

ORDINANCE NO. 1641

**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 Fairhope Single Tax Corporation and JFL Holdings, LLC generally located at the southeast corner of the intersection of S. Church Street and De La Mare Street, at 51 S. Church Street, Fairhope, Alabama.

PPIN #: 15272

Legal Description: (Case number ZC 18.14)

LOT 8 AND WEST 3 FOOT OF NORTH 55.7 FOOT OF THE LOT 7 OF BLOCK 13 OF DIVISION 1 OF THE LANDS OF THE FAIRHOPE SINGLE TAX CORPORATION OF THE CITY OF FAIRHOPE, ALABAMA, AS PER PLAT THEREOF FILED FOR RECORD SEPTEMBER 13, 1911, IN MISCELLANEOUS BOOK 1, PAGES 320-321 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, AND SUBSEQUENT ACTIONS OF THE EXECUTIVE COUNCIL OF FAIRHOPE SINGLE TAX CORPORATION ADDING THE NORTH 30 FEET OF BLOCK 13 TO ORIGINAL 30 FOOT STREET RIGHT OF WAY, FRACTIONAL SECTION 18, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

The property is hereby rezoned from B-1 Local Shopping 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.

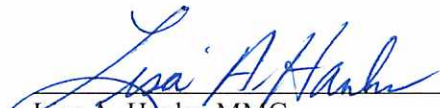
Effective Date – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 7TH DAY OF MARCH, 2019



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

EXHIBIT A

RECEIVED
OCT 23 2018
BY: [Signature]

DANIEL D. CLARK
ALABAMA LICENSE # 27720

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

LOT 8 AND THE WEST 3 FEET OF THE NORTH 55.7 FEET OF LOT 7, BLOCK 13 OF DIVISION 1 OF THE LAND OF FAIRHOPE SINGLE TAX CORPORATION IN THE CITY OF FAIRHOPE, ALABAMA, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGE 320-321, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA AND THE SUBSEQUENT ACTIONS OF THE EXECUTIVE COUNCIL OF FAIRHOPE SINGLE TAX CORPORATION ADDING THE NORTH 30 FEET OF BLOCK 13 TO THE ORIGINAL 30 FOOT STREET RIGHT OF WAY, FRACTIONAL SECTION 18, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

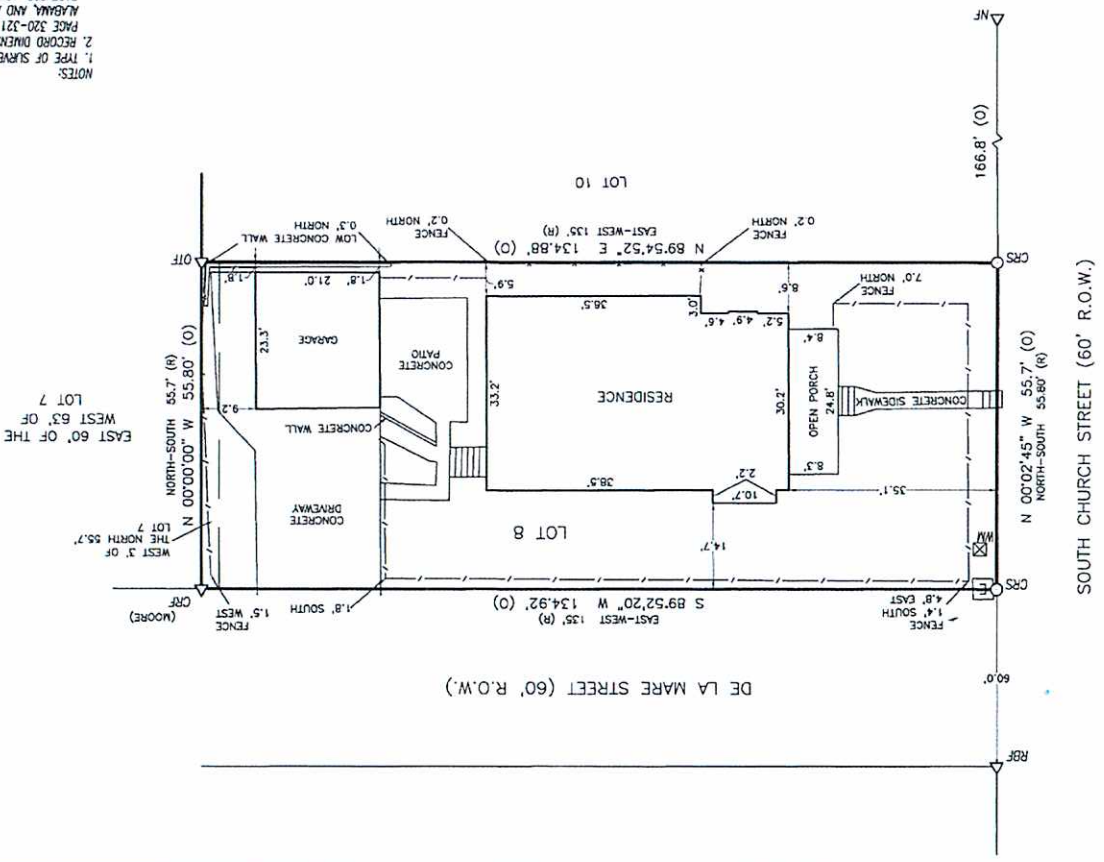
DATE: 6/15/18 SCALE: 1" = 20' DRAWING NUMBER: 18061318 TITLE: COBY LAKE CLIENT: BS DDC DDC DDC	6/15/18 1" = 20' 18061318	6/15/18 1" = 20' 18061318
	51 SOUTH CHURCH STREET FAIRHOPE, ALABAMA	



