

ORDINANCE NO. 1596

**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 Burgess A. Thomasson, Jr. generally located on the west side of US Hwy. 98 from the south side of Adams Street to just south of Ledyard Street, Fairhope, Alabama.

TAX PARCEL 05-43-09-32-0-000-058.000
05-43-09-32-0-000-059.000
05-43-09-32-0-000-064.000
05-43-09-32-0-000-066.000
05-43-09-43-0-000-023.000

Legal Description: (Case number ZC 15.12)

LOTS 2 AND 3 OF BLOCK ONE OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

AND

BLOCK 18 OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

AND

ALL THAT PART OF BLOCK 19 OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, LYING WEST OF U.S. HIGHWAY 98.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE INCH CRIMPED IRON PIPE AT THE NORTHWEST CORNER OF BLOCK 19 OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, AND RUN THENCE SOUTH 15 DEGREES 10 MINUTES 21 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BLOCK 19 (AND THE EAST MARGIN OF 3RD STREET), A DISTANCE OF 667.23 FEET TO A ONE INCH CRIMPED IRON PIPE AT THE SOUTHWEST CORNER OF SAID BLOCK 19; THENCE RUN NORTH 75 DEGREES 06 MINUTES 10 SECONDS EAST, A DISTANCE OF 201.20 FEET TO A ONE INCH CRIMPED IRON PIPE ON THE WEST MARGIN OF U.S. HIGHWAY 98; THENCE RUN ALONG THE WEST MARGIN OF SAID U.S. HIGHWAY 98, THE FOLLOWING DESCRIBED COURSES: NORTH 02 DEGREES 44 MINUTES 09 SECONDS WEST, A DISTANCE OF 313.93 FEET; SOUTH 86 DEGREES 59 MINUTES 57 SECONDS WEST, A DISTANCE OF 20.00 FEET TO A CAPPED REBAR (CA 1109LS); NORTH 02 DEGREES 35 MINUTES 46 SECONDS WEST, A DISTANCE OF 299.79 FEET TO A CONCRETE MONUMENT; NORTH 86 DEGREES 50 MINUTES 18 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A CONCRETE MONUMENT;

NORTH 02 DEGREES 48 MINUTES 02 SECONDS WEST, A DISTANCE OF 68.62 FEET TO A CAPPED REBAR (CA 1109LS) AT THE INTERSECTION OF THE WEST MARGIN OF U.S. HIGHWAY 98 AND THE SOUTH MARGIN OF LEDYARD STREET; THENCE RUN SOUTH 74 DEGREES 48 MINUTES 27 SECONDS WEST, ALONG SAID SOUTH MARGIN OF LEDYARD STREET, A DISTANCE OF 339.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.06 ACRES, MORE OR LESS.

AND

ALL THAT PART OF BLOCK 20 OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, LYING WEST OF U.S. HIGHWAY 98.

AND

ALL THAT PART OF BLOCK 21 OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, LYING WEST OF U.S. HIGHWAY 98.

AND

ALL THAT PART OF BLOCK 22 OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, LYING WEST OF U.S. HIGHWAY 98.

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 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 development regulations shall govern:

Lots: There shall be 77 total lots.

Use: Lots shall be single family residential.

Setbacks:

- 60' lot setbacks shall be as follows: Front – 25', Rear – 25', Side – 5', Street side – 15'.
- Estate lot setbacks shall be as follows: Front – 30', Rear – 30', Side – 10', Street side – 30'.

Principal Structures:

- Maximum lot coverage shall be 40%.
- Building height shall not exceed 35' as measured per the City of Fairhope Zoning Ordinance.

Accessory Structures:

- Maximum lot coverage shall be 25% of the required rear yard.
- Building height shall not exceed 30' as measured per the City of Fairhope Zoning Ordinance.
- Setbacks shall be as follows: Rear – 5", Side – 10', Street side – 20', Separation from principal structure – 10'.

