

The Planning & Zoning Commission of the City of Fairhope met Monday, March 5, 2007 at 5:00 PM at the City Administrative Building in the Council Chambers

Present: Jean Wilson, Chairman; Dan McCrory, Gary Moore, Dick Charles, Lee Turner, Ed Brinson. Planning Staff: Gregg Mims, Jonathan Smith, Nancy Milford, Chris Gill, and Geniece W. Johnson, Acting Secretary. Commissioner Bob Clark, Mayor Timothy M. Kant, Councilmember Michael A. Ford and Secretary, Betty Rivenbark were absent.

The Minutes of the February 5, 2007 meeting were considered and approved as written on motion by Dick Charles, Seconded by Dan McCrory and unanimously carried.

The chairperson Wilson advised that Gary Moore and Lee Turner have a conflict with SD 07-03 so they would be abstaining when the vote is taken.

**ZC 07-01** - A public hearing was held as advertised to consider the request of Charles Weissinger to rezone property from B-2 (General Business) to PUD (Planned Unit Development). The property is generally located just east of Greeno Road, on the south side of Autumn Drive.

**Jonathan Smith gave the following staff report:**

**STAFF INTERPRETATION:**

The subject property is located in the City of Fairhope and is zoned B-2 (General Business). This property contains approximately 9.06± acres. The applicant is proposing an apartment development consisting of six (6) buildings at three (3) habitable stories containing a total of 148 units. Total site density amounts to 16.34± units per acre.

The applicant has worked with staff in decreasing the amount of impervious surface for the project; they have also increased the amount of landscaped area and plant materials. The architectural features incorporated into the project seem to be of good design and each building will have "balconies and porches reminiscent of the wrought iron found in old Mobile and New Orleans". A continuous network of sidewalks is provided throughout the development, and the sidewalk will connect to the existing sidewalk on Autumn Drive. Per staff's recommendation, the applicant has decreased the number of parking spaces and added more of a buffer and landscaping between the development and the adjacent single-family subdivision to the south.

Forty Two Percent (42%) of the site will be landscaped. All non-paved / non-built developed areas will be covered with plant materials. The applicant is providing a 20 foot heavily landscaped buffer on the southern property line, and heavy plant materials along the existing site perimeter. Foundation plantings have been incorporated around all of the buildings.

The applicant has provided a project narrative; the narrative is attached to this document.

East of the property is land zoned B-2 and R-4 (Low Density Multi-Family Residential). West of the site is property zoned B-2. North lies R-4 property, and south is R-3 PGH (High Density Single Family Patio/Garden Home Residential District).

**The issues associated with this request are as follows:**

**Comprehensive Plan:** The project is not contrary to the City of Fairhope Comprehensive Plan.

**Site Plan Review:** If re-zoning is approved, the applicant shall submit for formal site plan review in order to thoroughly check site drainage, landscaping, building architecture, etc.

**Parking:** All parking spaces within the development should be constructed of pervious pavers. Pervious pavers will aesthetically enhance the site, as well as provide for an additional method of storm-water absorption.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission approve the Autumn Drive PUD contingent upon the following conditions:

1. The project shall go through Site Plan Review.
2. At least 25% of the parking spaces shall be constructed of pervious pavers.

Respectfully Submitted for Consideration,

Jonathan I. Smith  
City of Fairhope  
Planner

B. Gregg Mims  
Planning Director  
City of Fairhope

Mayor Kant arrived at 5:06 p.m., and Councilmember Ford arrived at 5:10. p.m.

Chairperson Wilson opened the Public Hearing:

1. Joan Rice a resident of Cottage Drive and President of the Cottage Association addressed the Commissioners in favor of the rezoning of said property.
2. Robert Clifford a resident of 210 Windsor Drive North addressed the Commissioners in favor of the rezoning of said property.
3. Jeri Ann Dryer a resident of Spring Lake Drive, expressed concerns with drainage problems and asked to be notified once drainage problems are handled.
4. Dwain Treadwell President of the Hamlet expressed that people from the Hamlet strongly support the rezoning request.
5. Charles Hilsenroth addressed the Commissioners in favor of the rezoning of said property.
6. Tom Wolfe a resident of 163 Cypress Lane in Spring Lake expressed that he was not opposed to the zoning change, but expressed concerns of drainage problems.

