

City of Fairhope
Board of Adjustment and Appeals
5:00 PM
City Council Chambers
January 21, 2021

1. Call to Order
2. Approval of Minutes
 - October 19, 2020
3. Consideration of Agenda Items:
 - A. BOA 21.01 Public hearing to consider the request of Merrill P Thomas Co. Inc. on behalf of Virginia C. Callahan for a Special Exception to allow Personal Storage at 100 Ecor Rouge Shopping Center.
PPIN #: 15439
4. Old/New Business
5. Adjourn



City of Fairhope Board of Adjustment

January 21, 2021

Case Number BOA 21.01 Special Exception

Project Location:

100 Ecor Rouge Shopping Center

Applicant

Virginia Callahan
Pratt Thomas (agent)

General Location

West side of N. Greeno Road,
340'± North of Fairhope Ave.

Request

Special Exception to allow
Personal Storage

Project Acreage

5.74 acres

Zoning District

City of Fairhope
B-2, General Business District

PPIN

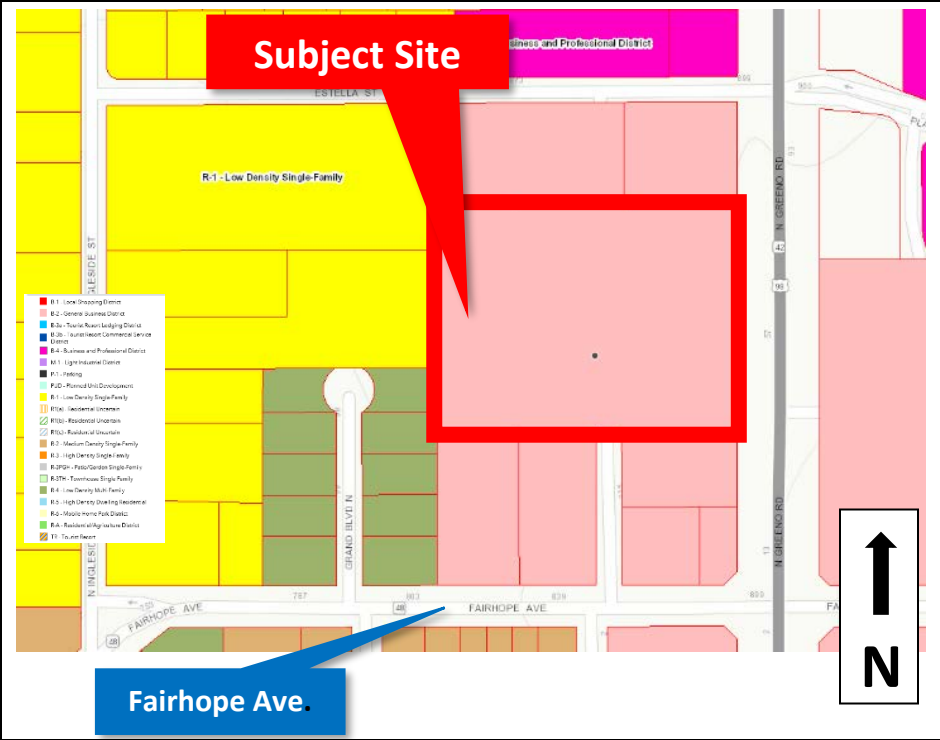
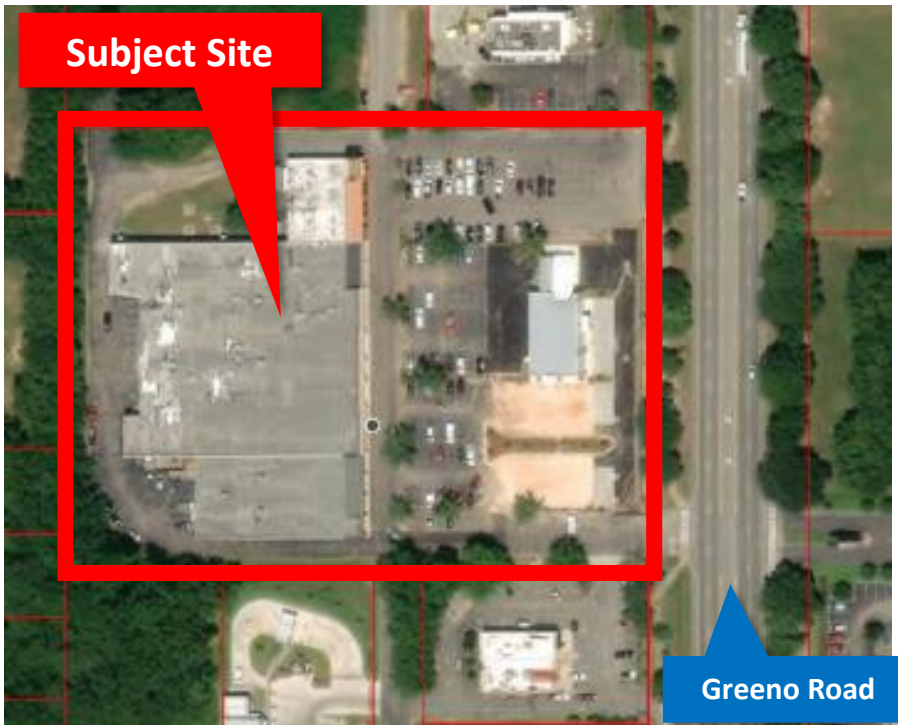
15439

