



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
July 18, 2022**

Sherry Sullivan
Mayor

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACMO

Jimmy Conyers

Corey Martin

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
City Treasurer

1. Call to Order
2. Approval of Minutes
 - May 16, 2022
3. Consideration of Agenda Items
 - A. **BOA 22.07** Public hearing to consider the request of the Applicant, LeBatard Architecture, acting on behalf of the Owner, PSGC Properties, LLC, for a Special Exception to allow Clinic Use for property zoned PUD, Planned Unit Development. The property is approximately 1.11 acres and is located on the east side of US Highway 98, 0.13 miles south of Gayfer Road Ext.
PPIN #: 913
4. Old/New Business
5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36553

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

The Board of Adjustments met Monday, May 16, 2022, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Anil Vira, Chairman; Mike Baugh; Frank Lamia; Donna Cook; David Martin, Alternate I; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Development Services Manager; Casey Potts, City Planner; and Allie Knutson, Secretary.

Absent: Cathy Slagle.

Chairman Vira called the meeting to order at 5:02 PM.

Approval of Minutes

Donna Cook made a motion to approve the minutes from the April 18, 2022, meeting.

Frank Lamia seconded the motion and the motion carried with the following vote:

Aye: Anil Vira, Mike Baugh, Frank Lamia, and Donna Cook.

Nay: None.

Abstain: David Martin.

BOA 22.05 Public hearing to consider the request of the Applicant, Watershed, LLC, acting on behalf of the Owner, Eastern Shore American Legion, for a Special Exception to allow Community Center Use, Restaurant Use, and Bar Use for property zoned B-3a, Tourist Lodging Resort. The property is approximately 3.2 acres and is located at 700 South Mobile Street. PPIN #: 11940

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

The Eastern Shore American Legion is viewed as a historic icon, preserving it was in everyone's best interest. The subject property is zoned B-3a, the applicant desires to develop the subject property as a Community Center or Club, Restaurant, and Bar, which is allowed only on appeal and subject to special conditions. The proposed plans show the historic porch on the rear side of the building, the building will be brought up to the current codes as far as accessibility, the gabled roof hides the elevator shaft that will be added.

The applicant meets the parking requirements for all the proposed uses. The parking to the South of building will serve daily uses. The parking to the north and west of the building is provided for member parties or events. Outside of member parties or events, the lot will be closed, resulting in a total of 79 parking spaces available for use. Landscape buffers were also voluntarily put in even though most of the adjacent properties are also zoned B-3a.

Per the City of Fairhope's Zoning Ordinance, Restaurant Use is defined as a business serving prepared meals for consumption on the premises, which may include an accessory bar, carry out, drive-through, or catering services. Although the definition of a restaurant includes a drive-through as a permitted use, the applicant does not plan to implement one on site. Staff believes a drive-through does not fit with the character of the neighborhood.

Recommendation:

Staff recommends conditional approval of the Special Exception for Restaurant, Bar, and Community Center or Club use for the site known as Eastern Shore American Legion with the following conditions:

1. A drive-through shall not be an allowed use on this site.

Chairman Vira stated that some of their parking spaces are not located on their property as a triangular piece next to Denton Lane belongs to Baron's Inn.

Mr. Simmons, Chairman Vira, and Frank Lamia looked at the survey that had been provided. The survey and tax map did not show the triangular piece of property as being separate.

Mr. Simmons stated that this approval is just for the use, but that approving the use does not negate their responsibility to correct the parking.

Frank Lamia asked if it would have an impact on their building permit.

Mr. Simmons stated that the applicant would have to revise their site plan or do a parking agreement. Parking requirements would still have to be met to obtain a building permit.

There were no further questions for staff and the applicant was not present.

Chairman Vira opened the Public Hearing. Having no one present to speak, the Public Hearing was closed.

Motion:

Frank Lamia made a motion to approve Case BOA 22.05, subject to staff's condition.

David Martin seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Mike Baugh, Frank Lamia, Donna Cook, and David Martin.

Nay: None.

BOA 22.06 Public hearing to consider the Applicant, Bryan Peacock, acting on behalf of the Owner, Eastern Shore Presbyterian Church, Inc, for a Use Not Provided For to allow Church Use for property that is zoned R-1, Low Density Single-Family. The property is approximately 13.3 acres and located at 320 Presbyterian Drive. PPIN#: 9894, 111029, 115671

Mike Jeffries, Development Services Manager, presented the case summary.

The applicant is requesting a use which is not indicated as a use allowed by right; a use allowed subject to special conditions; nor a use allowed on appeal to the board of adjustments as defined in Table 3-1: Use Table. Consequently, and as set by historical precedent, the proposed use is brought to the board as a "use not provided for" as the applicant is proposing to expand the existing facilities.

The applicant proposes 133 parking spaces (40 rock parking spaces and 93 asphalt spaces) while only 69 spaces are required.

The Church was established in 1994 and annexed into the City of Fairhope on November 12th, 2012. By default, the property was zoned R-1. This request, if approved, will allow for the current expansion, and will solidify the church as an allowed use for the property for any future expansions. The church sits on three separate properties and as part of the building permit review, a re-plat to combine the properties would be required to avoid building across property lines.