7. Lee Stevenson addressed the Commissioners in favor of the rezoning of said property.

Chairperson Wilson closed the Public Hearing at 5:25 p.m.

Commissioner Charles stated that the drainage issues would be addressed at the site plan approval.

Commissioner Moore inquired if a percentage of this development would be used as affordable housing for any length of time. Mr. Weissinger stated that the federal government establishes what is called affordable housing, and the federal government determines the rates. Mr. Weissinger further stated that he could not under standard tiple financing hold a price for any period of time.

Mr. Weissinger also stated that all the water from his development would be retained within an onsite pond.

Commissioner Charles moved to approve PUD to meet the staff's recommendations. Commissioner Brinson seconded the motion. The motion carried by the following votes: AYE-Commissioners: Kant, McCrory, Charles, Turner, Brinson, and Ford. NAY-Commissioners: Moore, and Wilson.

**SD 06-49** – Request of Joel Coleman of Rester and Coleman Engineers, Inc. for Site Plan and Preliminary Plat approval of The Plantation at Point Clear, a 236-lot Village Subdivision. 80 lots are proposed for Phase I Preliminary Plat. The project is generally located on County Road 32 Just North of the H. L. "Sonny" Callahan Airport.

Commissioner Moore moved to un-table the request by Joel Coleman – The Plantation at Point Clear. Commissioner Turner seconded the motion, motion carried unanimously.

**Gregg Mims gave the following staff report:**

**STAFF INTERPRETATION:**

The property is located on County Road 32 just north of the H. L. "Sonny" Callahan Municipal Airport and is currently unzoned. This subdivision is located in the Airport Overlay District. The applicant is proposing a Village subdivision, which consists of commercial development, residential units, and a club house. The village subdivision approval process allows for a site plan to be submitted prior to or in conjunction with the preliminary plat. An informal review was conducted on July 5, 2006.

The Rester and Coleman for Preliminary Plat application was heard on February 5, 2007 Planning Commission meeting and was tabled for 30 days in order for staff to work with the applicant to discuss concerns of the City of Fairhope Airport Authority regarding density and safety questions.

A meeting was held, on February 22, 2007, with the applicant, the Airport Authority and the Planning Staff to discuss the concerns and alternatives. The City of Fairhope Planning staff and the Airport Authority were in agreement that the development complies with the Airport ordinance height and noise ordinances. The applicant agreed to certain alternatives addressing the safety concerns of the Airport Authority.

The Site Plan has been revised to show the following:

1. A total of 14 lots (lot numbers 1-4 and 5-14) were removed from the Phase I to allow more greenspace at the end of the runway.
2. Lot numbers 5-14 were moved adjacent to the Common Area Phase II.
3. The Eglin Avenue stub out road located on the western edge of the property was eliminated.
4. Lot numbers 1-4 were moved into the Common Area in Phase III.
5. The stub out and common area located at the Northeastern portion of the property (and in Phase III) were eliminated. The common area at the Northwestern portion of the property was removed.
6. The Phase Lines were relocated to accommodate for the loss of 14 lots in Phase One.

The resulting changes to the plat will allow an additional safety factor at the end of the runway.

The residential portion of the project will be developed in three phases. Phase I is approximately 54.4 acres with 80 lots with a density of 1.47 units per acre. The total unit count for the three phase development is 236 residential units with a density of 2.15 units per acre.

**The issues associated with this request are as follows:**

**SITE PLAN:**

**General:** The amenities of the development consist of a pedestrian path, multiple playgrounds and gazebos, a community mail system and a neighborhood center (approx. 6000 sf clubhouse). Each phase will comprise a mix of three different lot sizes, ranging from 7800- 9000 SF, 9001- 15,000SF, and 15,000-22000SF. Phase I will take approximately 2 years to complete and then phase II and III would subsequently follow at an interval of 2 years.

**Commercial Use:** Sidewalks will tie into the two commercial spaces, one of which is planned as a pre-school.

**Comprehensive Plan:** This request is not contrary to the Comprehensive Plan. The site plan meets the City's connectivity requirements.

**Landscaping:** The applicant will provide a 4-foot berm and a 40-foot buffer along Highway 13. The City of Fairhope's Public Works Director recommended additional plantings along the Highway 13 buffer. The applicant's landscape architect has made the requested revisions and the revisions were approved by the Public Works Director.