Report prepared by

Samara Walley, MCP
City Planner

Recommendation

Approval with conditions



Summary of Request:

The applicant is requesting a special exception to allow self storage at the property located at 100 Ecor Rouge. The subject property is zoned B-2, General Business district. According to the City of Fairhope Zoning Ordinance Article III, Section A., the B-2 zoning district is *“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.”*. Additionally, Article III, Section D.8. states the following:

“8. Personal Storage

a. Intent: The intent of the special conditions for Personal Storage is to:

- Allow for personal storage services to be mixed with other compatible commercial uses;*
- Ensure that personal storage facilities are located appropriately in order to minimize the impact on adjacent property; and*
- Recognize that the design and scale of personal storage facilities can determine how well this use fits in with surrounding uses.*

b. Location Requirements:

- 1) Exterior personal storage facilities on more than two acres shall be located only in the M-1 and M-2 districts and only by special exception.*
- 2) Exterior personal storage facilities on less than two acres and indoor personal storage facilities may be located in the B-2 district and only by special exception.*

c. Site Requirements:

- 1) All one-way drive aisles shall provide for one 10-foot wide travel lane. Traffic direction and parking shall be designated by signs or painting.*
- 2) All two-way drive aisles shall provide for one 10-foot wide parking lane and two 12-foot wide travel lanes.*
- 3) Two parking spaces, to be located at the project office for use of clients, shall be provided for the manager’s quarters plus one additional space for every 25 storage cubicles.*
- 4) Any other site requirements determined through the special exception procedure to minimize impacts on adjacent property.*

Comments:

The City of Fairhope Zoning Ordinance defines a special exception as follows:

Special Exception: Permission granted by the Board of Adjustment for a use indicated in this ordinance as a use limited to a special exception procedure, subject to conditions specified in this ordinance and any conditions the Board deems necessary to ensure that community interests are furthered by permission of the use.

The Board of Adjustments is authorized to grant special exceptions through Article II.A.d(2) which states the following:

d. Duties and Powers: The Board shall have the following duties and powers:

(2) Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.

The Ordinance provides guidance for special exception requests through the following criteria:

Article II.C.3.e.

Criteria - (2) Any other application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of four Board members:

- (a) Compliance with the Comprehensive Plan;**
- (b) Compliance with any other approved planning document;**
- (c) Compliance with the standards, goals, and intent of this ordinance;**
- (d) The character of the surrounding property, including any pending development activity;**
- (e) Adequacy of public infrastructure to support the proposed development;**
- (f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;**
- (g) Compliance with other laws and regulations of the City;**
- (h) Compliance with other applicable laws and regulations of other jurisdictions;**
- (i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;**
- (j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.**
- (k) Overall benefit to the community;**
- (l) Compliance with sound planning principles;**
- (m) Compliance with the terms and conditions of any zoning approval; and**
- (n) Any other matter relating to the health, safety, and welfare of the community.**

When a special exception is granted by the Zoning Board of Adjustment it has the following effect:

Article II.C.3.f.

Effect of Appeal – An appeal to the Board stays all legal proceedings in furtherance of the application appealed from unless the Director certifies to the Board that a stay would cause imminent peril to life and property. In such cases, proceedings will not be stayed, unless by operation of a court of competent jurisdiction. If an appeal fails for any reason, the stay shall be lifted.

