The Planning Commission met Monday, February 1, 2010 at 5:00 PM at the City Administration Building, 161 N. Section Street in the Council Chambers.

Present: Jean Wilson, Chairperson; Bob Clark; Tim Kant; Gary Moore; Lee Turner; Jennifer Fidler; Fran Slade; Lonnie Mixon. Jonathan Smith, Planning and Building Director; Nancy Milford, Planner; Emily Boyett, Secretary.
Absent: Dick Charles, Vice-Chair; Chris Gill, Attorney

Chairperson Jean Wilson called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the January 4, 2010 meeting were considered and Jennifer Fidler moved to accept the minutes as written and was 2nd by Gary Moore. Motion carried with one abstention by Tim Kant.

ZC 10.01 Zoning change from R-1 Low Density Single Family Residential District to B-4 Business and Professional District of 860 Edwards Avenue, Morgan Ashurst. Nancy Milford gave the staff report saying the property is located on the southwest corner of the intersection of Greeno Road and Edwards Avenue and is currently zoned R-1 Low Density Single Family Residential District. She stated the applicant is requesting to rezone the property to B-4 Business and Professional District, which is intended to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses, which provide specific corporate functions or professional services to the general public. The applicant has worked with staff to provide a healthy transition from residential to a light commercial use situated on Greeno Road and has self-imposed restrictions on the requested B-4 zoning, which includes a 30 foot landscape buffer of screening/fencing to protect the residential neighbors to the west of this property. Ms. Milford stated the City's Tree Ordinance, drainage, screening/buffers and parking requirements will apply to this property. The staff recommendation is to approve as requested with the following two conditions: 1) that any future development on the subject property shall comply with all applicable local, state and federal regulations and 2) the applicant's self imposed restriction of a 30 foot landscape buffer of screening/fencing to protect the residential neighbors to the west of this property. Morgan Ashurst came forward for the applicant and addressed the Commission saying the property and existing building will be used for the Myrick Insurance Agency and Mr. Myrick respects the surrounding neighborhood and is self imposing the 30 foot buffer along the west property line. Mr. Ashurst said a few minor changes will be made to the property to accommodate the office use, such as widening the drive with a pervious material, installing eight parking spaces and minor cosmetic changes to the building. He added the agency will be an 8 to 5 and Monday through Friday office and will not adversely affect the existing neighborhood. Chairperson Wilson opened the public hearing. Gary Gober of 300 Lincoln Street said there is a pattern of residential property along Greeno Rd. being converted to business and is concerned with the buffering and would like the Commission to set a standard buffering to separate the business from the residential. Sam Jovings of 808 Edwards Avenue had concerns with opening Edwards Avenue and the speeding that is already a problem due to it being used as a shortcut. He stated there are several elderly residents and there are no sidewalks along Edwards Avenue and this request will increase the traffic flow. Betty Stejskal of 60 N. Ingleside

Street, said she owns property on Greeno Rd. and realizes that changes are coming and to keep people in Fairhope and Baldwin County we must have commercial to keep them working. Having no further comments, Chairperson Wilson closed the public hearing. Bob Clark asked if the property could be accessed from Hwy 98 and Mr. Ashurst responded that the State would probably not allow another curb cut onto Greeno Road. Mr. Clark stated concerns with the access point being on Edwards Avenue which is clearly a residential street. Jean Wilson stated she would not be in favor of commercially zoning properties any further west of Greeno Rd. other than the ones that front onto Greeno Rd. up to Gayfer Avenue. Gary Moore stated concerns with protecting the existing residential properties from lighting, noise and future uses that are allowed with a B-4 zoning. Mr. Moore added he would like to see a plan for this area all the way up to Gayfer Avenue for buffer and lighting requirements for future requests of commercial uses abutting residential property. Mrs. Wilson asked about amending the Zoning Ordinance or Subdivision Regulations to include those requirements. Mr. Smith stated the City has an incompatible land use buffer in the Zoning Ordinance and in the Tree Ordinance, but staff can look into strengthening them. He said lighting is not allowed to spill over from any site and the Building Official and the Electric Superintendent review site plans for compliance. Mr. Moore had questions regarding the storm water and drainage for the site. Mr. Smith answered that the applicant will be using pervious materials for the driveway and parking area and any future development of the site will have to comply with all City storm water regulations. Jennifer Fidler commended the applicant for the self imposed buffer and screening; however, this request will increase the density on Greeno Rd. and that area is already over the maximum allotted by the Comprehensive Plan. Tim Kant noted the developments across Greeno Rd. were done as PUDs to protect the residential neighborhoods and the Comprehensive Plan states that the City did not want to "strip-out" Greeno Rd. with commercial. He added that the setbacks for this property will only be 20 foot instead of the 40 foot there now and there will be parking lot in the front of the building. Fran Slade asked what will be done with the existing building. Martin Myrick responded he will renovate it for his insurance agency. Jean Wilson asked the self imposed restrictions will run with the land and Mr. Smith responded that it will be deed restricted and staff received a letter from the applicant committing to the 30 foot buffer along the west side of the property. Lonnie Mixon moved to recommend approval to the City Council as requested with the following two conditions: 1) any future development on the subject property shall comply with all applicable local, state and federal regulations and 2) the applicant's self imposed restriction of a 30 foot landscape buffer of screening/fencing to protect the residential neighbors to the west of this property by a deed restriction. Lee Turner 2nd the motion and an unfavorable recommendation will be forwarded with the following votes: AYE – Lonnie Mixon, Fran Slade, Lee Turner and Jean Wilson. NAY – Gary Moore, Bob Clark, Jennifer Fidler and Tim Kant.

Old/New Business – Hospital Overlay District – Jonathan Smith announced the first committee meeting will be on February 18, 2010 at 3:30pm at the James P. Nix Center. Planning Commission Public Input Meeting – Jonathan Smith announced the first annual Public Input Meeting has been scheduled for February 25, 2010 at 5:00pm in the Council Chambers.

Having no further business, Lonnie Mixon moved to adjourn and was 2nd by Lee Turner. Motion passed unanimously and the meeting was duly adjourned at 5:40 pm.

Jean Wilson, Chairperson

Emily Boyett, Secretary