

ORDINANCE NO. 1740

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 **Percy Dale** is generally located **on the west side of Greeno Road, south of Carter Lane, at 19327 Greeno Road**, Fairhope, Alabama.

PPIN #: 6725

Legal Description: (Case number ZC 21.12)

FROM THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 2 EAST, RUN NORTH 1779.9 FEET AND SOUTH 89 DEGREEES 21' WEST 40 FEET TO A POINT ON THE WEST SIDE OF GREENO ROAD FOR A POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREEES 21' WEST 350 FEET; THENCE RUN NORTH 130 FEET; THENCE RUN NORTH 89 DEGREEES 21' EAST 350 FEET TO A POINT ON GREENO ROAD; THENCE RUN SOUTH ALONG GREENO ROAD 30 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM A STRIP OF LAND 15 FEET WIDE ALONG THE NORTH SIDE THEREOF, TO BE USED AS A JOINT DRIVEWAY BY THE HEIRS OF WILLIE CARTER, DECEASED, AND THEIR HERIS AND ASSIGNS. INCLUDING HERWITH THE RIGHT OF INGRESS AND EGRESS OVER A 30 FOOT WIDE JOINT DRIVEWAY BOUNDING THE HEREIN DESCRIBED PROPERTY ON THE NORTH. LOT CONTAINS 1.044 ACRES AND LIES IN LOT 5, SECTION 20, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

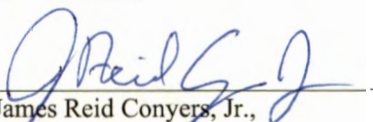
A map of the property to be rezoned is attached as Exhibit A

The property is hereby rezoned from R-1 Low Density Single Family to HTD (Highway Transition 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.

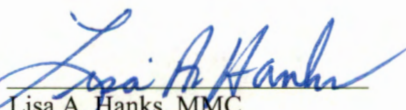
Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

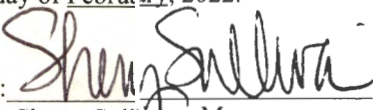
Adopted and approved this 14th day of February, 2022.

By: 
James Reid Conyers, Jr.,
Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 14th day of February, 2022.