Buffers: All buffers labeled on the Site Plan shall remain natural, with the exception that where a visual buffer does not exist buffer plant materials shall be installed.

Parks: All parks labeled on the Site Plan shall remain undisturbed, except for minimal clearing to construct walking trails.

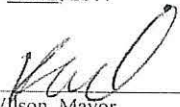
3. **That**, any item not specifically outlined in this ordinance shall meet all City regulations and ordinances that govern development.

The property is hereby rezoned from R-1 Low Density Single Family Residential District to PUD (Planned Unit Development). 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 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 12TH DAY OF JUNE, 2017


Karin Wilson, Mayor

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Ord. No. 1596 Published in
FAIRHOPE COURIER
on Friday, June 23, 2017
Lisa A. Hanks City Clerk

12 June 2017

Councilmember Boone announced the Personnel Board meeting will be held Thursday at 7:15 a.m. and invited everyone to join them.

Bill Nixon with Pioneer Athletics presented Recreation Director Tom Kuhl with the "Field of Excellence" award for the third year. Mr. Nixon stated there are over 5,000 entities that Pioneer Athletics does business with each year; and 1,500 entities apply for this designation. He said Fairhope's field is the best field he has ever walked on; and has been in Pioneer's calendar twice already.

* Planning Director Wayne Dyess addressed the City Council and explained the proposed rezone from R-1 to a Planned Unit Development. He stated Staff supports the PUD, but does not agree with the adoption of the ordinance being contingent with the conservation easement. Mr. Dyess stated the "Site Plan" would take care of this issue which is between the developer and the residents.

Councilmember Boone moved for final adoption of Ordinance No. 1596, an ordinance to Amend Zoning Ordinance No. 1253 and Request to rezone the property of Burgess A. Thomasson, Jr. from R-1 Low Density Single Family Residential District to PUD (Planned Unit Development). This property is generally located on the west side of Adams Street to just south of Ledyard Street, Fairhope, Alabama. Parcels No. 05-43-09-32-0-000-058.000, 05-43-09-32-0-000-059.000, 05-43-09-32-0-000-064.000, 05-43-09-32-0-000-066.000, and 05-43-09-43-0-000-023.000. (Introduced at the May 18, 2017 City Council Meeting) The motion was seconded by Councilmember Conyers not contingent upon the conservation easement. Council President Burrell asked Councilmember Boone if he would like to amend his motion as stated by Councilmember Conyers.

Councilmember Boone withdrew his initial motion; and moved to amend the ordinance by removing number 5 from the Planning Commission's recommendation as a contingency: "the City Attorney shall review the conservation easement to assure it is kept in perpetuity as a park." The motion was seconded by Councilmember Conyers as amended.

Council President Burrell stated he appreciated the residents working with the developers; and how Ms. Quinn helped steer the community with how they wanted this developed. He said this eliminated ingress and egress for the subdivision; and the Comprehensive Plan is being ignored. Ms. Quinn responded that it would have required streets in Montrose to be widened; and the one-way streets would be eliminated. She said the 60 foot right-of-ways would have been reduced to 30 foot right-of-ways. Councilmember Robinson commented that variations for this development were not pretty; and this is a great compromise for all involved.

After further discussion, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

18 May 2017

Mayor Wilson also mentioned the City would be launching a Blog next week which will be incorporated with the new website.

Councilmember Robinson commented we have had a great couple of weeks in Fairhope; and he said, "The Little Mermaid" was wonderful.

Councilmember Conyers thanked everyone for attending the Eastern Shore Repertory's production of "The Little Mermaid." He said there were three performances; and applauded Erin Langley and Doug Scott. Councilmember Conyers stated this was a testament to how well they train. He said that school will be out next week; and Monday will be Memorial Day.

