

**ORDINANCE NO. 1644**

**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 the Fairhope Single Tax Corporation, Henry H. Brewster, Jr. and Barbara White Brewster, to be known as Longbranch Subdivision, generally located on the north side of Twin Beech Road between County Road 13 and Thompson Hall Road, Fairhope, Alabama.

**Longbranch Subdivision**

**PPIN #: 77788**

**Legal Description: (Case number ZC 19.02)**

COMMENCE AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 89 DEGREES 49 MINUTES 25 SECONDS EAST, ALONG THE SOUTH MARGIN OF SAID SECTION 22 A DISTANCE OF 679.86 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 28 MINUTES 30 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A 1 INCH OPEN END PIPE ON THE NORTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 44 FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 00 DEGREES 28 MINUTES 30 SECONDS EAST, A DISTANCE OF 1290.08 FEET TO A ½ INCH REBAR ON THE SOUTH BOUNDARY OF SEDGEFIELD SUBDIVISION, ACCORDING TO A PLAT RECORDED ON SLIDE NO. 2260-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 45 MINUTES 09 SECONDS EAST, ALONG SAID SOUTH BOUNDARY LINE OF SEDGEFIELD SUBDIVISION A DISTANCE OF 631.40 FEET TO A 5/8 INCH CAPPED REBAR (CA1109LS); THENCE RUN SOUTH 00 DEGREES 24 MINUTES 59 SECONDS WEST, A DISTANCE OF 1289.29 FEET TO A ½ INCH CAPPED REBAR (CA0092LS) ON THE NORTH RIGHT-OF-WAY LINE A DISTANCE OF 632.72 FEET TO THE POINT OF BEGINNING; SAID LANDS LYING, AND BEING IN BALDWIN COUNTY, ALABAMA AND CONTAINING 815,154 SQUARE FEET (18.71 ACRES) MORE OR LESS.

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


**The property is hereby initially zoned R-2 Medium Density Single Family Residential 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. 1644  
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 THIS 8TH DAY OF APRIL, 2019

  
\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Ord. No. 1644 Published in  
FAIRHOPE COURIER  
on Friday, April 19<sup>th</sup> 2019  
Lisa A. Hanks City Clerk



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.

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 R-2  
Concurrent with Annexation. (Zoning Request)

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

Henry H. Brewster Jr.  
Signature of Petitioner

Henry H. Brewster Jr.  
Print petitioner's name

Barbara White Brewster  
Signature of Petitioner

Barbara White Brewster  
Print petitioner's name

\_\_\_\_\_  
Signature of Petitioner

[Signature]  
Print petitioner's name Sae Fste

Physical Address of property being annexed: North of Twin Beech Rd, between Co Rd 13 and Thompson Hall Rd

Petitioner's Current Physical Address:  
2556 S DELWOOD DR

Petitioner's Current Mailing Address:  
2556 S DELWOOD DR

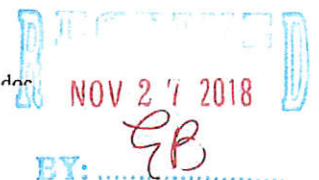
MOBILE, AL 36606

MOBILE, AL 36606

Telephone Number(s): 251-479-9781  
Home

251-338-0630  
Work

County Tax Parcel Number: 05-46-05-22-0-000-001.578




U.S JUSTICE DEPARTMENT INFORMATION

- ☐ Size of property (acres or square feet) 18.71 AC
- ☐ If property is occupied, give number of housing units 0
- ☐ Number of Persons residing in each unit, and their race 0
- ☐ If property is unoccupied, give proposed use single-family subdivision
- ☐ If property is being developed as a subdivision, give subdivision name  
Longbranch
- ☐ Number of lots within proposed subdivision \_\_\_\_\_

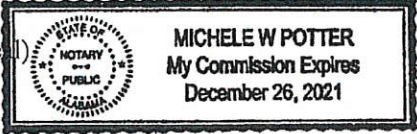
I, Michele W. Potter a Notary Public in and for said State and County, hereby certify that Henny Brewster, Jr whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed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

Given under my Hand and Seal this 13 day of November, 20 18.

(Seal)  Michele W. Potter  
Notary Public  
My commission expires 12/26/21


I, Michele W. Potter a Notary Public in and for said State and County, hereby certify that Barbara White Brewster 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 13 day of November, 20 18.

(Seal)  Michele W. Potter  
Notary Public  
My commission expires 12/26/21

I, LeAnn M. Amond a Notary Public in and for said State and County, hereby certify that L. Michael Arnold 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 19th day of November, 20 18.

