

The Planning & Zoning Commission of the City of Fairhope met Monday, May 7, 2007, at the City Administration Building, 161 N. Section Street at 5:00 PM

Present: Jean Wilson, Chairman; Dick Charles, Tim Kant, Dan McCrory, Bob Clark, Lee Turner, Ed Brinson, Mike Ford. Gregg Mims, Jonathan Smith, Nancy Milford, Planning Department; Betty Rivenbark, Secretary; Chris Gill, Advising Counsel. Absent: Gary Moore

The minutes of the April 2, 2007 meeting were considered and approved as written on motion by Dick Charles, 2<sup>nd</sup> by Lee Turner and unanimously carried.

The Chairman announced that Items SD07-15, IR07-05 and IR07-06 were withdrawn and would not be heard at the meeting tonight.

**SD07-13 Preliminary Plat of North Village at Stone Creek** (Generally located on the east side of Highway 181 where Twin Beech Road (Cty Rd 44) dead ends. Jonathan Smith spoke to the application and said the subject property is the site for the North Village at Stone Creek PUD and the total tract area is 63.61 acres+ and 4 lots are proposed. He said lot 1 is the site for mini-storage and 2 commercial buildings; lots 2 and 3 are commercial building sites; and lot 4 will be the multi-family phase of the PUD. He said the original North Village PUD site plan was approved on May 11, 2006 and since then an amended PUD site plan was approved by the city council on November 13, 2006. The original PUD Site Plan indicated a 10 ft buffer between the development and the wetlands on site. In the PUD amendment process, the City Council required, as a condition of approval, a 20 ft. buffer between the development and the wetlands. As a result, the most recent amendments to the Fairhope Subdivision regulations the applicant is required to provide a 30 foot wetlands buffer. The applicant is requesting a waiver to this requirement and would like to maintain the 20 ft. buffer previously approved. Staff recommendation was approval contingent upon the applicant revising the Preliminary Plat to show a 30 ft wetlands buffer. Danny Calhoun spoke for the applicant addressing the waiver request saying that they understood the new sub regulations would go into effect in June and the additional 10 ft requirement would mean a delay, causing them to redraw the plans and reengineer, it is not fair to penalize them after the 20 ft. was already approved. They plan to keep the wetlands in its natural state, have no desire to develop this property. Robin Gregory said he agrees with the comments that Mr. Calhoun gave. Lee Turner said as far as he is concerned it is a win/win situation in that they will not be filling the wetlands and it will stay a conservation easement that the Corps could actually grant filling of the wetlands. Dick Charles said he thought the staff recommendation was a good one. Mike Ford said it

appears they have cooperated with the city and it doesn't seem right to ask for 10 more feet now. Bob Clark said he agrees with Mike Ford and Lee Turner, not the fair thing to do. Lee Turner moved to accept with the 20 ft wetlands buffer easement, Mike Ford 2<sup>nd</sup> the motion and the motion carried with one opposing vote by Dick Charles.

**SD07-14 Minor Subdivision approval Shellbrook Point/Thomas N. Ward of Gateway Companies.** Generally located on the south side of Twin Beech Road just west of Greeno Road. Jonathan Smith gave the staff report saying this is a two lot division containing 45.60 acres. Lot 1 is in the City and is zoned R 5. Lot 1 is the proposed site for the Shellbrooke Pointe apartment development containing 12.23 acres. Approval of this subdivision was given on March 5, 2007 and the applicant volunteered to cap the maximum allowed density for this property at 8 units per acre. Lot 2, unzoned land in Baldwin County contains 33.37 acres and there are no plans for lot 2 at this time. This is the same application with the exception of the omission of the required 60 foot future right of way easement through lot 2 which was previously shown on the plat. The property owners are now requesting a waiver from the minimum street standards in the subdivision regulations. Staff recommendation was to deny the application due to the Plat not meeting the City's minimum street standards and the waiver request not meeting the "Waiver Standards" in the subdivision regulations. Staff feels that granting the waiver will have the effect of nullifying the purpose and intent of the subdivision regulations. Jonathan Mitchell Davenport of Gateway Companies said what approved in February prevents the landowners from developing their property as they see fit. A.J. Cooper spoke and said there was no consultation in the Twin Beech area, no traffic study and they just received notification the 17<sup>th</sup> of April. He mentioned the fact that they cut down over \$175,000 worth of trees and owe the city this money. He said all of these reasons are reason to deny the application. Further discussion led to a motion by Dick Charles to uphold staff recommendation and deny the application for the reasons they stated. Lee Turner 2<sup>nd</sup> the motion and it carried unanimously.

**ZOA 07-01 Proposed changes to the Zoning Ordinance.** Jonathan explained that these changes are intended to remedy issues/problems regarding site density, RV storage, commercial and industrial building materials, buffer widths and plant materials, lighting, sidewalks in the CBD and the definition of "family" and short term rentals. Jean Wilson said we would take them one by one.