NOTES:

1. TYPE OF SURVEY: BOUNDARY
2. RECORD DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED IN MISC BOOK 1, PAGE 320-321 AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA AND ALSO THE CONVEYANCE TO BAY BREZEE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, PAGE 888, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
3. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
4. THIS DRAWING IS TO SCALE WHEN PRINTED ON 11X17 PAPER IN LANDSCAPE VIEW WITH NO SCALING.
5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 11X17 PAPER IN LANDSCAPE VIEW.

- LEGEND
- △ CRF CAPPED IRON ROD FOUND
 - △ CTF CRIMPED TOP PIPE FOUND
 - △ OTF OPEN TOP PIPE FOUND
 - △ RBF REBAR IRON FOUND
 - △ NBF NAIL FOUND WITH CAP (REMOVED)
 - CRS CAPPED IRON ROD SET
 - (R) RECORDED
 - (O) OBSERVED
 - R.O.W. RIGHT OF WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - CHAIN LINK FENCE
 - WIRE FENCE
 - WOOD FENCE
 - LP LIGHT POLE
 - PP POWER POLE





City Council
 February 25, 2019
 Zoning Change
 Case: ZC 18.14 51 S. Church Street

Project Name:
 51 South Church Street

Project Type:
 Rezoning:
B-1 Local Shopping District
 to
B-2 General Business District

Jurisdiction:
 Fairhope Municipal Limits

PPIN Number:
 15272

General Location:
 South East Corner of
 South Church Street and
 Delemare Street

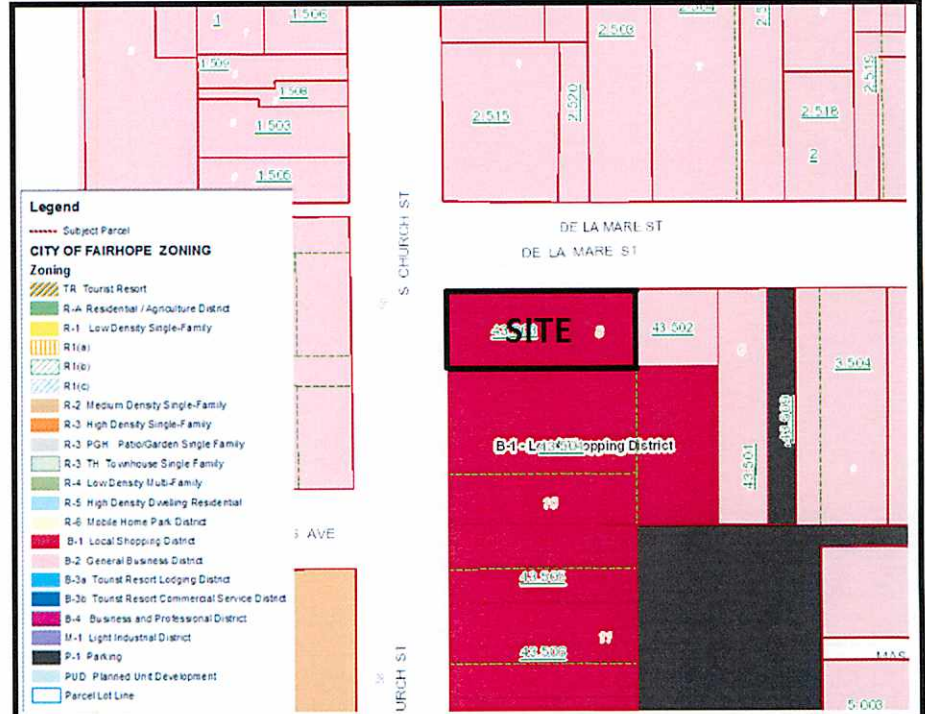
Engineer:
 S.E. Civil Engineering
 Larry Smith P.E.