**Architectural Features:** The type and size of residential buildings shall be what is commonly described as Creole Cottage Style with front porches to foster community interaction. Maximum height of structures within the subdivision is 35 feet. The roof design will be Primary Metal with secondary approved Architectural Shingle. The roof pitch will be a minimum of 8/12.

**PRELIMINARY PLAT:**

**Greenspace:** There are 23.11 acres of green space.

**Lot Standards:** Setbacks are labeled on the plat and site plan.

**Street Standards:** According to the applicant's traffic study, turn lanes on County Roads 32 and 13 are recommended due to the projected growth and speeds in the area. Turn lanes are also recommended for all drives exiting the site. Acceleration and deceleration lanes to the main entrance ways shall be installed to assist in traffic flows off of County Road 32 and 13.

The project is situated along County Roads 32 and 13. Permits, along with a written plan for traffic control, from Baldwin County shall be obtained and submitted to the Fairhope Planning Department approving the proposed access.

**Drainage:** The project engineers have provided a drainage plan and the needed certifications.

**Fire Hydrants:** Fire Hydrants are to be located every 450 feet and at every intersection.

**Flow Model:** A flow model was submitted and approved by the City of Fairhope Superintendent of Water and Sewer.

**Airport Overlay:** This property lies within the Airport District. All construction must adhere to the City Ordinance No. 1138 for height restrictions and Ordinance No. 1140 for sound. A note has been added to the plat addressing the requirement.

**Street Lights:** The applicant submitted a street lighting plan. The lighting at the entrance will need to be addressed. The Superintendent of the Electrical Department requires a layout from the utility company to be submitted. All final lighting plans shall to be approved by the Electrical Superintendent.

**Staff Recommendation:**

To approve, conditional upon the following:

- 1) A maximum building height of 35 feet.
- 2) All final lighting plans meeting the approval of the Electrical Superintendent.
- 3) Approval of a site plan by the Planning Commission for the commercial phase of the project before development.

Respectfully Submitted for Consideration,

Nancy Milford  
Planner  
City of Fairhope

B. Gregg Mims  
Planning Director  
City of Fairhope

Chuck Zunk Chairperson of the Airport Authority addressed the Commissioners by expressing that due to the site plan revisions, he now fully supports this project and recommends approval by the Commissioners.

Commissioner Turner moved to approve SD 06-49 as recommended by staff.  
Commissioner Brinson seconded the motion. Motion carried unanimously.

**SD 07-03** - Request of E. Matthew White of KIDCO, Inc. for Minor Subdivision approval of Finger Industrial Park, Re-subdivision of Lot 3, a 3-lot division. The property is generally located on the East side of Highway 98, just northeast of where Monk Road dead-ends.

Commissioners Moore and Turner exited the Chambers at 6:04 p.m. due to conflict of interest with item SD 07-03.

**Jonathan Smith gave the following staff report:**

**STAFF INTERPRETATION:**

The property is located in the City of Fairhope and is zoned M-1. This subdivision is located in the Airport Overlay District. The total site area is approximately 8.25 acres and 3 lots are proposed. The largest lot is 115,351 SF and 128,855 SF.

The issues associated with this request are as follows:

**Article IV Procedure for Plat Approval:**

**Comprehensive Plan:** This site is not contrary to the Comprehensive Plan.

**Natural Features:** The Baldwin County Site Map indicates a wetland located in the low area of the property; however, the plat does not indicate any such natural feature. The applicant provided a wetlands determination. The determination indicates that the wetland may potentially be a jurisdictional wetland of approximately 2310 SF. For a legally binding determination of this area, the Corps of Engineers would have to conduct a certified jurisdictional delineation. The applicant shall label the potential jurisdictional wetlands on the plat with a note stating prior to the issuance of a building permit, the applicant shall submit a certified jurisdictional wetlands delineation from the Corps of Engineers.

**Article V Design Standards:**

**Street Standards:** The applicant shall obtain a turnout permit from the Alabama Department of Transportation. The property shall be restricted to two (2) curb cuts. One ingress/egress easement shall benefit lots 3A and 3B and one (1) ingress/egress easement shall benefit Lot 3C and such easements shall be labeled on the plat.

