



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Case No. PUD24-14/CSP24-40/SV25-05/HCA25-03

Fairhope 181 Market Place

November 6, 2025

Subject Property Information

Planning District: 37
Zoning: B2
Location: The subject property is located west of State Highway 181 and north of Mosley Rd.
Parcel Numbers: 05-46-02-10-0-000-037.001 PIN#: 21725
Lead Staff: Fabia Waters, Associate Planner
Applicant/Owner: Mike McElmurry
Engineer/Surveyor: Joe Harper III, PE.
Online Case #: When searching online CitizenServe database, please use PUD24-000014
Attachments: *Within Report*

Subdivision Proposal

Request: Planned Unit Development with a Commission Site Plan Approval for a Office Warehouse. A subdivision variance for the Open and Usable space has been submitted.
Number of units: One building with four units
Linear ft of streets: 400 LF
Lot setbacks: 30' Front, 15' Side and 25' Rear. A 100' highway construction setback from the centerline of the right of way.
Total acreage: 1.13AC

Public Utilities and Site Considerations

Public Utilities: Water: City of Fairhope
Electrical: Riviera Utilities
Sewer: City of Fairhope
Fire flow: A fire flow of 1809@ 20PSI is existing to the site
Traffic study: N/A
Flood zone: X zone, no special requirements
Drainage improve.: Drainage narrative prepared by Joe Harper II, PE and It was reviewed and accepted by the P&Z Permit Engineer.
Wetlands No wetlands were identified on the subject property per the Baldwin County Generalized Wetland Map.

Staff Analysis and Comments

The applicant is requesting a Planned Unit Development/ Commission Site Plan (CSP) approval to build an Office Warehouse with four units to be leased. The subject property encompasses +/- 1.13 total acres and zoned B-2, Local Business District. The adjacent parcels are designated for commercial purposes. The request meets the requirements of the Baldwin County Zoning Ordinance.

The applicant has requested a subdivision variance from the provision of Article 6, regarding the open space and usable space for commercial development. In addition to the subdivision variance, the applicant has also submitted a request for a Highway Construction Setback appeal from section **5.4(g) 2**. Minor arterials require a 100-foot setback from the centerline of the right-of-way. The applicant has provided verification from ALDOT supporting the highway construction setback appeal.

Staff Recommendation:

Staff recommends that the Planned Unit Development/Commission Site Plan/Subdivision Variance for Case No. PUD24-14/CSP24-40/SV25-05/ HCA25-03 be **Approved with conditions** subject to compliance with the Baldwin County Subdivision Regulations

Specific conditions:

1. Approval of SV25-05 and HCA25-03
2. Revise all certificate signature blocks that refer to "Plat" and replace it with "Site Plan"
3. Coordinate with the P& Z Permit Engineer to ensure that the outfall for the proposed detention is outside the ALDOT right-of-way.
- 4.