Recommendation:

Staff recommends approval of Case BOA 22.06 to allow the Eastern Shore Presbyterian Church to operate at 320 Presbyterian Drive to include the following PIN#'s – 9894, 111029, and 115671.

Chairman Vira asked if the church is related to the Bayshore Christian School.

Mr. Jeffries stated that the school would be an auxiliary use to the church.

The Applicant, Bryan Peacock, was present, but the Board had no further comments or questions.

Chairman Vira opened the Public Hearing. Having no one present to speak, the Public Hearing was closed.

Motion:

David Martin made a motion to approve Case BOA 22.06.

Frank Lamia seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Mike Baugh, Frank Lamia, Donna Cook, and David Martin.

Nay: None.

Old/New Business

Mr. Simmons stated that there would not be a meeting next month as staff did not receive any new applications.

Adjournment

David Martin made a motion to adjourn.

Mike Baugh seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Mike Baugh, Frank Lamia, Donna Cook, and David Martin.

Nay: None.

Adjourned at 5:22 p.m.

Anil Vira, Chairman

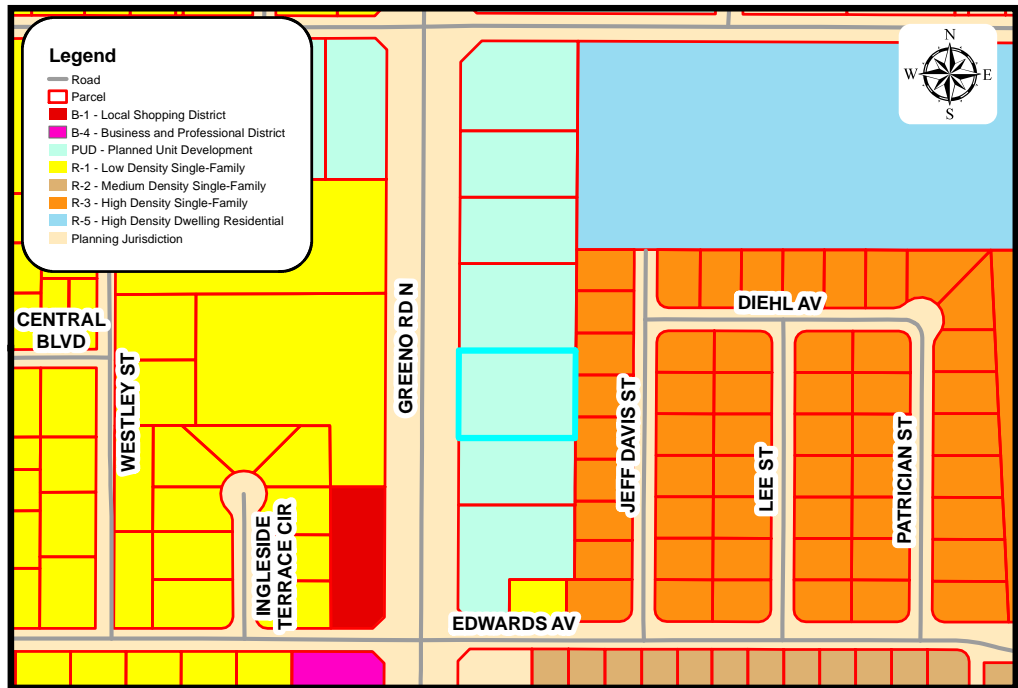
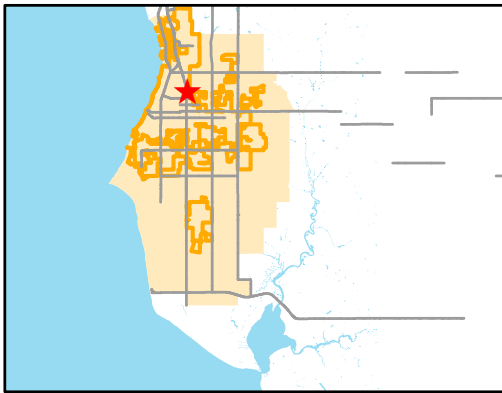
Allie Knutson, Secretary

City of Fairhope Board of Adjustment

July 18, 2022



BOA 22.07 - Alpha Care



Project Name:

Alpha Care

Site Data:

1.11 acres

Project Type:

Special Exception

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

PUD

PPIN Number:

913

General Location:

east side of N. Greeno Road, and north of Edwards Avenue

Surveyor of Record:

Overstreet & Associates PLLC

Engineer of Record:

Overstreet & Associates PLLC

Owner / Developer:

PSGC Properties

School District:

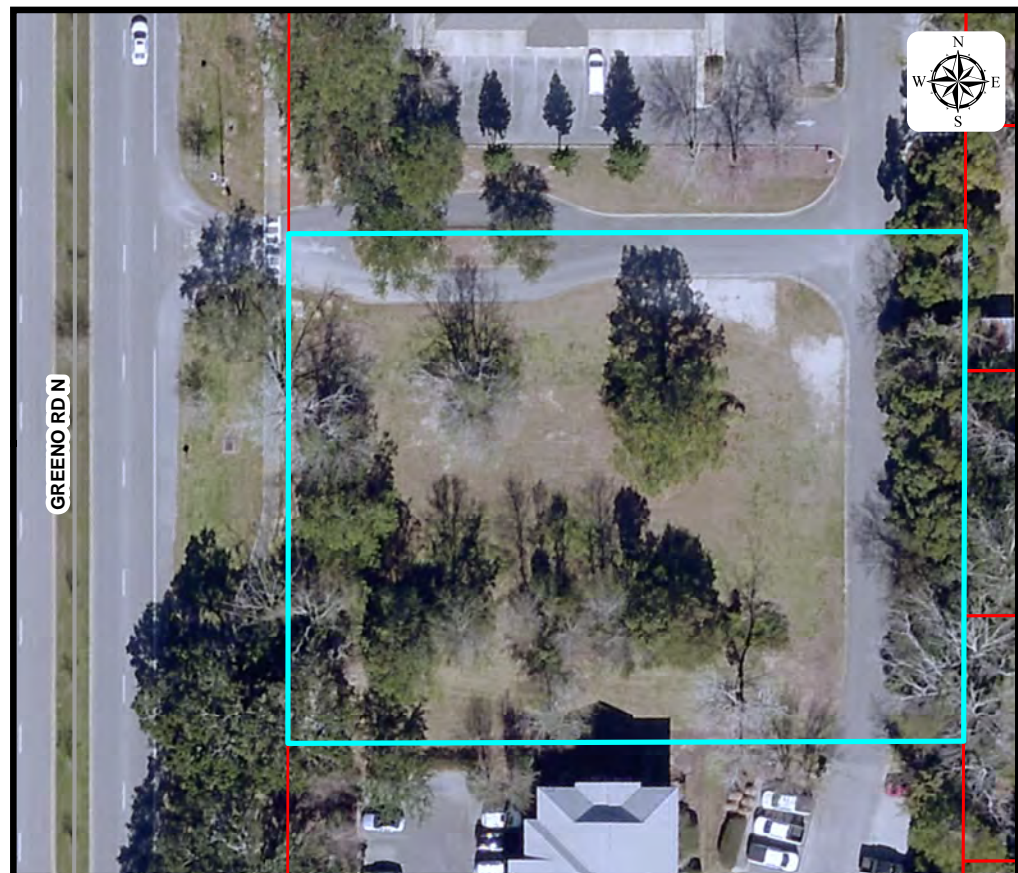
Fairhope Elementary School
Fairhope Middle and High School

Recommendation:

Approve

Prepared by:

Casey Potts



Summary of Request:

On behalf of PSGC Properties LLC, Lebatard Architecture is requesting a use which is not allowed by-right but by special exception in Fairhope’s Zoning Ordinance and PUD Ordinance 1142 for the property located on the east side of Greeno Road and between Gayfer Avenue and Edwards Avenue. The subject property is zoned PUD and is located within the Greeno Professional Village PUD. The applicant desires to develop the subject property as a Clinic, which is allowed only on appeal and subject to special conditions.

Comments

The Greeno Professional Village PUD Ordinance requires a mandatory Site Plan Review for each building in the development. Alpha Care has gone through the review process and has been approved by the City Council conditioned on the use approval by the Board of Adjustments. The Ordinance states that “uses permitted shall be business and professional offices such as lawyers, doctors, banks, insurance, architects and similar uses.” Said Ordinance does not define how business and professional offices are interpreted as a use. As such, staff defaulted to the City of Fairhope Zoning Ordinance to define what is allowed on the site in business and professional offices. The Zoning Ordinance defines a Professional Office as “a building occupied by a profession and offering professional services to clients, customers, or patrons which may involve occasional on-site contact with clients, customers, or patrons.” The Zoning Ordinance defines a Clinic as “a place used for the care, diagnosis and treatment of ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board.” Approximately 70% of appointments will be walk-ins. Walk-ins have historically been considered a clinic use rather than a doctor’s office.

The review criteria for a use appeal is as follows:

Article II. Section C.e(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:

Response: Complies

(b) Compliance with any other approved planning document;

Response: complies

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

Response: Complies

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

Response: The adjacent offices are an engineering firm, banks, and by-appointment doctors’ offices.

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

Response: No issues noted.

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

Response: No issues noted. The site utilizes an existing drainage system.

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

Response: No issues noted.

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

Response: No issues noted.

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

Response: An 8' tall shadow box fence will be installed at the rear of the property line, per the PUD ordinance.

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

Response: No issues noted.

(k) Overall benefit to the community;

Response: The use proposed will provide a clinic service for the community.

(l) Compliance with sound planning principles;

Response: Staff believes this use is in keeping with sound planning principles.

(m) Compliance with the terms and conditions of any zoning approval; and

Response: No issues noted.

(n) Any other matter relating to the health, safety, and welfare of the community.

Response: No issues noted.

Staff Recommendation: Staff recommends **APPROVAL** of the appeal for clinic uses for the site known as Alpha Care.