**Drainage:** A note has been placed on the plat stipulating design criteria for detention sizing for future building infrastructure.

**Fire Hydrants:** Fire hydrants shall be located at every intersection and every 450 feet.

**Flow Model:** The applicant has submitted a flow model, signed, dated and stamped by a professional registered engineer.

**Airport Over Lay:** This property lies within the Airport District. All construction must adhere to the City Ordinance No. 1138 for height restrictions and Ordinance No. 1140 for sound. The maximum building height allowable must conform to the airport overlay requirement of 35 feet.

**Article IV Construction Standards:**

**Proof of Insurance:** Proof of Insurance has been provided.

**Water and Sewer:** All existing water and sewer standards in place at the time of building development shall comply to minimum City of Fairhope Standards. The City of Fairhope requirements specifies that water lines must be at least 10 feet away from the sewer lines. The Water and Sewer Superintendent, Dan McCrory should be contacted with regards to any and all water and sewer requirements.

**STAFF RECOMMENDATION:**

To approve as requested conditional upon the following:

- 1) Potential jurisdictional wetlands shall be labeled on the plat, along with a note labeled on the plat requiring a certified jurisdictional delineation from the Corps of Engineers prior to the issuance of any building permits. All outside agency permits shall be obtained prior to construction.
- 2) A turn out permit from ALDOT.

Respectfully Submitted for Consideration,

Nancy Milford  
Planner  
City of Fairhope

B. Gregg Mims  
Planning Director  
City of Fairhope

Scott Hutchinson with Hutchinson Moore and Rauch LLC addressed the Commissioners expressing a conflict with staff recommendation to obtain all permits prior to construction of potential jurisdictional wetlands shall be labeled on the plat, along with a note labeled on the plat requiring a certified jurisdictional delineation from the Corps of Engineers prior to the issuance of any building permits. Mr. Hutchinson stated that it could take up to a year to receive a jurisdictional determination Corp permit, Mr. Hutchinson requested that the recommendation be changed to require a Corps of Engineers permit instead of a jurisdictional determination.

Commissioner Charles moved to approve SD 07-03 subject to changing the wording of staff recommendation number one to read all potential wetlands shall be labeled on the plat, along with a note labeled on the plat requiring a certified jurisdictional delineation from the Corps of Engineers prior to the issuance of any building permits. All outside agency permits shall be obtained prior to construction. Recommendation number two will remain as recommended. Commissioner Brinson seconded the motion. Motion carried by the following vote: AYE-Kant, McCrory, Wilson, Charles, Brinson. NAY-none. ABSTAIN-Moore, and Turner.

Commissioner Moore and Turner returned to the dais at 6: 18 p.m.

**SD 07-04** – Request of Thomas N. Ward for Minor Subdivision approval of Shellbrooke Pointe, a 2-lot division. The property is generally located on the south side of Twin Beech Road, just west of Greeno Road.

**Jonathan Smith gave the following staff report:**

**STAFF INTERPRETATION:**

The total tract area for the proposed subdivision is approximately 45.60± acres and two (2) lots are proposed. Lot 1 is in the City of Fairhope and is zoned R-5 (High Density Multi-Family Residential). The City Council approved the R-5 zoning request on February 12, 2006; the applicant volunteered to cap the maximum allowed density for the property at eight (8) units per acre. Proposed lot #2 is un-zoned in Baldwin County.

Lot one (1) is the proposed site for the Shellbrooke Pointe apartment development and has an approximate land area of 12.23± acres. Lot two (2) is approximately 33.37± acres.

The Plat shows wetlands on lot one (1). The wetland areas are dedicated on the Plat as drainage easements, but the applicant would like to dedicate the wetlands as permanent conservation easements. Staff will work with the applicant in this endeavor.

The Huntington PUD is south of the site and all other properties surrounding the tract are un-zoned in Baldwin County.

The issues associated with this request are as follows:

**Comprehensive Plan:** The proposed subdivision is not contrary to the City of Fairhope's Comprehensive Plan.

**Streets:** The minimum street standards in the Fairhope Subdivision Regulations have been met.

**Wetlands:** The Plat shows wetlands on lot one (1). The wetland areas are dedicated on the Plat as drainage easements, but the applicant would like to dedicate the wetlands as permanent conservation easements. Staff will work with the applicant in this endeavor.

