

ORDINANCE NO. 1752

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

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

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

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

The property of Corte Rockwell Place, LLC, generally located at 22148 State Highway 181, Fairhope, Alabama.

PPIN # 108453

Legal Description: (Case number ZC 22.05)

Commence at the Northeast corner of the SW 1/4 of the SW1/4 of Section 2, Township 6 South, Range 2 East, Saint Stephens Meridian for a POINT OF BEGINNING; thence run W, along the North line of the SW 1/4 of the SW 1/4 of said Section 2 for 1,198 feet, more or less, to a point on the East Right of Way of Alabama Highway 181; thence run S 00°17'55" West for 621.75 feet; thence continuing along said Right of Way, run S 44°42'28" E for 42.43 feet; thence continuing along said Right of Way, run S 00°17'32" W for 23.71 feet to a point on the North line of a parcel leased to Colony Fence Company; thence run N 89°52' E, along Colony Fence parcel, for 149.02 feet, more or less; thence run S 02°04' E, continuing along Colony Fence parcel, for 181.09 feet; thence continuing along Colony Fence parcel run S 89°52' W for 185.91 feet, more or less, to a point on the East right of way of said Alabama Highway 181; thence run along said right of way S 00°17'32" W, for 380.07 feet; thence continuing along said right of way run S 43°51'20" E for 71.63 feet to a point on the N right of way of Alabama Highway No. 104; thence run E, along the N right of way of Alabama Highway 104, for 1,173 feet, more or less; thence run N along the E line of the SW1/4 of the SW1/4 of said Section 2 for 1,292 feet, more or less to the P.O.B. Tract lies in Section 2, T6S, R2E, Baldwin County, Alabama, lands of the Fairhope Single Tax Corporation.

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

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

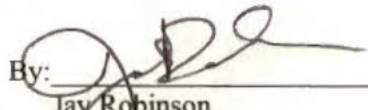
Ordinance No. 1752

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.

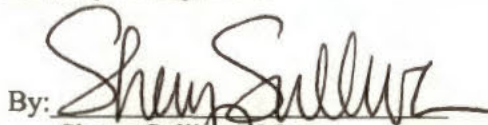
Adopted and approved this 25th day of July, 2022.

By: 
Jay Robinson
Council President Pro Tempore

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 25th day of July, 2022.

By: 
Sherry Sullivan, Mayor



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

PETITION FOR ANNEXATION

STATE OF ALABAMA
COUNTY OF BALDWIN

)(
)(

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

The subject land is delineated on the map attached hereto as EXHIBIT B that will be prepared by the City of Fairhope to verify property is contiguous.

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

☐ This petition is for R-1 Zoning

☒ The condition of the Petition is that zoning be established as B-2
Concurrent with Annexation. (Zoning Request)

Is this property colony property ☒ Yes ☐ No. If this property is colony property, the Fairhope Single Tax Office must sign as a petitioner.

[Signature]
Signature of Petitioner

Lee Turner, President of FSTC
Print petitioner's name

Signature of Petitioner

Print petitioner's name

Signature of Petitioner

Print petitioner's name

Physical Address of property being annexed: 22148 State Highway 181

Petitioner's Current Physical Address: _____

Petitioner's Current Mailing Address: _____

Telephone Number(s): _____

Home

(251) 421 - 3371

Work

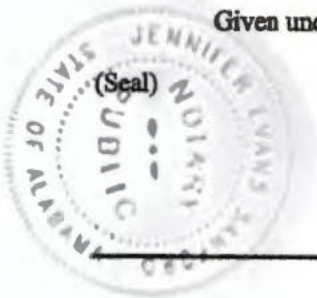
Tax Parcel ID Number: _____

Size of Property: 34.44 acres

05-46-01-02-0-000-001.510
PIN# 108453

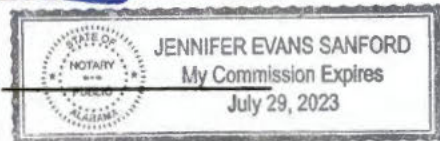
Jennifer Evans Sanford
I, Lee Turner a Notary Public in and for said State and County, hereby
certify that Lee Turner whose name(s) is/are signed to the forgoing
Petition and who is/are known to me, this day appeared before me and, being first duly sworn,
acknowledge that he/she/they have voluntarily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

Given under my Hand and Seal this 18th day of April, 2022



Jennifer Evans Sanford
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 _____

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 _____



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

PETITION FOR ANNEXATION

STATE OF ALABAMA
COUNTY OF BALDWIN

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

☐ This petition is for R-1 Zoning

☒ The condition of the Petition is that zoning be established as B-2
(Zoning Request)

Is this property colony property ☒ Yes ☐ No. If this property is colony property, the Fairhope Single Tax Office must sign as a petitioner.

