

The Planning & Zoning Commission of the City of Fairhope met Monday, April 2, 2007 at 5:00 PM at the City Administration Building, 161 N. Section Street in the City Council Chambers

Present: Jean Wilson, Chairman; Tim Kant, Dan McCrory
Bob Clark, Dick Charles, Lee Turner, Ed Brinson, Mike Ford
Planning Staff: Gregg Mims, Jonathan Smith, Nancy Milford,
Emily Irby, and Betty Rivenbark, Secretary Absent: Gary Moore

The minutes of the March 5, 2007 meeting were considered and approved on motion by Dick Charles, 2nd by Ed Brinson and unanimously carried.

The minutes of the March 8, 2007 special meeting were considered and approved on motion by Dick Charles 2nd by Ed Brinson and carried with one abstention by Lee Turner.

Gregg Mims addressed the commission and said the Riviera Utilities discussion carried over from the last meeting would be moved to the first agenda item as the majority of the audience was present for this discussion. He said at the last meeting this was deferred to give Riviera and the City more time to discuss the proposed installation of their transmission lines. Tom Byrne of Riviera Utilities was recognized and said as stated before they need to extend their transmission line and since the decision was deferred at the last meeting they have met with everyone they were asked to meet with and looked at different alternatives and they are prepared to meet the request of the Planning Commission and do the desires of the city. He had presented 3 drawings showing the present line and 2 options for the line to run. He said they had a meeting with the Mayor last week and after all discussions the consensus is it would be better to continue the transmission line behind the Woodlands and put in smaller poles with the distribution and transmission lines being on the same pole (Option 2). He said they also plan to put in a new substation. He said their goal is to give reliable power with reasonable rates and this upgrade is necessary. He said he has seen the petition from Woodlands and reviewed the entrance at Rock Creek. He said they could put the lines underground in front of the Rock Creek entrance like the residents want but the current policy is the residents would pay the difference in the cost - overhead vs underground. He said Riviera is willing to work with anyone but would like to resolve it within 30 days as they need to get to work. He was questioned what size poles would be used and said that there are 65 ft poles (with 10 ft being underground) now and probably would increase them to 75 ft poles (with 10 ft being underground). Sam Renfroe, 109 Pinetop Circle; Mike Perkins, 145 Willow Lake Dr, Woodlands, Nick Gill, spoke against what proposed. Tom Ellis of the Tree Committee and a forester, told of the Corridor 98 project and planting all the trees from Spanish Fort all the way to Fairhope, he had also been in on the meetings

with Jennifer and Riviera; Harriet Gutknecht, Wisteria Garden Club spoke saying Fairhope is special we should consider best solution, what is best for Fairhope, and Art Dyas, V.P. Montrose Woods, said any amount of money would be miniscule to pay to protect the entrance to Fairhope and put these proposed lines underground. Jennifer Fidler spoke telling of what had transpired with her meetings with Mr. Byrne and Riviera representatives and the number of trees involved that would be cut. Dr. John Meyer, Master Gardeners, spoke against what proposed and said that the lines in front of Rock Creek and the lines coming across the entrance to Fairhope should at least be buried. Mr. Byrne said again that they will work with anyone but they cannot pay for these lines to be buried. The cost of putting the lines underground was also discussed. He said he did not have a figure he could quote at this time but would be glad to have his engineers figure it out and get back with us. Further discussion followed and Tom Byrne addressed the gravel road that Mr. Renfro asked about Riviera running behind his property in the Woodlands Mr. Renfro is against running this road. Mr. Byrne said that there is an existing ROW there and if they put in a road it would be on their ROW, 16 ft is the normal width; he cited bad weather and a way to access the lines as a reason for considering this. Mayor Kant said that he did not see the need for this road that they have been able to reach it in the past. Further discussion led to the Mayor asking Aaron to work with Riviera and Rock Creek to see what kind of compromise they could come up with but we definitely need to run the lines in front of Rock Creek entrance and entrance to Fairhope at the "Y" underground. Dick Charles said after hearing all the discussion option 2 looks like the best plan, running the transmission line on the current easement behind the Woodlands and if Riviera is willing to work with the Rock Creek residents and put the distribution line underground at the entrance and work with the City of Fairhope in not installing an overhead line at the entrance to Fairhope he moved to approve Option 2, Bob Clark 2nd the motion and it carried unanimously.

