

The City of Fairhope Board of Adjustments and Appeals met on Monday, July 16, 2018 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Anil Vira, Chairman; Harry Kohler; Christina Stankoski; John Avent; Cathy Slagle; Wayne Dyess, Director of Planning; Buford King, Planner; and Emily Boyett, Secretary.

Absent: Troy Strunk, Vice-Chair and Dick Schneider

The meeting was called to order at 5:00 PM by Chairman Vira.

The minutes of the June 18, 2018 meeting were considered. Cathy Slagle moved to accept the minutes as corrected and was 2nd by John Avent. Motion carried unanimously.

BOA 18.09 Public hearing to consider the request of A&A Corte Family Limited Partnership for a Special Exception to allow a clinic for property located on the north side of Fairhope Avenue directly across from Hoffern Drive.

Mr. King gave the staff report.

Summary of Request:

A & A Corte, FLP and A & D Corte, FLP, are requesting a clinic use, allowed on appeal, for Lot 1B of the resubdivision of Lot 1 Planters Plaza consisting of 8.82 acres, located on Fairhope Avenue. The subject property is zoned in B-2 General Business District which is designed to accommodate the following:

B-2 General Business District: This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

The term “clinic” is defined by the Fairhope Zoning Ordinance in Article IX. Section B.5. as follows:

5. Service Use Category

The Service Use category is for businesses that offer clients, customers, or patrons goods for consumption on the premises, or offer services for performance and delivery on the premises.

b. Clinic – 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.

The table of permitted uses Table 3-1 provides that a clinic in the B-2 District is only allowed on appeal.

The Comprehensive Plan does not mention medical uses from a land use planning perspective. However, on page 5, Stakeholder Interview Summarization says “The largest economic engine in Fairhope is medical. The city needs to support the hospital and doctors as much as possible.” The development of appropriate medical office uses will further this goal.

The Fairhope Zoning Ordinance does have a medical overlay district (Article V Section H. Medical Overlay District). The boundaries of the overlay are near and around Thomas Hospital. The intent of the overlay is as follows: “The MO District is also intended to establish and accommodate highly specialized, unique uses and development types related to the medical field and to accommodate additional specialized needs and growth of the medical field and community.”

The subject property **is not** in the Medical Overlay District. However, it is adjacent to the new USA Mitchell Cancer Institute Kilborn Clinic and located near the Baldwin County Satellite Courthouse. After reviewing the current Medical Overlay District, it appears that there is not sufficient and available lot area within the overlay boundaries to accommodate the proposed medical use. Therefore, additional sites should be explored. The proposed medical is anticipated to have limited hours of operation consistent with a medical office. It should be noted that the medical use is less intense than most of the allowable uses in the B-2 General Business District. The proposed use would serve medical needs of growing community as well support the economic aspect of community development. The proposed use is consistent with the existing development pattern and does not pose a threat to sound planning principles.

Recommendation:

Staff recommends **APPROVAL** of the appeal to establish a medical clinic on the subject property.

Mr. Avent stated this location makes sense with the existing cancer center next door and Mr. Dyess agreed. Mr. Kohler asked if the cancer center also received a variance and Mr. Avent responded it is a State facility and it was not required.

Arthur Corte address the Board saying when the property was originally annexed, a medical office was allowed by right in the B-2 zoning district. Mrs. Stankoski asked if it will be a hospital or medical office and Mr. Dyess clarified it will not be a hospital. Mr. Vira opened the public hearing. Having no one present to speak, Mr. Vira closed the public hearing.

Ms. Slagle stated the site is 8.2 acres and asked what other uses will be allowed on the property. Mr. Dyess responded all allowable uses listed in the B-2 zoning district will be allowed.

Cathy Slagle made a motion to accept the staff recommendation to approve the special exception to allow a medical clinic on property PPIN# 63508. Christina Stankoski 2nd the motion and the motion carried unanimously with the following vote: AYE – Harry Kohler, Christina Stankoski, John Avent, Anil Vira, and Cathy Slagle. NAY – none.

Having no further business, Cathy Slagle made a motion to adjourn. Christina Stankoski 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:11 PM.