Nancy Corte
Signature of Petitioner

Corte Rockwell Place LLC
By its manager Nancy Corte
Print petitioner's name

Signature of Petitioner

Print petitioner's name

Signature of Petitioner

Print petitioner's name

Physical Address of property being annexed: 22148 State Highway 181

Petitioner's Current Physical Address:

Petitioner's Current Mailing Address:

24001B St Hwy 181
Daphne, AL 36526

POB 1156
Fairhope, AL 36533

Telephone Number(s):

Home

Work

(251) 421 - 3371

Tax Parcel ID Number:

Size of Property:

34.44 acres

05-46-01-02-0-000-001.510
PIN# 108453

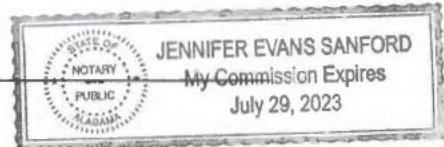
I, Jennifer Evans Sanford a Notary Public in and for said State and County, hereby
certify that Nancy Corte whose name(s) is/are signed to the forgoing
Petition and who is/are known to me, this day appeared before me and, being first duly sworn,
acknowledge that he/she/they have voluntarily executed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

Given under my Hand and Seal this 4th day of April, 20 22

(Seal)

Jennifer Evans Sanford
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 _____

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 _____

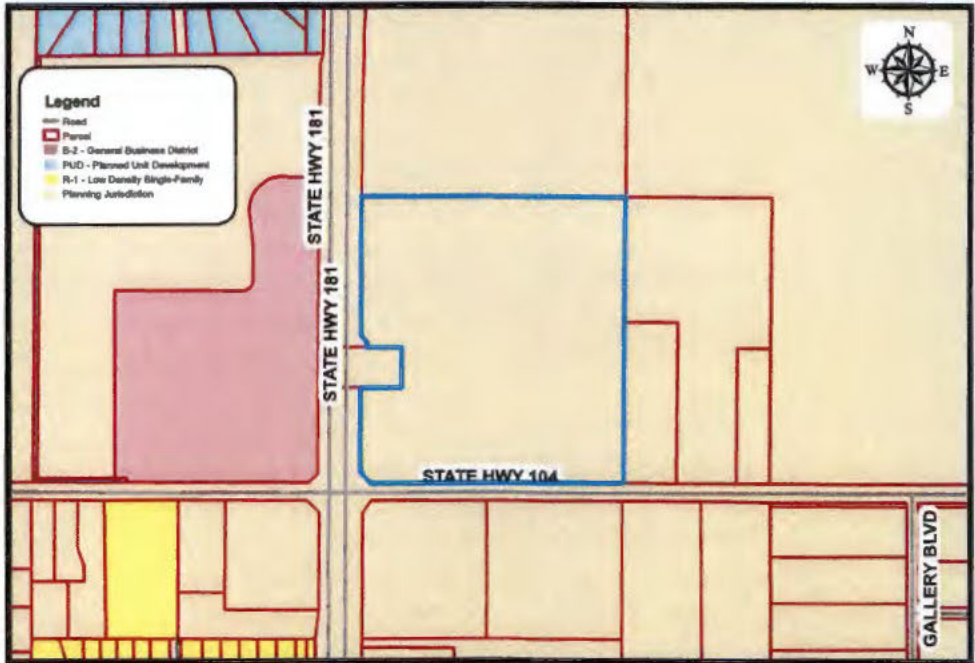
City of Fairhope City Council

July 11, 2022



The Planning Commission unanimously (7 Ayes, 0 Nays) voted to recommend approval of ZC 22.05.

ZC 22.05 - Kleban Corte Development



Project Name:

Kleban Corte Development

Site Data:

34.41 acres

Project Type:

Conditional Annexation with Rezoning

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

N/A

PPIN Number:

108453

General Location:

Northeast intersection of State Highway 181 and State Highway 104

Surveyor of Record:

Sawgrass

Engineer of Record:

Sawgrass

Owner / Developer:

Corte Rockwell Place LLC

School District:

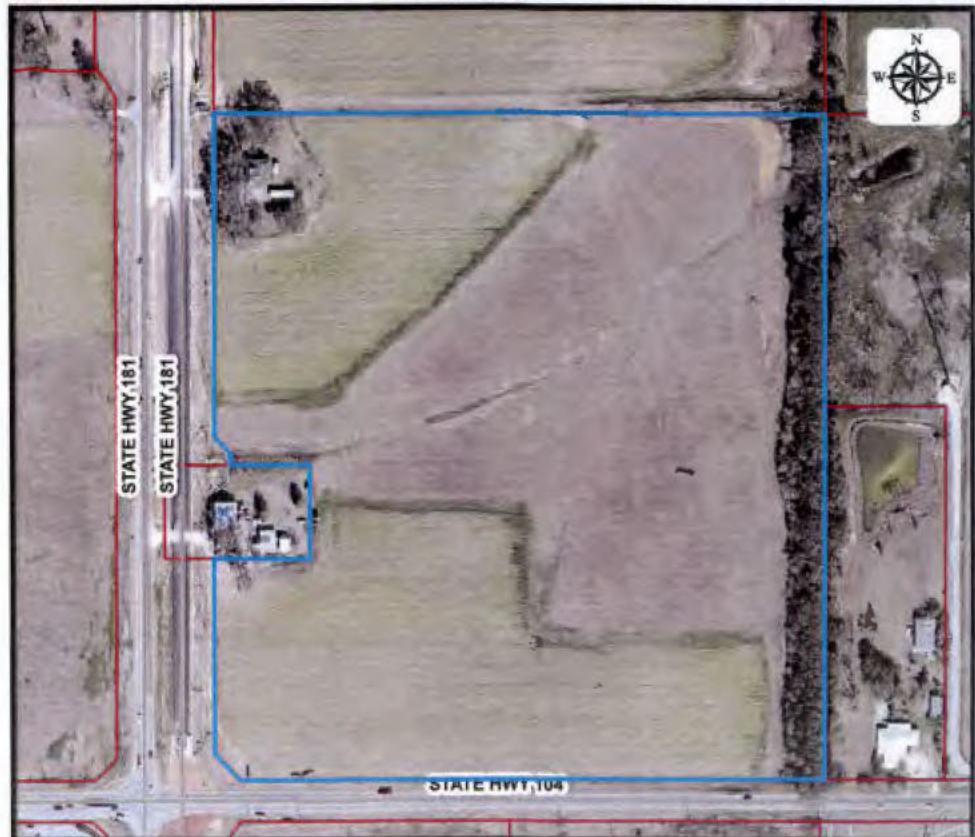
Fairhope Elementary School
Fairhope Middle and High School

Recommendation:

Approval

Prepared by:

Hunter Simmons



Planning & Development
City of Fairhope, AL

March 29, 2022

To Whom It May Concern:

I, Nancy Corte, of Corte Rockwell Place LLC, hereby give my authorization to Kenneth Kleban of Wells Ventures LLC at 1189 Post Rd., Fairfield, CT 06824 to act as my agent only for the purpose of submitting the attached application for zoning district change and petition for annexation.

Sincerely,


Nancy Corte

State of Alabama County of Baldwin I, Jennifer Evans Sanford (name and style of officer) hereby certify that Nancy Corte whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date. Given under my hand this 4th day of April, 2022 (Seal) JES Notary Public in and for said County in said State



EXHIBIT A

Legal Description of the Property

Commence at the Northeast corner of the SW ¼ of the SW ¼ of Section 2, Township 6 South, Range 2 East Saint Stephens Meridian for a POINT OF BEGINNING; thence run W, along the North line of the SW ¼ of the SW ¼ of said Section 2 for 1,198 feet, more or less, to a point on the East r.o.w. of Alabama Highway 181; thence run S 00° 17' 55" West for 621.75 feet, thence continuing along said r.o.w., run S 44° 42' 28" E for 42.43 feet; thence continuing along said r.o.w., run S 00° 17' 32" W for 23.71 feet to a point on the North line of a parcel leased to Colony Fence Company; thence run N 89° 52' E, along Colony Fence parcel, for 149.02 feet, more or less; thence run S 02° 04' E, continuing along Colony Fence parcel, for 181.09 feet; thence continuing along Colony Fence parcel run S 89° 52' W for 185.91 feet, more or less, to a point on the East r.o.w. of said Alabama Highway 181; thence run along said r.o.w., S 00° 17' 32" W, for 380.07 feet; thence continuing along said r.o.w. run S 43° 51' 20" E for 71.53 feet to a point on the N r.o.w. of Alabama Highway No. 104; thence run E, along the N r.o.w. of Alabama Highway 104, for 1,173 feet, more or less; thence run N along the E line of the SW ¼ of the SW ¼ of said Section 2 for 1,292 feet, more or less, to the P.O.B. Tract contains 34.45 acres, more or less, and lies in Section 2, T6S, R2E, Baldwin County, Alabama, lands of the Fairhope Single Tax Corporation.

