

The Planning & Zoning Commission of the City of Fairhope met Monday, March 3, 2008 at 5:00 PM at the City Administration Building in the Council Chamber at 161 N. Section Street.

Present: Jean Wilson, Chairman; Tim Kant, Dan McCrory, Bob Clark, Gary Moore, Dick Charles, Lee Turner, Bob Gentle . Gregg Mims, City Planner, Nancy Milford, Chris Gill, Attorney, Betty Rivenbark, Secretary.  
Absent: None

The minutes of the February 4, 2008 meeting were considered and approved as written on motion by Dick Charles, 2<sup>nd</sup> by Bob Gentle and carried with three abstentions by members who were not present at the last meeting .

It was also noted for the minutes that Gary Moore will not participate in item IR08-02 on the agenda.

**SD08-03** Subdivision request of **Double B Investments** for Multi-Occupancy Project approval of Byrne 20 unit complex. The subject property is located on the west side of Blueberry Lane just north of Fairhope Avenue. Nancy Milford spoke for staff saying the property is unzoned containing 4.88 acres in Baldwin County and a 20 unit multi-occupancy project. She went on to say the City does not have any zoning authority on multiple occupancy projects outside the City Limits. However, the Subdivision Regulations allow specific technical review over projects with three or more units. She said we have received an engineer's certification and has been approved by BES Engineering for the City. The setback requirement shall be 20' on all sides for unzoned property. This may be increased by the Planning Commission based on the size of the building, the location of the driveways and other factors. Staff recommends a setback of 35 feet from the south and east property lines. Having met all other requirements the staff recommended to approval conditional on:

1. A 35 foot setback for all buildings on the South and East property lines.
2. All applicable County, State, and Federal Permits required shall be submitted prior to the issuance of a building permit.
3. Compliance with the City of Fairhope Landscape ordinance and approval from Jennifer Fidler prior to the issuance of a building permit.

Dick Charles asked Gregg what authority does the Planning & Zoning Commission have. Gregg said we recently amended the subdivision regulations where we have technical review over projects with three or more units regarding stormwater, traffic, minimum setbacks and height . He said Zoning is not in our purview. Paul Davis, the architect for the project spoke saying that on the south property line the setbacks are now at 24 ft. William Lassiter, the property owner to the south said he has five acres, citing his large oak trees and azaleas and that he understands that a privacy fence will be installed. He asked what planned for the west side. Mr. Davis said

they are reserving that for the future, it is a rental house but potentially two more buildings on that side. The question was asked if do piecemeal how do we guarantee they meet our regulations. Gregg answered each application will have to come back and go through the same process. The retention pond plan was questioned. The engineer said it is planned for this phase only but is oversized. Mayor Kant mentioned River Mills down the road and said we did not want to cause any more flooding problems and asked what they designed for and was told a 100 year storm. Dick Charles asked if there was anything in the works by the County and Gregg answered there is no movement by the County to have zoning. Mr. Davis was asked about the planned fence and said it would be a privacy fence with landscaping on their side and they would just be adhering to the requirements. Further discussion led to a motion by Dick Charles to approve as requested with three conditions outlined:

1. 35 foot setback for all buildings on the south and east property lines
2. All applicable County, State and Federal permits required shall be submitted prior to the issuance of a building permit
3. Compliance with the City of Fairhope landscape ordinance and approval from Jennifer Fidler prior to the issuance of a building permit.

Lee Turner 2<sup>nd</sup> the motion and it carried unanimously.

**IR08-02 Informal Review request of Ray Moore of HMR, LLC of a two lot subdivision located on the west side of Main Street just north of Parker Road.** Gregg said the total site area is approximately 1.8 acres and the property is zoned R-1 Low Density Single Family Residential in the city. Carolyn Boothe and Catherine Cusa (property owners) are requesting to subdivide the property into two lots and they meet R-1 requirements. He said further as proposed they do not meet the city's minimum access standards Article V, Section E in the subdivision regulations which states that all lots shall front upon a paved publicly maintained street. Further, if they were in the County they would be considered a family division. He said along Mobile Bay in the general area there are many existing lots that are configured in a way that is consistent with the proposed layout and essentially they are requesting a waiver to the city's minimum access standards outlined in the Subdivision Regulations. Staff recommendation was to provide insight and comment and discuss likelihood of the applicant being granted a waiver to the city's minimum access standards. Scott Hutchinson spoke for the application mentioning the same things Gregg did saying there is already a common driveway down to the house already on the bay. Comments from the commission indicated they did not see a

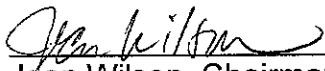
problem with giving the waiver as long as the property owners addressed the access of utility vehicles getting to the front parcel and thought it was a good idea to deed the parcels with the easement being shown. They told them to work with staff and figure out the best way to do this.

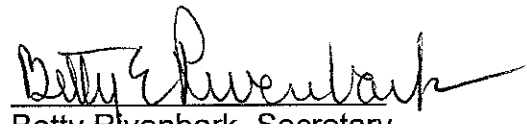
**UR08-03 11052011 Review request of Walcott, Adams Verneuille for new Allied Health building for Faulkner State Community College.** The property is located on the southeast corner of the intersection of Bancroft Street and Fairhope Avenue. Gregg Mims said Mac Walcott is requesting the review and approval for the location and site plan. He said the new building has an approximately 52,000 square feet. A total of 33 new parking spaces will be created on campus and an additional 29 angled spaces on the west side of Bancroft Street are proposed. The proposed parking on Bancroft is subject to approval by the Public Works Director. The building is three stories and is approximately 42.6 ft in height. Staff recommendation was to approve the location and site plan. Jean Wilson said the 11-52-11 means location, character and extent are reviewed. Mac Walcott was present to answer questions. Dick Charles asked about his concerns – handicap access, one planned elevator and one stairway, Mac said they are working on footprint. Bob Clark asked about the height, Gregg responded that it is a state building and that we don't have control over the height. Mac explained that the machinery will be in the upper roof portion and it is comparable in height to surrounding buildings that lines of the roof make it appealing rather than flat roof building. Gregg said Faulkner is working with the city, in the scale of things they are doing the right thing. Further discussion led to a motion by Gary Moore to approve, Tim Kant 2<sup>nd</sup> the motion and it carried unanimously.

Gregg mentioned the agenda he has already sent out for the April meeting and the items that would be coming up.

Lee Turner said that the 35 ft height requirement gives him heartburn, especially when it ends up being an unattractive flat building, and would like to see some compensation given to pitched roof plans, have staff look at. Gregg said that they are sensitive to heights of buildings in Fairhope and consider them on a case by case basis.

Meeting was duly adjourned at 5:50 PM.

  
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Jean Wilson, Chairman

  
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Betty Rivenbark, Secretary