

ORDINANCE NO. 1775

**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, the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of Clifford M. Street, Jr. and Kendall Charles Street, as co-trustees of the Street Living Trust (containing 3.5 acres, more or less, and zoned R-1) is generally located on the west side of Greeno Road, north of Manly Road. Farrington Blvd runs between the parcels.

PPINS # 267236, 257637, 356677, 356679

Legal Description: (Case number ZC 22.16)

Parcels ("Lots") 1-3 as recorded on the Street's Commercial Park replat on Slide 2512-A and Lot 1A and 2A as recorded on a Re-Plat of Lots 1 and 2 of the Street's Commercial Park as recorded on Slide 2886-D

Beginning at the southeast corner of Huntington Subdivision, Phase one as recorded on slide 2184-D in the Office of the Judge of Probate, Baldwin County, Alabama; thence run N-01° 14' 37"-E, along the east property line of said subdivision, 522.86 feet to a point located on the south right of way line of Farrington Boulevard; thence run S-89° 41' 25"-E, along said south right of way line, 212.67 feet to a point; thence run along said south right of way line and along a curve to the right having a radius of 25.00 feet, a chord bearing of S-44° 08' 30"-E, and a chord distance of 35.65 feet to a point located on the west right of way line of U.S. Highway 98; thence run S-01° 19' 45"-W, along said west right of way line, 492.71 feet to a point; thence run S-89° 10' 23"-W, leaving said west right of way line, 237.44 feet to the point of beginning; containing 123,567 sq. ft.±, or 2.84 acres±.

Parcel 4

Commencing at the center of Section 29, Township 6 South, Range 2 East, Baldwin County, Alabama; thence run N 00 degrees 09 minutes 52 seconds east, along the north-south half section line 1325.29 feet to a point; thence run north 89 degrees 43 minutes 57 seconds east, 1328.17 feet to a point; thence run north 89 degrees 41 minutes 38 seconds east, 928.81 feet to a point; thence run south 00 degrees 19 minutes 47 seconds east, 586.93 feet to the point of beginning; thence run south 89 degrees 11 minutes 01 seconds east, 244.14 feet to a point on the west right-of-way of U.S. Highway Number 98; thence run south 01 degrees 19 minutes 38 seconds west, along said west right-of-way of U.S. Highway Number 98, 119.71 feet to a point; thence run southwesterly, leaving said west right-of-way of U.S. Highway Number 98 and along a curve to the right having a radius of 25.00 feet, a delta angle of 88 degrees 53 minutes 22 seconds, a chord of which bears south 45 degrees 46 minutes 19 seconds west a distance of 35.01 and an arc distance of 38.79 feet to a point on the north right-of-way of Farrington Boulevard; thence run north 89 degrees 47 minutes 00 seconds west along said north right-of-way of Farrington Boulevard, 215.41 feet to a point; thence run north 00 degrees 19 minutes 47 seconds west leaving said north right-of-way of Farrington Boulevard, 146.76 feet to the point of beginning.

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

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The property is hereby rezoned HTD, Highway Transitional 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 12th day of June, 2023

By: 
Jay Robinson, Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 12th day of June, 2023

By: 
Sherry Sullivan, Mayor

Ord. No. 1775 Published in
FAIRHOPE COURIER
on Wednesday, June 21, 2023
L. Hanks City Clerk

ORDINANCE NO. 1702

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE**

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, is changed and altered as described below;

WHEREAS, the City of Fairhope Planning Commission directed the Planning Department to prepare amendments to our Zoning Ordinance; and,

WHEREAS, the proposed amendments relate to the establishment of the Highway Transitional District; and,

WHEREAS, after the appropriate public notice and hearing of ZC 21.02, the Planning Commission of the City of Fairhope, Alabama has forwarded a favorable recommendation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA;

1. **THAT**, Article V, be hereby amended to add the following:

I. *HTD - Highway Transitional District*

1. ***Intent*** - The special standards listed in this section for the highway transitional district are intended to:
 - Provide an alternative to properties along state highways within the City of Fairhope that are beyond the area of influence of the Village Nodes and Commercial Nodes as contemplated by the City of Fairhope Comprehensive Plan.
 - Provide development opportunities consistent with the City's vision for commercial corridors to better serve community needs.
 - Unlike other districts within this section, the HTD is not an overlay district and does not affect any property owners, other than those who voluntarily apply for rezoning to this district.
2. ***Size*** - Lots shall be a minimum of 20,000 s.f. and under 3 acres.
3. ***Use*** - Uses for the HTD are listed in Table 3-1: Use Table. Rezoning to HTD may be conditioned so that uses permitted on appeal require a site plan.
4. ***Location*** - Eligible lots must have minimum of 100 feet on one side fronting the rights-of-way of U.S Highway 98, Alabama Highway 104, or Alabama Highway 181 and lie within the Corporate Jurisdiction of the City of Fairhope.
5. ***Dimension Standards*** -
 - a. Lot frontage shall be adjacent to the highway.
 - b. ***Setbacks***
 - i. Front Setback shall be 20'.
 - ii. Rear Setback shall be 20'.
 - iii. Side setbacks shall be 10'.
 - c. ***Building Height***
 - i. Maximum Height is 30'.
 - ii. A mixed-use building may have a height of 35' if it contains both residential and commercial space. The residential use must make up at least 33% of the total area of the building and be located on the second and/or third floor, and retail or office space must make up at least 50% of the total area of the building and be located on ground and/or second floor.

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- d. *Parking*
 - i. *Parking shall be located behind the front building line.*
- e. *Any freestanding single-use or tenant retail building shall not have a building footprint larger than 8,000 square feet.*
- f. *All lands within twenty (20) feet of the boundaries of U.S. Highway 98, Alabama Highway 104, and Alabama Highway 181 within the corporate limits of the City of Fairhope are required to be reserved by owners or developers of such lands as greenspace and tree protection zones. The required greenspace may include land as required by the front setback.*
 - i. *Where no vegetation, other than grass exists, new landscaping and plantings shall be installed at time of development within the 20-foot strip that meet the requirements of the City of Fairhope Tree Ordinance and receives approval by the City Horticulturist; otherwise the land may be left in its natural state and enhanced with the addition of trees and shrubs.*
- g. *Any future rezoning to HTD may be conditioned so that the goals and intent of the Comprehensive Plan and Article V., Section I.1. of the Zoning Ordinance are achieved.*
- h. *For the purposes of Article IV, Section B.2.b. and the screening requirements of the City of Fairhope Tree Ordinance, the Highway Transitional District shall be considered commercial/business regardless of use.*

- 2. **THAT**, Article III, Section B. Table 3-1: Use Table, be hereby amended to add a column to read as follows:

HTD

Uses Permitted subject to general ordinance standards and conditions: Single-family, Two-family, Townhouse, Mixed-use, Elementary School, Secondary School, Education Facility, Library, Public Open Space, Common Open Space, General Office, Professional Office, Day Care, and Bed & Breakfast.

Uses Permitted subject to special conditions listed in the ordinance: Accessory Dwelling, Home Occupation, and Convenience Store.

Uses Permitted only on appeal and subject to special conditions: Multiple-family/Apartment, Place of Worship, Cemetery, Hospital, Community Center or Club, Public Utility, General Merchandise, Outdoor Sales Limited, Garden Center, Convalescent or Nursing Home, Clinic, Outdoor Recreation Facility, Mortuary or Funeral Home, and Limited Manufacturing.

- 3. **THAT**, Article III, Section B. Table 3-2: Dimension Table, be hereby amended to add a row to read as follows:

HTD – See Article V., Section I.

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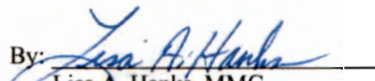
Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

Adopted and approved this 22nd day of February, 2021.

By: 
Jack Burrell, Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 22nd day of February, 2021.