LEGAL DESCRIPTION
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 LOT 3, GREENO ROAD PROFESSIONAL VILLAGE, A PLANNED UNIT DEVELOPMENT, AS RECORDED ON SLIDE NO. 2086-E OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA

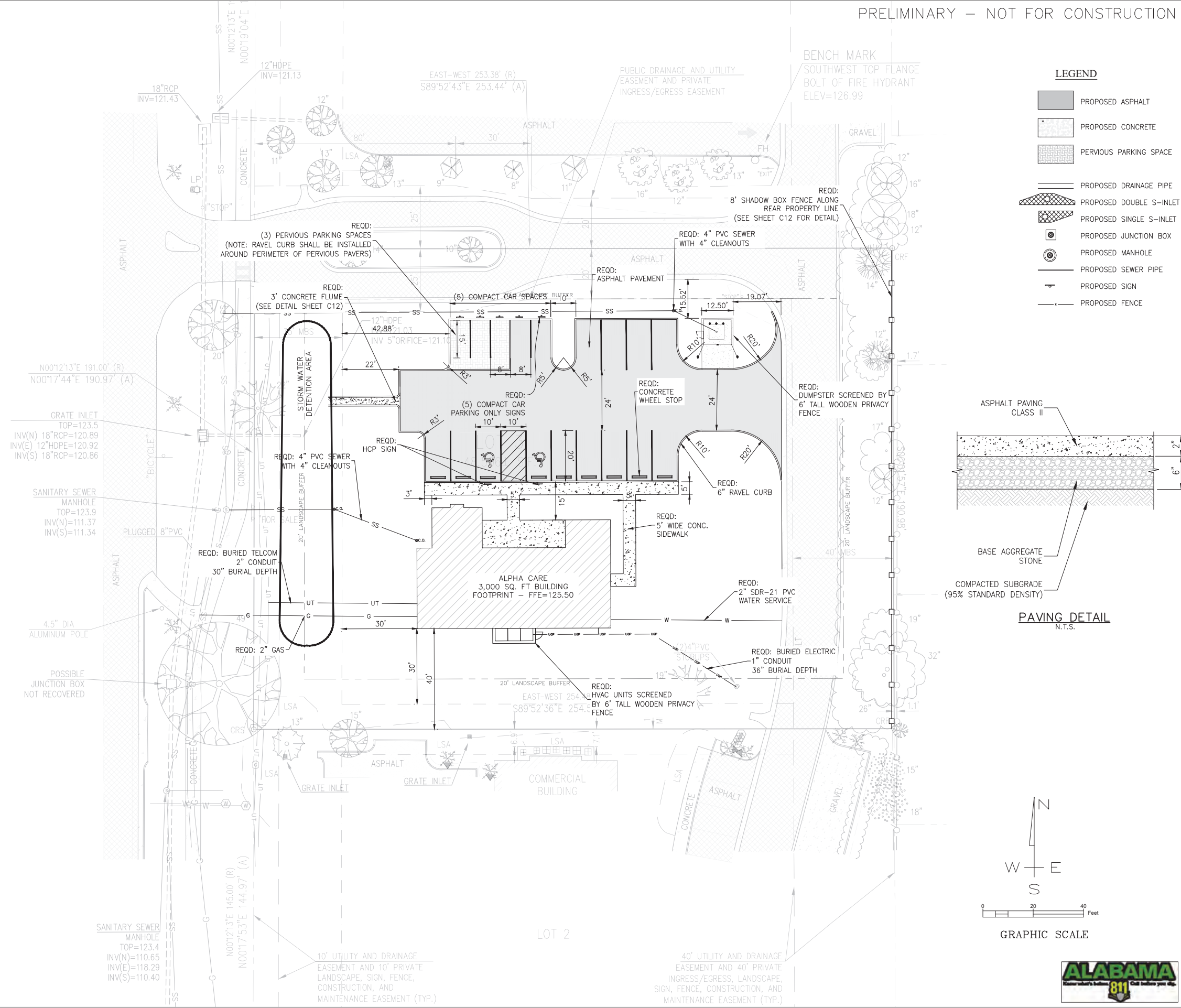
UTILITY NOTE
 UTILITY LOCATIONS WERE OBTAINED VIA TOPOGRAPHIC SURVEY AND AL 811 LINE LOCATES. CONTRACTOR SHALL FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL UTILITIES PRIOR TO EXCAVATION. THE RESPECTIVE UTILITY PROVIDERS ARE REQUIRED TO BE NOTIFIED 48 HOURS PRIOR TO ANY LAND DISTURBING ACTIVITIES.

