

The Planning & Zoning Commission of the City of Fairhope met Monday, October 1, 2007 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chamber.

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

The minutes of the September 4, 2007 meeting were approved on motion by Bob Clark, 2nd by Dick Charles and unanimously carried.

ZC07-05 Chairman Wilson said this was pulled from the agenda and will not be heard tonight. She also said Gary Moore had a conflict with SR07-07 and SD07-34 and Chris Gill had a conflict with SD07-34.

SR07-07 Site Plan Approval – HMR, LLC/Eric Craig of a Car Wash and Vacuum Facility. Property located on the south side of Fairhope Avenue, just west of Highway 181. Jonathan Smith gave the staff report saying the property is zoned B2 General Business in the city and a single story car wash and vacuum facility is proposed. Staff recommendation was to approve. Steven Gibson was present representing the applicant and said he would be glad to answer questions. Mrs Wilson asked if anyone wished to speak and no one had signed up. Lee Turner moved to accept staff recommendation, Dick Charles 2nd the motion and it passed with one abstention by Gary Moore.

SR07-08 Site Plan Approval – Southern Development of MS, Inc/Donnie Hendrix for Arby's and TCBY/Rollie Pollie. Property located on the west side of Greeno Road just north of Fairhope Avenue. Jonathan Smith gave the staff report saying this is B-2 General Business zoned property and the total site area is 33,937.46 square feet (.77 acre). He said the property is bordered on all sides by B-2. Staff recommendation was to approve contingent upon all stormwater being captured and held on-site prior to being released into the City's existing stormwater system. Donnie Hendrix was present to answer questions. Mrs. Wilson asked if anyone wished to speak, no one signed up. Dick Charles moved to approve subject to staff recommendation and condition that all stormwater shall be captured and held on-site prior to being released in the city's existing stormwater system. Lee Turner 2nd the vote and it carried unanimously.

SD07-34 Preliminary Plat approval – Founder's Square HMR, LLC/Mike Bernhardt. Property is located on the west side of Section Street, just west of where Bellangee Avenue meets Section Street. Jonathan Smith gave the staff review saying the property is zoned B-2 General Business and located in the Central Business District. It consists of approximately .62 acres. Site

Plan approval was given on 12/04/06 and came before the City Council on 1/22/07. Staff recommendation was to approve conditional upon the submittal of revised construction drawings reflecting the revised manhole location and the approval of the lighting and transformer locations by the Electrical Superintendent. Christopher Baker of HMR represented Mr. Bernhardt and said he has been working closely with staff and would be glad to answer any questions. No one signed up to speak. Dick Charles moved to approve staff recommendation and conditions as stated. Bob Clark 2nd the motion. Dan McCrory said he wanted to be sure final approval was contingent upon the revised drawings reflecting the revised manhole location. Dick Charles and Bob Clark accepted this amendment to the motion and 2nd. Motion carried with one abstention by Gary Moore and Attorney Gill leaving the room.

IR07-13 Informal Review of proposed zoning change for property located on the east side of Greeno Road just north of Volanta Avenue (currently a mobile home park) Jonathan Smith gave the staff report saying this property contains 3.57 acres and is zoned R-4 Low Density Multi Family Residential. The owner is requesting to rezone the property to a PUD. The adjacent properties are zoned R-1. Staff recommendation was to provide insight. Dennis Frodsham was representing the property owners, CDA, LLC, Jonathan Carrigan, Justin Chappell and William Carrigan. Mr. Frodsham said that two other adjacent property owners, Mr. Hayek and Mr. Verhoestra are also interested in selling their land and seeing what might be allowed. Mr. Wm. Carrigan interjected that anything they do will be tasteful and first class. They are interested in seeing what commercial use would be allowed. Dick Charles said there is a trailer park there now so it is already a non-conforming use. They asked about a medical facility. Lee Turner commented that we are trying to protect the downtown area and do not want Greeno Rd to turn into Airport Blvd, don't want junked up commercial. We want to keep medical in Fairhope and medical would be more desirable than bank, hold to residential and the PUD would be the right approach. Jean Wilson offered we have already approved business/commercial out there, do not need to add more. Gary Moore said he agrees with Lee, what is the best fit, a professional office would be 9-5 traffic. Mike Ford said we had turned down Fred Hayek and others in zoning requests, once we change zoning it will definitely go all the way down. Bob Clark said the Comprehensive Plan gives guidance, do not strip out Greeno Road. Jean Wilson offered that apartments and townhomes are frequently seen on highways. All agreed they would like to see a plan, not consider rezoning without plan, remember this is the entrance to the City, might consider PUD. Jean Wilson told them they could bring back something for informal review, put together a sketch plan.

Old/New business – Consideration of request of Sister Julie Guillot that the subdivision application fees be waived for the three additional houses they

are planning to build at the end of New Era Road. Gary Moore asked does the Planning Commission have the authority to waive these fees. Further discussion led to Lee Turner moving to pass this request on to the City Council. Dick Charles 2nd the motion and it carried unanimously. Bob Clark wanted it noted that this is a 501C3 corporation. Motion passed with one no vote by Jean Wilson.

Informal Review Discussion – Jonathan Smith said the Planning staff is asking for guidance on how to proceed with Informal Reviews. Chris Gill offered that in review this is not a public hearing nothing is voted on and we need to keep the dialogue between the commission and the developer, no public input.

At this time Chris Gill asked that the Commission go into Executive Session under Alabama code 36-25-A7. Dick Charles moved, Mike Ford 2nd that the Commission go into Executive Session and this was done at 5:45 PM

The Planning Commission reconvened at 6:30 PM and was duly adjourned.

Jean Wilson, Chairman

Betty Rivenbark, Secretary