ZC07-02 Rezone Request from R-4 Low Density Multi-Family to B-1 Local Shopping District property of Danny Smith at 211 South Section Street. Jonathan Smith gave the staff report and said this property is 17,424 sq ft in area and the proposed use of the existing historic home on the site is for a furniture sales and consignment store. Mr. Smith said further that when Mr. Smith made the application he told the Planning Department that Christopher Baker had mailed him a letter in 2004 stating the property is zoned B1 but he could not produce the letter. On the zoning map this property is shown as R-4. Further research through the City Clerk's office could not validate his claim. He said directly west and south of the site lays R2. East is R-3TH and R-2 properties and North lies land zoned B-1. He

said the Comprehensive Plan calls for a community design concept that encourages the CBD to be the City's Village Center. The subject property is outside the CBD predominately surrounded by residential zoning and staff feels that zoning the subject property commercial will negatively impact the Central Business District by diluting the concentrated activity in the center of town. Staff recommends denial of the re-zoning request based on the request not contributing to the goals and intent of the City Comprehensive Plan. Mrs. Wilson opened the public hearing and Danny Smith spoke and gave out papers saying he bought the property and renovated it and basically the same thing Jonathan did only that when they went to open their business was when they were told the zoning was wrong so they rented a space on Delamare Street and are operating out of it. Paul Fontenot, a resident at 252 So. Section Street, spoke citing Fram's request a couple of years back and it being voted down as it was spot-zoning and asked what would happen if Mr. Smith left and could this produce a domino effect all the way down Section Street. Mostly families now, if this is zoned B-1 someone could tear down the old house and put in a strip mall. Steve Thomas, a resident at Nichols & Section Street cited all the churches surrounding him and said that he feels that he is already surrounded by business and cannot object. The public hearing was closed and after further discussion by the commission a motion was made by Lee Turner to accept staff recommendation and recommend denial to the City Council. Bob Clark 2nd the motion and it carried with two objections by Jean Wilson and Ed Brinson. Mr. Smith made the point that no matter the outcome he would like a statement from the city giving the correct zoning.

SR07-02 Site Plan Approval Fairhope Yacht Club/HMR(Generally located on the north side of Volanta Avenue at the bay) Jonathan Smith gave the staff report saying this property is B3b and contains 6.14 acres. The proposed building has a total gross floor area of 10,387 sq ft and the building height is 30 ft with 1.4 acres (22%) of the site being landscaped. Staff recommendation was to approve contingent upon a five foot landscape strip/buffer being installed on the western property line of the site that their plans did not include this. Tim Lolly of HMR spoke and said they had no problem with adding the 5 ft. strip. Further discussion led to a motion by Dick Charles to approve site plan with 5 ft. strip requirement. Dan McCrory 2nd the motion and it carried unanimously.

SR07-03 Site Plan Approval new north tower addition for Thomas Hospital/HMR (Generally located on the southwest corner of Morphy Avenue and Hospital Drive) Jonathan Smith gave the staff report saying that the property is zoned B2 and the total site area is 10.34 acres

with a building footprint of 40,252 sq. feet. It is four stories tall with a height of 50 feet. The first floor will consist of offices and medical examination rooms. The second and third floors will have 32 patient rooms per floor totaling 64 new rooms. The fourth floor will be “shelled out” for future use. With the north tower addition there will be a total of 150 private patient rooms and have 13 additional emergency room beds. There will be a loss of 162 parking spaces but a new parking facility containing 240 spaces is planned. Staff recommendation was to approve contingent upon

1. The applicant shall work with the City Horticulturalist in planting 13 trees along Ingleside Avenue.

2. The applicant shall screen all parking areas along Morphy Avenue
3. The applicant shall plant one tree for every twelve parking spaces shown on the landscape plan. A landscape island shall be incorporated into the new parking area.

Ray Moore spoke for Hutchinson, Moore & Rauch and Phil Cusa was present representing the hospital. They had a rendering of what proposed and outlined everything just as Mr. Smith had. All questions answered satisfactorily, Lee Turner moved to accept staff recommendation. Dick Charles 2nd the motion and it carried unanimously.

SD07-08 Preliminary Plat approval of Fox Hollow/EDS (Generally located on the south side of Morphy Avenue just west of Thompson Hall Road. Nancy Milford gave the staff report and said this property is located inside the city and is zoned R-2. It contains 62.68 acres and 124 lots are proposed @1.97 lots per acre. The largest lot being 23.808 ft; the smallest being 10,537 sq. ft. The project will be developed in two phases with phase one being 72 lots and phase two containing 52. She said Lot 72 was located immediately adjacent to the fire training facility and staff requested that it be moved, which they did. Staff recommendation was approve contingent upon

1. The satisfactory resolution of the issue of utilities located in the street, meeting the approval of the Water and Sewer Department and
2. The submittal of a landscape plan meeting approval of the Director of Public Works.