Applicant:
 JFL Holdings, LLC.

School District:
 NA

Staff Recommendation:
 Approve

PC Recommendation:
 Approve



Summary of Request:

The applicant is requesting to rezone a lot 55'x135' from B-1 Local Shopping District to B-2 General Business District. The applications stated purpose is to make the properties zoning more consistent with the surrounding zoning. The subject property is also located in the Central Business District and are subject to CBD regulations.

According to the Fairhope Zoning Ordinance, the purpose of the B-1 is as follows:

B-1 Local Shopping District: This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one (1) location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood. Restaurants in the B-1 zoning district may be permitted only on appeal to the Board of Adjustments and may be subject to special conditions. Drive thru restaurants shall not be permitted in the B-1 zoning district.

The purpose of the requested B-2 is:

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.

The applicant stated in a meeting with staff that intended development goal for the property was to allow the historic home to remain as is but to allow for a restaurant/Bar use in the structure. Therefore, the exterior and historical character would be unchanged with only interior renovations and a change in use. The current B-1 zoning only allows a restaurant through an appeal to the Zoning Board of Adjustments. A Bar (primary use) is not allowed in B-1 under any circumstances. A Restaurant with an accessory Bar is allowed in the B-2 district by-right. An "accessory bar" is considered part of a restaurant use¹. A Bar (primary use) is defined as "a business serving alcoholic beverages, which may include accessory food and entertainment services²."

Zoning History of Nearby Properties:

The image below is taken from the City of Fairhope online Map viewer.

As indicated in the map above, the subject property is currently zoned B-1. It represents the northernmost property in a series of B-1 zonings along South Church Street. The properties North, East, and West are zoned B-2 and are also within the CBD boundaries. On the west, the B-2 district extends south to St. James Avenue. The logical boundary for B-2 would extend south to St. James Avenue which represents the subject parcel and 2 other parcels.

¹ Fairhope Zoning Ordinance, Article IX. B. Definitions. Page 90

² Fairhope Zoning Ordinance, Article IX. B. Definitions. Page 90

Current Conditions:

The historic use of the subject property has been in residential in the former name of Church Street Inn.



The home on the subject property contains a Historic Plaque from the Baldwin County Historical Development Commission. In addition, the City conducted a historic survey for Downtown Fairhope. The home on the subject property was identified as a historic property (see below). The home on the property and was constructed circa 1923. The structure is listed as “contributing” which means any building, object, or structure which adds to the historical integrity or architectural qualities that make the historic district, listed locally or federally, significant.

DOWNTOWN FAIRHOPE HISTORIC DISTRICT HISTORIC SITES SURVEY UPDATE FORM

Site Number: 12
 Historic Name: Irwin-Sandoz-Jones House
 Common Name:
 Actual Address: 51 Church St. S.
 City/Town: Fairhope County: Baldwin Quadrangle: Daphne
 Year Built: 1923 ca. Alteration Dates:
 Current Condition: good Integrity: good
 Date Evaluated: 11/22/2014 Evaluated By: David B. Schneider

Inventory Description from Prior Survey or National Register Nomination Contributing/Noncontributing: Contributing

12. Irwin-Sandoz-Jones House (Church Street Inn), 51 South Church Street, c. 1923. One-and-a-half-storey airplane bungalow, stuccoed; dominant side-gabled roof with nearly full-facade projecting open-gabled porch on brick piers and parapet wall, canvas awning across front Wood casement windows. Side-gabled cockpit fronted by smaller casements, exposed rafter tails. High brick end-exposed chimney, cast side. More recent double garage/utility building to rear facing Delamar. Originally the home of the J.S. Irwins, in the Sandoz family in the 1940s and '50s; at one time also the home of Carl Bloxham (see #50 below), and still in his stepdaughter Becky Jones' family and operated by them as an inn. Old garage recently (2003) converted to a residential apartment C (Roll 1, #23; garage Roll 3, #32; garage update Roll 8, #3A))