 LeAnn M. Amond  
Notary Public  
My commission expires 04/02/2022

Backroom: Users: nray Library: Mail: POP-  
10/02/2018 10:50 AM #00750 net: INBOX mbox: FW: Forms for the use mimeattach: Petition for annex.doc





# City Council

March 2019

## Conditional Annexation

Case: ZC 19.02 Longbranch Subdivision

**Project Name:**

Longbranch Subdivision

**Project Type:**

Conditional Annexation with a Zoning of R-2 Medium Density Single-Family Residential District

**Jurisdiction:**

Currently unincorporated

**PPIN Number:**

77788

**General Location:**

North of Twin Beech Road,  
Between CR 13 and Thompson  
Hall Road

**Engineer:**

Dewberry

**Applicant:**

Dewberry, Steve Pumphrey

**School District:**

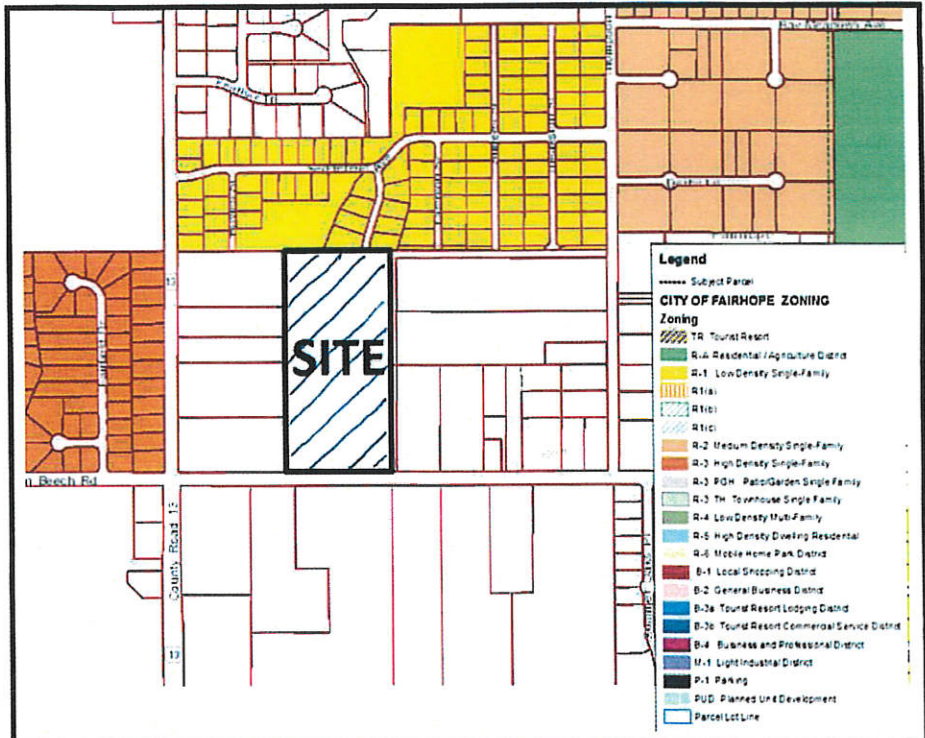
Fairhope Elementary  
Fairhope Intermediate  
Fairhope High

**Staff Recommendation:**

Approve

**PC Recommendation:**

Approve





**Summary of Request:**

The applicant is requesting to conditionally annex approximately 18.71 acres conditioned upon a rezoning to R-2 Medium Density Single-Family Residential District. The property is located on Twin Beech Road, between County Road 13 and Thompson Hall Road. The requested density is 1.7 units per acre.

The request for conditional annexation is pursuant to the following:

***City of Fairhope Zoning Ordinance***

***Article 1. C 6.***

***Newly Annexed Land***

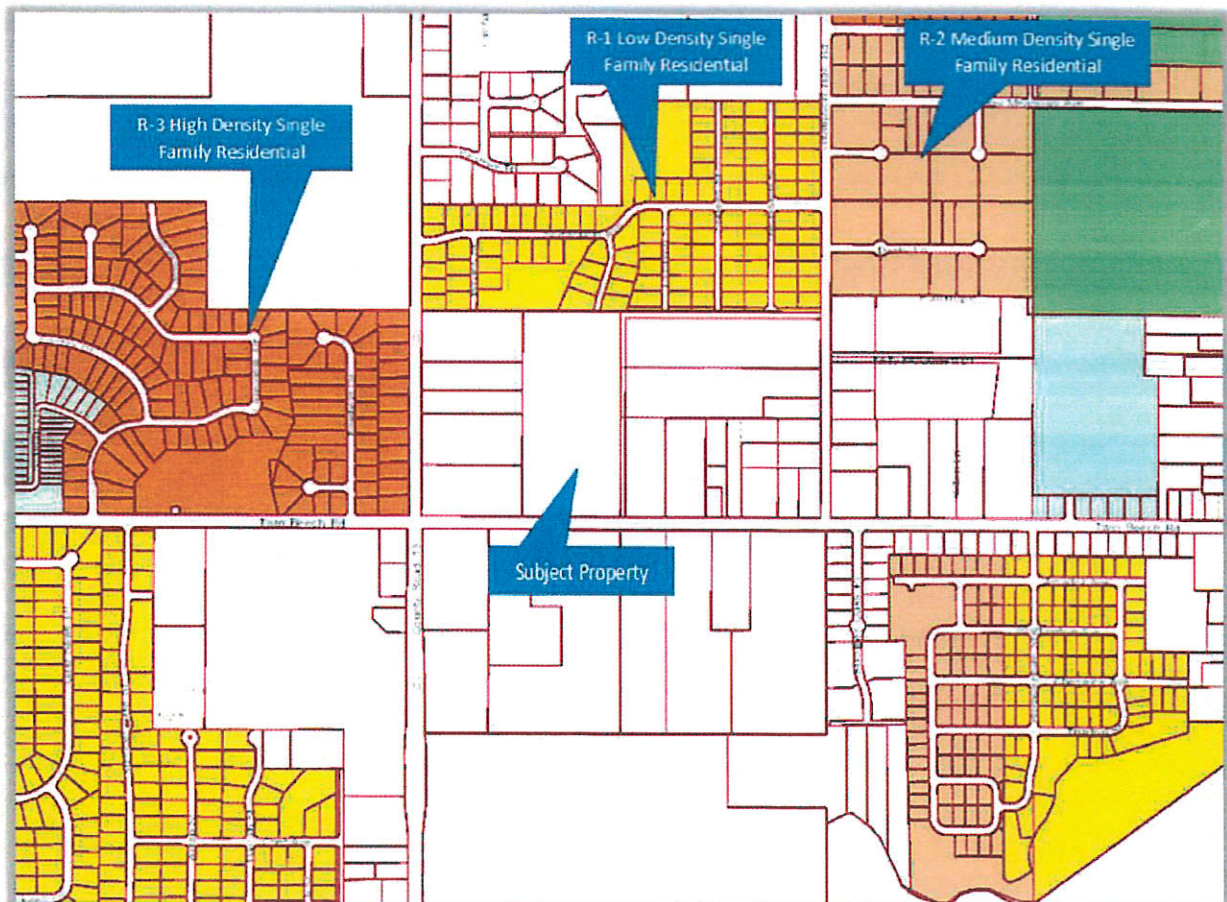
***Property annexed into the City shall be zoned according to the following:***

***a. Property shall have any zoning designation given to it by the City Council according to the procedures specified in this ordinance.***

***b. Where no designation is given by the City Council and the property is otherwise un-zoned, it shall be classified as R1 – Low Density Single Family Residential District.***

***c. Property annexed into the City that is zoned by Baldwin County shall be classified as the most similar district at the time of application, unless a different classification is given by the City Council. The Director of Planning and Building shall make the determination of the most similar district. Similar classifications do not require due process and public notice procedures before the Planning Commission or the City Council. These requests are considered directly by the City Council at the time of annexation consideration. If the applicant requests a different zoning district, then the case shall follow the annexation contingent on zoning procedures.***

