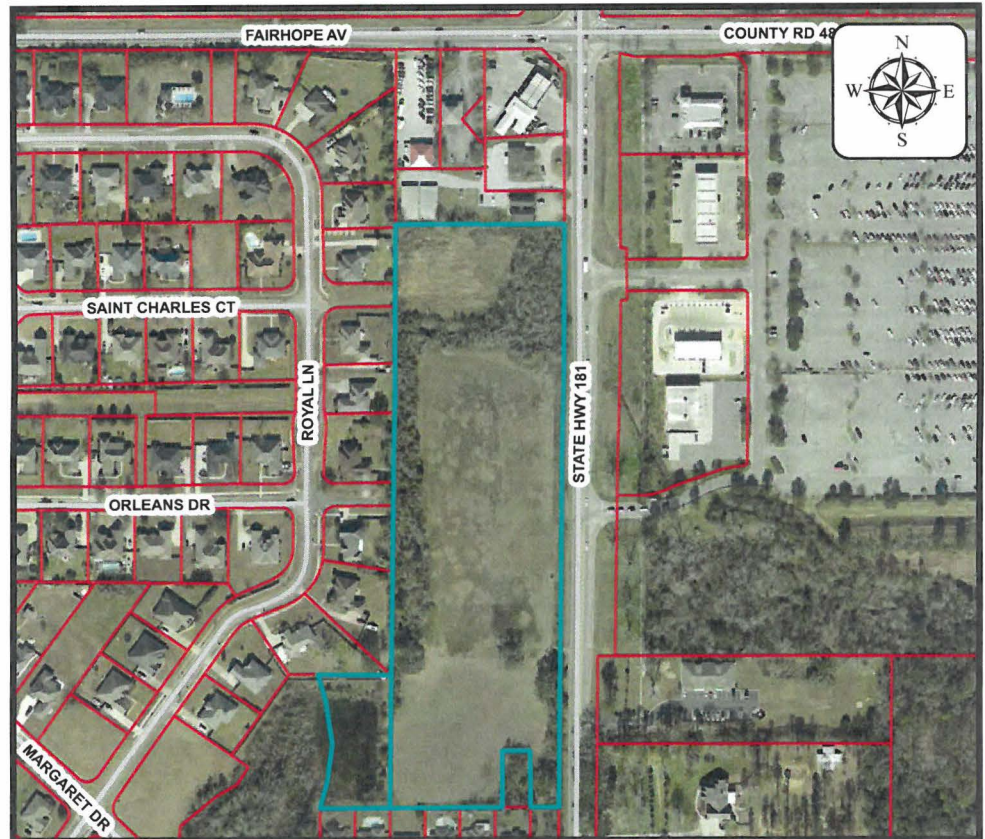
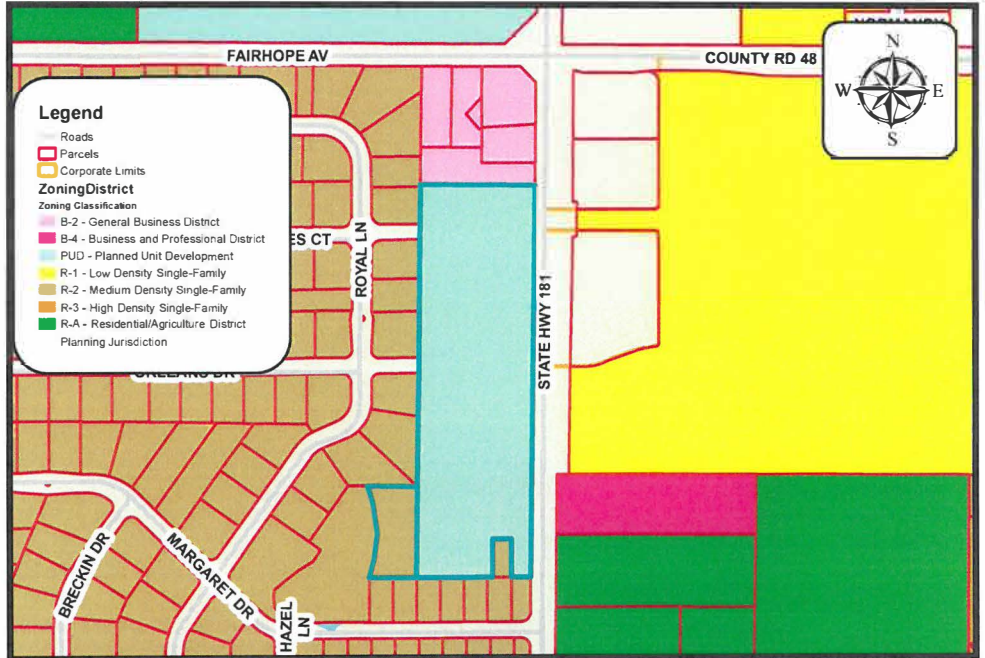
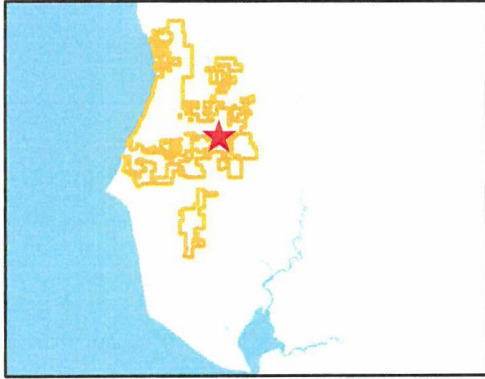
# City of Fairhope City Council