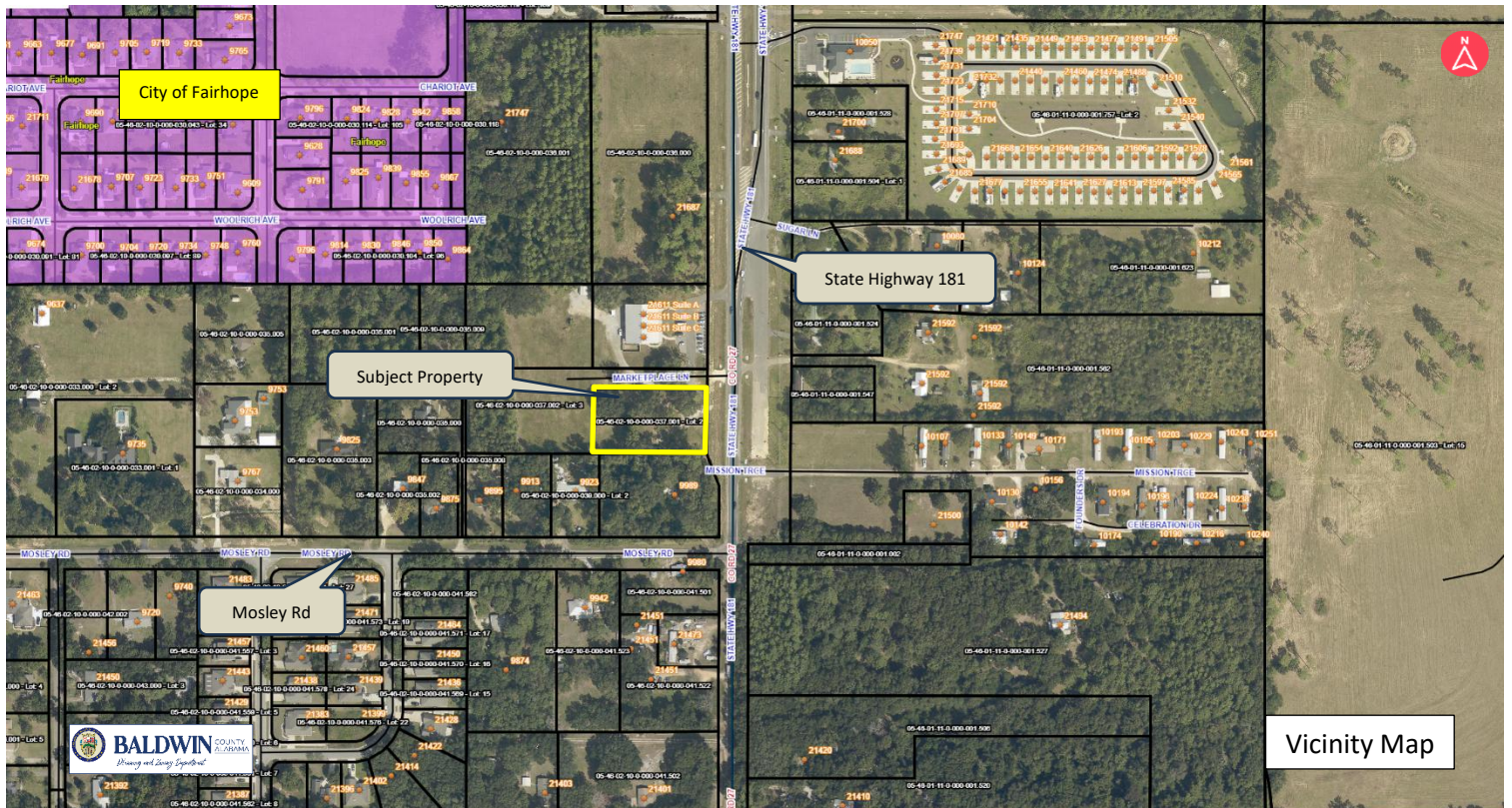
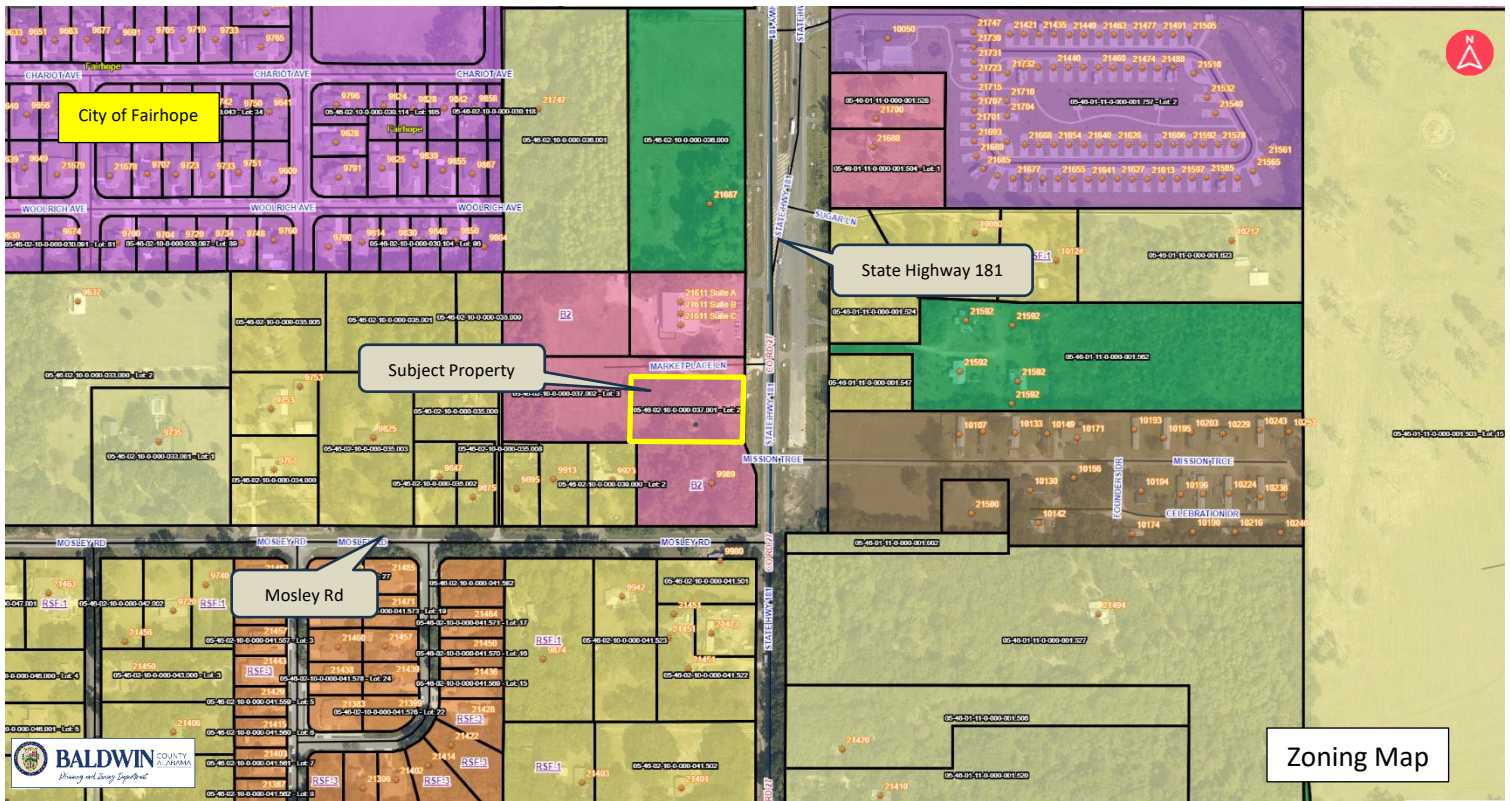
General Conditions:

1. Compliance with the Baldwin County Subdivision Regulations, including but not limited to submission of a Construction Plan Review and Commercial Turnout Permit to the Baldwin County Planning and Zoning Department for all improvements and system upgrades (including, but not limited to, water main, sewer, and traffic improvements) to be installed with the development.
2. As required by Sections 4.5.6 and 4.5.7, any and all local, state, and federal permits shall be submitted to the County Engineer and Planning and Zoning staff as a component of the construction plans submittal.
3. Effective period is 2 years from approval of Planned Unit Development.
4. 2. The closeout requirements of Section 18.10.7 of the zoning ordinance are a prerequisite to obtaining a
5. Certificate of Occupancy (CO) for the proposed new buildings.
6. a. Staff reserves the right to issue NOVs, if required, for deficiencies to the site plan occurring after
7. final closeout.
8. b. No substitutions or alterations to the landscape plan may be carried out without staff and/or
9. Planning Commission approval, as applicable.
10. c. The project site shall be fully stabilized to the satisfaction of staff prior to issuance of a CO for any
11. structures comprising the site plan approval.
12. 3. Any signage installed on the site shall require separate review and approval as required by Article 16.
13. a. Further memorialize that section 16.4 prohibits a variety of signage types including but not
14. limited to wind signs consisting of one or more banners, flags, pennants, ribbons, spinners,

15. streamers or captive balloons, or other objects or material fastened in such a manner as to move
16. freely upon being subjected to pressure by wind.
17. 4. Any expansion of the proposed structures or facility above and beyond what is depicted on the sheets
18. included with the CSP Approval letter shall necessitate additional review by the Planning Commission. 5.
- Per Section 18.10.1 the Planning Commission may revoke approval at any time, upon finding that the
19. permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance
20. or activity generated by the use.