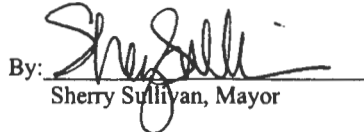
By: 
Sherry Sullivan, Mayor

Table 3-1: Use table

Zoning District	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	M-1	M-2	PUD	VRM	NVC	CVC	HTD
Dwelling																					
Single-family	●	●	●			●	●	●		●	●	●	●	●				●			●
Two-family							●	●		●	●	●	●					●			●
Townhouse				3			3	3		3	3			3				3	●	●	●
Patio Home					3													3			
Multiple-family / Apartment							3	●				○	○					3	3	3	○
Manufactured Home									3												
Mixed-use										●	●	●	●	●					●	●	●
Accessory Dwelling										3	3	3	3	3				3	3	3	3
Estate																		●			
Civic																					
Elementary School		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Secondary School		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Education Facility		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Library		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Place of Worship																			○	○	○
Cemetery	○	○	○			○	○	○		○	○	○	○			○	○		○	○	○
Hospital										○	○	○	○			○	○		○	○	○
Public Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○	○			○	○		○	○	○
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○		○	○	○
Office																					
General										●	●		●	●	●	●			●	●	●
Professional										●	●		●	●	●	●			●	●	●
Home Occupation	3	3	3	3	3	3	3	3	3	3	3	3	3	3				3	3	3	3
Retail																					
Grocery										●	●		●	●	●	●			●	●	●
Convenience Store										3	3		3	3	3	3			3	3	3
General Merchandise										●	●		●	●	●	●			●	●	●
Shopping Center										○	○		○	○	○	○			○	○	○
Automobile Service Station										○	○		○	○	○	○			○	○	○
Outdoor Sales Limited										○	○		○	○	○	○			○	○	○
Outdoor Sales Lot										○	○		○	○	○	○			○	○	○
Garden Center										○	○		○	○	○	○			○	○	○
Service																					
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○	○	○	○	○			○	○	○
Clinic	○	○	○			○	○	○		○	○	○	○	○	○	○			○	○	○
Outdoor Recreation Facility	○	○	○			○	○	○		○	○	○	○	○	○	○			○	○	○
Day Care	○	○	○			○	○	○		○	○	○	○	○	○	○			○	○	○
General Personal Services										●	●		●	●	●	●			●	●	●
Mortuary or Funeral Home										○	○		○	○	○	○			○	○	○
Automobile Repair										○	○		○	○	○	○			○	○	○
Indoor Recreation										●	●		○	○	○	○			○	○	○
Dry Cleaner / Laundry										●	●		○	○	○	○			○	○	○
Personal Storage										○	○		3	3	○	○			○	○	○
Bed & Breakfast												●	●	●	●	●			○	○	○
Hotel / Motel												○	○	○	○	○			○	○	○
Boarding House or Dormitory												○	○	○	○	○			○	○	○
Recreational Vehicle Park												○	○	○	○	○			○	○	○
Restaurant										○	○	○	○	○	○	○			○	○	○
Bar												○	○	○	○	○			○	○	○
Entertainment Venue												○	○	○	○	○			○	○	○
Marina												○	○	○	○	○			○	○	○
Kennel or Animal Hospital												○	○	○	○	○			○	○	○
Warehouse															○	○			○	○	○
Junk Yard or Salvage Yard															○	○			○	○	○
Manufacturing																					
Limited												○		○	○	○			○	○	○
Light														○	○	○			○	○	○
General														○	○	○			○	○	○
Food Processing															○	○			○	○	○
Rural																					
Agriculture	●																				
Rural Market	●																				
Plant Nursery	●																				

Uses in the PUD District shall be specified based on a development plan according to the standards and procedures of this ordinance

- Permitted subject to general ordinance standards and conditions.
- 3 Permitted subject to special conditions listed in the ordinance
- Permitted only on appeal and subject to special conditions