January 23, 2023

Planning Commission unanimously (7 Ayes, 0 Nays) voted to recommend approval of ZC 22.06

## ZC 22.06 - Idlewild PUD Amendment



<b>Project Name:</b>	Idlewild PUD Amendment
<b>Site Data:</b>	10 acres
<b>Project Type:</b>	PUD Amendment
<b>Jurisdiction:</b>	Fairhope Planning Jurisdiction
<b>Zoning District:</b>	PUD
<b>PPIN Number:</b>	261908, 310693
<b>General Location:</b>	West side of State Highway 181, south of Fairhope Avenue
<b>Surveyor of Record:</b>	
<b>Engineer of Record:</b>	Element 3 Engineering
<b>Owner / Developer:</b>	FST Klumpp Family Limited Partnership
<b>School District:</b>	Fairhope Elementary School Fairhope Middle and High Schools
<b>Recommendation:</b>	Approval with conditions
<b>Prepared by:</b>	Casey Potts





**APPLICATION FOR ZONING DISTRICT CHANGE**

**Property Owner / Leaseholder Information**

Name: Fairhope East LLC Phone Number: (205) 247-0732  
 Street Address: 189 Post Rd.  
 City: Fairfield State: CT Zip: 06824

**Applicant / Agent Information**

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

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Current Zoning of Property: PUD  
 Proposed Zoning/Use of the Property: Mixed use Commercial  
 Property Address: Highway 181  
 Parcel Number: 05-46-05-15-0-000-003.800 PIN: 261908 **AND**  
 Property Legal Description: Attached  
 Reason for Zoning Change: Revision to PUD

Property Map Attached  YES  NO 46-05-15-0-000-003.989  
 Metes and Bounds Description Attached  YES  NO PIN: 310693  
 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: \_\_\_\_\_  
Mixed use Commercial development  
ASAP

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.

