

The Planning & Zoning Commission met Monday, January 7, 2008 at 5:00 PM at the City Administration Building, 161 N. Section Street in the Council Chambers

Present: Jean Wilson, Chairman; Tim Kant, Dan McCrory, Bob Clark, Gary Moore, Dick Charles, Lee Turner, Bob Gentle. Gregg Mims, City Planner, Jonathan Smith, Chris Gill, Attorney; and Betty Rivenbark, Secretary.

The minutes of the December 3, 2007 meeting were considered and duly approved with a minor correction on motion by Dick Charles, 2<sup>nd</sup> by Bob Gentle and unanimously carried.

Ms. Wilson noted for the minutes a conflict Gary Moore had with application SD08-01.

**ZC08-01 Re-zone request from B-4 (Office and Professional District) to B-3b (Tourist Resort Commercial District) application of Herbert and Ruth Pierce** property generally located on the east side of Greeno Road just north of Twin Beech Road. Gregg gave the staff report saying that currently there is a single-family residence on the property and the applicant proposes to relocate a health food store on this property. He said north and east there is a cemetery. South is single family and there is vacant land in the County to the west. He went on to say that due to the location and abundance of vacant properties along Greeno Road that would allow for the proposed use, staff is unable to support rezoning the subject property and that the existing B-4 zoning is appropriate for this location. Recommendation was to deny the request to rezone the property. Steve Dunnam of Arnold & Associates spoke for the applicant saying the proposed use is to relocate a health food store and he would appreciate consideration of request. The public hearing was opened and closed with no one speaking. Discussion followed and Dick Charles moved to recommend denial to the City Council as per staff recommendation saying that there is plenty of properties along Highway 98 already zoned to accommodate relocation without rezoning. Motion carried unanimously.

**SD08-01 Final Plat approval of The Groves at Point Clear subdivision. Nine lots generally located at the northwest corner of the intersection of County Road 13 and Bishop Road.** Gregg gave the staff report saying preliminary approval was given July 2, 2007 and the plat at that time consisted of 16 lots with three pervious drives. He said the southern half of the property is in the city limits and zoned R-1. the northern half (Lot 1) is unzoned. Approval was given in an effort to encourage large lot subdivisions in rural areas of the planning jurisdiction. The new plat contains 77.78 acre subdivision and 9 lots are proposed with lots 2-9 being 5+ acres and lot 1 being 39.3+ acres. Staff recommendation was to approve conditional upon:

- 1) Submittal of an aerial topographic overlay which includes the large 40 acre tract.
- 2) Approval of the Letter of Credit by the Planning Commission Attorney and the submittal of a stamped and signed Engineer's Estimate for the Letter of Credit.
- 3) Approval of fire hydrant locations by the Water and Sewer Superintendent.
- 4) Submittal of deed restrictions.
- 5) A note shall be labeled on the plat stating "BMP, Drainage Calculations, and O& M Plan, if required, shall be submitted prior to issuance of building permits.
- 6) A note shall be labeled on the plat stating the requirement for finished floor elevations meeting the approval of the building official and being submitted at the time of building permit.

Ray Moore of Hutchinson Moore & Rauch spoke for the applicant also saying that there had been a lot reduction and that the Letter of Credit had been submitted and he is working with the Water and Sewer Superintendent. and Chris Gill. Mrs. Wilson asked if anyone wished to speak to this application and no one did. Dick Charles asked if all roads would be maintained privately and he was told yes. All questions answered Satisfactorily, Lee Turner moved to accept staff recommendation with conditions outlined above. Dick Charles 2<sup>nd</sup> the motion and it carried with one abstention by Gary Moore.

**IR08-01 Informal Review of a proposed zoning change for property located on the east side of Greeno Road just north of Volanta Avenue**  
Gregg gave the staff report saying the total site is approximately 3.57 acres and the property is zoned R-4. The owner is requesting to zone the property to a PUD. The adjacent properties are zoned R-1. This was discussed at the October 1, 2007 meeting also as an informal review. He said at the October meeting two options were discussed. the first included using the property for medical and professional park facilities. The second included a medical and professional with some low density residential development. He said the latest draft plan calls for the project to be composed of four single story office buildings with a "Fairhope" look. Staff recommendation was to provide insight and comment but also the staff has concerns relative to changing the existing R-4 zoning and the timing of such request, that it is now residential Gayfer to Hwy 104 and this is a critical stretch of land in that if this is approved as commercial surely the rest will soon follow as commercial. Jonathan Carrigan and Justin Chappell addressed the

commission Bob Gentle commented that we should get an overlay, what we envision as the front door to Fairhope, stop and look at all of the property on Greeno coming into town. Bob Clark said he would have to go with the staff recommendation, Jean Wilson said she would to. It has been the consensus of citizens that they don't want Greeno Road to look like Daphne and Mobile, have consistently said no to commercial, and it has taken since 1983 **getting to the point of what has developed on Greeno Road now.** The Mayor commented that **construction has "stopped"** and that we turned down a similar request just up the road. Gary Moore said historically we have cut off anything not conforming. Dick Charles said they should consider the highest and best use. Lee Turner said he would love to see residential "in a perfect world" that whatever is done is sure to have domino effect. Both Justin and Jonathan said they were Fairhope natives and wanted to develop right. They thanked the commission for their comments and input.

Chris Gill addressed the members and presented the following Resolution for their consideration:

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION PERTAINING TO THE ACCEPTANCE  
OF BONDS BY THE CITY OF FAIRHOPE**

**WHEREAS**, the City of Fairhope Planning Commission (the "Planning Commission") adopted the current Subdivision Regulations for the City of Fairhope, Alabama on March 8, 2007 (the "Subdivision Regulations");

**WHEREAS**, the Subdivision Regulations allow subdivision applicants ("Developers") to post a bond with a surety in order to obtain final plat approval prior to completion of certain required infrastructure improvements, and Developers often post maintenance bonds for the maintenance of infrastructure improvements for a period of two years as a condition to the City of Fairhope's acceptance of such infrastructure improvements for maintenance;

**WHEREAS**, historically Developers have had the appropriate bond be provided by the Developer's contractor and not by the Developer; and

**WHEREAS**, it is in the best interests of the City of Fairhope that Developers be required to obtain bonds in their name and not the name of their contractors.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA, AS FOLLOWS:

1. The Planning Department of the City of Fairhope is hereby instructed to accept bonds only from Developers with the Developer shown as the "principal" under the bond, and from and after the date hereof the Planning Department of the City of Fairhope shall not accept any bonds from a Developer where any party other than the Developer is named as the principal under such bond without a waiver granted by the Planning Commission.
2. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.
3. This Resolution shall be effective from and after its adoption by the Planning Commission.

Adopted at a properly called meeting of the Planning Commission of the City of Fairhope, Alabama this 7<sup>th</sup> day of January, 2008.

\_\_\_\_\_  
Jean Wilson, Chairwoman

Bond Resolution.doc

Discussion led to a motion by Lee Turner moved to accept as presented, Dick Charles 2<sup>nd</sup> the motion and it carried unanimously.

Planning & Zoning Commission  
January 3, 2008 -Page Five

Gregg discussed briefly sign ordinance section dealing with A-frame signs and their use in downtown and said something would be forthcoming on the next agenda. He also said they are working on addressing environmental concerns.

There being nothing further to come before the meeting it was duly adjourned at 5:55 PM.

---

Jean Wilson, Chairman

---

Betty Rivenbark, Secretary