Summary of Request:

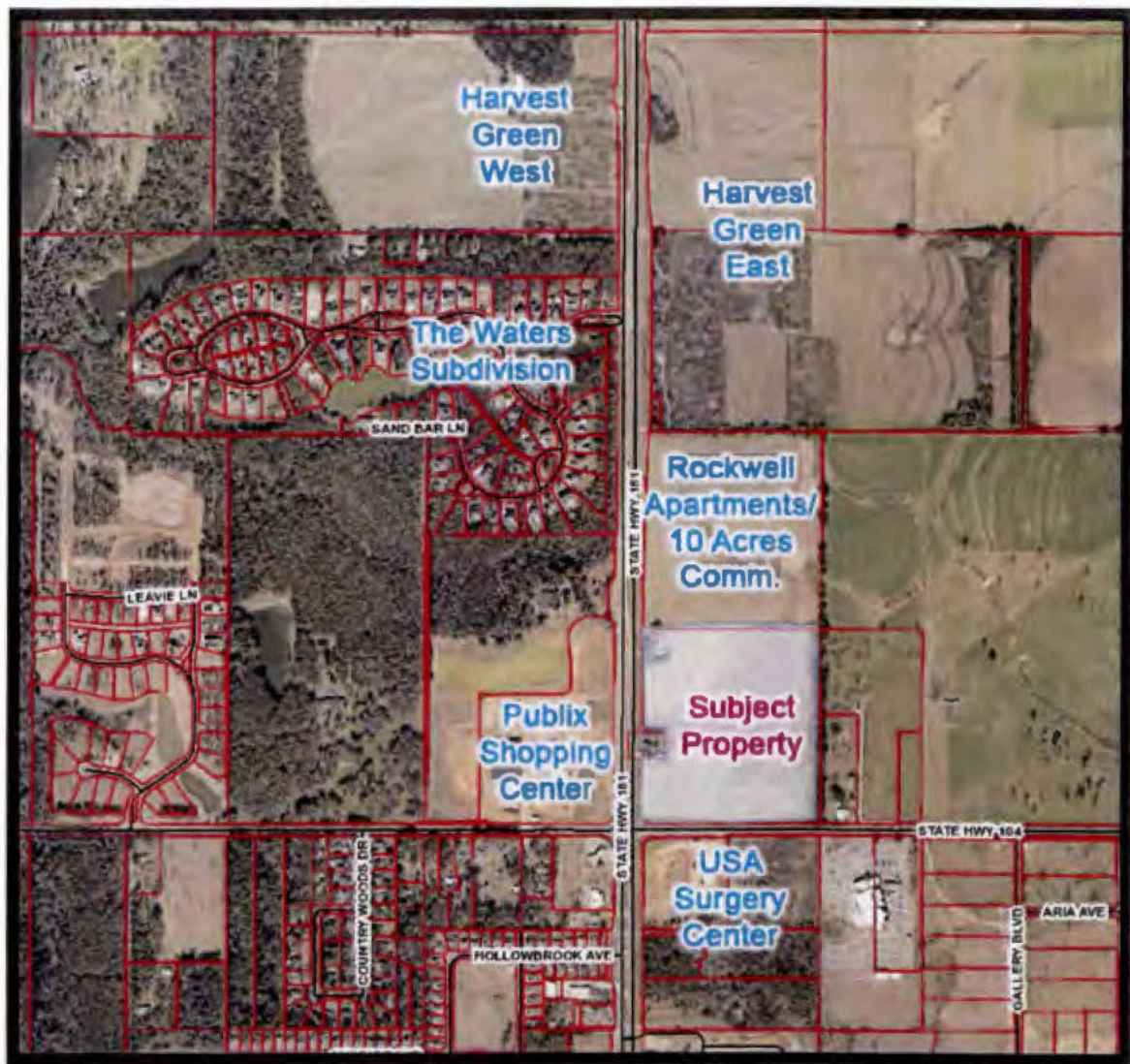
Applicant, Kenneth Kleban with Kleban Properties, acting on behalf of the Owner, FST Corte Rockwell Place, LLC, is requesting to establish an initial zoning of B-2, General Business District, concurrent with conditional annexation into the City of Fairhope. The property is approximately 34.41 acres and is located on the northeast corner of State Highway 104 and State Highway 181, at 22148 State Highway 181.