SITE DATA	
TOTAL LOT AREA	48,506 SQ. FT. (1.11 AC)
PARCEL NUMBER	05-46-05-16-0-000-014.000
OWNER INFORMATION	729 DESTINY PLANTATION BLVD BILOXI, MS 39532 (601) 613-3572
NUMBER OF BUILDINGS	1
TOTAL BUILDING SQ. FT.	3,000 SQ. FT.
BUILDING COVERAGE	6.20%
BUILDING HEIGHT	SINGLE STORY (>35')
TOTAL PARKING REQUIRED	15 SPACES
TOTAL PARKING PROVIDED	18 SPACES
LANDSCAPED AREA REQUIRED	20% (9,701 SQ. FT.)
LANDSCAPED AREA PROVIDED	46% (22,505 SQ. FT.)
TOTAL UNITS	1
DENSITY	1.11 UNITS PER ACRE
PROPERTY USE	MEDICAL OFFICE
CURRENT ZONING	PLUD

SITE AREA TABLE	
TOTAL SITE AREA	48,506 SQ. FT. (1.11 AC)
PRE-DEV IMPERVIOUS AREA	7,390 SQ. FT. (0.17 AC)
PRE-DEV GRAVEL AREA	1,327 SQ. FT. (0.03 AC)
PRE-DEV PERVIOUS AREA	39,789 SQ. FT. (0.91 AC)
POST-DEV IMPERVIOUS AREA	19,435 SQ. FT. (0.45 AC)
POST-DEV GRAVEL AREA	0 SQ. FT. (0.00 AC)
POST-DEV PERVIOUS AREA	29,071 SQ. FT. (0.67 AC)
NET INCREASE IN IMPERVIOUS AREA	12,045 SQ. FT. (62%)

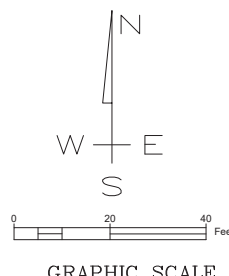
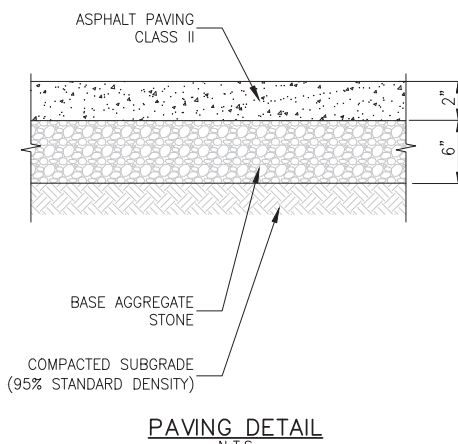
SETBACKS	
FRONT	35'
SIDE - INTERIOR/DRIVEWAY SIDE	10'/15'
SIDE - STREET	20'
REAR	40'

UTILITY PROVIDERS	
WATER	FAIRHOPE UTILITIES
SEWER	FAIRHOPE UTILITIES
ELECTRICITY	FAIRHOPE UTILITIES
GAS	FAIRHOPE UTILITIES
TELECOMMUNICATIONS	AT&T
GARBAGE	CITY OF FAIRHOPE



LEGEND

- PROPOSED ASPHALT
- PROPOSED CONCRETE
- PERVIOUS PARKING SPACE
- PROPOSED DRAINAGE PIPE
- PROPOSED DOUBLE S-INLET
- PROPOSED SINGLE S-INLET
- PROPOSED JUNCTION BOX
- PROPOSED MANHOLE
- PROPOSED SEWER PIPE
- PROPOSED SIGN
- PROPOSED FENCE



NO.	DATE	REVISION DESCRIPTION	BY:

ALPHA CARE FAIRHOPE
 PREPARED FOR
PSGC PROPERTIES
 729 DESTINY PLANTATION BLVD
 BILOXI, MISSISSIPPI 39532



PROJECT NO: 1216	DATE: JUNE 2022	SITE PLAN
DRAWN BY: JHP	CHECKED BY: JSB	
SHEET NUMBER C4		

ORDINANCE NO. 1142

AN ORDINANCE AMENDING ORDINANCE NO. 557
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. 557), adopted 11 August 1975, 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:

The appropriate public notice and hearing of, the Planning and Zoning Commission of the City of Fairhope, Alabama, has forwarded a negative favorable recommendation.

The City of Fairhope has received a request for a zoning district change from Craig Dyas representing AMSouth Bank, Hilda Jones, J. Alan Carter, Audie and Margaret Waters, Claude Andrews, Aileen Andrews and James Morgan.

The properties are located on the East side of U.S. Highway 98 aka Greeno Road, North of Edwards Avenue and South of Gayfer Avenue.

Legal Description: (Case number ZC.02.01)

Parcel #	Name	Legal Description
05 46 05 16 11.001	AmSouth Bank as Trust.	Lot one (1), Britton Subdivision, Section 16-T6S- R2E, as recorded in Map Book 10, Page 116, the probate office of Baldwin County, Alabama.
05 46 05 16 11	Hilda Jones	Lot two (2), Britton Subdivision, Section 16-T6S-R2E, as recorded in Map Book 10, Page 116, the probate office of Baldwin County, Alabama.
05 46 05 16 12	Ed. Carter, Jr., et al	Commencing at the NW corner of Section 16, run South 619 feet; thence East 80 feet to a point on the East margin of Greeno Road to a point of beginning; thence run East 250 feet; thence run North 150 feet; thence West 250 feet; thence South 150 feet to the point of beginning; all lying in Section 16-T6S-R2E.
05 46 05 16 13	Audie & Margaret Waters	Commencing at the NW corner of Section 16, run South 619.5 feet; thence East 80 feet to the East margin of Greeno Road to a point of beginning; thence run East 250 feet; thence run South 375 feet; thence run West 250 feet; thence run North 375 feet to the point of beginning; all lying in Section 16-T6S-R2E.
05 46 05 16 14	Claude Andrews	Commencing at the NW corner of Section 16, run South 1000 feet; thence East 80 feet to a point of beginning; thence run East 250 feet; thence South 110 feet; thence West 250 feet; thence North 110 feet to the point of beginning; all lying in Section 16-T6S-R2E.