Joe Bullock, EDS, spoke and said they would work with Dan on the issue of the Water and Sewer. Bob Collins who lives in Pecan Trace spoke saying there is a creek that runs behind his house and that he is concerned about the runoff, that this is a lot of houses, a lot of asphalt. Joe said they have designed detention for a 100 year flood which is more than required. Other commission members also mentioned that when this came up previously they were concerned about the drainage issue. The traffic issue was also mentioned, putting this many more vehicles in the roads that are already heavily traveled. A traffic study was done and it came back saying that no improvements were needed to the roadway.

Further discussion led to Gregg saying this could be forwarded to Neil Schaffer if we desired a traffic study, a motion was made by Ed Brinson to approve staff recommendation subject to traffic study review by Neil Shaffer. Dick Charles 2nd the motion and it carried with one no vote by Jean Wilson.

SD07-12 Minor Subdivision approval East Gate Subdivision, Unit 1 HMR(generally located on the southeast corner of the intersection of Fairhope Avenue and Hoffren Drive) Nancy Milford gave the staff report saying the property is located in the city and is zone R-5. A two lot subdivision is proposed. She said this resubdivision is not contrary to the Comprehensive Plan and a note will be placed on the plat stipulating drainage design criteria for detention. Staff recommendation was to approve. Ray Moore spoke for HMR and said he does not know the number of units planned for this property yet but all utilities are there. Marian McKnight spoke saying she lives at 7 Sumac Circle and cited problems she and her husband have had over the years with standing water as well as washing that resulted in them having to reconstruct their back yard. It was noted that there is no drainage provision on Fairhope Avenue just two small drainage grills. She said they also receive day care center runoff and they are receiving runoff from four different areas. She is concerned about any proposed amount of additional paving. Mr. Moore mentioned that his mother also lives on Sumac Circle and he knows he can't put any more water on her. Mayor Kant said this has been a problem and that this subdivision was put in before any real regulations adopted. Mr. Moore said when they decide what will be built they will have to come to Planning Department for plan approval and Gregg said the neighbors can be notified at that time to see if adequate drainage plans are provided, they will find a way to be sure she is protected. Lee Turner moved to accept staff recommendation, Dick Charles 2nd the motion and it carried unanimously.

IR07-03 Informal Review Equestrian Style Subdivision/Danny Calhoun (generally located on the south side of Twin Beech Road just south of where Summer Oaks Place dead ends) Jonathan Smith gave the staff review and said the property is located outside the city and is unzoned. The total site area is 13.83 acres and a four lot equestrian style subdivision is proposed. The smallest lot is approximately 1.65 acres. Six acres of common area is proposed for pastures and horse stables. He said the lots are to be accessed by a gravel drive that extends from Summer Oaks Place through the common area south to the lots. Staff recommends insight and comment be given. Tim Kant advised that the applicant should read over the RA

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requirements of the City so when they develop if/when they are annexed they would not have problems down the road. Everyone was impressed with the plans and thought this was a good idea.
Dan McCrory left at 7:30 PM

IR07-04 Informal Review of Trustmark South of Alabama, Inc/Lance Clements for multi-family project(generally located on the northeast corner of the intersection of Morphy Avenue and Bishop Road). Jonathan gave the staff report saying the property is zoned R-6(Mobile Home Park District) and the total site area is 3.01 acres. The applicant would like to build 18 modular condominium buildings with a total of 33 dwelling units. The applicant is proposing to process the application as a PUD and a site plan for the property is required for PUD zoning. North of the site is R3 zoned property and west are R3 and R5. To the south is unzoned County land and east lies R-3 zoned property. Staff recommended giving input. The Commission conveyed to Mr. Clements that they hated to see multi-family put on this property, Dick Charles told him that second story units did not sell well to elderly. Bob Clark was concerned with multi-family plans. Bobby Green spoke saying he has his business next to this property and that he coexists with the 7-8 neighbors there now, everything is Single family or RA and he knows the eastern portion of his property accepts a lot of runoff from the west, there are some heavy duty drainage problems. Drainage problems in this area and Morphy Avenue flooding were cited and what a development of this size would do to add to the problem was talked about. Debra Green spoke and told of the vandalism they have experienced over the years and thought this would escalate with what proposed. It was decided a PUD would give more control over development but the proposal was not encouraged.

There being no further business, meeting was duly adjourned at 7:50 PM.

Jean Wilson, Chairman

Betty Rivenbark, Secretary