To view maps/plats in higher resolution and public comments received related to this case, please visit the "Upcoming Items" Planning and Zoning webpage : <https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>

Locator Maps



Property Images

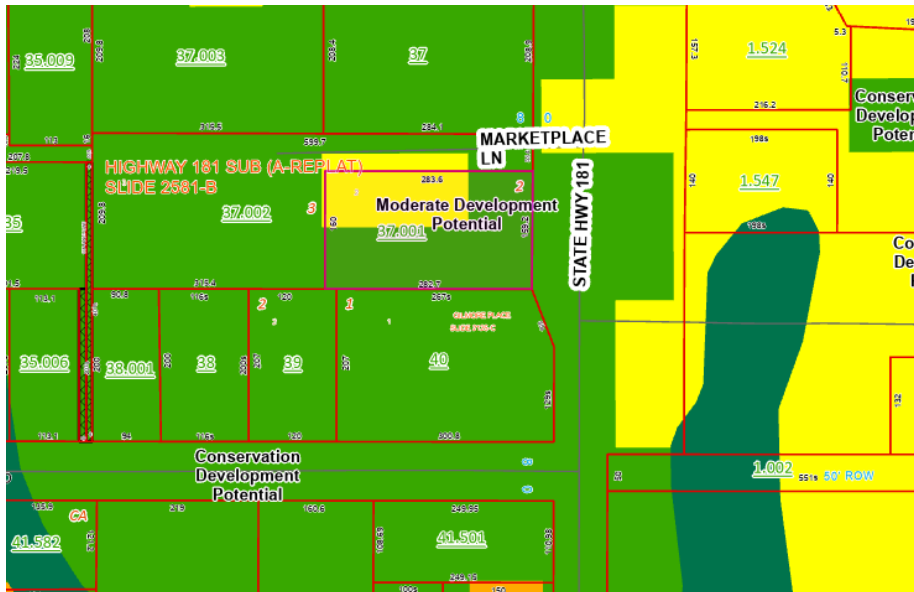






Mar 11, 2025 11:22:12 AM
30°32'21.5457"N 87°51'9.02545"W
82° E
Baldwin County Code Enforcement

FLUM



PLACE TYPES

- IDEAL CONSERVATION/PRESERVATION
- CONSERVATION DEVELOPMENT POTENTIAL
- RURAL/AGRICULTURE/LID POTENTIAL
- MODERATE DEVELOPMENT POTENTIAL
- MID-DENSITY DEVELOPMENT POTENTIAL
- HIGH-DENSITY DEVELOPMENT POTENTIAL
- MUNICIPAL JURISDICTIONS

Subdivision Variance Request

1. Please explain how the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property. *The proposed building will be constructed in similar fashion to the existing building that is on the lot adjacent. The existing building has not been detrimental to public safety, or welfare or injurious to other property*
2. Please explain how the conditions upon which the request for a variance is based are unique to the property for which the variance is sought. *The current PUD requirements are primarily directed to residential development and this building will be for commercial use.*
3. Please explain how, because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. *The lot is on highway 181 and zoned b-2 so it is best suited for a commercial use.*
4. Please explain whether the variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission. *The variance will not vary the provisions as there are not specific provisions for a commercial PUD.*
5. Do you understand that inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance?- Yes

From: Chitwood, Chase E
Sent: Friday, June 27, 2025 2:51 PM
To: mcelmurryhome@bellsouth.com
Cc: Campbell, Adam H. <campbellad@dot.state.al.us>; Jackson, Thomas J. <jacksonont@dot.state.al.us>
Subject: McElmurry Home on AL-181

Mr. McElmurry,

Please let this email serve as the department's concurrence for the parking falling within the landscape buffer along AL-181 as long as it falls outside of the state right-of-way.

If you need anything else concerning these, please feel free to reach back out.

Thanks,
Chase Chitwood
Area Permit Manager
Southwest Region – Mobile Area
Alabama Department of Transportation
Office: 251-470-8339