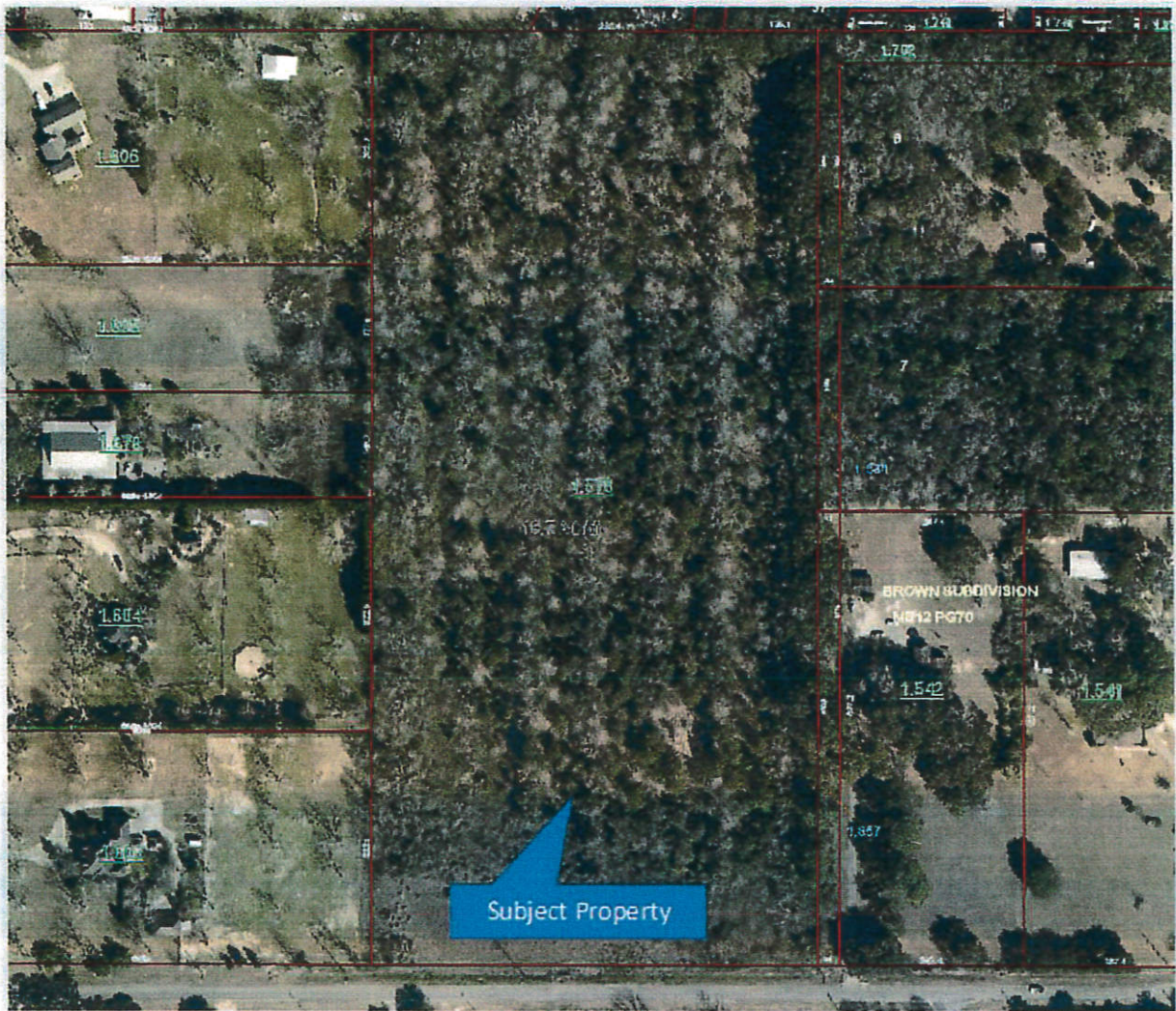
**Zoning History of Nearby Properties:**