Kenneth Kleban / Fairhope East LLC  
 Property Owner/Leaseholder Printed Name  
4-12-22  
 Date

[Signature]  
 Signature  
 Fairhope Single Tax Corp. (If Applicable)

SCHEDULE 1

NAMES AND ADDRESSES OF NON-MANAGING MEMBERS

1. Alida Kleban Rev Trust	c/o Kleban Properties, 1189 Post Road, Suite 3B, Fairfield, CT 06824 <a href="mailto:alkleban@aol.com">alkleban@aol.com</a> ; <a href="mailto:ekleban@klebanproperties.com">ekleban@klebanproperties.com</a> ; <a href="mailto:kkleban@klebanproperties.com">kkleban@klebanproperties.com</a>
2. Kenneth Kleban Rev Trust	c/o Kleban Properties, 1189 Post Road, Suite 3B, Fairfield, CT 06824 <a href="mailto:kenkleban@gmail.com">kenkleban@gmail.com</a> ; <a href="mailto:ekleban@klebanproperties.com">ekleban@klebanproperties.com</a> & <a href="mailto:kkleban@klebanproperties.com">kkleban@klebanproperties.com</a>
3. Seahorse 2, LLC	6597 Nicholas Blvd., Apt 1205, Naples, FL 34108 <a href="mailto:vpucci9@gmail.com">vpucci9@gmail.com</a>
4. Tim Herrington	5762 Rue Conti, Mobile, AL 36693 <a href="mailto:tim@herringtonrealty.net">tim@herringtonrealty.net</a>
5. Stephen W. Herrington	14483 Driftwood Drive Northport, AL 35475 <a href="mailto:steveh1545@bellsouth.net">steveh1545@bellsouth.net</a>
6. P. M. Upton Family, LLC	3520 Windy Ridge, Tuscaloosa, AL 35406 <a href="mailto:mike@pmuflc.com">mike@pmuflc.com</a>
7. 59 Treadwell Holding, LLC	c/o Kleban Properties, 1189 Post Road, Fairfield, CT 06824 <a href="mailto:ekleban@klebanproperties.com">ekleban@klebanproperties.com</a>
8. Misty Hudson Whitehead and Peter Whitehead	P. O. Box 266, Point Clear, AL 36564 <a href="mailto:csc.mobile@outlook.com">csc.mobile@outlook.com</a>
9. Steven Samuels	<a href="mailto:stevensamuels61@gmail.com">stevensamuels61@gmail.com</a>
10. Michael Gantz	750 Ocean Royale, Apt. 1103 Juno Beach, FL 33408 <a href="mailto:Mgant76@gmail.com">Mgant76@gmail.com</a>
11. Storie Family 2004 Trust	Kyle Storie 5011 Worthington Way Fayetteville, NY 13066-8702 <a href="mailto:kgstorie@verizon.net">kgstorie@verizon.net</a> <u>Trustee Kevin Gluc</u> <a href="mailto:KGluc@hodgsonruss.com">KGluc@hodgsonruss.com</a>
12. Harshe Realty Bama LLC	Harry Traub 16316 Bristol Pointe Drive Delray Beach, FL 33446 <a href="mailto:HTraub@elmstreetpartners.com">HTraub@elmstreetpartners.com</a>

  
Kenneth Kleban  
manager

**Fairhope East, LLC  
c/o 1189 Post Rd.  
Fairfield, CT 06824**

**July 25, 2022**

**City of Fairhope Planning Commission  
Fairhope, AL**

**Attn: Hunter Simmons**

**Ref: ZCP22-000002 Revision to Klumpp PUD**

**Dear Mr. Simmons:**

**Please accept this Agent Authorization Letter hereby authorizing your office to discuss the above application/project with the following individuals:**

