

ORDINANCE NO. 1634

**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 Eva M. Raley generally located at 814 N. Greeno Road, Fairhope, Alabama.

PPIN #: 43891

Legal Description: (Case number ZC 18.08)

LOT 1 OF ART'S SUBDIVISION AS PER ITS PLAT RECORDED IN MAP BOOK 11, PAGE 181 IN THE JUDGE OF PROBATE'S OFFICE, BALDWIN COUNTY, ALABAMA, LESS AND EXCEPT THAT PORTION LYING ON THE WEST SIDE OF SAID LOT FOR THE WIDENING OF GREENO ROAD.

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

1. **That**, the following development regulations shall govern:
 - a. Parking shall be in the rear.
 - b. Drive-thru lanes and windows are prohibited.
 - c. Automobile repair is prohibited.

The property is hereby rezoned from R-1 Low Density Single Family Residential District to B-2 General Business District. 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 28TH DAY OF JANUARY, 2019


Karin Wilson, Mayor

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Ord. No. 1634 Published in
FAIRHOPE COURIER
on Wednesday, February 14, 2019
Lisa A. Hanks City Clerk

DESCRIPTION AND CERTIFICATION FOR SURVEY NO: 2003 - 137

I, Seth W. Moore, a registered land surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief, this is a true and correct map of the following description.

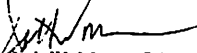
Lot 1 of ART'S Subdivision as per its plat recorded in Map Book 11, Page 181 in the Judge of Probate's Office, Baldwin County, Alabama, LESS AND EXCEPT that portion lying on the West side of said lot for the Widening of Greeno Road.

I further state that the improvements presently situated on said property are located within the boundaries thereof; that there are no encroachments upon said property by buildings or fences situated on adjoining property; and that there are no joint driveways, easements, nor rights-of-way *visible on the surface, except as noted hereon.*

All according to my survey made this the 28th day of April, 2003.

I also state that I have examined the current FIA Official Flood Hazard Map, Community Number 015000, Panel Number 0517 K, and found referenced lot above lies in Flood Zone X, Map Dated June 17, 2002.

I also state that this drawing and or certification does not reflect any title or easement research, other than what is visible on the ground or provided by the clients at time of survey.


Seth W. Moore, P.L.S.
Ala. Reg. No. 16671

SURVEYOR'S NOTES:

1. All Measurements were made in accordance with U. S. Standards.
2. Description as furnished by Client.
3. There may be recorded or unrecorded Deeds, Easements, Right-of-ways, or other instruments that could affect the Boundaries of said properties.
4. There was No attempt to determine the existence, Location or extent of any sub-surface features.
5. Bearings and Distances shown hereon were "Computed" from actual field traverses.
6. The Basis of Bearings for this Survey is based on the Recorded Plat.
7. We did not locate any Environmental issues such as but not limited to Wet lands, etc.
8. Measurements of the residence are exterior dimensions and are not to be used for calculating square footage of residence.

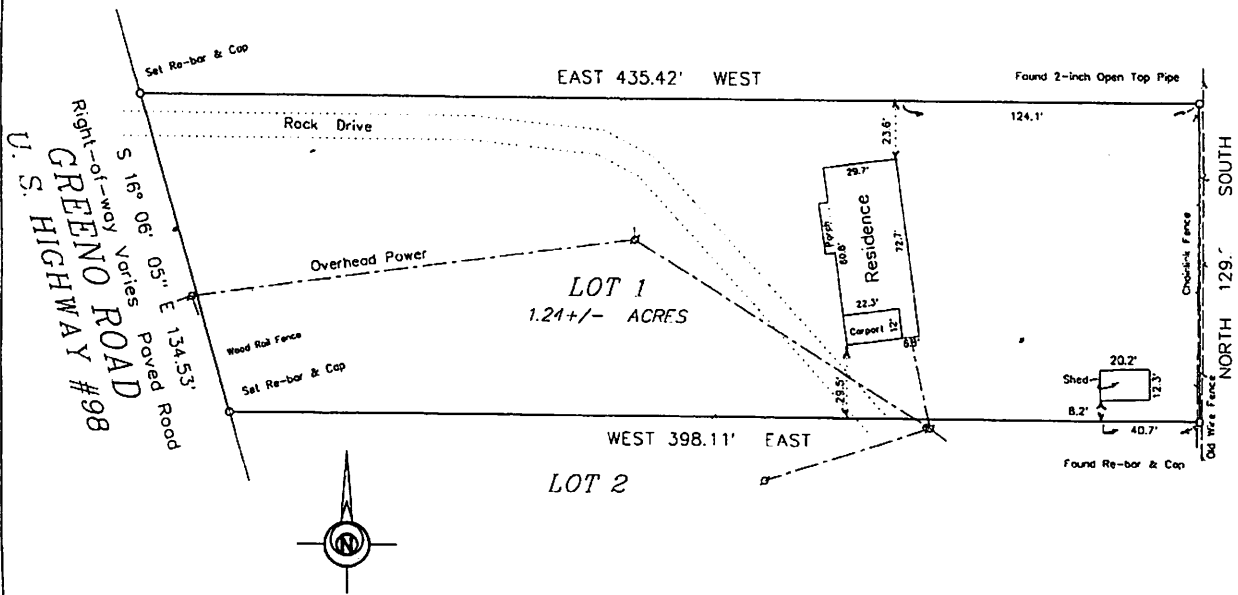


EXHIBIT A

This Survey is copyright © 2003 MOORE SURVEYING, Inc. Copying this Survey is strictly prohibited.