Article III

Section C. Dimension Standrads

Table 3-2: Dimension Table – Lots and Principle Structures

- Added **Allowed Units Per Acre (UPA)** to Minimum Lot Area Column for each zoning district
- **R-4** – 10,500 s.f. for two dwelling units plus **6,500 s.f.** for each additional unit/**7 UPA**
- **R-5** – 10,500 S.F. for two dwelling units plus **4,100 s.f.** for each additional unit/**10 UPA**

Dick Charles moved to approve, Lee Turner 2<sup>nd</sup> the motion and it carried unanimously

**Section D. Special Conditions for Uses**

**7. Storage and Parking of Trailers and Commercial Vehicles**

\_ C Site Requirements – Number 2: No travel trailer, hauling trailer, utility trailer, boat, or boat trailer, motor home or commercial vehicle shall be parked or stored in the front yard, or on corner lots, in a side yard abutting a public right-of-way or upon the right-of-way. **The length of said vehicle shall not exceed twenty-eight feet (28').**

\_ C. Site Requirements – Number 3: **These vehicles shall be allowed in a side yard only if the rear yard cannot be reasonably accessed. Topographical features, the existence of mature trees or the existence of properly permitted and constructed structures which prevent rear yard parking is sufficient to establish a lack of rear yard access. If parked in the rear yard, a hard surface pad with access shall be provided by either a hard surface drive, hard surface drive strips or an access drive constructed of turf block materials. All vehicles covered by this section shall have a minimum side and rear setback of six feet (6'). No vehicle covered in this section shall be located in a side yard containing a driveway.**

A motion to adopt changes was made by Dick Charles, Lee Turner 2<sup>nd</sup> the motion. A long discussion followed and motion did not pass by the following vote: For: Dick Charles, Lee Turner; Against: Tim Kant, Dan McCrory Bob Clark, Jean Wilson, Ed Brinson, Mike Ford

**10. Building Materials on Certain Commercially Zoned Property**

\_ 10. Building Materials on **Commercial and Industrial** Zoned Property

\_ a. *Intent*: The intent of the special conditions on building materials for certain commercial **and industrial** zoned property is to prevent negative

visual impact, provide attractiveness and beautification on and protect property values on major thoroughfares in the City.

**\_ Deleted – b. Location Restrictions: The special conditions in this section shall apply to any commercially zoned property that fronts on or has access to: (1) US Highway 98/Greeno Road (2) Fairhope Avenue (3) Section Street**

**\_ c. Site Requirements: No commercial building or portion of a building visible from a public street or right-of-way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right-of-way. No front or side of any industrial building shall be exposed metal.**

After a lengthy discussion on how this may affect our industrial district a motion was made by Tim Kant, 2<sup>nd</sup> by Ed Brinson to table for 30 days. Motion carried unanimously.

#### **Article IV**

#### **Section B. Screening, Lighting and Landscape Material**

##### **2. Screening**

**\_ b. In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet(6') in height and a twenty foot(20') landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25').**

##### **3. Parking Lot/Open Area Lighting**

**\_ Parking lots with 50 or fewer spaces and open area requiring lighting for general purposes shall have light poles that do not exceed 10 feet overall height. Parking lots having more than 50 spaces shall have light poles that do not exceed 20 feet overall height. Luminaries of a sharp cut off design to shield light source above 72 degrees from vertical and providing 1.0 average maintained foot-candles with the following uniformity ratios: 3: 1 average/minimum\* (.33 FC minimum), 12:1 maximum/minimum\* (4.0 FC maximum) are required in all cases. Public facilities such as lighted ball fields are excluded. A photometric grid shall be furnished by developer at time of building permit application.**

Lee Turner moved to approve this amendment with changes, Tim Kant 2<sup>nd</sup> the motion and it carried unanimously.

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**Article V**

**Section B. CBD – Central Business District**

**5. Fencing**

**\_ e. Sidewalks shall be a minimum of eight feet (8') in width for all new construction**

Dick Charles moved to approve amendment with changes, Bob Clark 2<sup>nd</sup> the motion and it carried unanimously.

**Article IX**

**Section C. Defined Terms**

**\_ Family – Deleted** (One(1) or more persons occupying a single dwelling unit and using common cooking facilities, provided that, unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons **but that such family may also included gratuitous guests and servants in addition.**

**\_ Short-Term Rental – Includes any person, firm, entity, partnership, trust, corporation, association, or organization who is renting a dwelling for less than four (4) consecutive weeks. Shore-term Rentals shall only be allowed in the R-4, R-5, B-1, B-2, B-3a and B-3b zoning districts. Short-term rentals shall be subject to the Business License Code of the City of Fairhope.**

Discussion was held and Dick Charles moved to approve Article IX. Motion died for lack of a 2<sup>nd</sup>. Mike Ford moved to accept Family and discuss Short Term Rental separately, Ed Brinson 2<sup>nd</sup> the motion and it passed unanimously. Short-Term Rental – Tim Kant recommended that Chris Gill our attorney come up with language regarding the short term rental portion.

The By-Laws of the Planning and Zoning Commission amendments were considered and Dick Charles moved to accept as modified. Lee Turner 2<sup>nd</sup> the motion and it carried unanimously. (Copy in File)

Nancy Milford presented the Operations and Maintenance Plan and Agreement for Maintenance of Detention Facilities and asked that the commission members study it.

Debra Green presented two letters – attached to minutes

The meeting was duly adjourned at 6:30 PM.

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Jean Wilson, Chairman

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Betty Rivenbark, Secretary