By: 
Sherry Sullivan, Mayor


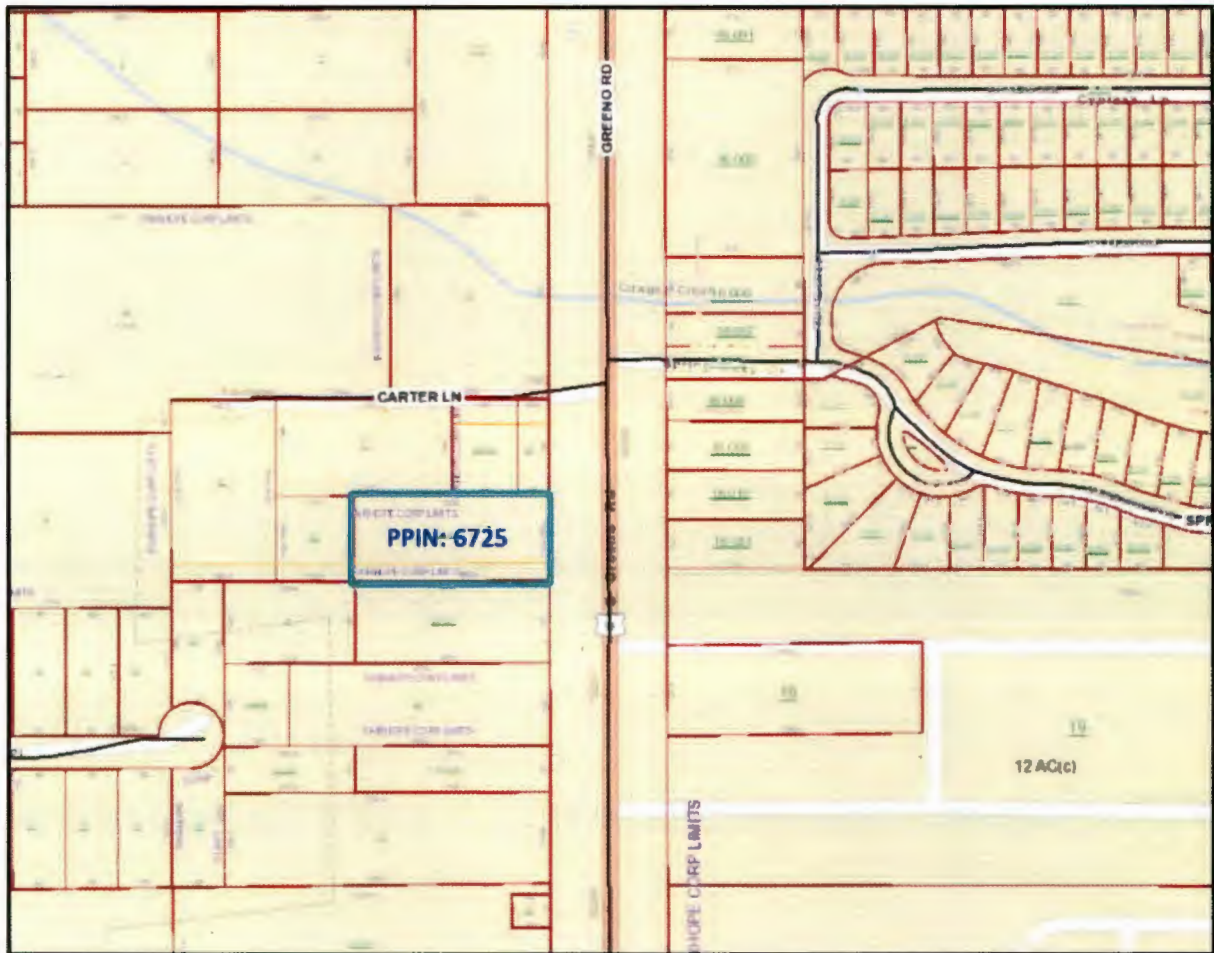
Ord. No. 1740 Published in
FAIRHOPE COURIER
on Friday, February 25, 2022

City Clerk

Exhibit A:

Map of the Property of Percy Dale to be re-zoned to HTD (Case ZC 21.12)



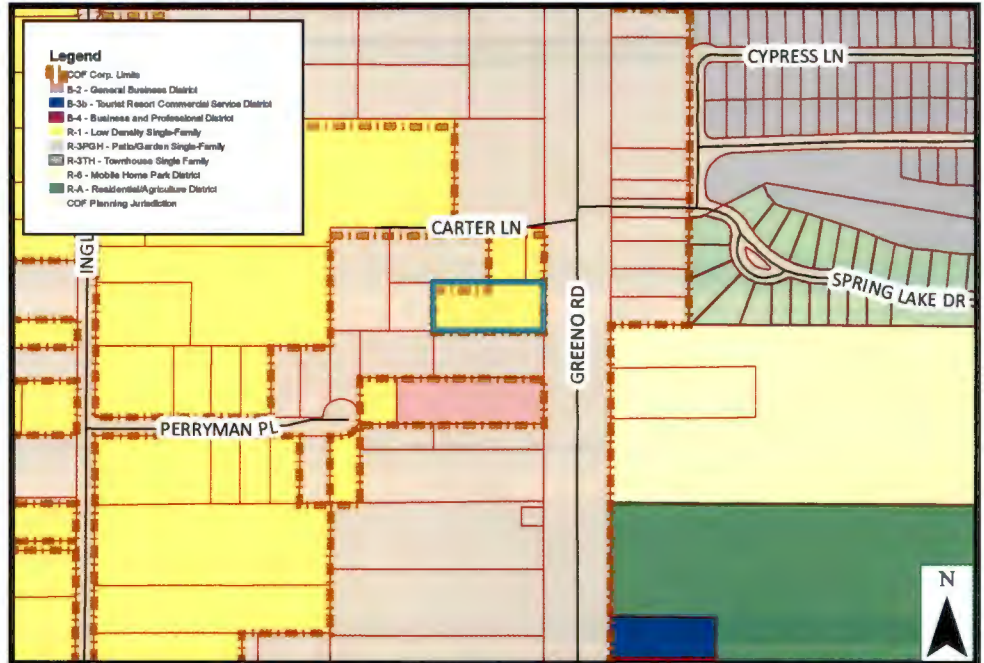
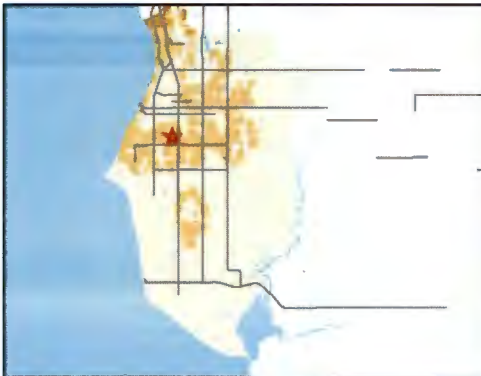
City of Fairhope City Council