<u>Parcel#</u>	<u>Name</u>	<u>Legal Description</u>
05 46 05 16 15	Ailcen Andrews	Commencing at the NW corner of Section 16, run South 1110 feet; thence run East 80 feet to a point of beginning; thence continue East 250 feet; thence run South 90 feet; thence run West 250 feet; thence run North 90 feet to the point of beginning; all lying in Section 16-T6S-R2E.
05 46 05 16 16	James. W. & Mitzi Morgan	Lot 1, Rosa Acres Unit 2, less and except the road right of way; Section 16-T6S-R2E Lots 1 and 2 of Commercial Center Parker Road Subdivision as recorded in Map Book 10, Page 14, plus a parcel being described as follows:

The classification of said property is hereby changed from R1-Low Density Single Family Residential, R3-High Density Single Family, and R4-Multi-Family to Planned Unit Development to allow Business and Professional Offices. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 557 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 such structure be erected only in compliance with such laws, including the requirements of Ordinance No. 557.

Development Requirements: The property shall be constructed in substantial conformance with the site plan attached and the development requirements below.

<u>Uses Permitted:</u>	Uses permitted shall be business and professional offices such as lawyers, doctors, banks, insurance, architects and similar uses. No retail is permitted.
<u>Setbacks:</u>	Front 35' Rear 40' Interior 10' (driveway side 15') Street Side 20'
<u>Building Height:</u>	35' as defined in the Zoning Ordinance.
<u>Landscaping:</u>	Shall at a minimum meet City standards there shall also be a 8' tall shadowbox fence at the rear property line of the entire parcel of property.
<u>Site Plan Review:</u>	Each building shall have site plan review by the Planning Commission and the City Council before building permits may be issued.
<u>Signage:</u>	1 ground sign shall be permitted for the development. Each building may have signage on the building only as permitted by the sign ordinance.
<u>Lighting:</u>	The light standards shall be no taller than the fence to be constructed at the rear property line.
<u>Residential:</u>	A maximum of 27,000 sq. ft. of residential may be constructed in addition to the allowed building sq. ft. This residential shall not be converted to office use at any time in the future without a zoning amendment.

Building Square Footage: 7 buildings are permitted with a maximum of 46,600 sq. ft. These buildings are indicated on the attached site plan and shall conform to the sizes indicated on the plan.

Access: 1 right in/out shall be permitted with the development at the midpoint of the development to Greeno. A 2 way lane shall be constructed between Gayfer and Edwards as shown on the attached site plan.

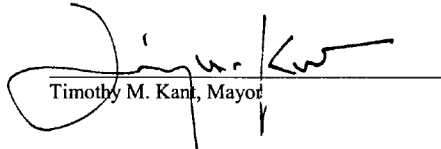
Parking: The overall development shall meet the parking requirements of the City. The parking shall be consistent with the site plan attached.

Site Plan: Attached as "Exhibit A" is a site plan. The site plan and the development regulations above govern the development of the property. The property must be constructed in substantial conformance with the requirements of this Ordinance. Any substantial deviations as determined by the Planning and Building Department shall constitute a change to the zoning and must be approved by the Planning Commission and Council and shall be processed as a zoning amendment.

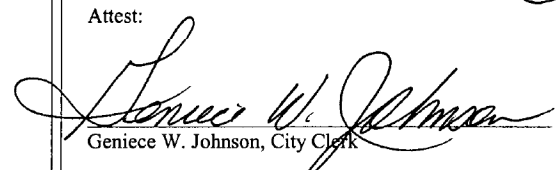
Severability Clause - If any part, section of subdivision of this ordinance shall be held unconstitutional or in valid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

APPROVED BY THE CITY COUNCIL THIS 8th DAY OF April, 2002


Timothy M. Kant, Mayor

Attest:


Geniece W. Johnson, City Clerk

Ord. No. 1142 Published in
FAIRHOPE COURIER
on 4/13/02
[Signature] City Clerk

**FAIRHOPE PLANNING COMMISSION
FINAL REPORT OF ZONING AMENDMENT**

*Public Hearing
3/14/02*

*Tabled 3/14/02
until April 8, 2002*

*From: R4 Multi Family
R3 Single Family
R1 Single Family
TO pUD*

Text Change to Zoning Ordinance

Request for change of Zoning District

By: Craig Dyas - Greens Rd project
(Applicant)

Description and Map is attached

The Commission has held a public hearing on this matter prior to this final report and wishes to report to the Fairhope City Council as follows:

We (Do) (Do Not) recommend the proposed zoning text changes as wise, expedient and necessary for the benefit of the City

We find that the proposed zoning district change (Is) (Is Not) in conformity with the comprehensive plan and in the best interests of the City as a whole, and

(Do) (Do Not) Recommend that the City Council adopt an ordinance implementing the proposed changes as provided by law.