**Mr. Steve Fisher  
Element 3 Engineering**

**Mr Michael Triplett  
Forrest Daniel Architects**

**Mr. Tim Herrington  
Herrington Realty**

**Thank you very much.**

  
**Kenneth Kleban**  
**Manager**

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**Summary of Request:**

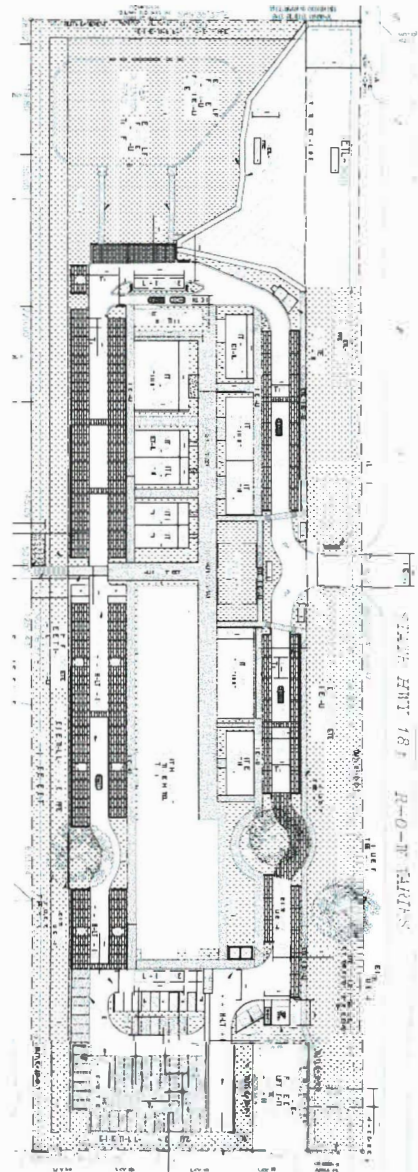
The applicant, Fairhope East LLC, is seeking amendment of PUD ordinance number 1402 related to the Idlewild Planned Unit Development adopted October 26, 2009. The subject property is 10.25 acres located to the west of US Highway 181, between Fairhope Avenue and Margaret Drive. It is bordered to the south and to the west by the adjoining Idlewild Phases 7A and 7B, zoned R-2 Medium Density Single Family residential, and bordered to the north by the adjoining PPIN 202638, zoned B-2 General Business District.

**Case History:**

Ordinance 1402 was approved in 2009. In the last thirteen years, the property changed owners but has not been developed. The applicant is requesting a modification of the PUD to reflect a different approach to commercial development at this location. In essence, the proposed PUD amendment is a completely new design. Both the approved and proposed site plans are shown below-



Ordinance 1402 – Exhibit A



Proposed PUD Amendment – Site Plan



The approved Idlewild PUD, as described in Ordinance 1402, consists of 5 lots fronting US Highway 181. Permitted uses are:

**Permitted Uses:** Education or Training Facility; General Office Space; Professional Office Space; Retail – Grocery; Retail – Convenience (No Gas); Retail – General Merchandise; Drug Store; Coffee Shop (Including Drive-Thru); Post Office; Bank; Barber/Beauty Salon; Film/Photo; Tailor; Office Support Services; Fitness Club; Dry Cleaning/Laundry; Restaurant (No Drive-Thru); Catering; Florist; Bakery

The proposed PUD revision requests retail, restaurant, restaurant with drive thru (one drive thru maximum), hotel, and office/residential mixed use as the allowed uses for the property. The development is proposed on one lot, which would require Multiple Occupancy Project review at a later date.

**Case Summary:**

The PUD amendment proposes twelve commercial or mixed-use buildings on site. The owner plans to enter leasehold agreements for all commercial spaces and residential units. The provided site plan and Master Development Plan define the following development standards and conditions:

Setbacks: Front (Hwy 181) – 60'; Rear – 20'; Side – 20'

Maximum Building Parapet Height: 30' with one exception of 38.5' for the Hotel; Hotel is proposed at two stories maximum.

Building Coverage: Proposed at 19%

Lot Coverage: Maximum of 39%

Screening: A 20' drainage easement and a 20' landscaped buffer (40'total) shall separate the PUD from the adjacent residential lots. Said screening shall be installed per the Landscape Ordinance and the Zoning Ordinance at time of application. A 60' construction setback shall separate the PUD from US Highway 181.

Exterior Lighting: Lighting height was described in the landscape packaging as ranging from 14' to 24'. The Zoning Ordinance requires parking lots with more than 50 spaces to limit lighting height to 20 feet. Since this is a PUD, staff is amenable to a 24' maximum height as long as light shielding and foot-candle requirements are met.

Parking: 228 parking spaces are proposed. 276 are required to meet the Zoning Ordinance. Applicant has provided a draft parking agreement for shared parking.