January 24, 2022

Planning Commission unanimously (6 Ayes, 0 Nays) voted to recommend approval of ZC 21.12.

ZC 21.12 - 19327 Greeno Road



Project Name:

19327 Greeno Rd

Site Data:

.87 acres

Project Type:

Rezoning to HTD

Jurisdiction:

City of Fairhope

Zoning District:

R-1

PPIN Number:

6725

General Location:

West side of South Greeno Road, south of Carter Lane.

Surveyor of Record:

Engineer of Record:

Owner / Developer:

Percy Dale

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Approve

Prepared by:

Hunter Simmons



APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: PERCY DALE Phone Number: 251-377-4229
 Street Address: 9743 SILVERWOOD Drive
 City: FAIRHOPE State: AL Zip: 36532

Applicant / Agent Information

If different from above.
 Notarized letter from property owner is required if an agent is used for representation.

Name: _____ Phone Number: _____
 Street Address: _____
 City: _____ State: _____ Zip: _____

Current Zoning of Property: Residential 1
 Proposed Zoning/Use of the Property: COMMERCIAL HTD
 Property Address: 19327 Greeno Rd Fairhope AL 36532
 Parcel Number: 46-04-20-4-000-022.002
 Property Legal Description: 112'(S) 130'D x 300'(S) See ATTACHMENT A
 Reason for Zoning Change: _____

- Property Map Attached YES NO
- Metes and Bounds Description Attached YES NO
- Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. YES NO

Character of Improvements to the Property and Approximate Construction Date: N/A

Zoning Fee Calculation:
Reference: Ordinance 1269

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

PERCY DALE
 Property Owner/Leaseholder Printed Name
7/13/21
 Date

Percy Dale
 Signature

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
 OCT 26 2021
 BY: ak

Summary of Request:

Percy Dale requests to rezone the subject property from R-1, Low Density Single Family Residential District to HTD, Highway Transitional District. The property is approximately 0.87 acres and is located on the west side of South Greeno Road, south of Carter Lane at 19327 Greeno Road.

The applicant states that the property is no longer conducive for residential use therefore justifies the request. The applicants state that there are no proposed plans for the property at this time.

Comments:

There is currently a single-family dwelling on the property. The subject property is bounded to the North by R-1, Low Density Residential District, to the North, South, and West by Unzoned Baldwin County, and to the East (across Greeno Road) by R-5, Mobile Home District and Unzoned Baldwin County.

The Highway Transitional District was created to provide an alternate to Single-Family Residential Zoning located along state highways but located beyond the area of influence of Village and Commercial Nodes as provided in the City of Fairhope Comprehensive Plan.