MOORE SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
555 NORTH SECTION STREET
FAIRHOPE, ALABAMA 36532
PHONE (251) 928 - 6777
FAX (251) 990 - 6070

**BOUNDARY SURVEY
FOR
TOM VERHOESTRA**
8148 North Greeno Road
Fairhope, Alabama

IP=POWER POLE
CL=CENTERLINE
PL=PROPERTY LINE
RE=RECORD
MS=MEASURED
CL=CALCULATED
FC=FENCE CORNER
R=RADIUS
ARC=ARC LENGTH
ELE=ELECTRIC
TEL=TELEPHONE
CON=CONCRETE
COV=COVERED
UC=UNDERGROUND
ELEV=ELEVATION

SCALE	1"=50'
DATE	4-28-03
DRAWN BY	SWM
FIELD WORK DATE	4-25
JOB NUMBER	03-137
SHEET NO.	



City Council

January 2019

Zoning Change

ZC 18.08 814 N. Greeno Road

Project Name:

814 N. Greeno Road Rezoning

Property Owner /Applicant:

Eva M. Raley

General Location:

East side of N. Greeno Road approximately ¼ mile south of State Hwy 104.

Project Type:

Re-zoning-Request from
R-1 Low Density Single Family Residential
 To
B-2 General Business District

Number of lots:

1

Project Acreage:

1.2 Acres

PPIN:

43891

School District:

Fairhope Elementary, Middle and High School

Report prepared by:

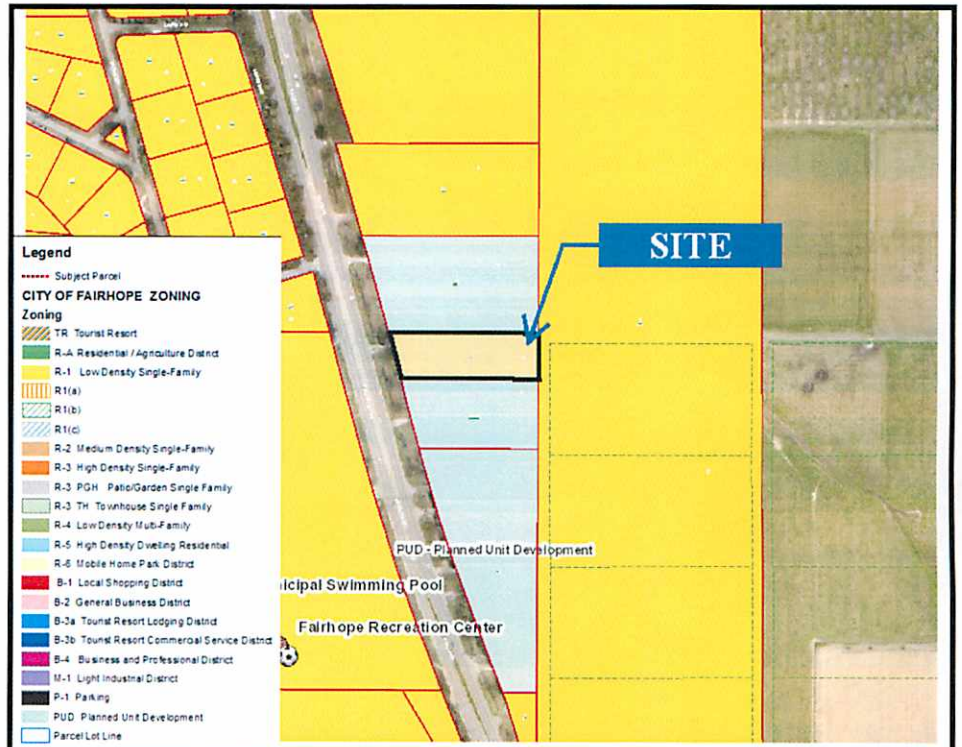
J. Buford King

Staff Recommendation:

Approve with conditions

PC Recommendation:

Approve with conditions



Summary of Request: Public hearing to consider the request of Eva M. Raley to rezone 1.2 acres of property from R-1 Low Density Single Family Residential District to B-2 General Business District. Subject property is located on the east side of N. Greeno Road approximately ¼ mile south of State Hwy 104 and across from (east of) the Fairhope Recreational Center/Volanta Park complex. The property is bordered to the north by the Hayek PUD, to the south by the Park Place PUD, and to the east by the Auburn University Gulf Coast Experiment Station, zoned R-1 Low Density Single Family Zoning District.