Hours of Operation: Hours of operation were not provided for the proposed drive thru. Staff recommends hours of operation for the drive thru, at minimum, be provided.

Permitted Uses: retail, restaurant, restaurant with drive thru (maximum of one drive thru), hotel, office/residential mixed-use

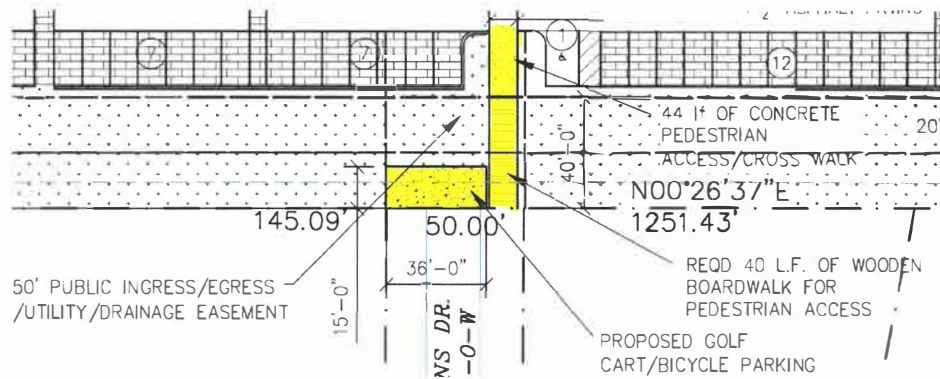
Greenspace: A correct, revised greenspace plan was not submitted to staff for review. Greenspace shall meet or exceed the Commercial Multiple Occupancy Project requirement of 10%. A revised greenspace plan will be required for staff review prior to City Council.

Landscaping: Provided landscape plans are not approved with the PUD amendment. Three heritage oaks are present on site. The applicant has shown cross sections that depict "minimal grading" around said oaks, ensuring that they will survive development and site grading. Landscaping shall meet the City of Fairhope Landscape Ordinance at time of Multiple Occupancy Project review. The stormwater pipes shown in the civil plans are covered by a boardwalk that extends to the stormwater detention pond. Side screening of the drainage pipes shall be provided at time of Multiple Occupancy Project review.

All multiple occupancy project and site plan requirements and standards not specifically addressed on the PUD site plan and this ordinance shall be as per City of Fairhope zoning, subdivision, and building requirements. This shall include, but not be limited to the following:

Parking and circulation, landscaping, exterior lighting, exterior construction materials, special fire protection, outside storage/display, refuse and wastewater storage, accessory buildings, green space

**Connectivity:** a boardwalk and sidewalk are proposed from the northern boundary to the southern boundary. An 50' ingress/egress/utility easement has been added from Orleans Drive to the proposed internal road. Orleans Drive is not proposed to connect to the development at this time. Golf cart parking is proposed in the drainage easement and a pedestrian bridge is shown from Orleans Drive to the development. Staff The proposed golf cart parking and pedestrian bridge are shown below:



**Signage:** There is a discrepancy regarding the signage. The civil set mentions a pylon sign. As shown in the landscape plans, a monument sign is proposed at the US Highway 181 entrance. Staff supports the proposed monument sign shown in the landscape plans. Internal signage shall comply with the City of Fairhope Sign Ordinance.

**Hotel Building Materials:** brick veneer, painted siding, asphalt shingle or metal roof panels, aluminum clad French Quarter style windows and doors, cast iron columns, wrought-iron railings, and copper awnings

**Wetlands:** wetlands are present on site. Construction is prohibited from the 30' wetland buffer.

**Drainage:** drainage was not reviewed with this application. All City of Fairhope drainage regulations shall be met. This includes, but is not limited to, post-development flow shall be less than pre-development flow.