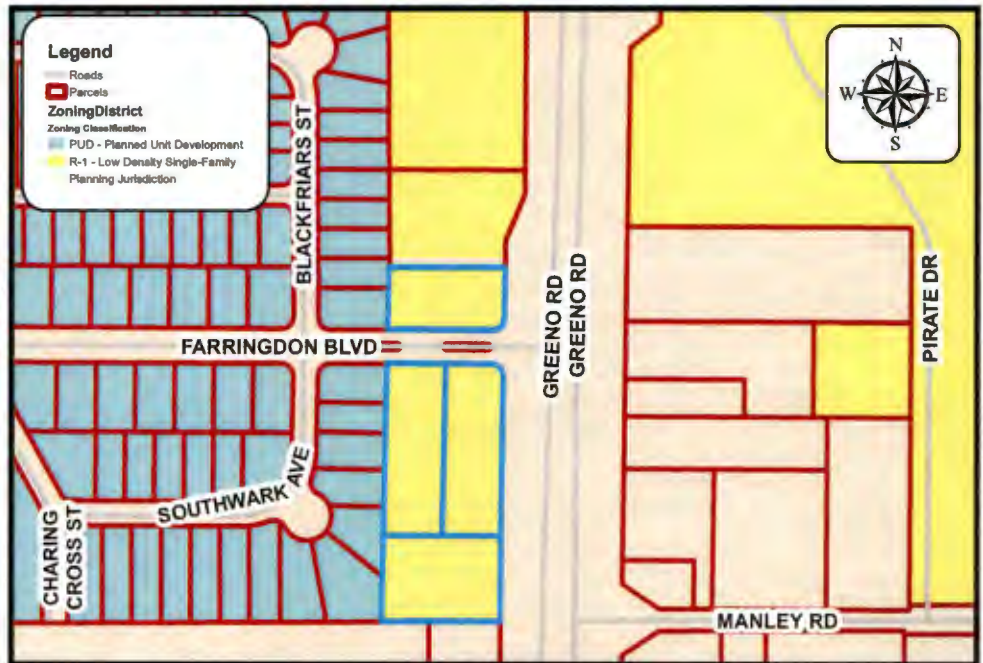
City of Fairhope Planning Commission

December 5, 2022

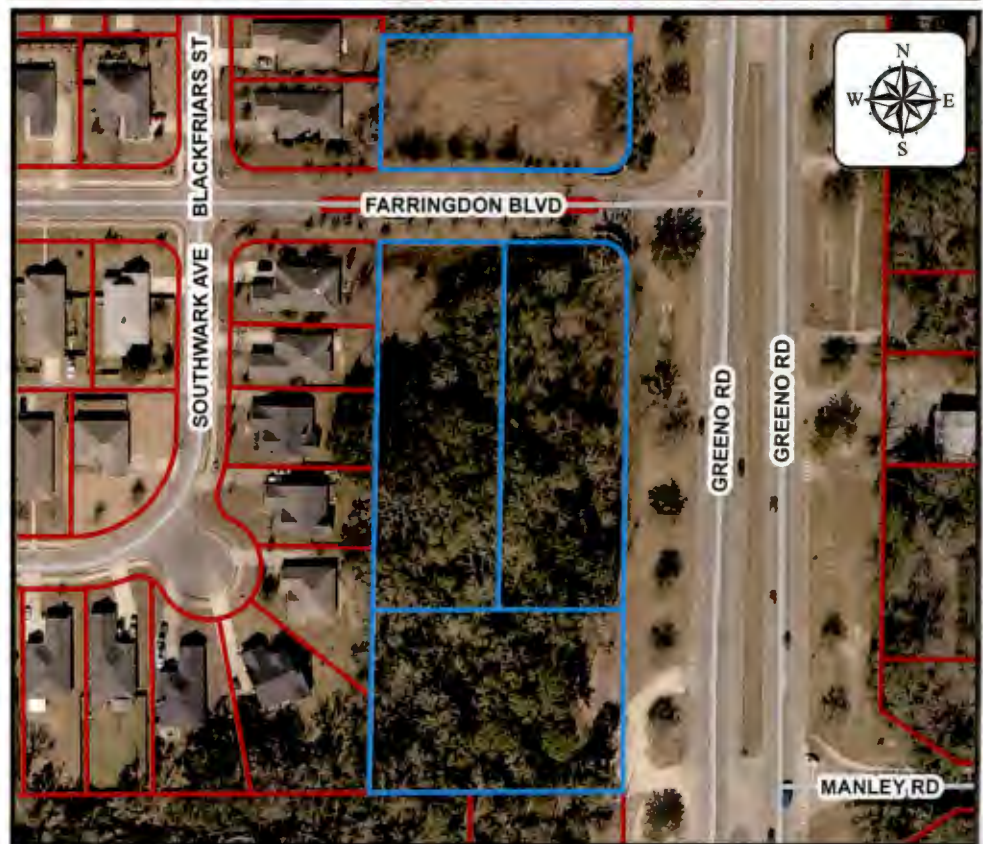


Planning Commission unanimously (8 Ayes, 0 Nays) voted to recommend approval of ZC 22.16.