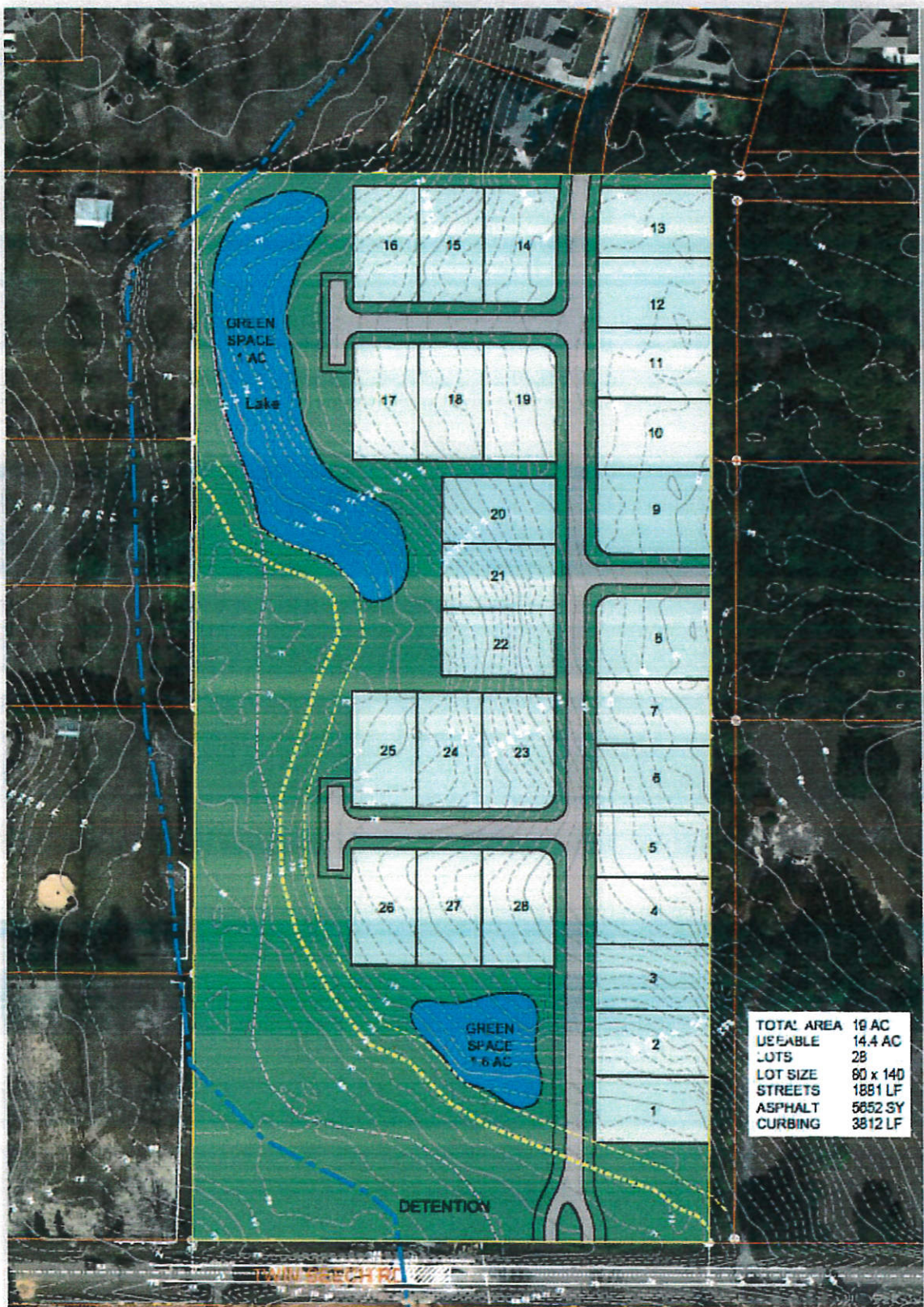
**Current Conditions:**

The subject property is currently undeveloped containing timber.



The site plan below was provided pursuant the Fairhope Zoning Ordinance, Article II.C.2(a) which says in part "Initiation – Review of (preliminary) site plans accompanying a zoning map amendment shall be reviewed according to the zoning amendment procedures."





