

## Fairhope annexes Colony at the Grand property

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**Russ Henderson, Press-Register**



(Press-Register/Mike Kittrell)

The Colony at the Grand's Lakewood Club is shown last summer when it first opened. Mobile Bay can be seen in the distance beyond the tree line. The Fairhope City Council voted Monday night to annex The Colony at the Grand under a new "tourism resort district" designation.

FAIRHOPE, Alabama -- The City Council voted Monday to annex The Colony at the Grand's 184 acres into the city, create a new "tourism resort district" for the property and settle a lawsuit stemming from the development.

"We're obviously very happy with the council's actions tonight," said Jason Tickle of The Daniel Corp., one of the developers of the massive residential project in Point Clear.

The resort district allows for construction of a second eight-story condo complex on the site. The Colony's first eight-story condo complex was completed in 2008 at Section Street and Old Battles Road.

The council voted Monday to pay Fairhope-Point Clear Association for Responsible Development \$113,000 as part of an agreement through which the group would drop its lawsuit against the city.

In December 2006, the citizen group sued The Daniel Corp., the county and the city. The suit claimed that Fairhope and Baldwin County planners approved and issued permits for plans that violated existing height restrictions and zoning regulations.

The settlement agreement approved Monday required the council's approval of the "tourism resort district."

The Colony project, which has corporate links to the Retirement Systems of Alabama-owned Grand Hotel Marriott Resort, Golf Club & Spa, would retain its cap of 637 residential units, with one tower no higher than 100 feet. The new tower would be "built on a site that's far less visible than the existing building," Tickle said.

Prior to Monday's annexation decision, The Colony at the Grand had lain outside city limits but within the city's 5-mile planning jurisdiction.

The city annexed the property Monday by way of a property donation, Mayor Tim Kant said. Point Clear Properties, the owner of The Marriott Grand Hotel, owns a golf course across the street from The Colony's property that abuts a property that lies within the city limits, Kant said.

Point Clear Properties donated a 10-foot strip to the city, connecting the city-zoned land to The Colony at the Grand's acreage, making it contiguous to the city limits, Kant said.

Prior to the vote to amend the city's zoning ordinance to create the tourism district, Councilwoman Debbie Quinn said she was concerned that the measure "lets the developer off on the tree ordinance."

City Planner Jonathan Smith said "there are parcels of the development that will be subject to the provisions of the tree ordinance," while others will not. The plan includes "a 40-foot buffer along Battles Road" and other "special considerations" to protect trees and wooded areas, he said.

According to the city's tree ordinance, any tree with a diameter greater than 24 inches is protected. Prior to construction at any site, the ordinance reads, "every effort must be made to protect and retain existing significant trees."

Much of The Colony at the Grand's property would be free of that and other requirements of the tree ordinance, according to the resort district ordinance approved Monday.

Mike Ford asked whether the development's streets would be private, meaning that the city will have no responsibility for paving them. Smith said that was the case, the city would not pave the development's roads.

City officials have described the development as a "private, gated" community.

The measure passed 4-1, with only Quinn voting against it.

In other business Monday, the council:

- Declared 50,500 feet of boom used during the BP PLC oil spill response surplus, allowing the city to sell it. The council declared surplus 27,500 feet of used and decontaminated boom as well as 23,000 feet of new, unused absorbent boom.

The resolution stated that the boom would be "sold to the highest bidder," but that the council would have authority to reject bids it deems "to be less than adequate." The resolution included no estimated value.

- Approved an ordinance allowing the Fairhope Airport Authority to issue \$8.8 million in bonds with RBC Bank. The new bond issue will pay the debt on a bond issue from 2007 with Allied Irish Bank used to finance the purchase of two lots totaling 257 acres at the H.L. "Sonny" Callahan Airport.

According to the original agreement with Allied Irish Bank, the airport authority would only pay interest on the \$8.8 million

during the first five years of the loan, said Chuck Zunk, authority chairman.

Zunk said the new bond issue only will be used to refinance the original debt, and will not be used for further renovations or airport expansion.

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