Comments:

The subject property is currently outside the City of Fairhope's municipal boundary and un-zoned. One structure is currently present, with most of the site undeveloped.



The site is centrally located within a Village Node, per the City of Fairhope Comprehensive Plan's preferred land use plan. A Village Node is where the most intense uses, such as B-2 should be located. Important to note, this is a straight re-zoning request and does not include a site plan for intended uses. Future uses, if approved, shall meet the Fairhope Zoning Ordinance requirements.



The Zoning Ordinance defines B-2 General Business District as follows:

"B-2 General Business District: This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included."

A copy of the Zoning Ordinance's Use Table, highlighting allowable uses in B-2, is attached within the packet.

The application does mention "Site work to create two pad ready areas for two buildings. Construction ASAP." However, this application is only reviewing rezoning of the property and does not include approval of a site plan.

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

(1) Compliance with the Comprehensive Plan;

Response:

Meets

Table 3-1: Use table

Zoning District	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	M-1	M-2	PUD	VRM	NVC	CVC	HTD
Dwelling																					
Single-family	●	●	●			●	●	●		●	●	●	●	●				●			●
Two-family						●	●	●		●	●	●	●	●				●			●
Townhouse				3			3	3		3	3			3				3	●	●	●
Patio Home					3													3			●
Multiple-family / Apartment						3	●					○	○					3	3	3	○
Manufactured Home									3												
Mixed-use										●	●	●	●	●					●	●	●
Accessory Dwelling										3	3	3	3	3				3	3	3	3
Estate																		●			
Civic																					
Elementary School		●	●			●	●	●		●	●	●	●	●	●	●		●	●	●	●
Secondary School		●	●			●	●	●		●	●	●	●	●	●	●		●	●	●	●
Education Facility		●	●			●	●	●		●	●	●	●	●	●	●		●	●	●	●
Library		●	●			●	●	●		●	●	●	●	●	●	●		●	●	●	●
Place of Worship																		●	●	●	●
Cemetery	○	○	○			○	○	○		○	○	○			○	○	○		○	○	○
Hospital										○	○	○			○	○	○		○	○	○
Public Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●		●	●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●		●	●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○	○		○	○	○	○	○	○	○
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Office																					
General										●	●		●	●	●	●			●	●	●
Professional										●	●		●	●	●	●			●	●	●
Home Occupation	3	3	3	3	3	3	3	3	3	3	3	3	3	3				3	3	3	3
Retail																					
Grocery										●	●		●		●	●			●	●	●
Convenience Store										3	3		3		3	3			3	3	3
General Merchandise										●	●		●		●	●			●	●	○
Shopping Center																					
Automobile Service Station										○	○				○	○			3	3	
Outdoor Sales Limited										○	○				○	○			○	○	○
Outdoor Sales Lot											○				○	○			○	○	○
Garden Center											○	○			○	○			○	○	○
Service																					
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	○
Clinic	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	○
Outdoor Recreation Facility	○	○	○			○	○	○		○	○	○	●	○	○	○	○		○	○	○
Day Care	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	○
General Personal Services										●	●				○	○			○	○	○
Mortuary or Funeral Home											○	○			○	○			○	○	○
Automobile Repair											○	○			○	○			○	○	○
Indoor Recreation											○	○	○			○	○		○	○	○
Dry Cleaner / Laundry										●	○	○			○	○			○	○	○
Personal Storage											○	○		3	3	○	○		○	○	○
Bed & Breakfast											○	○				○			○	○	○
Hotel / Motel											○	○	○	○		○			○	○	○
Boarding House or Dormitory											○	○	○	○	○	○			○	○	○
Recreational Vehicle Park											3	○	3		3	3			○	○	○
Restaurant										○	○	○	○	○	○	○			○	○	○
Bar											○	○	○	○	○	○			○	○	○
Entertainment Venue											○	○	○	○	○	○			○	○	○
Marina												○	○			○			○	○	○
Kennel or Animal Hospital											○	○	○			○			○	○	○
Warehouse																○			○	○	○
Junk Yard or Salvage Yard																○			○	○	○
Manufacturing																					
Limited											○			○	○	○			○	○	○
Light																○			○	○	○
General																○			○	○	○
Food Processing																○			○	○	○
Rural																					
Agriculture	●																				
Rural Market	●																				
Plant Nursery	●																				

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

Uses in the PUD District shall be specified based on a development plan according to the standards and procedures of this ordinance



Exhibit A: The Property of Corte
Rockwell Place, LLC.
Conditional Annexation to B-2
(ZC 22.05)