Site Photos:



Subject property looking southeast from Greeno Road



Northwest corner of subject property looking northeast toward Hayek PUD property from Greeno Road



Existing driveway on subject property looking north toward Hayek PUD property along Greeno Road



Northwest corner of subject property looking east toward Hayek PUD property from east side of Greeno Road

Comments: The City of Fairhope Zoning Ordinance in Article II Section “C” specifies the following Criteria regarding zoning amendments:

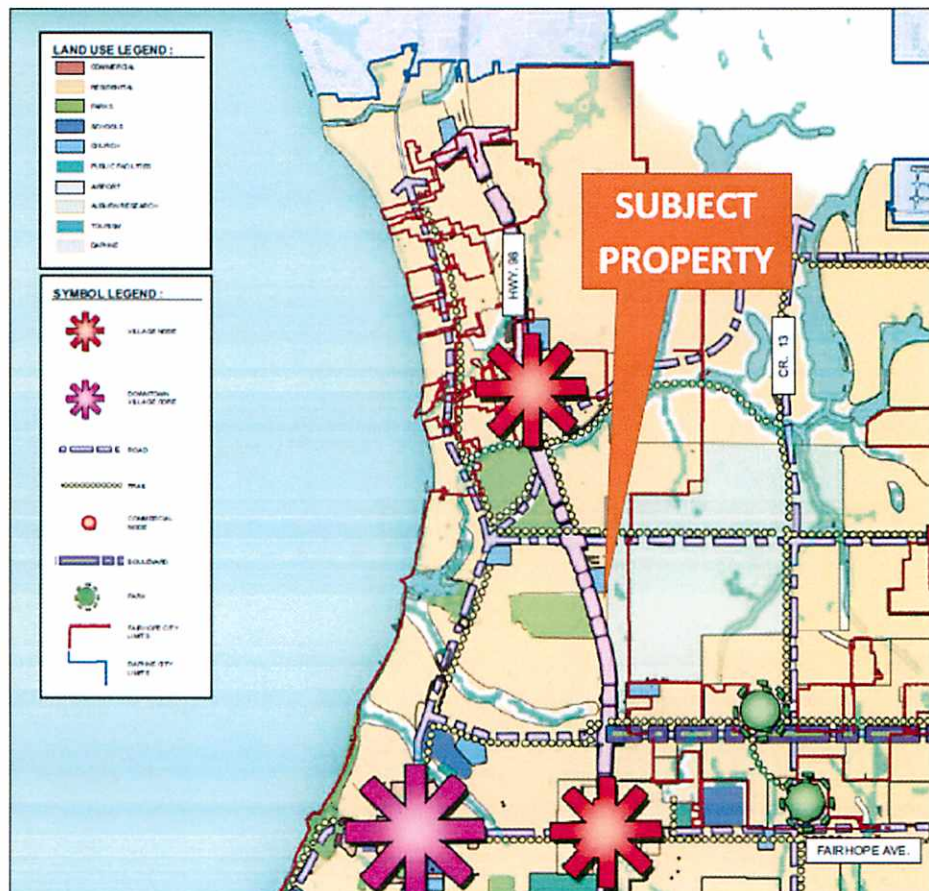
1. Zoning Amendments

e. Criteria- The application shall be reviewed based on the following criteria:

- (1) Compliance with the Comprehensive Plan;
- (2) Compliance with the standards, goals, and intent of this ordinance;
- (3) The character of the surrounding property, including any pending development activity;
- (4) Adequacy of public infrastructure to support the proposed development;
- (5) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- (6) Compliance with other laws and regulations of the City;
- (7) Compliance with other applicable laws and regulations of other jurisdictions;
- (8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
- (9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Article II Section C.1.e.(1) Comprehensive Plan Compliance

The City of Fairhope Comprehensive Plan contemplates commercial development along Greeno Road and identifies two “villages” of commercial activity: “North Village” built around the Publix Grocery store on North Greeno Road, and the “Greeno Road Village Center” farther south on Greeno Road at the intersection of Greeno and Fairhope Avenue as seen in the map excerpt at right. The Comprehensive Plan explains the desires of the citizens of Fairhope to limit “commercial creep” and prevent Greeno Road from becoming another bad example of strip



development. The comprehensive plan further recommends strict compliance with the city’s sign ordinance and landscaping requirements, changes to which are not a component of subject application. The Comprehensive Plan states that Greeno Road’s commercialization should have “edges”, or clear areas where it starts and stops, but no recommendation for locations of those edges or guidance on creating those edges is included in The Comprehensive Plan. Further, the Hayek and Park Place PUDs described in the sections below were approved after the adoption of updates to the Comprehensive Plan, and as a result those areas

are not included on the map excerpt of the Greeno Road and North Villages seen on the previous page. The Comprehensive Plan does not provide specific guidance regarding the commercial development of the section of north Greeno Road connecting the North Village to the Greeno Road Village above and beyond enforcement of existing ordinances or possibly widening the ALDOT right of way. As a result, the adoption of the Hayek and Park Place PUDs and the commercial uses within those PUDs establishes the commercial development pattern for the region of Greeno Road on which subject property is located.