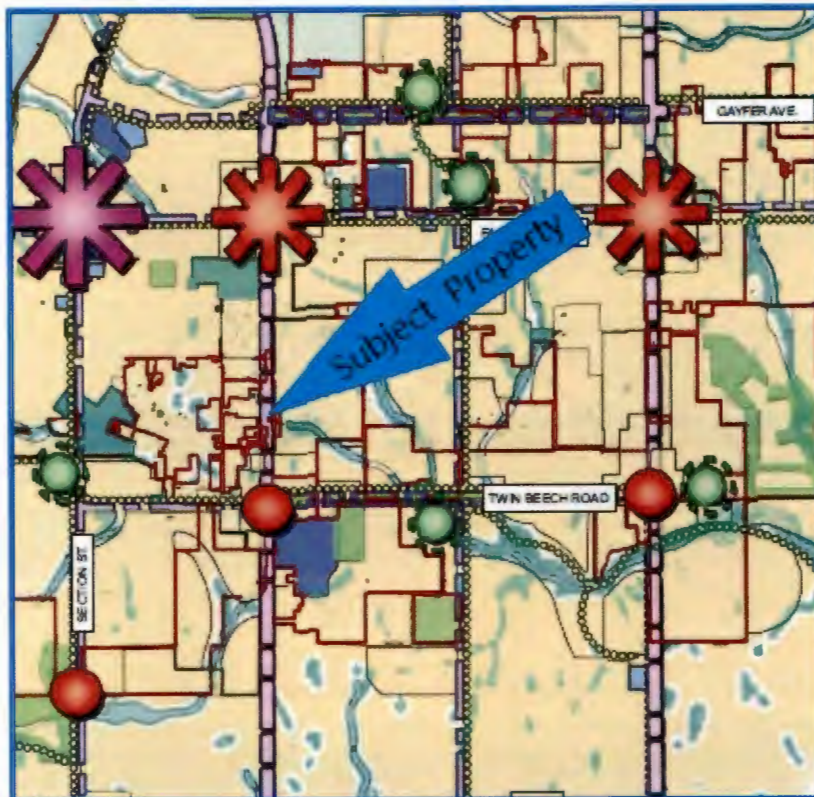
Criteria – The application shall be reviewed based on the following criteria:

(1) Compliance with the Comprehensive Plan;

Response:

Commercial development along Greeno Rd has long been a source of debate. The City’s Comprehensive Plan reflects, “It is also clear that the people of Fairhope do not desire to continue commercialization of Greeno Road that will lead Fairhope to be like most other places throughout the country”.

Since 2001, the Comprehensive Plan supported a village concept, with village centers containing the highest intensity of business uses. The nearest centers are the Greeno Road Village Center, which radiates from the intersection of Greeno Rd and Fairhope Ave and a commercial node located at the intersection of Greeno Rd and Twin Beech Rd. The subject property lies between those two nodes.



While the subject property may not be appropriate for a more intense use as envisioned within Commercial or Village Nodes, staff does believe the subject property is appropriate for HTD.

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

Response: The R-1 district is designated for residential uses. A dwelling exists on the property currently. If rezoned to HTD, Highway Transitional District, the applicant has not expressed plans for redevelopment. Single family residences are allowed by right in a HTD zoning district.

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

Response: The surrounding properties vary in terms of zoning district classification. The adjacent property to the north is R-1 while much of the surrounding property to the west and south is unzoned.

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

Response: There are current structures with existing utilities adequate for single-family residential and the applicant has no plans for construction or redevelopment at this time. Future development project shall confirm adequacy of public infrastructure.

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

Response: The applicants have no known plans of construction or redevelopment at this time.

(6) Compliance with other laws and regulations of the City;

Response: At the time of any redevelopment all applicable laws of the City will be applied. If granted, any use within HTD zoning will be allowed 'by right'.

(7) Compliance with other applicable laws and regulations of other jurisdictions;

Response: At the time of a redevelopment all applicable laws will be applied.

(8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,

Response: Because the applicants have not expressed any plans in terms of future use, Staff cannot anticipate any significant issues relating to this criterion at this time. However, if the property is developed commercially in the future, various impacts may be present. It is also important to note that if the property is recommended for approval by Planning Commission and approved by City Council, it is possible that there will not be another public hearing. If not, building permits would be reviewed by Staff prior to any construction.

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

Response: Staff cannot not anticipate any significant issues relating to this criterion.

Recommendation:

Staff recommends Case: ZC 21.12 19327 Greeno Road rezoning from R-1 to HTD be Approved.