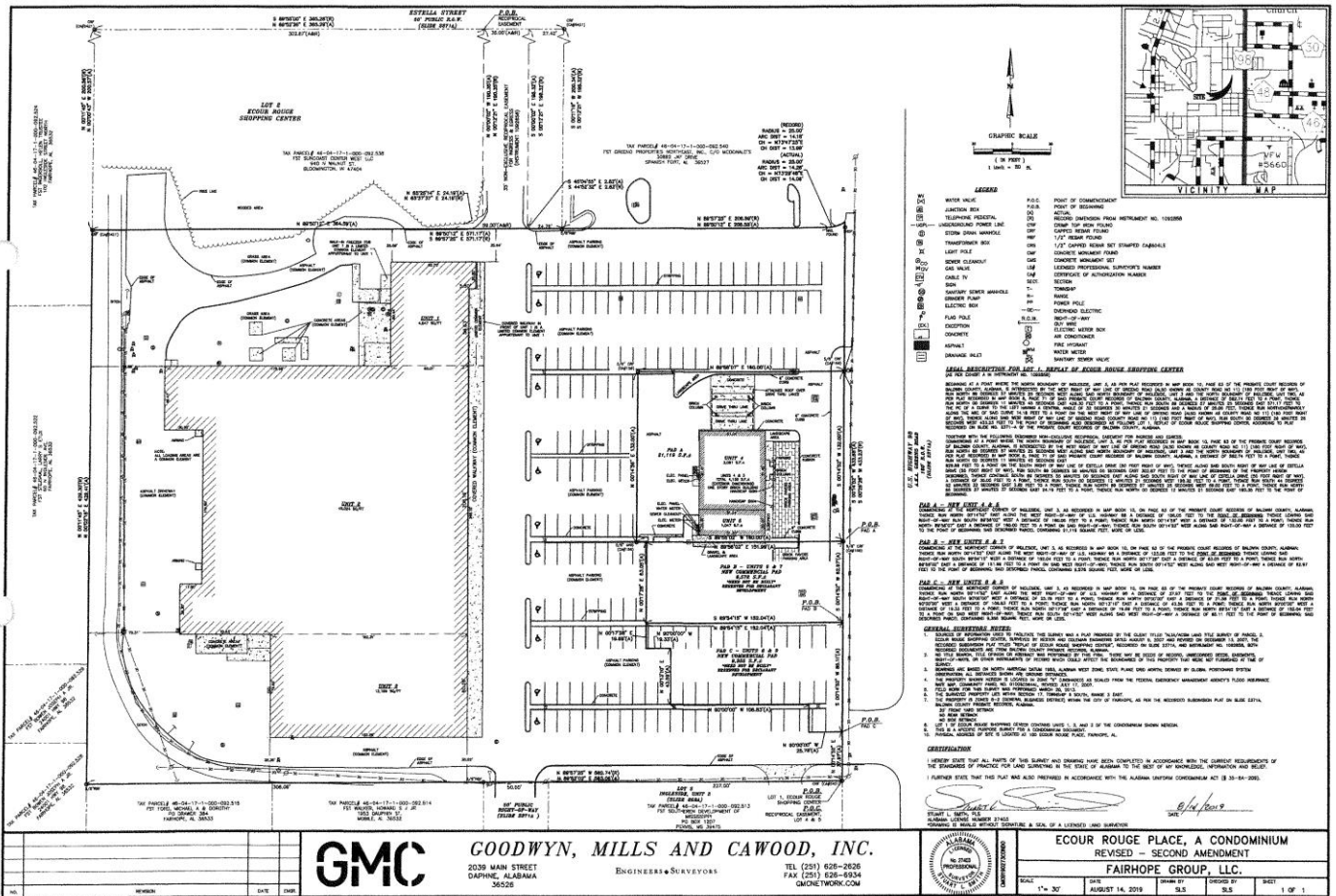
Analysis and Recommendation:

Special Exception Criteria:

(b) Compliance with any other approved planning document

Response:

“Personal storage” is an allowable use within the B-2 zoning classification as indicated in the City of Fairhope Zoning Ordinance Article III, Section B., Table 3-1 Use Table. However, “Personal Storage” is not allowable by right and a special exception is required to allow the use. Further, Table 3-1 indicates the use is allowed “only on appeal and subject to special conditions”.