Article II Section C.1.e.(2) Goals and Intent of the City of Fairhope Zoning Ordinance

The purpose and intent of subject property's existing R-1 Zoning District is as follows: *R-1 Low Density Single-Family Residential District*: This district is intended to provide choices of low-density suburban residential environment consisting of single-family homes on large parcels of land. It is sub-classified into four categories (R-1, R-1a, R-1b, and R-1c) based on lot sizes.

Allowable Uses for B-2:

Allowed by Right: Single Family, Two-family, Mixed Used, Elementary and Secondary Schools, Educational Facility, Library, Public or Common Open Space, General or Professional Office, Grocery Retail, General Merchandise, Shopping Center, General Personal Services, Automobile Repair, Indoor Recreation, Boarding House or Dormitory, Restaurant, Bar, and Entertainment Venues.

Permitted Subject to special conditions listed in the ordinance: Townhouse, Accessory Dwelling, Home Occupation, Convenience Store, and Recreational Vehicle Park.

Permitted only on appeal and subject to special Condition: Cemetery, Hospital, Community Center or Club, Public Utility, Automobile Service Station, Outdoor Sales Limited, Outdoor Sales Lot, Garden Center, Convalescent or Nursing Home, Clinic, Outdoor Recreational Facility, Day Care, Mortuary or Funeral Home, Dry Cleaner or Laundry, Personal Storage, Hotel or Motel, Kennel or Animal Hospital, and Limited Manufacturing.

Article II Section C.1.e.(3) The character of the surrounding properties

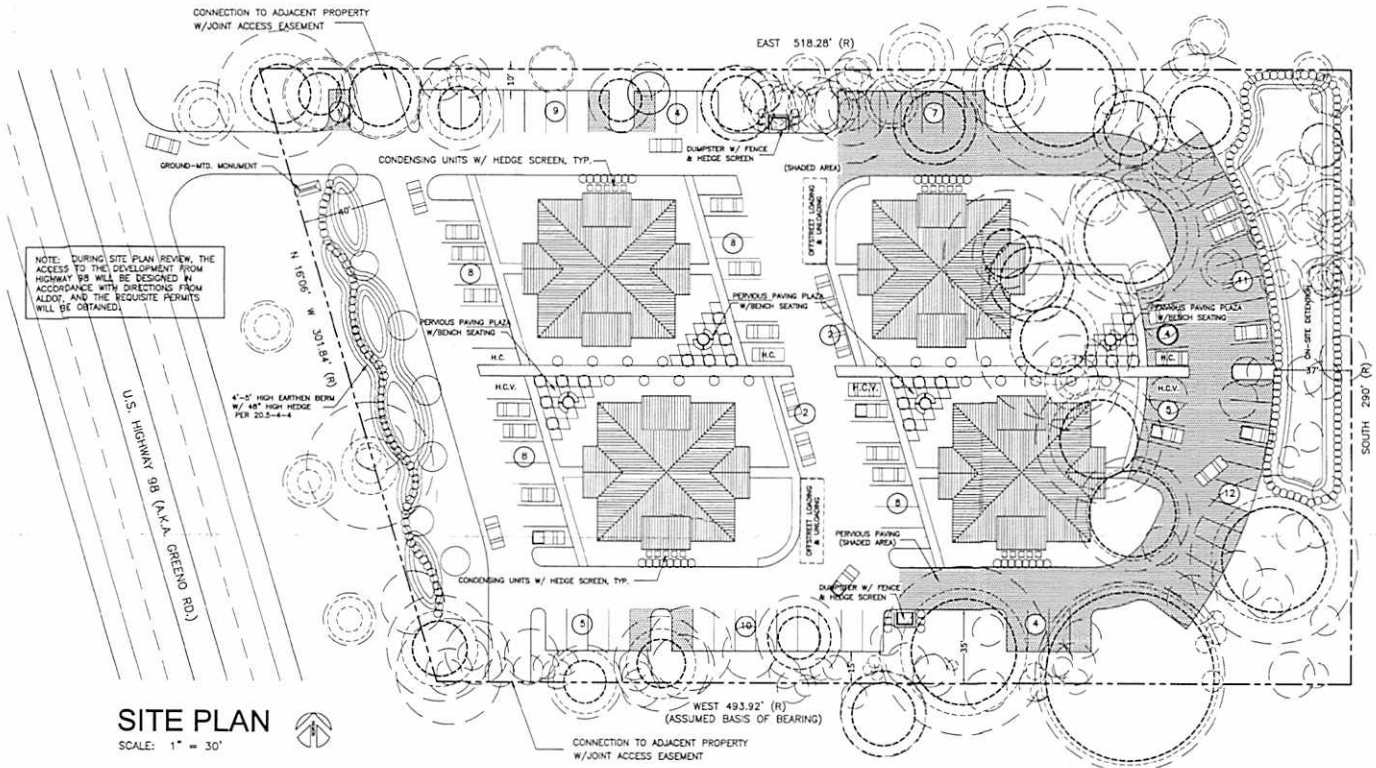
Subject property is bordered to the north by the existing Hayek PUD, to the south by the existing Park Place PUD, and to the east by the Auburn University Gulf Coast Experiment Station, zoned R-1 Low Density Single Family Zoning District. The predominant character of the existing neighborhood is residential based upon its existing use, however the residential structure located on the Hayek PUD property, PPIN 40382 appears to have been unoccupied for an extended period of time. Currently, the Park Place PUD property contains a number of mobile homes as the commercial activity allowed by the Park Place PUD has not been developed. The Hayek PUD, case number ZC 15.11 was approved via Ordinance number 1577 on May 27, 2016 and includes the following uses:

- Office/Professional, Medical/Professional, and Limited Retail are the approved uses
 - Limited retails uses shall not exceed 19% of the gross square footage of the entire development, and may include:
 - Sandwich shop or deli
 - Coffee shop
 - Juice / smoothie shop
 - Ice cream/candy shop
 - Office supply retailer
 - Computer services
 - Barber shop
 - Gift shop

- Pharmacy / medical supplies
- Medical testing laboratory
- Other uses approved by P&Z staff

- Fuel/Service Stations are not permitted
- Development shall conform to the site plan included as exhibit "A" to the PUD ordinance

An excerpt of Exhibit "A" related to PUD Ordinance number 1577 is included below:



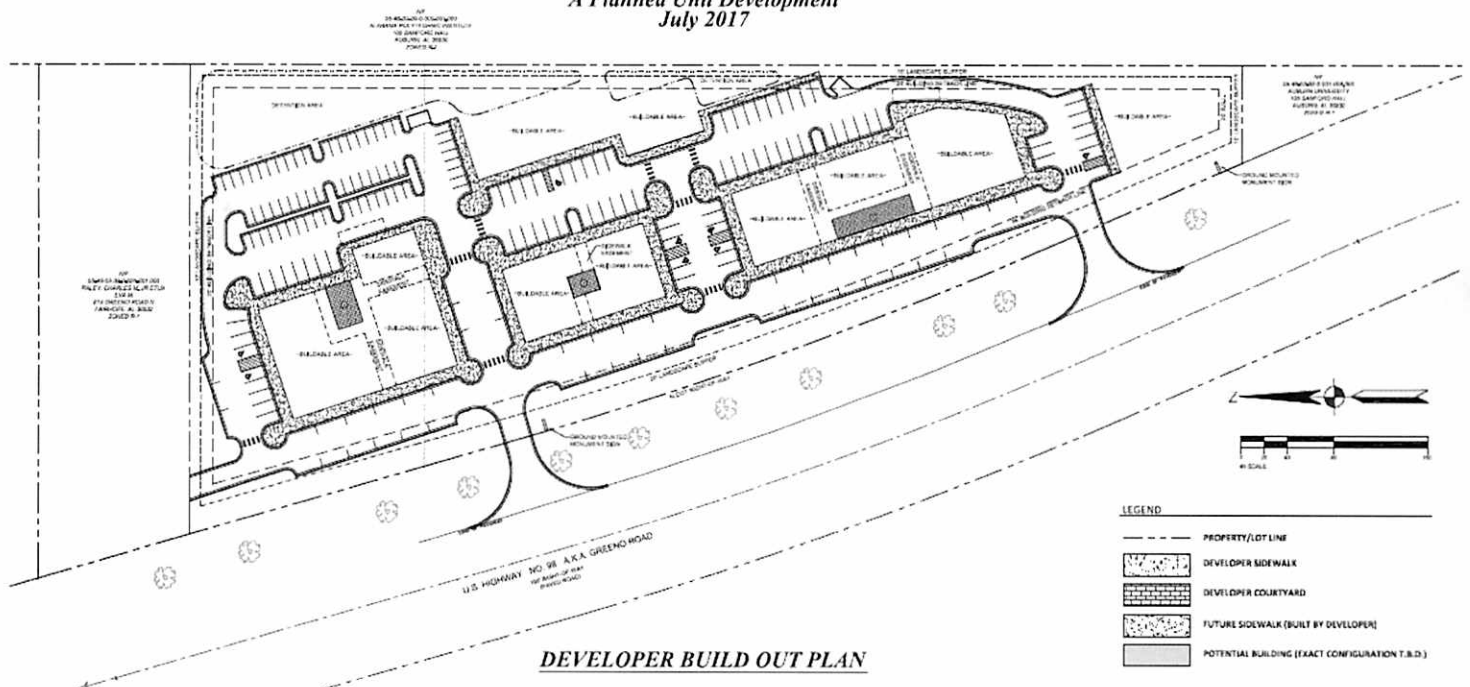
Park Place PUD borders subject property to the south and was approved by the Fairhope City Council on November 13, 2017 via Ordinance number 1604 as a component of Case number ZC 17.04. The provisions of ordinance 1604 governing the Park Place PUD include the following uses:

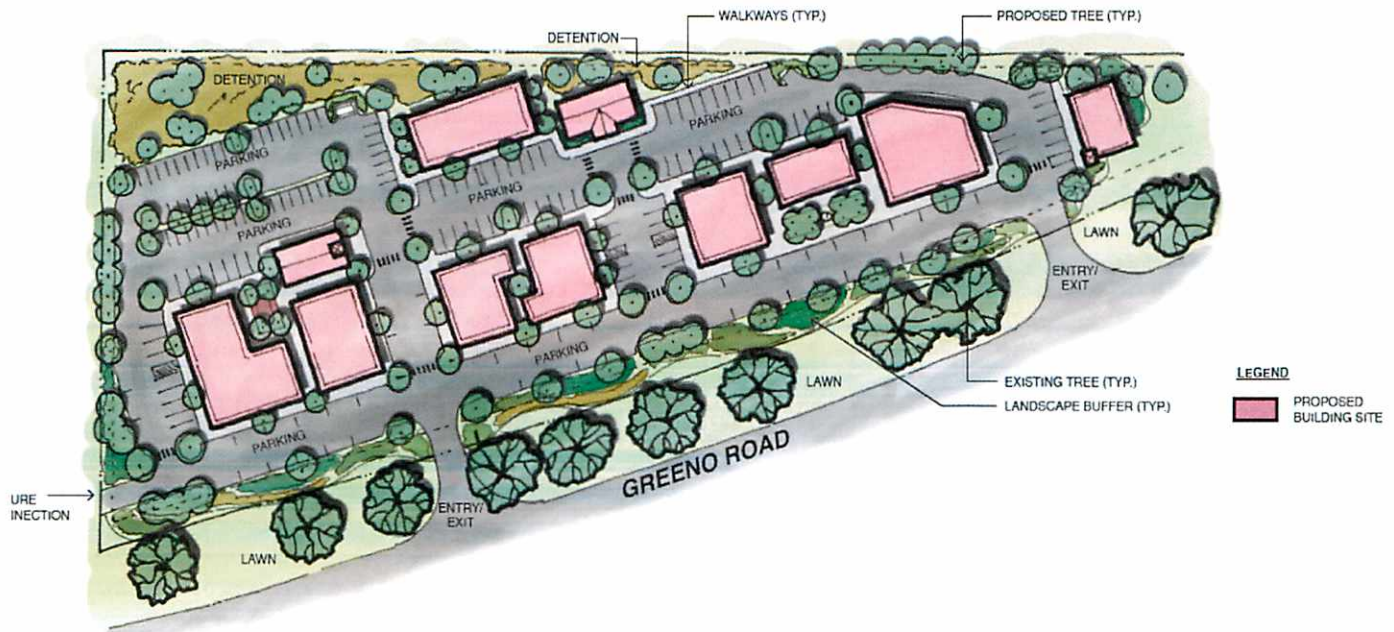
- Office/Professional / Personal Services
 - Architecture, engineering, accounting, law, real estate, financial planning, banks with up to two drive-through lanes, investment management, IT consultants, computing services, insurance, beauty salons, barber shops, etc.
- Medical/Professional
 - Doctor's offices and clinics, dentistry, optometry, dermatology, chiropractic, psychiatry, counseling, pharmacy (with up to two drive-through lanes), medical supplies, medical testing/laboratories, etc.
- Retail – limited to businesses that support the office/medical/professional tenants in the development, typically occupying spaces on the first floor, not exceeding 25% (15,000sf) of the total gross square footage of the entire development.
 - Sandwich shop or deli
 - Coffee shop
 - Juice / smoothie shop
 - Ice cream/candy shop
 - Office supply retailer
 - Computer services
 - Boutique merchandise
 - Gift shop

- General merchandise (big box stores prohibited)
- Restaurant (no drive-throughs are permitted)
- Sidewalk café in patio/park areas
- Residential Mixed Use
 - Residential units allowed on the second and third floors of buildings fronting Greeno Road
 - All other buildings may have residences on any floor
 - Residential use shall not exceed 25% (15,000 sf) of the total gross square footage for the entire development
- Other uses
 - Boutique hotels
 - Churches

An excerpt of Exhibit "A", site plan governing the Park Place PUD is included below followed by a color rendering of the site's landscape plan on the following page:

Park Place on Greeno
A Planned Unit Development
 July 2017





The Auburn University Gulf Cost Experiment Station property bordering subject property to the east is utilized for agricultural purposes despite its R-1 zoning classification and includes activities that may periodically produce noise and traffic though the area of the experiment station immediately adjacent to subject property is heavily wooded at this time, providing a screening effect. The Experiment Station property is not expected to be commercially developed in the foreseeable future. The City of Fairhope Recreation Center and Volanta Park, which includes the Fairhope Municipal Stadium are located west of subject property fronting upon Greeno road. Though this property of 61 acres is zoned R-1 Low Density Single Family Residential District, its use includes activities operating beyond standard professional business hours and includes activities that periodically produce noise and heavy traffic. The existing uses and emerging development pattern created by the two nearby PUDs along with the proximity of the recreation facility is inherently commercial in nature into which introduction of a B-2 zoning district is not inappropriate.

