



**City of Fairhope
Board of Adjustment and Appeals
5:00 PM
City Council Chambers
January 23, 2020**

Karin Wilson
Mayor

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACMO

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Deborah A. Smith, CPA
City Treasurer

1. Call to Order
2. Approval of the November 18, 2019 minutes
3. Consideration of Agenda Items:
 - A. BOA 20.01 Public hearing to consider the request of Melissa Hinson of Jubilee Nutrition, for a Special Exception to allow a Restaurant at 325 S. Greeno Road, Suite D.
PPIN #: 200264
4. Old/New Business
 - Election of Officers
 - 2020 Agenda Schedule
5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

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www.fairhopeal.gov

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Board of Adjustment

January 23, 2020

Special Exception

Case Number: BOA 20.01 325 S. Greeno Road

Project Location:

325 S. Greeno Road, Suite D.

Applicant

Melissa Hinson

General Location

East side of S. Greeno Road,
300'± North of Nichols Avenue

Request

Special Exception to allow a
restaurant

Project Acreage

1.62 acres

Zoning District

City of Fairhope
M-1 Light Industrial

PPIN

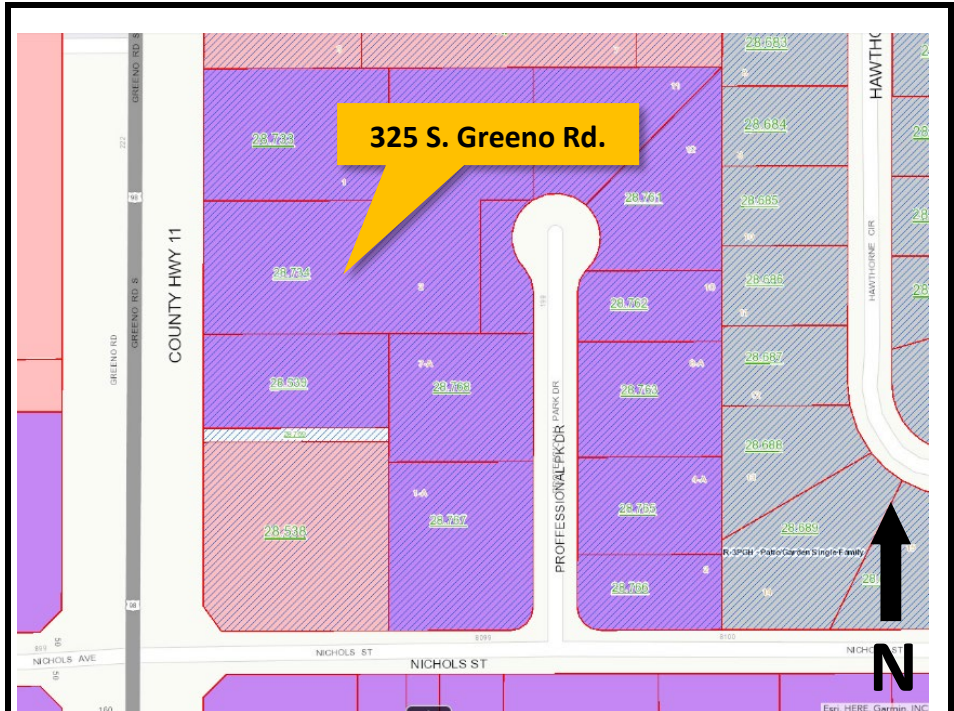
200264

Report prepared by

Samara Walley, MCP
City Planner

Recommendation

Approval with conditions



Summary of Request:

The applicant is requesting a special exception to allow a restaurant for the property located at 325 South Greeno Road, Suite D. According to the *City of Fairhope Zoning Ordinance Article III, Section A.*, the M-1 zoning district is “intended to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic”. Additionally, Article III, Section D.11. states the following:

“11. Restaurants and Accessory Bars in the M-1 Light Industrial District

- A. *Intent: The intent of these special conditions for restaurants and associated bars in the M-1 Light Industrial District is to provide a method for restaurants to be permitted in the M-1 district.*
- B. *Location Requirements: The special conditions in this section shall apply only to the M-1 Light Industrial District.*
- C. *Site Requirements: (1) Prohibition of drive throughs. Restaurants shall not contain drive through windows or pick up windows. Restaurant must be a sit-down style restaurant.”*

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:

“Restaurant” is an allowable use within the M-1 zoning classification as indicated in the City of Fairhope Zoning Ordinance Article III, Section B., Table 3-1 Use Table. However, “Restaurant” 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 historic survey of the subject property. No site plan was included. The applicant gave the following description of the proposal:

“We are submitting our request to be reviewed for 325 S. Greeno Road, Suite D, Fairhope AL to be used as a limited food service location. Jubilee Nutrition LLC will offer healthy meal replacement shakes and energy tea to provide a healthy alternative to the community for food choices. We will only be a come and go location with no long-term seating as well as no drive thru will be available. We do offer nutrition education services for customers by offering wellness coaching programs. The program consists of a baseline assessment and individualized nutrition planning with accountability coaching to help individuals achieve their weight loss/gain goals.

I have included required forms, a plot map and the parcel viewer list.

Our building permit is requested to add two electrical sockets, one hand sink and one 3-compartment sink to meet health department codes. We will have an ice machine, filtered hot/cold water machine and two commercial blenders.

I have two locations within Alabama if you need references to this type of establishment. Surge Nutrition in Foley and Bama Nutrition in downtown Tuscaloosa....”

Recommendation:

Staff recommends the Board of Adjustment APPROVE the proposed Special Exception for the subject property to allow a restaurant in an M-1, Light Industrial Zoning District subject to the following condition:

- 1) Submission of a site plan with building dimensions and compliant parking prior to the issuance of a business license.

Prepared by:

Samara J. Walley, MCP
City Planner

Fairhope Board of Adjustments Agenda Schedule 2020

MEETING DATE 5:00PM

Thursday, January 23, 2020
*Moved due to the Martin Luther King holiday

Monday, February 17, 2020

Monday, March 16, 2020

Monday, April 20, 2020

Monday, May 18, 2020

Monday, June 15, 2020

Monday, July 20, 2020

Monday, August 17, 2020

Monday, September 21, 2020

Monday, October 19, 2020

Monday, November 16, 2020

Monday, December 21, 2020

Thursday, January 23, 2021
*Moved due to the Martin Luther King holiday

SUBMITTAL DEADLINE 3:00PM

Monday, December 9, 2019

Monday, January 13, 2020

Monday, February 10, 2020

Monday, March 9, 2020

Monday, April 13, 2020

Monday, May 11, 2020

Monday, June 8, 2020

Monday, July 13, 2020

Monday, August 10, 2020

Monday, September 14, 2020

Monday, October 12, 2020

Tuesday, November 9, 2020

Monday, December 14, 2020

**BOARD OF ADJUSTMENT MEETINGS ARE HELD IN
COUNCIL CHAMBERS, FAIRHOPE MUNICIPAL COMPLEX
AT 161 N. SECTION STREET**

IT IS THE RESPONSIBILITY OF THE APPLICANT TO SEE THAT ALL SUBMITTALS ARE MADE IN A COMPLETE AND TIMELY SEQUENCE AND TO HAVE THE CASE PRESENTED BEFORE THE BOARD AT SCHEDULED MEETINGS.

****INCOMPLETE SUBMITTALS WILL NOT BE PLACED ON THE AGENDA. ****