Updated Information, This Study Sort: Unchanged

Contributing/Noncontributing: Contributing

No change in description or evaluation.
 46-03-37-0-006-043.503; 51 Church St. S



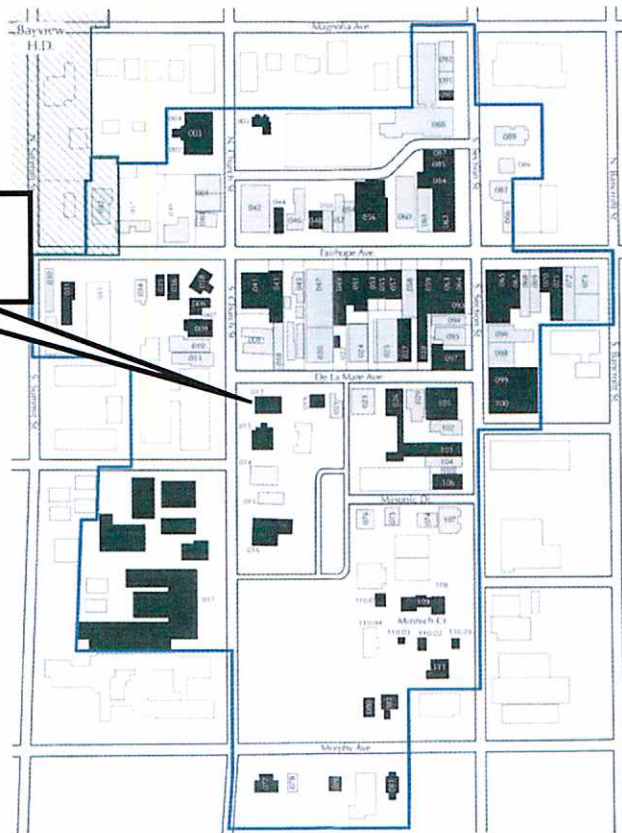
Downtown 012 A (at right: 012 B-E)



SCHNEIDER Historic Preservation, LLC
 411 East 6th Street, Annapolis, MD 21407 • Phone: (256) 310-6120
 Fax: (256) 322-5621 • e-mail: dschneider@bellsouth.net

**DOWNTOWN FAIRHOPE
HISTORIC DISTRICT**
Listed in the National Register
of Historic Places in 2006
2015 Update
District As Listed in 2006

**51 South Church
Street**



KEY:
 Contributing
 Noncontributing
 District Boundary
 Reconnaissance Survey Resource

SCHNEIDER Historic Preservation, LLC
 411 Lee 6th Street, Anniston, AL 36207 • Phone: (256) 316-6120
 Fax: (256) 323-5651 • e-mail: dhschneider@fairhopeal.net
 www.sphistoric.com

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:

Historic Architecture and preservation was discussed in the Comprehensive Plan. It is clear that maintaining the historic resources within the City are important but also critically important in the identity and culture of downtown.

In the 2006 Comprehensive Plan Update, Planning Goal 3.2 preservation and restoration of historic buildings “architecturally or historically significant buildings, districts, areas, and landmarks³”. The applicant has stated that he does not intend to remove or alter the historic appearance of the home but wishes to change the use through internal modifications.

However, to date, the City has not created a historic district or guidelines protecting historic structures.

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

Response:

The proposed B-2 district is consistent with surrounding uses and zoning. In addition, the property is located within the Central Business District (CBD) boundaries. According to the Zoning Ordinance, the intent of the CBD is “to preserve downtown Fairhope as the “Regional Village Center” and focal point for the City. The CBD overlay shall provide an environment for shopping, restaurant and

³ 2006 Fairhope Comprehensive Plan, Page 13

entertainment, cultural and artistic institutions, offices, governmental functions, and residential uses". Therefore, the proposed use is consistent with the CBD intent of uses.

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

Response:

The character of the surrounding area is primarily retail and restaurant use which are typical in the CBD. The properties zoned B-1 which adjoin the subject property to the south include 1 residential and several retail and office uses.

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

Response:

Utilities currently serve the site and adequate for future uses.

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

Response:

The site property contains an historic structure (1923) and has been a disturbed site.

(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:

As stated previously, the site contains existing structures. The majority of the existing properties are retail or restaurant uses. Additionally, the subject property is in the CBD is intended to contain restaurant and entertainment type uses.

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

Response:

See above

Recommendation:

Staff would note that the subject property contains a historic structure as discussed in this report. However, the City currently has no method or regulation for preservation of historic structures. These structures are important to the character and the cultural fabric of the City and specifically downtown. We do have concerns on the potential degradation of these resources. However, the absence of any meaningful regulations limits such factors in this review.

Staff recommends that the requested rezoning from B-1 Local Shopping District to B-2 General Business District be **Approved**.

Planning Commission Recommendation:

The Planning Commission of the City of Fairhope, at its December 3, 2018 regular meeting, unanimously recommended **APPROVAL** of the requested rezoning from B-1 Local Shopping District to B-2 General Business District.