Members Present

Voting Aye

Voting Nay

Abstain

Lamy Green		X	
Timothy M. Kaut	X		
Dan McChony	X		
Pauline Andrews	X		
Bob Clark		X	
Dick Clark	X		
Lee Turner	X		
Ed Brinson	X		
Jean Wilson	X		

Respectfully submitted:

L. R. Green
Chairman

Gulf Coast Newspaper
P.O. Box 509
Robertsdale, AL 36567
Phone (251) 947-7712

AFFIDAVIT:

This is to certify that the attached legal notice/advertisement appeared in:

- The Baldwin Times, Bay Minetta, Al
- The Bulletin, Daphne, Al
- The Fairhope Courier, Fairhope, Al
- The Independent, Robertsdale, Al
- The Onlooker, Foley, Al
- The Islander, Gulf Shores, Al
- The Elberta/Lillian, Elberta, Al

a weekly newspaper published in Baldwin County, Alabama.

Weekend Edition (includes The Fairhope Courier, The Onlooker, The Islander, The Bulletin).

Publication Date:	Cost: words/inches x rate
<u>C-2-14</u>	<u>1158 x .17</u>
_____	_____
_____	_____
_____	_____

TOTAL: \$ 196.86

April Wallace
Legal Ad Representative

April Wallace

BILL TO: City of Fairhope

ATTN: _____

P.O./File Number _____

FOR OFFICE USE ONLY

Paid _____ Unpaid Acct.# 100016

State of Alabama

County of Baldwin

Sworn to and subscribed before

me this 22 day of

February 2002.

Glenn C. Stewart

Notary Public, Baldwin County,
Alabama

MY COMMISSION EXPIRES MAY 22, 2002

See the back pg.

Legal Notices

Notice of Public Hearing
Notice is hereby given that the Fairhope City Council will hold a Public Hearing on the following proposed Ordinance Amending Zoning Ordinance No. 557, on Thursday, March 14, 2002, 5:30 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, AL 36532.

All persons who desire shall have an opportunity to be heard in favor of, or in opposition to, this proposed Ordinance and are cordially invited to be present.
Genevieve W. Johnson, City Clerk

Ordinance No. _____
An Ordinance amending Ordinance No. 557 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. 557), adopted 11 August 1975, 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:

The appropriate public notice and hearing of the Planning and Zoning Commission of the City of Fairhope, Alabama, has forwarded a negative favorable recommendation.

The City of Fairhope has received a request for a zoning district change from Craig Dyas representing AmSouth Bank, Hilda Jones, J. Alan Carter, Audle and Margaret Waters, Claude Andrews, Aileen Andrews and James Morgan.

The properties are located on the east side of U. S. Highway 98 aka Greeno Road, North of Edwards Avenue and South of Gayfer Avenue.

Legal description: (case number ZC 02.01):

Parcel #: Name; Legal Description
05 46 05 16 11.001; AmSouth Bank as Trust; Lot one (1), Britton Subdivision, Section 16-T6S-R2E, as recorded in Map Book 10, Page 116, the probate office of Baldwin County, Alabama.

05 46 05 16 11; Hilda Jones; Lot two (2) Britton Subdivision, Section 16-T6S-R2E, as recorded in Map Book 10, Page 116, the probate office of Baldwin County, Alabama.

05 46 05 16 12; Ed. Carter Jr., et al; Commencing at the NW corner of Section 16, run South 619 feet; thence East 80 feet to a point on the East margin of Greeno Road to a point of beginning; thence run East 250 feet; thence run North 150 feet; thence West 250 feet; thence South 150 feet to the point of beginning; all lying in Section 16-T6S-R2E.

05 46 05 16 13, Audle & Margaret Waters; Commencing at the NW corner of Section 16, run South 619.5 feet; thence East 80 feet to the East margin of Greeno Road to a point of beginning; thence run east 250 feet; thence run south 375 feet; thence run West 250 feet; thence run North 375 feet to the point of beginning; all lying in Section 16-T6S-R2E

05 46 05 16 14, Claude Andrews; Commencing at the NW corner of Section 16, run South 1000 feet; thence East 80 feet to a point of beginning; thence run East 250 feet; thence South 110 feet; thence West 250 feet; thence North 110 feet to the point of beginning; all lying in Section 16-T6S-R2E.