ZC 22.16 - Street Property, Rezoning



Project Name:	Street Property
Site Data:	3.5 acres
Project Type:	4 Lot Rezoning
Jurisdiction:	Fairhope Planning Jurisdiction
Zoning District:	R-1
PPIN Number:	267236, 257637, 356677, 356679
General Location:	West side of Greeno Road, North of Manly Road. Farringdon Blvd runs between the parcels
Surveyor of Record:	
Engineer of Record:	
Owner / Developer:	Street, Clifford Etal Jean
School District:	Fairhope Elementary School Fairhope Middle and High Schools
Recommendation:	Approval
Prepared by:	Michelle Melton





RECEIVED

OCT 25 2022

BY:

APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information
 Name: Street Clifford ET AL Sean Phone Number: 251-443-5197
 Street Address: 8370 County Rd 34
 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: Clifford M Street Jr Phone Number: 251-443-5197
 Street Address: 17750 Greens Road
 City: Fairhope State: AL Zip: 36532

Current Zoning of Property: R-1
 Proposed Zoning/Use of the Property: HTO
 Property Address: 0 Clifford St LN, 0 Farrington Blvd, 0 Greens Rd
 Parcel Number: 261234, 257637, 356677, 354679
 Property Legal Description: _____
 Reason for Zoning Change: Professional office

- 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: NA

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.

Clifford M Street Jr Clifford M Street Jr.
 Property Owner/Leaseholder Printed Name Signature
10-21-2022 _____
 Date Fairhope Single Tax Corp. (If Applicable)

Summary of Request:

Applicants, Clifford M. Street, Jr. and Kendall Charles Street, as co-trustees of the Street Living Trust, request the subject property be rezoned from R-1, Low Density Single Family Residential District to Highway Transitional District (“HTD”). The property consists of four (4) parcels (PPINs: 267236, 257637, 356677, and 356679) totaling +/- 3.5 acres. The parcels straddle the entrance to Huntington Woods on Farrington Boulevard, off of South Greeno Road (US Hwy 98). There is one (1) parcel located north of Farrington Boulevard and the rest are situated south of Farrington Boulevard. *See below.*

Applicants contend that the property is better suited for commercial/business use, which is the intent of the Highway Transitional District, rather than as residential use. Moreover, some of the parcels are taxed as commercial by the Baldwin County Revenue Commission. Applicants would like the opportunity to potentially build office space(s) on the parcels justifying their request. This is merely the rezoning request and there are no imminent plans for development at this time.



Site History:

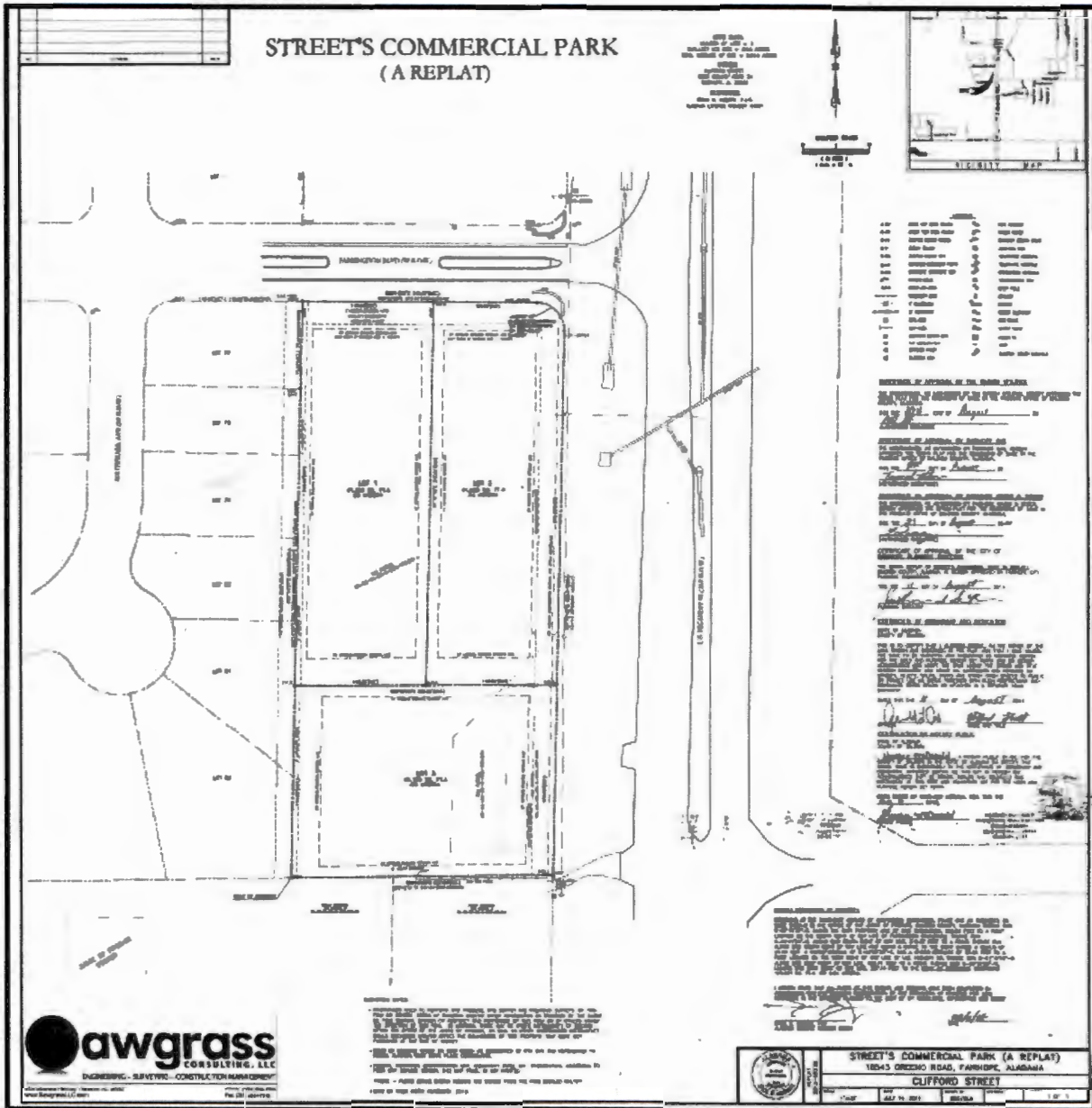
Three (3) of four (4) of the parcels are currently vacant. The southernmost parcel has a well-established ice machine located on its South Greeno Road facing side. The ice machine was placed on the southernmost parcel prior to the R-1 zoning designation and was more or less grandfathered in. *See below.*



Last visited on November 21, 2022.

The three (3) parcels south of Farrington Boulevard make up the 2014 platted Street's Commercial Park (Slide 2512-A, Baldwin County Probate Records) and shown below. The three (3) parcels making up the Street's Commercial Park are taxed as commercial property by the Baldwin County Revenue Commission. However, commercial use beyond the ice machine has not come to fruition.

The subject property has been in the Street family for 20+ years.



Slide 2512-A, Baldwin County Probate Records

Requirements for the Highway Transitional District:

The Highway Transitional District was added to the Zoning Ordinance in February 2021 as Ordinance 1702. (See Exhibit A). According to Article V, Section I (1), of the Zoning Ordinance (Ord. 1253), the intent of the HTD is three-fold.

Intent – The special standards listed in this section for the highway transitional district are intended to:

- Provide an alternative to properties along state highways within the City of Fairhope that are beyond the area of influence of the Village Nodes and Commercial Nodes as contemplated by the City of Fairhope Comprehensive Plan.
- Provide development opportunities consistent with the City’s vision for commercial corridors to better serve community needs.
- Unlike other districts within this section, the HTD is not an overlay district and does not affect any property owners, other than those who voluntarily apply for rezoning to this district.