Councilmember Brown said he also attended the Eastern Shore Repertory Theatre's production on the Bluff. He said this is an asset to Fairhope. He mentioned Chive Talkin' won the Fairhope Rotary Steak Cookoff. Councilmember Brown said good luck to the graduating Class of 2017; and Happy Memorial Day to everyone.

Councilmember Burrell said that Sunset Rotary won the People Choice Award at the Fairhope Rotary Steak Cookoff.

X A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Robinson introduced in writing an ordinance to rezone the property of Burgess A. Thomasson, Jr. from R-1 Low Density Single Family Residential District to PUD (Planned Unit Development). This property is generally located on the west side of Adams Street to just south of Ledyard Street, Fairhope, Alabama. Parcels No. 05-43-09-32-0-000-058.000, 05-43-09-32-0-000-059.000, 05-43-09-32-0-000-064.000, 05-43-09-32-0-000-066.000, and 05-43-09-43-0-000-023.000. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance. Council President Burrell questioned the conservation easement as a Preserve and/or Park. He stated this is a steep slope and not always amenities. Mr. Dyess recommending removing No. 5: The City attorney shall review the conservation easement to assure it is kept in perpetuity as a park. He stated the Site Plan of the PUD will be followed. The density of the proposed PUD was questioned by Councilmember Brown. Mr. Dyess stated this will be moderate density with proposed single family residential.

Council President Burrell opened the Public Hearing at 6:22 p.m.

- 1) Steve Pumphrey with Dewberry/Preble-Rish addressed the City Council and said he had met with adjacent property owners and staff. He commented the access will only be from Highway 98. The 18 acres to the South has steep grades; and there are other parks and buffer areas. He said the right-of-ways are not open; and they listened to the residents with the property being heavy wooded with many buffers.

18 May 2017

- 2) Diane Thomas, 23389 Main Street, addressed the City Council on behalf of Debbie Quinn and other residents. She stated they are pleased with this plan for the following three reasons: there is only one entrance, thru streets will not be open, and most important was the open space. She said this plan is the best opportunity to protect this area.
- 3) Larry Chason, applicant for owner, addressed the City Council and stated Thomasson was nice and cooperative. Mr. Thomasson did not want to see the property abused; and submitted three different plans. He said commercial was not accepted by the residents; and topographic issues were caused by erosion by other developments. He commented the open space will be a tremendous amenity; and this will be a custom type development with tree cover. He said an attractive development; an upper end development with large custom homes.

Council President Burrell questioned what are owners or your thought about removing No. 5 as Mr. Dyess recommended. Mr. Chason said the owners would get a tax credit with the conservation easement; and it would insure the property would never get developed. Councilmember Conyers stated if they are willing to put a conservation easement in there, why remove it. Council President Burrell asked about the LID requirements. Mr. Dyess said these would be based on the topography of the land. He stated at the preliminary meeting the engineer would have to request a waiver if there is no way to meet all of the requirements.

No one present opposed the proposed ordinance, the Public Hearing closed at 6:41 p.m.

In order to take immediate action, Councilmember Conyers moved for immediate consideration. Seconded by Councilmember Robinson, motion for immediate consideration failed for lack of a unanimous vote of the City Council. this ordinance will layover until the June 12, 2017 City Council meeting.

Councilmember Brown moved to approve the Site Plan property requested by Request of Century Construction, on behalf of Hunt Hapworth, for approval of Eastern Shore Healthcare Advocacy building – located on the East side of Greeno Road just south of Gayfer Road, at 230 N. Greeno Road; and approved contingent upon conditions recommended by the Planning Commission. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution accepting all of Fairhope's public utilities located in right-of-ways within Red Barn Road Estates for maintenance and to authorize Mayor Karin Wilson to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Red Barn Road Properties, LLC. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

**CITY OF FAIRHOPE
CITY COUNCIL COVER SHEET**

May 18, 2017

ZC 15.12	Public Hearing to consider the request of Larry Chason of Chason & Earl Real Estate to rezone property from R-1 Low Density Single Family Residential District to PUD (Planned Unit Development). The property is located on the west side of US Hwy. 98 across from the entrance of Rock Creek.
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STAFF INTERPRETATION:

The subject property is currently zoned R-1 (Low Density Single Family Residential District) and located in the City of Fairhope. The property consists of approximately 53.94 acres and per the applicant's narrative, there are 17 platted lots currently. The applicant is requesting to rezone the subject property to PUD (Planned Unit Development). On October 5, 2015 the applicant presented the Planning Commission with an Informal Review of two potential development designs consisting of multi-family and commercial components for the subject property. The response from Commissioners and the surrounding property owners was unfavorable for both plans presented. The applicant met with Montrose residents and came back before the Commission on March 7, 2016, for additional feedback between a traditional R-1 layout, a cluster design, or a combination of the two styles. The residents objected to proposed improvements and additional traffic on the existing right-of-ways. The Commissioners recommended more buffers and natural greenspace be incorporated and the character of the surrounding neighborhood be maintained. The plan currently under review appears to embrace the concerns of the Commission and residents.

Based on the comments received during the Informal Review process, the applicant has redesigned the site and the proposed layout consists of 77 single family residential lots in a cluster style design. There are 6 estate lots which range from 44,284 to 32,164 square foot. Forty 60'x135'-150' lots and 31 60'x115' lots are proposed. The proposal includes approximately 29.92 acres of open space and one acre of detention area, for a total site density of approximately 1.4 units per acre.

The setbacks for the 60' lots are as follows: front – 25', rear – 25', side – 5', and street side – 15'. The estate lot setbacks are proposed as follows: front – 30', rear – 30', side – 10', and street side – 30'.


Packet sent to Lisa
Via email. EB

ORDINANCE NO. ____

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as follows:

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05-43-09-32-0-000-066.000

05-43-09-43-0-000-023.000

Legal Description: (Case number ZC 15.12)

LOTS 2 AND 3 OF BLOCK ONE OF THE VILLAGE OF MONTROSE AS PER A PLAT
THEREOF RECORDED IN DEED BOOK "E". PAGE 388 OF THE RECORDS OF THE
JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

AND

BLOCK 18 OF THE VILLAGE OF MONTROSE AS PER A PLAT THEREOF
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HIGHWAY 98.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Buffers: All buffers labeled on the Site Plan shall remain natural, with the exception that where a visual buffer does not exist buffer plant materials shall be installed.

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Parks: All parks labeled on the Site Plan shall remain undisturbed, except for minimal clearing to construct walking trails.

3. That, any item not specifically outlined in this ordinance shall meet all City regulations and ordinances that govern development.

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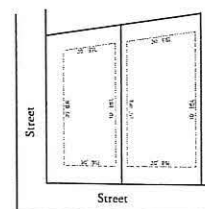


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090	28.20	18.88	10010000	097	28.20	18.88
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092	28.20	18.88	10010000	099	28.20	18.88
093	28.20	18.88	10010000	100	28.20	18.88

SITE SUMMARY
Total Area 53.94 Ac
Total Lots 77
Density 1.4 / Acre
Open Space 29.92 Ac (55.5%)
Streets 4,359 L.F.
Max. Height 35 Ft.
Max. Coverage 40%