05 46 05 16 15; Aileen Andrews; Commencing at the NW corner of Section 16, run South 1110 feet; thence run East 80 feet to a point of beginning; thence continue East 250 feet; thence run South 90 feet; thence run West 250 feet; thence run North 90 feet to the point of beginning, all lying in Section 16-T6S-R2E

05 46 05 16; James W. & Mitzi Morgan; Lot 1, Rosa Acres Unit 2, less and except the road right of way, Section 16-T6S-R2E Lots 1 and 2 of Commercial Center Parker Road Subdivision as recorded in Map Book 10, Page 14, plus a parcel being described as follows:

The classification of said property is hereby changed from R1-Low Density Single Family Residential, R3-High Density Single Family, and R4-Multi-Family to Planned Unit Development to allow Business and Professional Offices. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 557 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 such structure be erected

only in compliance with such laws, including the requirements of Ordinance No. 557.

Development Requirements:

The property shall be constructed in substantial conformance with the site plan attached and the development requirements below.

Uses Permitted: Uses permitted shall be business and professional offices such as lawyers, doctors, banks, insurance, architects and similar uses. No retail is permitted.

Setbacks: front 35'

Rear: 40'

Interior 10' (driveway side 15')

Street Side: 20'

Building Height: 35' as defined in the Zoning Ordinance.

Landscaping: Shall at a minimum meet City standards - there shall also be a 8' tall shadowbox fence at the rear property line of the entire parcel of property.

Site Plan Review: Each building shall have site plan review by the Planning Commission and the City Council before building permits may be issued.

Signage: 1 ground sign shall be permitted for the development. Each building may have Signage on the building only as permitted by the sign ordinance.

Lighting: The light standards shall be no taller than the fence to be constructed at the rear property line.

Residential: A maximum of 27,000 sq. ft. of residential may be constructed in addition to the allowed building sq. ft. This residential shall not be converted to office use at any time in the future without a zoning amendment.

Building Square Footage: 7 buildings are permitted with a maximum of 46,600 sq. ft. These buildings are indicated on the attached site plan and shall conform to the sizes indicated on the plan.

Access: 1 right in/out shall be permitted with the development at the midpoint of the development to Greeno. A 2 way lane shall be constructed between Gayfer and Edwards as shown on the attached site plan.

Parking: The overall development shall meet the parking requirements of the City. The parking shall be consistent with the site plan attached.

Site Plan: Attached as "Exhibit A" is a site plan. The site plan and the development regulations above govern the development of the property. The property must be constructed in substantial conformance with the requirements of this Ordinance. Any substantial deviations as determined by the Planning and Building Department shall constitute a change to the zoning and must be approved by the Planning Commission and Council and shall be processed as a zoning amendment.

Severability clause: If any part, section of 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.

End of Proposed Ordinance

C-2-16

Gulf Coast Newspaper
P.O. Box 509
Robertsdale, AL 36567
Phone (251) 947-7712

AFFIDAVIT:

This is to certify that the attached legal notice/advertisement appeared in:

- The Baldwin Times, Bay Minette, Al
- The Bulletin, Daphne, Al
- The Fairhope Courier, Fairhope, Al
- The Independent, Robertsdale, Al
- The Onlooker, Foley, Al
- The Islander, Gulf Shores, Al
- The Elberta/Lillian, Elberta, Al

_____ a weekly newspaper published in Baldwin County, Alabama.

Weekend Edition (includes The Fairhope Courier, The Onlooker, The Islander, The Bulletin).

Publication Date: C-2-23 Cost: words/inches x rate 174 x 17

TOTAL: \$ 29.58

April Wallace
Legal Ad Representative
April Wallace

BILL TO: City of Fairhope

ATTN: _____

...O/File Number _____

FOR OFFICE USE ONLY

aid _____ Unpaid Acct.# 600016

State of Alabama

County of Baldwin

Sworn to and subscribed before me this 26 day of

February 2002.

Gene C. Stewart

Notary Public, Baldwin County,

Alabama

MY COMMISSION EXPIRES MAY 22, 2002

Second Notice of Public Hearing
 Notice is hereby given the second time that the Fairhope City Council will hold a Public Hearing on a proposed Ordinance Amending Zoning Ordinance No. 557, on Thursday, March 14, 2002, at 5:30 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, AL 36532

All persons who desire shall have an opportunity to be heard in favor of, or in opposition to, this proposed Ordinance and are cordially invited to be present.

Synopsis of Proposed Ordinance to be considered: Ordinance printed in full in February 16, 2002 issue of the Fairhope Courier:

An Ordinance amending the Zoning Ordinance No. 557; re-zone AmSouth Bank, Hilda Jones, J. Alan Carter, Audie and Margaret Waters, Claude Andrews, Aileen Andrews and James Morgan.

Properties from R1-Low Density Single Family Residential, R3-High Density Single Family, and R4-Multi-Family to Planned Unit Development to allow Business and Professional Offices. The properties are located on the East side of U.S. Highway 98 aka Greeno Road, north of Edwards Avenue and South of Gayfer Avenue.

C-2-23

*Greeno Road
Craig Dyer*

ARBOR GATES
APARTMENTS

ACCESS ROAD

GAYLOR STREET EXT W

7.0 ACRES
100' 50' 0' 100'

GRAPHIC SCALE:
Kinnison Development Services, LLC

U.S. HIGHWAY 95

DIETL AVE 50' R/W

STREET 50' R/W

PARTRICK STREET 50' R/W

EDWARDS AVE 50' R/W

50' R/W