Applicants desire for the property to be commercial/business use, especially since ¾ of the property is being taxed as commercial. Since the parcels are adjacent to a major highway, the HTD zoning makes sense and is reasonable. Furthermore, general and professional office use are acceptable uses by right according to Table 3-1 as shown below and attached as Exhibit B.

Table 3-1: Use table

Zoning District	Zoning District														PUD	VRM	MVC	CVC	HTD	
	R-1A	R-1B/C	R-2	R-3 TH	R-3 MCH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4						M-1
Dwellings																				
Single-Family	●	●	●			●	●	●		●	●	●	●	●				●	●	●
Two-Family																				
Townhouse				●			●	●		●	●				●					●
Patio Home					●															
Multiple-Family / Apartment						●	●					○	○							○
Manufactured Home									●											
Mixed-use										●	●	●	●	●						●
Accessory Dwelling											●	●	●	●	●					●
Entrance																				
Civic																				
Elementary School		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●
Secondary School		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●
Education Facility		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●
Library		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●
Place of Worship																				
Cemetery	○	○	○			○	○	○		○	○	○	○	○						○
Hospital										○	○	○	○	○						○
Public Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○	○	○						○
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Office																				
General										●	●	●	●	●	●	●	●	●	●	●
Professional										●	●	●	●	●	●	●	●	●	●	●
Home Occupation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

- Permitted subject to general ordinance standards and conditions.
- Permitted subject to special conditions listed in the ordinance
- Permitted only on appeal and subject to special conditions

See standards and procedures of this ordinance

Size: Article V, Section I(2) mandates that the size of each lot be a minimum of 20Kft² and under three (3) acres. Lots being synonymous with parcels for the sake of clarity, all four (4) parcels meet the size requirement of the HTD.

Location: Each parcel has frontage at least 100 ft along South Greeno Road, which is a location requirement for the HTD per subsection (4).

Dimension Standards: Article V, Section I(5)(b) calls for the following setbacks in the HTD, all of which can be accomplished in each of the four (4) parcels.

b. Setbacks

- i. Front Setback shall be 20'.**
- ii. Rear Setback shall be 20'.**
- iii. Side setbacks shall be 10'.**

Maximum building heights of 30' or 35' shall be applicable to any buildings on the parcels.

Parking shall be located behind the front building line if and when buildings are anticipated.

Per subsection (e), any stand-alone single use or tenant retail building shall not exceed an 8Kft² footprint.

Subsection (f) states that "all lands within twenty (20) feet of the boundaries of U.S. Highway 98, Alabama Highway 104, and Alabama Highway 181...are required to be reserved by owners or developers...as greenspace and tree protection zones..." If there is no other vegetation beyond grass at the time of development, then new landscaping and plantings shall be installed at the time of the development. Said landscaping and plantings shall be approved by the City Horticulturalist.

The City of Fairhope Tree Ordinance considers the HTD as commercial/business regardless of the actual use.

Pursuant to Article II, Section C(1) "Zoning Amendments," subsection (e) "*Criteria*" the application shall be reviewed based on the following criteria:

(1) Compliance with the Comprehensive Plan;

Response: The current Comprehensive Land Use Plan (circa 2016) supports a village concept with village centers containing the highest intensity of business uses with commercial nodes located on Greeno Road, Highway 181, and Section Street. The preferred plan places village centers at North Village (current Fly Creek PUD), Greeno Road, intersection of Fairhope Avenue and Highway 181, and downtown, with downtown considered the ultimate village center. The nearest village nodes are located at Greeno Road and Twin Beech Road and Greeno Road and County Road 32. An additional node is at Section Street and County Road 34. The "subject" property is triangulated among the aforementioned commercial nodes. *See below.*

The subject property is not appropriate for a full-blown commercial node; however, staff does believe the property is appropriate for HTD by definition and location.