**Traffic:** Traffic will be reviewed at Multiple Occupancy Project (MOP) Application after further communication with ALDOT. The improvements recommended by the Traffic Impact Study are as follows:

The new eastbound approach from the development should be widened enough to provide a dedicated left turn lane and a shared through-right lane. The existing westbound approach should be striped to allow a dedicated left turn lane and a shared through-right lane. There appears to be enough width in the northbound approach to restripe the gore area to a dedicated left turn lane. The southbound approach should be widened to provide a dedicated right turn lane. It is recommended that the signal be phased to include protected/permitted left turn phasing for all approaches. There will need to be signal work to add a new mast arm and signal heads for the new approach. Depending on the horizontal/vertical design of the eastbound approach, additional pole relocations or additions are possible.

Ordinance 1402 is provided within this press packet for comparison, if desired.

Staff Comments:

It is worth noting that the property owner purchased PPIN 310693, half of the detention that services Jackson Place Phase 1 and Idlewild Phase 7B. Detention then flows from this pond into the Idlewild property along a drainage ditch that leads to the wetlands. An O&M was not found for maintenance of the multi-owner pond that discharges into the Idlewild property.

Overall, staff does not have any major issues with the proposed PUD amendment. To clarify, PUD amendment approval is only for the conceptual aspects of the project. Potential revisions and/or points of clarification will need to be addressed at time of multiple occupancy project application. Examples include, but are not limited to:

1. The boardwalk landings needed to cover the outfalls into the detention pond are shown to stop over dry land. Boardwalk amenity shall extend over the drainage pond. Boardwalks shall be connected to each other in a manner subject to Planning staff approval.
2. The walkway canopy shown with the hotel shall be constructed at a height that can be cleared by delivery trucks.
3. Golf cart parking in the drainage easement needs to be clarified. A stormwater pipe may be required beneath this improvement.
4. Staff would like the engineer to explain the grading across the trees.
5. The proposed hotel parapet height (38.5') seems high for a maximum 2-story building. Staff would like clarification.
6. Proposed building materials indicate painted siding. What is the proposed siding?

Staff Recommendation

Staff recommends approval of Case ZC 22.06 Idlewild Planned Unit Development (PUD) amendment for PPIN 261908 with the following conditions:

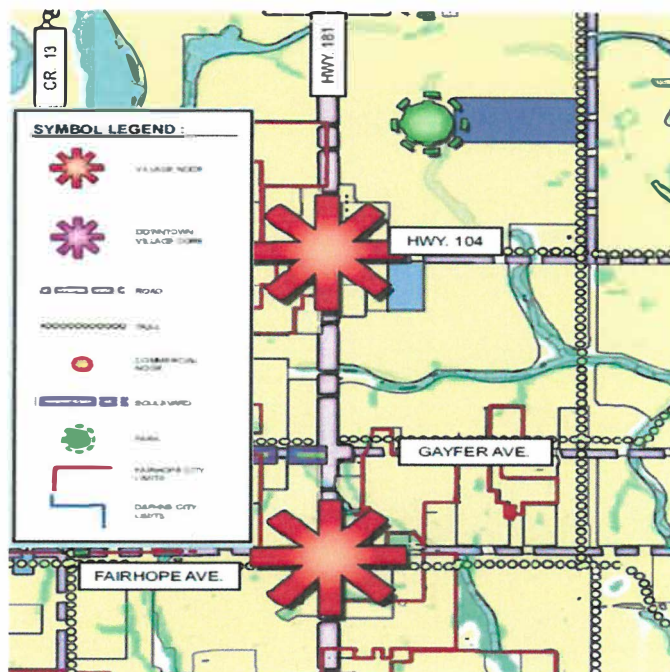
1. A revised Greenspace Plan will be required for staff review prior to City Council.
2. A revised Master Development Plan will be required for staff review prior to City Council.
3. Provide a strong landscape buffer, such as evergreens, to provide screening from light pollution to be reviewed at time of Multiple Occupancy Project approval.
4. Rear setback shall be 40'. Front setbacks shall be as shown on the Site Plan, applicant shall supply dimension prior to City Council hearing.