Article II Section C.1.e.(4) Adequacy of public infrastructure to support the proposed development Natural gas, water, sewer, and electrical service is available at this location. Potential developers are encouraged to contact City of Fairhope Planning, Public Utilities, and Public Works staff at the pre-development stage to become aware of any infrastructure improvements needed to provide service to a future development of subject property.

Article II Section C.1.e.(5) Natural Resources The USDA Web Soils Survey website was examined to determine the existing soil types of subject property. Faceville fine sandy loam and Savannah very fine sandy loam were reported for the site. Neither Faceville or Savannah soils are listed as hydric soils and therefore a wetland delineation is not anticipated for the site. The property appears to be generally flat but slopes to an apparent natural drainage basin east of subject property on the Experiment Station property in the heavily-wooded area on both properties.

Article II Section C.1.e.(6) Compliance with other laws and regulations Subject property falls within the police and permit jurisdictions of the City of Fairhope and the various ordinances (Tree/Landscape, Erosion Control, Signage, Greeno Road Buffers, etc.) will apply to any development activities.

Article II Section C.1.e.(7) Compliance with other applicable laws and regulations of other jurisdictions All State and Federal Regulations shall apply if the property is developed, such as ADEM NDPES/ALR registration if more than 1 acre of land disturbance occurs.

Article II Section C.1.e.(8 & 9) Impacts on adjacent and neighboring properties including noise, traffic, visible intrusions, potential physical impacts, and property values As described in detail in the comments related to

Article C.1.e.(3) above, the adjacent approved uses immediately north and south of subject property are commercial in nature and allow both retail and restaurant uses, but restrict drive-through services to banks which have typical daytime operating hours. The Gulf Coast Experiment Station property east of subject property is not expected to receive development in the foreseeable future. The City of Fairhope Recreation Center as well as Volanta Park are located west of subject property across Greeno Road and include activities outside of normal professional office business hours that periodically produce noise and heavy traffic similar to that of the B-2 zoning district. The introduction of a B-2 zoning district between two PUDs of a commercial/retail natures, as well as in close proximity to a recreational facility operating non-standard hours will allow more similar uses to the region of North Greeno Road on which subject property is located. Article II Section C.1.e.(2) differentiates the uses within B-2 zoning that are allowable “by right” vs. the uses requiring approval by the Board of Adjustments. With the exception of an automobile repair facility, the most intense uses, such as automobile service centers, convenience stores, outdoor sales lots, etc. require approval by the Board of Adjustments prior to establishment of that type of land use. As a result, an additional vetting process is required for the most intense uses that may potentially occur on the site. As a condition of approval, staff requests the same restriction to drive-through restaurant windows apply to subject property as is the case with the adjoining properties zoned PUD.

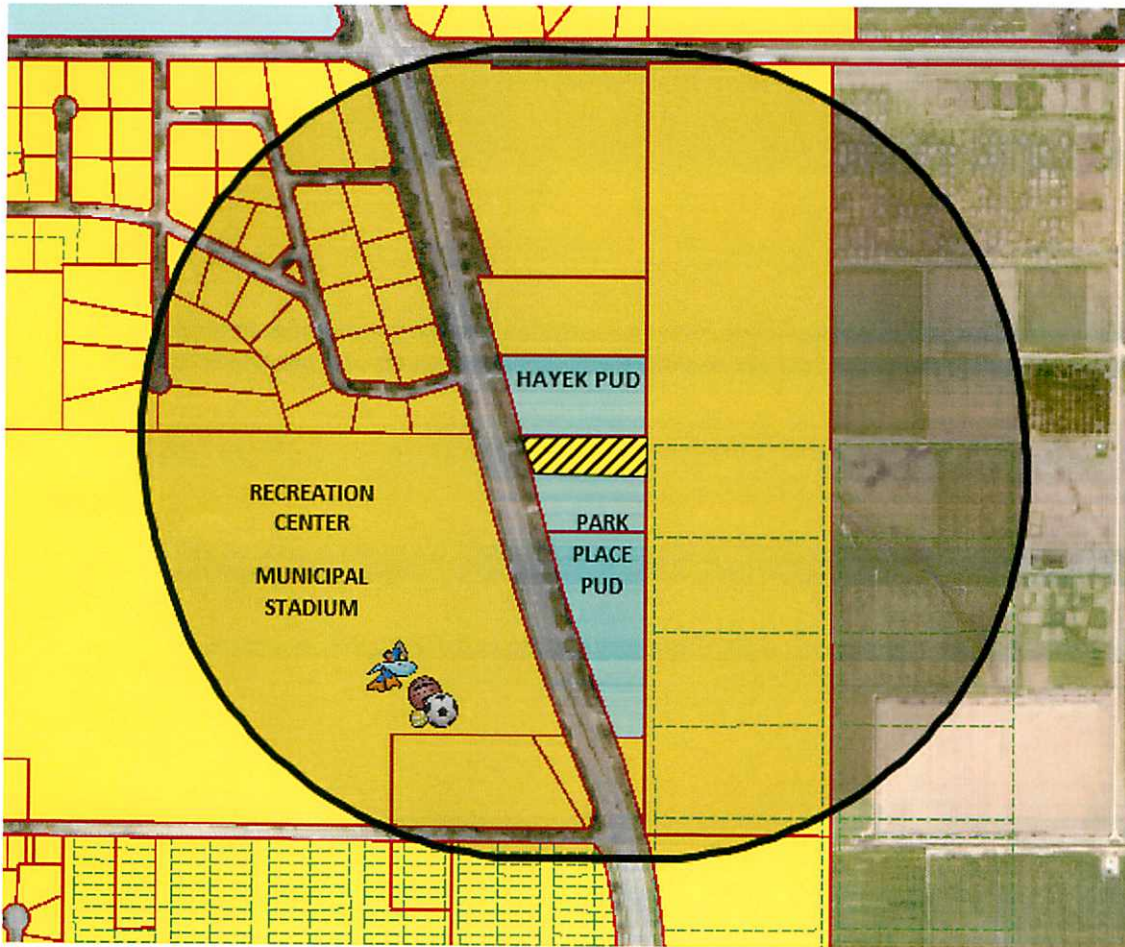
Dimension Standards:

