

The Planning Commission met Monday, June 4th, 2012 at 5:00 PM at the City Administration Building, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; George Roberds, Vice-Chair; Tim Kant; Bob Clark; Dick Charles; Gary Moore; and Jean Wilson. Jonathan Smith, Planning and Building Director; Emily Boyett, Secretary; and Nancy Milford, Planner
Absent: Jennifer Fidler and Debbie Quinn

Chairperson Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the May 7th, 2012 meeting were considered and Jean Wilson moved to accept the minutes as corrected and was 2nd by Dick Charles. Motion carried unanimously.

ZC 12.01 Public hearing to consider the request of the Gaston-Lee Post #5660 Veterans of Foreign Wars to rezone property from R-1 Low Density Single Family Residential District to M-1 Light Industrial District, Mike Geary. The property is located on the south side of Nichols Avenue, east of Greeno Road at 950 Nichols Avenue and the parcel is approximately 2.9 acres. Nancy Milford gave the staff report saying the surrounding property zoning districts are unzoned, B-2 General Business, M-1 Light Industrial, R-3 PGH High Density Single Family Patio/Garden Home Residential, and B-4 Business and Professional Districts. Tony Wade of Tony's Towing has expressed interest in the subject property for the storage of towed vehicles. Staff recommendation is to approve conditional upon the following:

1. A 10' privacy fence with a 30' heavily vegetated evergreen buffer shall be installed where the subject property abuts residential property.
2. The existing heavily vegetated tree line buffer shall remain where the subject property abuts residential property.

Mr. Turner opened the public hearing. Having no one present to speak, the public hearing was closed. Dick Charles moved to accept the staff recommendation to approve conditional upon the following:

1. A 10' privacy fence with a 30' heavily vegetated evergreen buffer shall be installed where the subject property abuts residential property.
2. The existing heavily vegetated tree line buffer shall remain where the subject property abuts residential property.

Jean Wilson 2nd the motion. Mr. Kant asked if the VFW would be grandfathered and if they are subdividing the property. Mr. Smith responded yes the use would be grandfathered and the applicants can go through the re-plat procedure to combine a portion of the property with the adjacent property since no new lots will be created. The motion carried unanimously with the following vote: AYE – Tim Kant, Bob Clark, Gary Moore, Lee Turner, Dick Charles, Jean Wilson, and George Roberds. NAY – None.

SR 12.01 Request for Site Plan review and approval of the Theater Building, John Bethea. The property is located on the southeast corner of the intersection of Fairhope Avenue and Church Street. Nancy Milford gave the staff report saying the property is zoned B-2 General Business District and is located in the Central Business District. The building size proposed is 12,736 sq. ft. and the building height shall not exceed 35'. The applicant is proposing commercial uses with the upper floor as office space which is

consistent with the current zoning. Staff recommendation is to approve conditional upon the following:

1. The applicant shall work with staff to place the 8' sidewalk along Church Street where the heritage oak tree will not be impacted and also work with staff to address ADA sidewalk requirements.
2. A detail showing the screening of mechanical equipment shall be submitted prior to issuance of building permit.
3. Prior to issuance of the building permit, a tree protection diagram/plan shall be submitted.
4. An Erosion Control Plan shall be submitted prior to issuance of a land disturbance permit.
5. The applicant shall sign a hold harmless agreement acceptable to the City of Fairhope Legal Counsel prior to issuance of building permit.

Michael LeBatard, of LDJ Architects, addressed the Commission on behalf of the applicant. He stated the design of the building gave consideration to the Church Street and Fairhope Avenue sides as well as the large heritage oak tree. He said this style architecture was used in the 1800's and is keeping with the feel of Fairhope. Mr. LeBatard said the building will have a restaurant and two retail shops on the bottom floor and four office spaces on the second floor. Mr. Turner opened the public hearing. Having no one present to speak, the public hearing was closed. Mr. Clark stated he had several calls concerning the oak tree and Mr. LeBatard responded that precautions are being taken to minimize impact on the tree. Mr. Charles questioned building code requirements and Mr. LeBatard stated the building will meet all 2012 Building Codes and be ADA compliant. Dick Charles moved to accept the staff recommendation to approve conditional upon the following:

1. The applicant shall work with staff to place the 8' sidewalk along Church Street where the heritage oak tree will not be impacted and also work with staff to address ADA sidewalk requirements.
2. A detail showing the screening of mechanical equipment shall be submitted prior to issuance of building permit.
3. Prior to issuance of the building permit, a tree protection diagram/plan shall be submitted.
4. An Erosion Control Plan shall be submitted prior to issuance of a land disturbance permit.
5. The applicant shall sign a hold harmless agreement acceptable to the City of Fairhope Legal Counsel prior to issuance of building permit.

Gary Moore 2nd the motion and the motion carried unanimously with the following vote: AYE – Tim Kant, Bob Clark, Gary Moore, Lee Turner, Dick Charles, Jean Wilson, and George Roberds. NAY – None.

IR 12.01 Request of Darwin and Nikki Harris for Informal Review of a proposed zoning change from R-1 Low Density Single Family Residential District to B-2 General Business District, Danny Calhoun. The property is located at 19283 S.

Greeno Road and consists of approximately 1.14 acres. Jonathan Smith gave the staff report saying the applicant is proposing a pre-owned automobile dealership. Mr. Harris informed staff there will be approximately 6 to 8 cars on the lot to start up the business and he does not anticipate more than 15 cars to be on the lot for sale after the dealership is established. Mr. Harris has self imposed the condition of a privacy fence and a 20'

landscape buffer on his western property line. The subject property is bordered by R-6 Mobile Home, unzoned, and R-1 Low Density Single Family Residential districts. Staff recommendation is for the Commission to provide insight and comments relating to Mr. and Mrs. Harris' proposal. Danny Calhoun addressed the Commission on behalf of the applicant. Mr. Calhoun stated Mr. Harris grew up in Fairhope and attended college in Kentucky. He said Mr. Harris and his wife moved back to Fairhope to raise their family. Mr. Calhoun said this property is an ideal location for a used car lot and he noted most of the surrounding property owners have provided written letters in support of Mr. Harris' endeavor. He explained that Mr. Harris has worked for Terry Thompson Chevrolet for 15 years and it has always been his dream to have his own automobile dealership. Mr. Calhoun stated the dealership will start small with quality cars and will utilize the existing residence on the property as an office. Darwin Harris addressed the Commission saying his target price range will be between \$6,000 to \$16,000 vehicles with most being around \$10,000. Mr. Turner stated Greeno Road is tricky and the site needs to be attractive along Greeno Road and he suggested a landscaped buffer between the lot and the road. Mr. Charles applauded Mr. Harris for the numerous letters of recommendation and said they speak highly to his character and work ethic. Mrs. Wilson stated she would tend to support this application. She stated most of the surrounding property is unzoned with commercial uses and eventually this area will all be commercial. Mr. Roberds stated he would support this type development and use in this area. Mr. Moore said he is in agreement with Mr. Turner and his recommendation of buffering between the site and Greeno Road. Mr. Clark commended Mr. Harris on his package and presentation and stated he felt this would be a good location for this use and he does not see anything detrimental about it. Mr. Harris stated he understands the concerns of the image and the view from the road. He said he has already considered a small fence and landscaping but nothing that would block the view from the road. Mr. Kant stated Mr. Harris has a good economic plan and he supports new business in Fairhope. He suggested that Mr. Harris talk with Jennifer Fidler about the landscaping and the requirements because it is inside City limits.

New/Old Business

Jonathan Smith stated there will be a Gulf Coast Section meeting on June 29th, 2012 at 10:00 A.M. at the James P. Nix Center. He said there will be a Low Impact Development presentation given.

Having no further business, Dick Charles moved to adjourn and was 2nd by Jean Wilson. Motion passed unanimously and the meeting was duly adjourned at 5:30 PM.



Lee Turner, Chairperson


Emily Boyett, Secretary