Fairhope's Zoning Ordinance (Article II Section C.1.e) contains nine (9) criteria by which an application for re-zoning shall be reviewed:

(1) Compliance with the Comprehensive Plan;

**Response:**

The intersection of Hwy 181 and Fairhope Ave is listed as a Village Node within the current Comprehensive Plan. "Highway 181 / Fairhope Ave presents an additional village opportunity. While this area has seen a growth of large retailers in the recent past due to regulatory limitations (i.e. significant property located outside of the City Limits in unzoned Baldwin County), it is in the early stages of village pattern development. Idlewild, Jackson Place, and Natures Trail Subdivisions are connected to both Fairhope Avenue and Windmill Road. The residential areas around Fairhope Avenue and Windmill Road are built in accordance with the City Subdivision Regulations



and provide neighborhood level greenspace, sidewalks, streets, trees, and connectivity. While this area will evolve over time, the "bones" of a village are generally in place."

Specifically, in regard to Village Nodes, the Comprehensive Plan reads "Simply evaluating development at these areas (Village Nodes) will not result in a Village – it will take a proactive effort". The following excerpt from the Comprehensive Plan is provided for guidance:

Size - They should be 30,000 to 180,000 square feet in commercial / mixed-use development.

Street Location - They should push as close to the street as possible

Architectural Guidelines - There should be building design guidelines that deal with architectural themes, materials, and massing. There should be an architectural "anchor", a building with a distinct and focused character, in each village.

Automobile Access - Automobile access will be important to the success of the village, thus it should be incorporated as appropriate. However, addressing the location and aesthetics of parking lots will be critically important. Vehicular access from the supporting and existing roadways is also important. Integration of Right-of-Way improvements, turn lanes, signals, sidewalks, landscaping, street lighting, push-pad signals, crosswalks, and similar infrastructure should be



comprehensively evaluated by the City. This would result in the Right-of-Way and roadways being upgraded in conjunction with the development. Internal circulation must not be the typical maneuvering areas through a large parking lot, but seek to create more of a streetscape experience with “on-street” parking in either a parallel or diagonal configuration. A good operating principle would be that large surface parking lots should not dominate the view of building frontages. Vehicular access is always important and should be accommodated; however, parking is a net negative in terms of visual quality.

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

**Response:** *PUD Planned Unit Development:* This district is intended to encourage innovative development that meets comprehensive plan goals and is tailored to the unique constraints and conditions of a particular site. This district allows flexibility in uses, designs, and building layouts as opposed to other zoning districts to better serve community needs. The proposed PUD accomplishes this through its uses, layout, and connectivity.

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

**Response:** The comprehensive plan describes a village center at this location and states that the “bones” are already in place. The surrounding properties are unzoned, R-1, R-2, and B-2. The PUD provides adequate buffering from the single-family residential along the western and southern boundaries, while also allowing denser and more intense uses along the highway corridor and internally within the site. The only connection proposed to the existing residential developments is pedestrian.

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

**Response:** The applicant has been working with Fairhope Utilities and Baldwin EMC and provided letters of utility availability. Utilities will be addressed in detail at the time of multiple occupancy project application.

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

**Response:** Wetlands are present on the subject property and all wetland delineations, reports, ordinances, and buffers will be required during the development process.

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

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

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

**Response:** Staff recommends the provision of hours of operation to mitigate the noise pollution onto adjacent properties. Traffic of all vehicles will flow onto US Hwy 181. Only a pedestrian access is proposed to the adjacent residential properties. Lighting will have to meet the City of Fairhope regulations and not adversely impact/pollute adjacent properties.

In addition, pedestrian circulation has been designed connecting the subject property with adjacent and surrounding properties.

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

**Response:** Staff recommends the provision of hours of operation to mitigate the noise pollution onto adjacent properties. Traffic of all vehicles will flow onto US Hwy 181. Only a pedestrian access is proposed to the adjacent residential properties. Lighting will be have to meet the City of Fairhope regulations and not adversely impact/pollute adjacent properties.