The dimensions standards for the existing R-1 zoning district and the proposed B-2 District are summarized below. Please note the taller building heights allowable in the Central Business District are not applicable to subject property.

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-1	15,000 s.f./-	100'	40'	35'	10' b	20'	40 %	30' •
B-2	None/ -	none	20' d	none f	none e			30' kl

Traffic: A proposed use specific to subject property is not included in subject application though a conceptual commercial development site plan is included as a supporting document. The conceptual site plan “need not be built” and represents two office buildings of 6,000 sf and 3,100 sf with parking and stormwater detention shown as examples of how the site may be developed. The specific traffic impact is not known as the site plan is conceptual only. The applicant is encouraged to contact the public works director as well as ALDOT regarding connection to Greeno Road as a part of its pre-development activities.

Compatibility Analysis: A full compatibility analysis examining the actual and allowable development densities of nearby properties has not been performed for the rezoning request because the applicant is proposing a commercial zoning district located between two PUDs that are primarily commercial in their composition. The allowable uses of the proposed B-2 district substantially mirror the allowable uses of the two PUDs and demonstrates an inherent compatibility. Subject property is less than 3 acres, prevent request for PUD zoning for the property and as a result preventing an exact reproduction of the adjoining PUDs. Further, the subject application does not request introduction of a higher-density residential use into a lower density residential area. The Fairhope Recreation facility and the Gulf Coast Experiment Station, though zoned R-1, do not currently include residential uses and are very unlikely to receive residential development in the foreseeable future that will be affected by subject application. Though a complete compatibility analysis is not needed due to the intuitive comparison of uses of the subject and surrounding properties, a 1,320’ buffer around subject property is included below for reference, with subject property depicted with a cross hatch pattern:



Site Plan As stated previously, the site plan included with subject application is for conceptual purposes only and does not represent a development under consideration at this time. The applicant is advised a formal, stand-alone Site Plan review process as required by the Zoning Ordinance may be required if the development of subject property meets the following criteria of Article II Section C.2:

Site plan approval is required when any commercial building(s) located in a business-zoning district (industrial zoning excluded) or in the CBD overlay:

- (1) Has a gross floor area of 10,000 square feet or greater; or,
- (2) More than 30% of the lot (excluding the building) is impervious; or
- (3) All applications for zoning map amendments to rezone property to any of the Village Districts in Article VI. However, applicants for rezoning to the village districts may elect to use the special review procedures in Article VI, Section D for review of the rezoning application and site plans associated with a village development.
- (4) A mandatory site plan review application for all mixed-use projects electing to build to 35 feet height with 33% residential, regardless of whether or not it triggers site plan review approval, must make application to the Planning and Zoning Commission for approval.

Recommendation:

Staff recommends APPROVAL of Case number ZC18.08, related to PPIN 43891 located at 814 North Greeno Road, subject to the following condition:

- 1) Restaurant drive-through lanes and windows are prohibited on PPIN 43891

Planning Commission Recommendation:

The City of Fairhope Planning Commission, at its October 1, 2018 regular meeting, recommended the requested zoning change from R-1 Low Density Single Family Residential District to B-2 General Business District be **APPROVED** with the following conditions:

- 1) Parking shall be in the rear.
- 2) Drive-thru lanes and windows are prohibited.
- 3) Automobile repair is prohibited.

The motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Clarice Hall-Black and Jack Burrell. NAY – Richard Peterson.