60 Ft. Lots
Building Setbacks

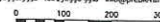


Estate Lots
Building Setbacks

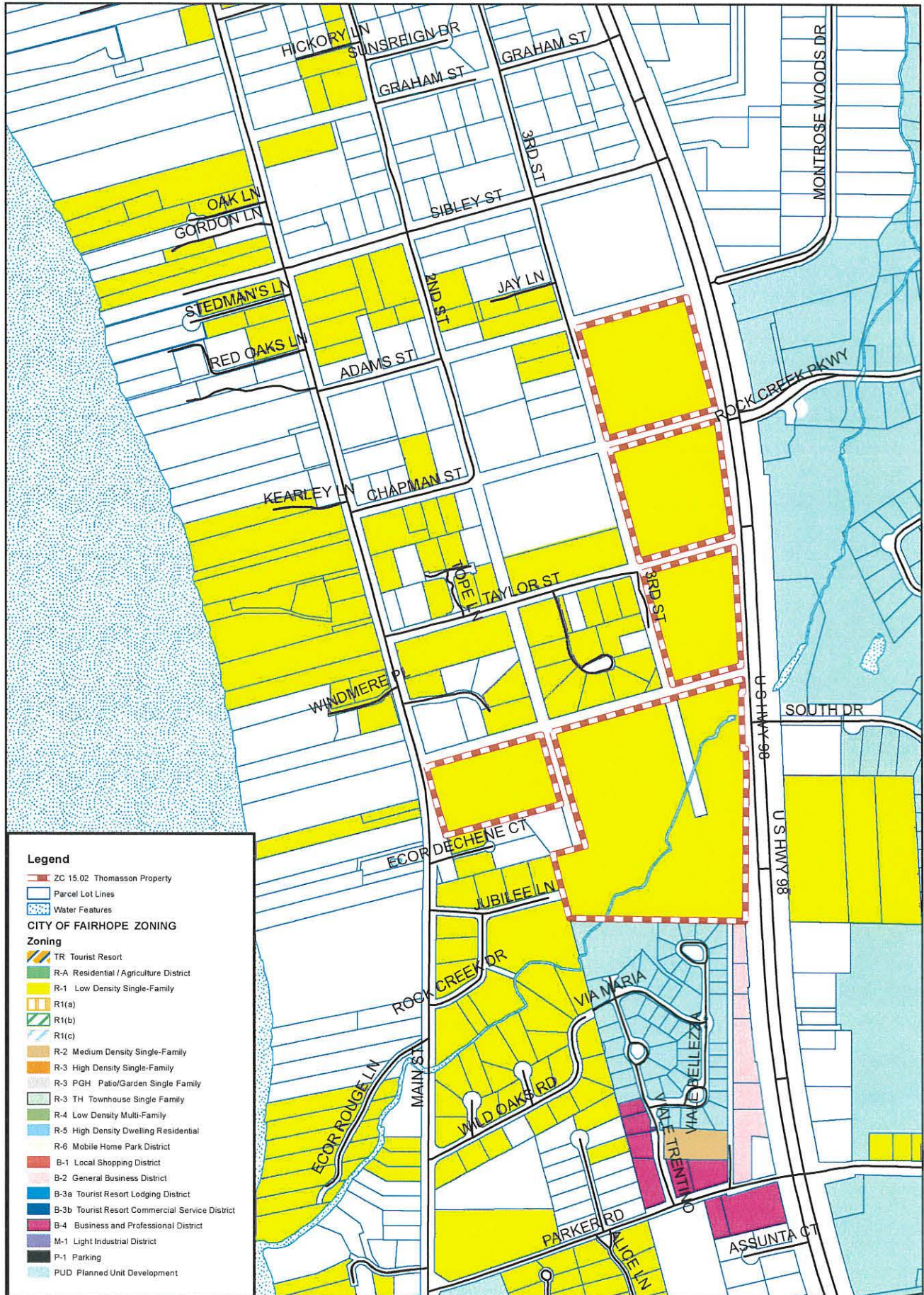
**Montrose
Preserve
SPR PLAN**

Dewberry | PREBLE-RISH

5945 Bellona Ave. | Daphne, AL 36526
251-999-9920 | fax 251-999-9920 | info@preble-rish.com



ZC 15.12 Thomasson PUD



Parcel No.: 05-43-09-32-0-000-058.000, - 059.000, - 064.000, - 066.000
05-43-09-43-0-000-023.000



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COF GIS
Planning Dept.
02 / 2016
dp