It should be noted that the applicant submitted a site plan and floor plan of the subject site. A narrative explaining justification for the variance request was also submitted. In summary, the applicant believes that the use as a personal storage facility at this location will be an asset to the citizens of downtown Fairhope. It is stated that there is a lack of personal storage facilities in the area and is believed that this location would be essential. According to the applicant, other uses such as retail and office have not been successfully functional. Due to the nature of the shared parking on the site, the applicant identifies the current zoning classification as a hardship. It should also be noted that the applicant has received letters of support for the proposed use.

Details of the proposed personal storage facility, such as number of cubicles, have not been provided. Because the number of parking spaces is determined by number of cubicles, Staff cannot adequately verify parking on the subject site at this time. As a condition of approval, the applicant will be asked to provide more information regarding the proposed number of cubicles and parking on site.

Recommendation:

Staff recommends the Board of Adjustment APPROVE the proposed Special Exception for the subject property to allow personal storage in a B-2, General Business Zoning District subject to the following condition:

- 1) Submission of an updated site plan with the number of cubicles proposed.
 - a. Compliant parking must be confirmed by Staff prior to the issuance of a business license.

Prepared by:

Samara J. Walley, MCP
City Planner

Zoning Ordinance Requirements:

The City of Fairhope Zoning Ordinance defines a variance as follows:

Variations: A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, developmental criteria or provision facilities. Examples would be: allowing smaller yard dimensions because an existing lot of record is of substandard size; waiving a portion of required parking and/or loading space due to some unusual circumstances; allowing fencing and/or plant material buffering different from that required due to some unusual circumstances. Variations are available only on appeal to the Board of Adjustment and subject to satisfaction of the standards specified in this ordinance.

The Board of Adjustments is authorized to grant variances through Article II.A.d(3) which says the following:

d. Duties and Powers: The Board shall have the following duties and powers:

(3) Variations - To authorize upon appeal in specific cases variance from the terms of this ordinance not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Prior to granting a variance, the Board shall find that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved; and,
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

The Ordinance provides guidance for variance requests through the following criteria:
Article II.C.3.e.

Criteria – (1) An application for a variance shall be granted only on the concurring vote of four Board members finding that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship. Personal financial hardship is not a justification for a variance.
- (c) Such conditions are peculiar to the particular piece of property involved; and
- (d) Relief, if granted, would not cause substantial detriment to the public good and impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

When a variance is granted by the Zoning Board of Adjustment it has the following effect:

Article II.C.3.g.

Effect of Variance - Any variance granted according to this section and which is not challenged on appeal shall run with the land provided that:

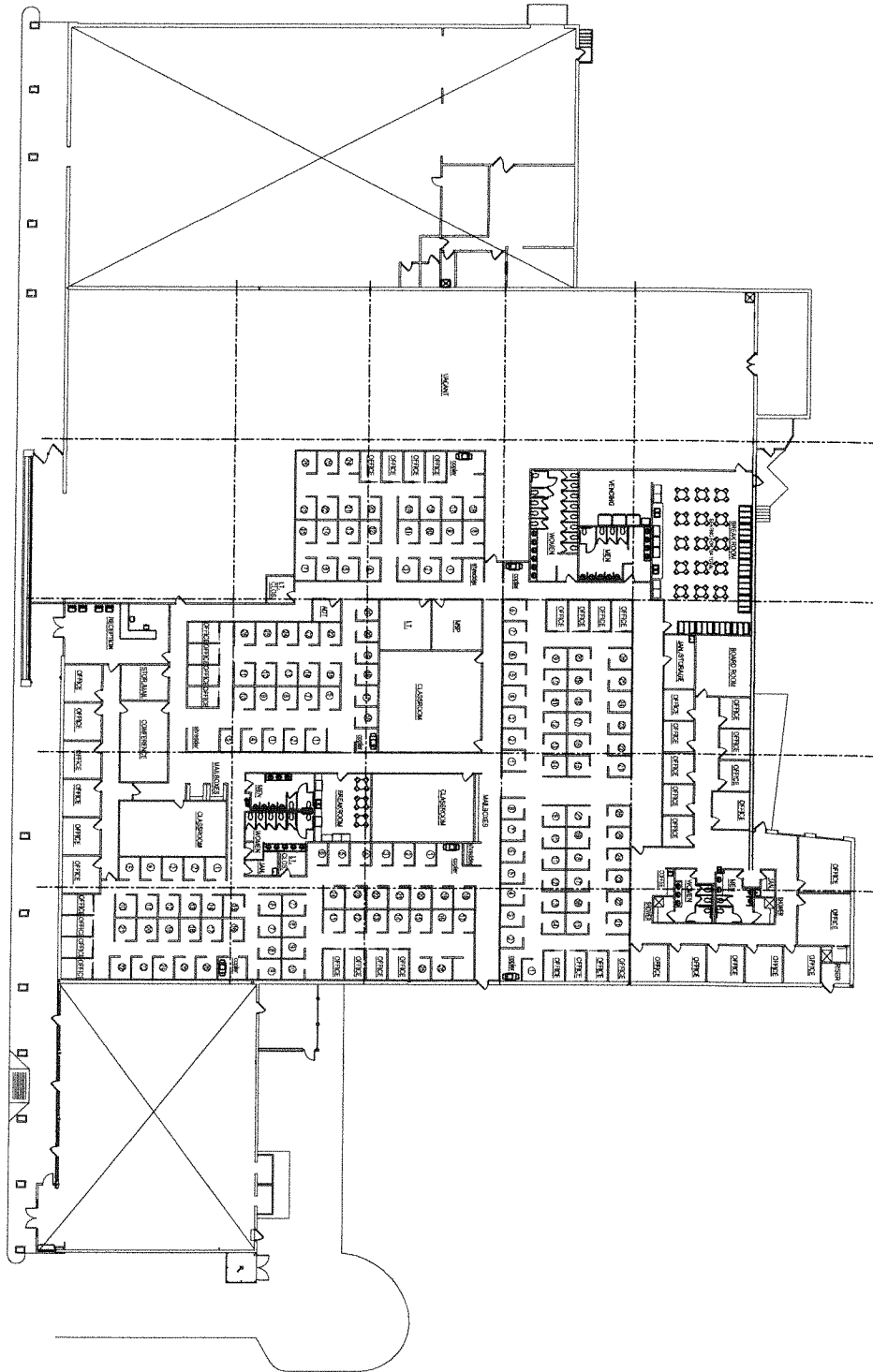
- (1) The variance is acted upon according to the application and subject to any conditions of approval

within 365 days of the granting of the variance or final decision of appeal, whichever is later; and
(2) The variance is recorded with the Judge of Probate.

The Merrill P. Thomas Co, Inc. is seeking a special exception to allow for a climate controlled only self-storage facility in Unit 2 Ecor Rouge Place, A condominium at 100 Ecor Rouge Place Shopping Center. The facility will be managed by C. William Barnhill of Omega Properties, Inc. Omega Properties manages 8 storage facilities in Mobile and Baldwin County.

The request for special exception is supported by several factors outlined below:

1. Service to citizens. Climate controlled storage will be a service to the citizens of downtown Fairhope not currently being met.
2. Lack of supply. An evaluation of the self-storage in Fairhope and surrounding area indicates a lack of supply in the immediate market area. Several non-climate-controlled facilities exist, but there is just one all climate controlled only facility, which is under construction 2.5 miles to the northeast. That facility will serve the new residential construction along the Highway 181 corridor.
3. Functionally obsolete. Originally built as a grocery store and most recently used as an office building. There are currently five units of the condominium. Agave Restaurant Unit 1, CPSI (vacant) Unit 2, Freedom Church Unit 3, Smart Bank Unit 4, Vacant Unit 5. There are also 2 pad sites which have yet to be developed, but have been approved by the City of Fairhope for 5,400 sqft and will be known as Unit 6, 7, 8, and 9. Utilizing commonly adopted parking ratios of 10/1,000 sqft for Agave Restaurant, 4.1/1,000 sqft for CPSI, 4/1,000 sqft for Freedom Church, 4/1,000 sqft for Smart Bank, 4/1,000 sqft for vacant, and 4/1,000 sqft for pad sites which create a total need of 343 parking spaces for the overall property. The attached existing floorplan of the subject will accommodate 187 employees. A physical count of parking spaces available for the entire development total 207 space. The approval of additional pad sites has contributed to the functional obsolescence of the subject as office or retail space. This creates an undue hardship where there is not enough parking or visibility to make it reasonably practical for uses within the current zoning classification.
4. Greeno Rd Overlay District. Special exception request conforms to the Greeno Road Corridor Overlay District. The adaptive reuse of the existing building in a manner that embraces the spirit of the Overlay District code so that Greeno Rd does "not become a more typical congested" corridor. A site visit on December 3, 2020 at 3:30 pm I witnessed a major collision on Greeno Rd directly in front of the site. Traffic was backed up for miles, and Greeno traffic was trying to bypass through the neighborhoods. Vehicles seeking to exit North on Greeno will typically exit the site first to Fairhope Ave to take advantage of the light then make a left at the light. However, exiting to Fairhope Ave is also dangerous given the Pitstop Car Wash, CVS, Shell and Pleasant St traffic converging at one place. Typical uses currently allowed by right in B2 zoning would add traffic and violate the spirit of the Overlay District. The literal enforcement of the zoning would cause undue hardship on the property owner and the City of Fairhope. The use will not duplicate any uses in the immediate market and will complement the existing business along the corridor while decreasing the traffic congestion. Industry studies indicate an average of 5-7 vehicles per day visit the facility, which is far less than office or any other potential use.