**Minor Plat:** The applicant has placed a note on the Plat that reads as follows: "THERE ARE NO ZONING RESTRICTIONS LOCATED ON PARCEL". This note needs to be clarified and re-worded on the plat.

Lot one (1) has R-5 zoning restrictions and a maximum allowed density of eight (8) units per acre; lot two (2) is un-zoned.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission approve the Minor Subdivision contingent upon the following condition:

1. The applicant shall remove the note: "THERE ARE NO ZONING RESTRICTIONS LOCATED ON PARCEL". The Plat shall be revised to reflect the appropriate zoning designations and restrictions for each proposed parcel. Lot one (1) on the plat shall be labeled as being zoned R-5 in the City of Fairhope with a maximum allowed density of eight (8) units per acre. Parcel two (2) shall be labeled as being un-zoned in Baldwin County.

2. The applicant shall work with staff in dedicating the wetland areas on lot one (1) as permanent conservation easements.

Respectfully Submitted for Consideration,

Jonathan I. Smith  
Planner  
City of Fairhope

B. Gregg Mims  
Planning Director  
City of Fairhope

Edward Hall addressed the Commissioners to inquire if both property owners have to sign the plat before the plat can be recorded in the Judge of Probate office.

Gregg Mims, City Planner explained that you must have all property owners to sign the plat before the property can be subdivided.

Commissioner Ford pointed out that Mr. Hall does not own any of the property for the Shellbrooke development, Viola Johnson and her sister own this property, and both sisters will have to sign the final plat.

Commissioner Ford stated that the City Council received strong objection of this project by A J Cooper.

Mr. Mims explained that the City has received a petition of annexation by the property owners, signs have been posted on the site for months, and legal ads were run for the Planning and Zoning and City Council's public hearings. This project has met all minimum standards and what is going to be built on the property could have been built without annexing into the city limits.

Commissioner Ford pointed out that having a right-of-way in the middle of the property could result in a title issue if someone wanted to further subdivide the property.

Mr. Mims explained that staff is making a recommendation of showing the right-of-way based on the Comprehensive Plan. In the future, staff can make recommendations without future right-or-ways, but the city ordinance will have to be changed.

Mayor Kant stated that the rule to show the right-of-way was added to the ordinance to address the big box plans.

Commissioner Ford exited the dais at 6:36 p.m.

Mayor Kant stated that before voting on this item, he wanted to make sure that both sisters are on the same page.

Commissioner Charles moved to accept staff's recommendations. Commissioner Moore seconded the motion. The motion carried by the following vote: AYE-McCrory, Moore, Wilson, Charles, Turner, and Brinson. NAY-Kant.

**SD 07-07** – Request of Seth Moore of Moore Surveying, Inc. for Final Plat approval of Bay Pointe a 12-lot division. The property is generally located on the east side of Scenic Highway 98, just south of Paddock Drive.

**Jonathan Smith gave the following staff report:**

**STAFF INTERPRETATION:**

The property is located inside the City of Fairhope and is zoned R-4 (Low Density Multi-Family Residential). The total site area is approximately 2.09± acres and 12 lots are proposed. Site density is approximately 2.74 units per acre.

On July 05, 2006 the Planning Commission granted approval of the Bay Pointe Village Subdivision. The lots are served by a private drive, not to be maintained by the City.

North of the site lies property zoned R-3 (High Density Single-Family Residential). South is B-1 (Local Shopping District) property, and east and west of the site is R-1 (Low Density Single-Family Residential) land.

**The issues associated with this request are as follows:**

**Comprehensive Plan:** The Village Subdivision is not contrary to the comprehensive plan.

**Setbacks:** Setback lines are drawn on the Final Plat.

**Village Subdivision Approval:** The Plat is consistent with what was approved at the time of Village Subdivision approval.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission approve the Final Plat.

**Respectfully Submitted for Consideration,**

Jonathan I. Smith  
Planner  
City of Fairhope

B. Gregg Mims  
Planning Director  
City of Fairhope

Bill Jones and Larry Thomas addressed the Commissioners expressing that the initial plat presented to them is not the same plat being voted on tonight. Mr. Jones and Mr. Thomas also expressed concerns of drainages issues.