**Comments:**  
**Fairhope Zoning Ordinance**  
**Article II.C(e).**

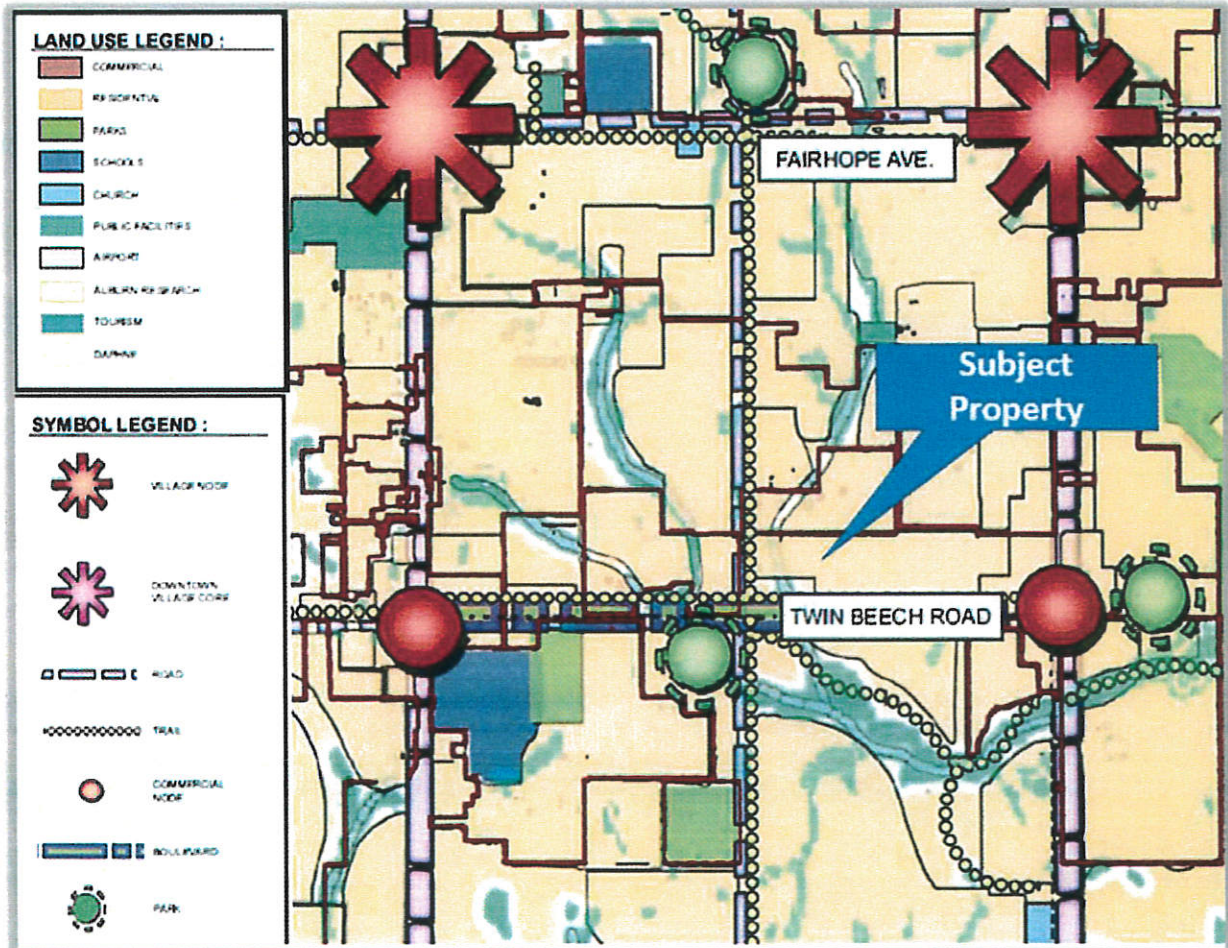


**Criteria – The application shall be reviewed based on the following criteria:**

**(1) Compliance with the Comprehensive Plan;**

**Response:**

The requested zoning is R-2 Medium Density Single-Family Residential District which is comprises most of the residential zoning in the City. The subject property is categorized as a residential in the Comprehensive Plan. Therefore, the requested zoning is consistent with the Comprehensive Plan guidance in terms of a residential use.



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

**Response:**

The purpose of the R-2 Medium Density Single-Family Residential District is to provide a medium density single family urban residential district, with lots of moderate size.

**Table 3-2: Dimension Table - Lots and Principle Structure**

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by principle structure	Max. height
			Front	Rear	Side	Street side		
R-2	10,500 s.f. -	75'	35'	35'	10' <sup>b</sup>	20'	37%	30' <sup>a</sup>

a. Structure may exceed the building height provided the lot width is increased by 10 feet for each additional foot in height

If the rezoning is approved, any subsequent subdivision plat must conform to the R-2 standards.

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



**Response:**

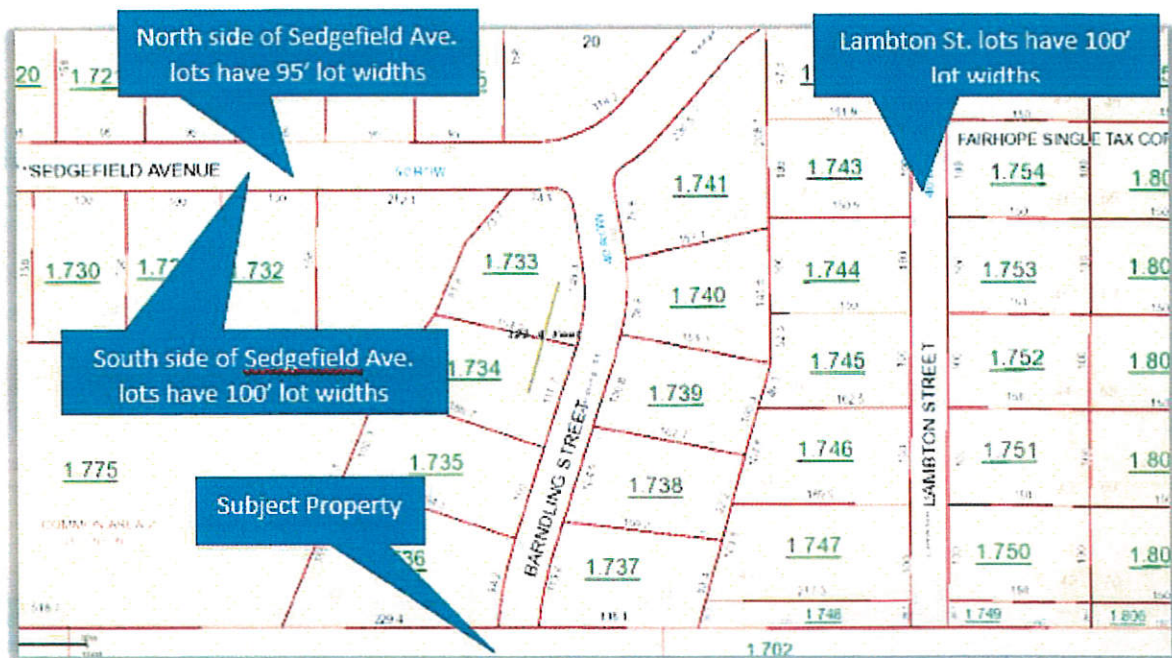
The proposed R-2 lot size of 10,500 sq.ft. equates to an approximate gross density of 4.14 dwelling units per acre (43,560sq.ft./10,500sq.ft.). The minimum lot width is 75'. The properties adjoining the subject property to the north contains an R-1 - Low Density Single-Family Residential District. In the immediate vicinity of the subject property, an addition to the R-1 zoning, R-2 - Medium Density Single-Family Residential District and R-3 - High Density Single-Family Residential District is present.