2016 Comprehensive Land Use Plan – Preferred Use Land Map

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

Response: Currently, all the parcels are zoned R-1. R-1 is most likely not the best use for smaller parcels that directly front a major highway since R-1 is a more appropriate designation for larger parcels. Moreover, “screening” is an important attribute that runs throughout this ordinance and HTD requires the first twenty (20) feet of the parcel from the highways be vegetated beyond that of just grass; whereas, R-1 does not. Also, HTD is transitional and these parcels ease the transition from busy highway to the residential subdivision behind them.

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

Response: Each parcel fronts S. Greeno Road (US Hwy 98). Each parcel is backed by the Huntington Woods subdivision. Parcels north of the stand-alone northern parcel are zoned R-1. There are two (2) such parcels and they are much larger and have what appears to be one (1) residence on each. Parcels located south of the parcels known as Street’s Commercial Park are unzoned as are parcels across S. Greeno Road (US Hwy 98). There is not any known anticipated pending development in the immediate surrounds of the subject property.

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

Response: There is no proposed development at this time. At least one (1) parcel (ice machine) is energized. Future development project(s) shall confirm the adequacy of the 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: Rezoning complements the Tree Ordinance. 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 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: Applicants do not have any immediate plans for development. Nonetheless, the parcels are situated in an area that fits the bill for HTD by definition. If the property is developed commercially there very well may be potential impacts; however, any future building permits will be reviewed by staff prior to any construction and development shall follow all of the appropriate setbacks, footprints, and buffers. In addition, since the parcels front a major highway then ALDOT will also weigh in on any future development plans.

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

Response: Since this is a straight rezoning request where a solidified future use and/or site plan is not yet even fully contemplated then it is impossible for staff to determine any specific impacts on the surrounding neighborhood although it is reasonable to assume that there will be some impacts with any future development. Nonetheless, any future development will have various approval processes where these concerns and more will be thoroughly vetted.

Recommendation:

Staff recommends **approval** of ZC 22.16.

From: [Jacqueline Turner](#)
To: [planning](#)
Subject: Case ZC 22.16
Date: Monday, November 28, 2022 8:09:30 AM

SENT FROM AN EXTERNAL ADDRESS

Hello,

With the Thanksgiving Holiday, there really was not enough time to properly draft a response to the letter recently received regarding the above requested rezone.

However, as an impacted homeowner, as well as a representative of the almost hundred member HOA, we are VEHEMENTLY OPPOSED to this zoning change! None of our key concerns, such as traffic and the safety of our children, have changed. In fact, they have been increasingly exacerbated by the additional traffic due to residential development behind ours and the overall influx of area development. In addition, commercial driveways would not be feasible off Farringdon as it is a tree lined entrance that we maintain. Placing the entrances off of Highway 98 would only add to everyone's nightmare of school traffic as it is across the street from the main high school entrance. Keeping the current zoning is the only common sense choice.

Thank you for your consideration,
Jacqueline Turner

Erik Perrin, Huntington Woods Resident









Mr. Perrin called on November 28th, 2022, to voice his opinion regarding Case ZC 22.16, the rezoning of the Street property to HTD. He stated that he was not against the rezoning, he would like to see the property develop, but did ask that the ingress/egress for the lots be located on Greeno Road rather than Farrington Boulevard and entrance to the Huntington Woods Subdivision. He added that there is a lot of traffic from Old Battles Village being developed.

ArcGIS Web Map

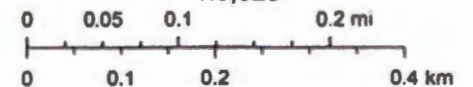


October 27, 2022

Zoning

- | | | | |
|---|---|--|-----------------------------------|
|  | B-3a - Tourist Resort Lodging District |  | HTD - Highway Transition District |
|  | B-3b - Tourist Resort Commercial Service District |  | M-1 - Light Industrial District |
|  | B-2 - General Business District |  | P-1 - Parking |
|  | B-1 - Local Shopping District | | |
|  | B-4 - Business and Professional District | | |

1:9,028



KCS, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, METV, NASA, EPA, USDA

Web AppBuilder for ArcGIS

Full PDF Report GeoTechnologies Inc. Intermap, USGS, METV, NASA, EPA, USDA

Exhibit A:

Map of the Property of the Street Living Trust to be re-zoned to HTD (Case ZC 22.16)