Mr. Thomas also expressed concerns of the lighting, and requested that the 20-foot light be downward lighting. Mr. Thomas further requested that a private fence be installed on the east, south, and north side of his property abutting this development. Jonathan Smith explained that the lighting would be on the building with low level and downward focus, and the fencing is not required for residential development abutting residential.

Commissioner Moore moved to accept staff recommendations. Commissioner Charles seconded the motion, motion carried unanimously.

**SD 07-09** – Request of Ack Moore of Moore Engineering, Inc. for Final Plat approval of Graythorne Estates, a 132-lot division. The property is located on the north side of County Road 32, just west of State Highway 181.

**Jonathan Smith gave the following staff report:**

**STAFF INTERPRETATION:**

The property is located outside the City of Fairhope and is not zoned. The property contains approximately 54.9 acres and a 132 lot division is proposed.

The issues associated with this request are as follows:

**Final Plat:** All plats shall be certified by the surveyor, in accordance with Article IV D of the submittal requirements.

**Street Standards:** The street pattern is the same as what was approved during the preliminary plat approval process.

**Drainage:** The drainage calculations were submitted during the preliminary plat process and have been signed and stamped by the Engineer of Record.

**Drainage Easements:** Article V, Section E, 4, a) Utility Access and Easements requires easements not less than fifteen feet along side and rear lots, except where lanes are provided at rear lots. The plans indicate a 15 foot side set back.

**Street Lights:** The applicant has submitted a lighting plan. All final lighting plans shall be approved by the Electrical Superintendent. The City of Fairhope has received the street light invoice indicating that the lighting arrangements have been made.

**Requirements to Complete Improvements:** Subdivider shall be responsible for provided all required minimum improvements in the sub-division. According to the subdivision regulations Article VII L, the subdivider may accomplish this either by full installation of such improvements before the Final Plat is submitted to the Planning Commission for approval or by the sub-divider providing a financial guarantee of performance acceptable to the City Council. The applicant shall provide a stamped, signed engineer's estimate for the bond.

The applicant has submitted to the City of Fairhope a performance bond was issued in the amount of \$ 306,751.04. The applicant has provided a stamped and signed engineers estimate for the amount of the bond.

**Final Inspection:** A final inspection on the site shall be conducted when the improvements have been completed. At the time of final inspection, all required tests (including but not limited to bacteria and vacuum tests), videos, GIS data on cd and related submittals will be provided to the City of Fairhope.

**Fire Hydrants:** Fire hydrants shall be located at every intersection and every 450 feet.

**Airport over lay:** The property lies within the Airport Overlay Zone. All construction must adhere to the City Ordinance No. 1138 for height restrictions and Ordinance No. 1140 for sound.

**Proof of Insurance:** Proof of Insurance has been provided.

**Bonds:** The applicant is required to provide a Maintenance Bond for not less than 30% of the total cost of the work being accepted by the City of Fairhope.

**STAFF RECOMMENDATION:**

To approve, conditional upon the following:

- 1) A performance bond made jointly payable to the City of Fairhope and Baldwin County shall be submitted.
- 2) The applicant shall submit a stamped and signed engineer's estimate for the bond.
- 3) The lighting plan shall be approved by the City of Fairhope Electrical Department Superintendent.
- 4) Acceptable final inspection and test results.
- 5) Applicant shall submit a maintenance bond for not less than 30% of the total cost of work being accepted by the City of Fairhope

Respectfully Submitted for Consideration,

Nancy Milford  
Planner  
City of Fairhope

B. Gregg Mims  
Planning Director  
City of Fairhope

Mr. Smith explained that the final inspection is not complete.

Mayor Kant moved to accept staff's recommendations. Commissioner Turner Seconded the motion. The motion carried by the following votes: AYE-Kant, McCrory, Wilson, Charles, Turner. NAY-Moore and Brinson.

**CPA 07-01 - Amendment to the City of Fairhope's Comprehensive Plan**

**Proposed Amendments to the City Of Fairhope's Comprehensive Plan**

**Section 1 Introduction**

- Page 1 - Four Key Assumptions- Number 3: The Fairhope Comprehensive Plan will be implemented by the Fairhope Zoning And Subdivision Regulations, **as well as other regulations and policies**. Changes may be necessary to those regulations to fully implement this Plan, and other implementation tools may need to be created.