According to the site plan submitted pursuant Article II.C.2(a), that there will be 28 lots with a size of 80'x140' equaling roughly 11,200 sq.ft. The requested density is 1.47 units per acre which provides for approximately 28 lots (1.47 (density) x 18.71 (total acreage) = 28 dwelling units. Staff conducted a compatibility analysis which indicated an acceptable compatible density of 2.3 units per acre. **However**, as will be discussed criteria 5 below, a significant natural drainage feature (Cowpen Creek) and topographic relief is present which roughly bisects the property north and south, thereby limiting development on the westside of the subject property. Therefore, the full density of the property cannot be realized.

As discussed, the subject property will adjoin and connect to Barndling Street which is zoned R-1 - Low Density Single-Family Residential District. The lot widths are approximately 100' in width. The subject property's proposed R-2 - Medium Density Single-Family Residential District allows a lot width of 75'. The site plan accompanying the rezoning indicated lot widths of 80'. The site plan also indicates a green belt separating the subject properties lots and those along Barndling Street, thereby creating a slight buffer and separation as a mitigation measure between dissimilar lot sizes.







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

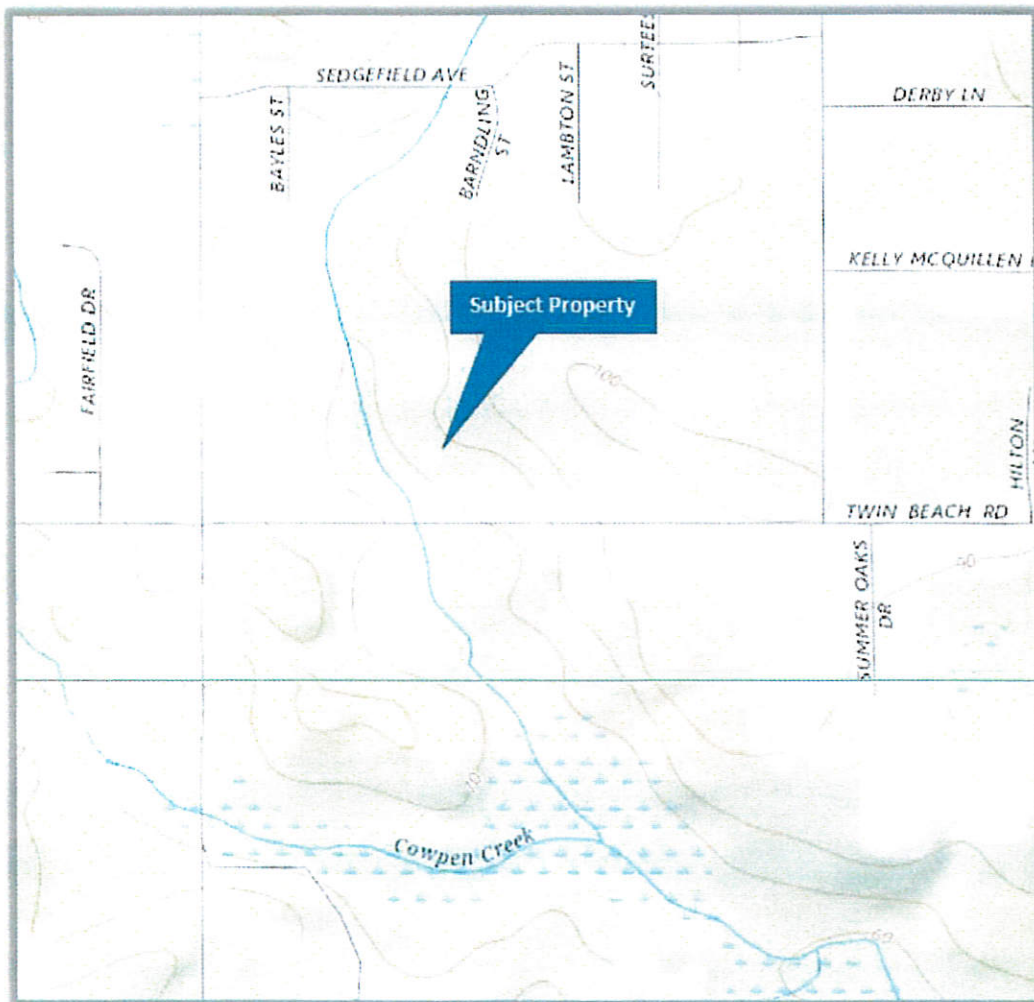
**Response:**

Fairhope Utilities gas is available for the subject property. Fairhope Utilities Water has an 8-inch main adjacent to the subject properties. Fairhope Utilities Sewer is also located near the subject properties.