OVERALL FLOOR PLAN
SCALE: 1/8" = 1'-0"
AS SHOWN

NEW OFFICES FOR
CPSI
FAIRHOPE, ALABAMA

OVERALL FLOOR PLAN

Proj. No. 1241 | Dwg. No. A-1.0



CLARK, GEER, LATHAM
& Associates, Inc.
ENGINEERS ARCHITECTS

3501 Springhill Avenue Mobile, Alabama 36608
Ph. No. (251) 344-7073 FAX No. (251) 343-9179

REV.	DATE	BY	CHK	DESCRIPTION

APPROVED: _____

DOCUMENT CONTROL

Emily Boyett

From: Pratt Thomas <pratt@merrillpthomasco.com>
Sent: Monday, December 21, 2020 10:26 AM
To: Emily Boyett
Cc: Hunter Simmons
Subject: 100 Ecor Rouge Special Exception
Attachments: Agave Letter.jpg; Freedom Church letter.jpeg

SENT FROM AN EXTERNAL ADDRESS

Good Morning Emily,

I hope you had a good weekend.

I've discussed the project with all of the condominium owners and all are in support. Attached are letters of support from two of the four owners of the condominium. Ed Hammele, Market Leader of Smart Bank, is in support of the project and he is working to get corporate approval to sign off on a letter of support. Stan Davidson, manager of Fairhope Group, LLC., which owns the two outparcels and is in support of the project as well. I am awaiting their letters of support and will pass along as soon as I receive them. In an effort to work with the City in a concerted effort I also plan to meet with the Mayor and hopefully will get her support as well.

Thanks for all your help with my application and please let me know if there's anything I can do to help.

Merry Christmas!

Pratt Thomas, CCIM
Merrill P. Thomas Co., Inc.
3280 Dauphin Street, Suite C104
Mobile, AL 36606
Ph: 251-476-0808
Cell: 251-367-8358
Fx: 251-476-0829
www.merrillpthomasco.com



December 10, 2020

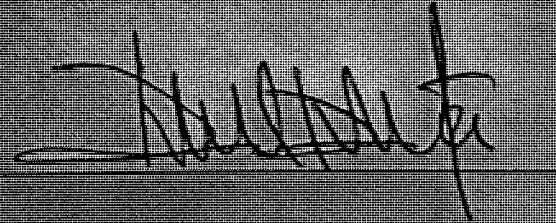
Hunter Simmons
Planning and Zoning Department
City of Fairhope
161 N. Section St
Fairhope, AL 36532

Re: Unit 2, Ecor Rouge Condominium

Dear Mr. Simmons,

Please use this letter to confirm our support for the use of Unit 2, Ecor Rouge as storage facility.

Thank you,



A handwritten signature in black ink, appearing to read "Hunter Simmons", is written over a horizontal line. The signature is stylized and cursive.

December 14, 2020

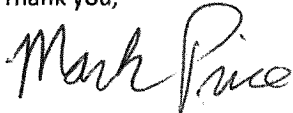
Hunter Simmons
Planning and Zoning Department
City of Fairhope
161 N. Section St
Fairhope, AL 36532

Re: Unit 2, Ecor Rouge Condominium

Dear Mr. Simmons,

Please use this letter to confirm our support for the use of Unit 2, Ecor Rouge as a climate controlled storage facility.

Thank you,

A handwritten signature in black ink that reads "Mark Price". The signature is written in a cursive, flowing style.

Mark Price, Senior Pastor & President
Freedom Church of Baldwin County
101 Ecor Rouge Place
Fairhope, AL 36532
251-751-0745