**Section 4 Land Use Plan**

**4.4.7 Natural Resources**

- Page 40 - Stormwater Management Strategies - Bullet 7: Incorporate open spaces - including natural areas and more civic-oriented or constructed open spaces **in conjunction with the city's tree ordinance**- into functional components of an overall watershed-based stormwater system.

**Section 6 Implementation**

**6.1 Development Toolbox**

- Page 55-NewCategory – **Tree Ordinance**  
**Tree ordinance provisions prohibit unauthorized removal of trees on public property and restrict removal of large trees on most other property within the city limits. The ordinance includes detailed requirement for landscaping at most developments, other than single-family residences, on land zoned for single-family use.**

**The City should develop a comprehensive plan for managing trees on street right-of-ways and other public land. This plan should include provisions for replacing trees that are over mature, seriously diseased or badly damaged. It should provide for assessment of each neighborhood to set priorities for such work.**

### **6.2 Strategies Matrix**

- Page 60-Community and Urban Design Strategies-Add new strategy:  
**Prepare a plan for managing trees on public land and to enhance stormwater management. - Short Term 0-2 yrs**

Commissioner Charles moved to accept the amendments to the City of Fairhope's Comprehensive Plan as presented. Commissioner Brinson seconded the motion, motion carried unanimously.

### **Old/New Business:**

Discuss previously approved request of Riviera Utilities to extend their transmission line (UR 06-03).

Mike Dugger General Manager with Riviera Utilities addressed the Commissioners reviewing a time line to extend their transmission line. Mr. Dugger stated that during Hurricane Ivan several lines were badly damaged. Mr. Dugger also stated that in January 2007 the Planning and Zoning Commission reviewed and approved Riviera's proposed line rebuild project along the east and west sides of highway 98 from Johnson Road to Highway 104, and the extension of their transmission line south to Highway 104.

Jennifer Fidler Public Works Director addressed the Commissioners stating that about a month ago she expressed concern of how many trees would be effected by Riviera's lines, 56 trees would be effected. Ms. Fidler further stated that at the entrance of Rock Creek Subdivision and Woodland Subdivision the City of Fairhope has placed their line underground for ascetic purposes and now there are going to be transmission lines across these entrances.

John Parker and Tom Ellis addressed the Commissioners stating that in the Fall of 1987 the Eastern Shore Corridor 98 was started, and the tree planting began all over the city. Mr. Parker also pointed out all the encroachment of citizens utilizing Riviera's current easements. Mr. Parker encourages Riviera to use their current easements to construct their new substation and line expansion.

Craig Dyas addressed the Commissioners requesting that they reconsider putting transmission lines along the Village North.

Harriett Gutknecht President of the Fairhope Garden Club asked the Commissioners to reconsider Riviera's request.

Eric Dyas a resident of Rock Creek addressed the Commissioners expressing opposition in putting power lines across the entrance of Rock Creek Subdivision.

Don Boone with Riviera Utilities addressed the Commissioners expressing that he has been working with Aaron Norris the City of Fairhope's Electric Superintendent. Mr. Boone stated that Riviera has to build a power line for the Triangle. Mr. Boone further stated that Riviera is serving citizens within the City of Fairhope and outside the City of Fairhope and Riviera must rebuild their lines to address the joint use and to accommodate the increase in customers.

Aaron Norris stated that the distribution lines would have one to four conductors on the poles, and if the current easements are used there would be more lines crossing used.

Chairperson Wilson stated that tabling this item for one more meeting will allow the Commissioners to obtain more facts on what can be put underground, and fences crossing easement must be vacated.

Commissioner Turner stated that he was under the impression that the new lines would run along the existing lines.

Commissioner Charles moved to defer this item until the next meeting, Riviera Utilities is to work with Jennifer Fidler, Aaron Norris, and Tree Committee, and minimize the overhead lines and save as many trees as possible. Commissioner Turner seconded the motion, motion carried unanimously.

Commissioner Turner exited the dais at 7:50 p.m.

Chairperson Wilson stated that copies of the City of Fairhope's Planning Commission By-Laws Updates are being presented to the Commissioners. There are still some minor revisions to be made.

Meeting was duly adjourned at 7:56 p.m.

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Jean Wilson, Chairperson

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Geniece W. Johnson, Acting Secretary