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

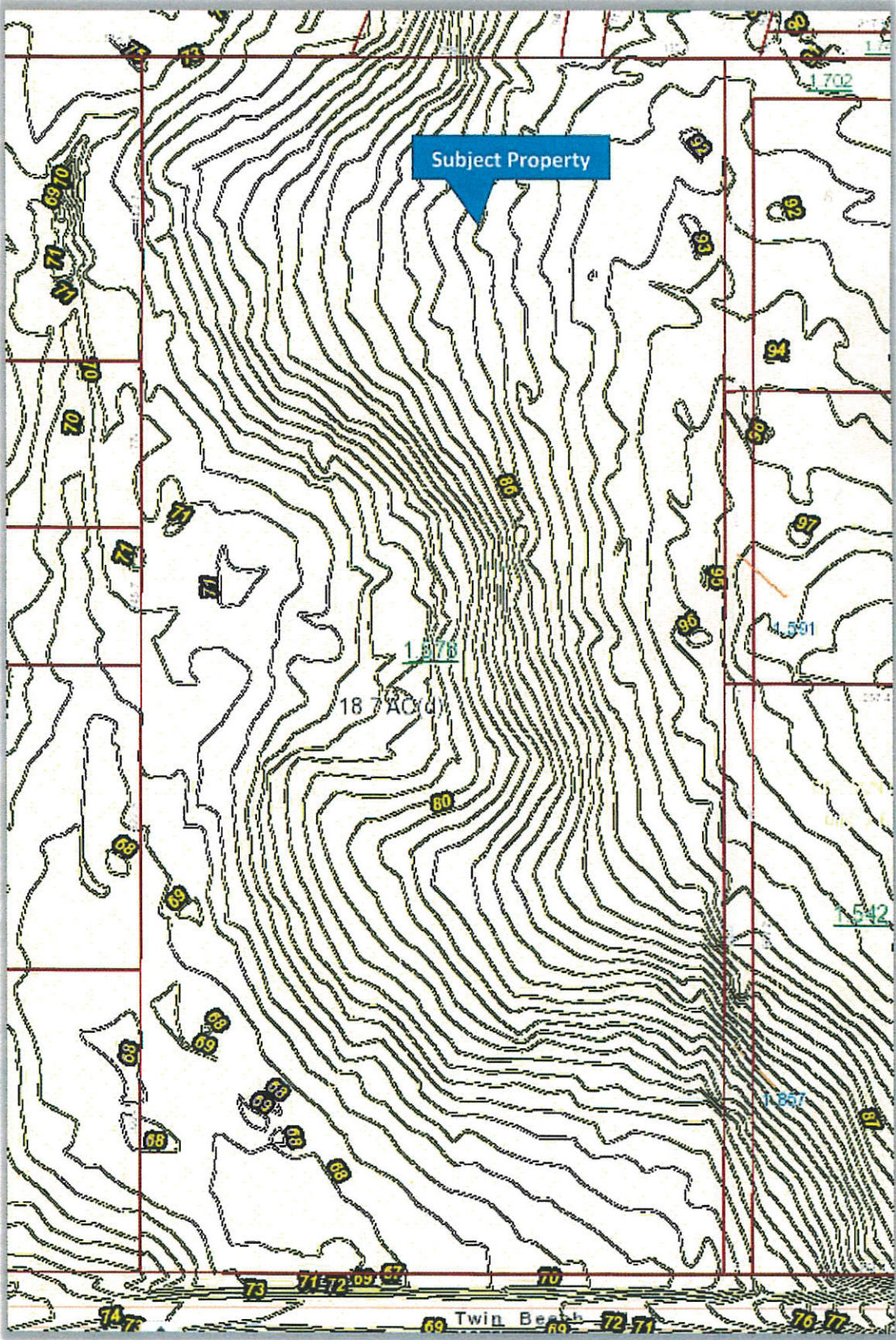
**Response:**

The subject property is located adjacent to a perennial stream (maintains flow year-round and well-defined channel) which runs to Cowpen Creek.





The image below indicates the topographic relief. The high point is at elevation 94 in the northeastern corner and the low point is at elevation 68 in the southwestern corner.



The preliminary site plan provided indicates the stream to be intermittent (A stream that flows only when it receives water from rainfall runoff or springs). Most of the property development is located on the east side of the property, away from the stream. However, 2 lakes are proposed near the stream. This feature limits development potential of the western side of the property.

***(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 of the City will be applied.

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

**Response:**

Staff does not anticipate any significant issues relating to this criteria.

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

**Response:**

Staff does not anticipate any significant issues relating to this criteria.

**Staff Recommendation:**

Staff recommends Case: ZC 19.02 Longbranch Subdivision be **APPROVED**.

**Planning Commission Recommendation:**

The Planning Commission of the City of Fairhope, at its January 7, 2019 regular meeting, recommended **APPROVAL** of the rezoning to the R-2 Medium Density Single-Family Residential District and the conditional annexation with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Clarice Hall-Black, and Jack Burrell. NAY – Richard Peterson and Hollie MacKellar.