

The Planning & Zoning Commission of the City of Fairhope met Monday, December 4, 2006 at 5:00 PM at the Civic Center Complex

Present: Jean Wilson, Chairman; Tim Kant, Bob Clark, Gary Moore, Dick Charles, Lee Turner, Ed Brinson, Cecil Christenberry. Gregg Mims, Planner, Jonathan Smith, Nancy Milford, Emily Irby and Betty Rivenbark, Secretary. Absent: Dan McCrory

The minutes of the November 6, 2006 were duly approved as written on motion by Dick Charles, 2nd by Ed Brinson and unanimously carried.

SR06-04 Site Plan approval Douglas and Sarah Kennedy mixed-use building located on the south side of Magnolia Avenue, just west of Section Street. Jonathan Smith gave the staff report saying that this property is located in the Central Business District(CBD) and is zoned B2-General Business. A 3 story professional office/residential building is proposed. A building now exists on this property on Magnolia St and will be removed. Four residential dwelling units and eight lease spaces for office/commercial are proposed. The parking and height requirements have been met and Jonathan said they met with city horticulturist Jennifer Fidler on site and are in agreement that the trees located along the south property line will be preserved through the use of gravel in this parking area rather than pavement. Staff recommendation was to approve. Ben Coate of HMR was present on behalf of the Kennedy's. Mrs. Wilson asked if anyone present wanted to speak on this, no one did. Tim Kant asked how wide the sidewalk and was told 5 ft. he remarked that we needed at least 8 ft. and was told there is some room to work with so that should not be a problem. Lee Turner moved to accept staff recommendation, Dick Charles 2nd the motion and it carried with one abstention by Gary Moore.

SR06-05 Site Plan Approval of Founder's Square located on the west of Section Street North of Morphy Avenue. Jonathan Smith gave the staff report saying that this property is zoned B-2 General Business and is located in the Central Business District. The proposed building is three stories and will be used for commercial and residential purposes. Twelve residential units and six commercial units are proposed. Site access is shown from the city parking lot to the west. The City of Fairhope Parking Authority leases the parking lot areas from the Single Tax Corporation. Jonathan further said there are some issues with the parking area and original staff recommendation was a letter from the City of Fairhope Parking Authority approving access to the site, and the deletion of 3 public parking spaces in the parking lot directly west of the subject property. 2. The building being moved approximately two feet to the west because of encroachment in the public right of way, and 3. that the sidewalk along Section Street in front of the subject site shall be eight feet wide but staff recommendation tonight was to table for 30 days in order for them to work out their problems and to get this on the December 18 City Council agenda and for them to get feedback. Mrs. Wilson asked Scott Hutchinson if he agreed to table it for 30 days. He said formally no, that they need a January vote by this body but

if they would vote in January he would agree to it being tabled. He was told access to the site is the issue, that the site plan is in vain if it is not approved by the Colony and Parking Authority. Scott Hutchinson said that the two feet encroachment was in error and has been corrected and that the 8 ft sidewalk is not a problem. Further discussion led to a motion by Tim Kant to table for 30 days with decision being made at the January meeting. Ed Brinson 2nd the motion and it carried with one abstention by Gary Moore.

SD06.53 Preliminary Plat approval of Dogwood Subdivision The property is located on the northeast corner of Valley Street and Middle Street. Nancy Milford gave the staff report saying this is a 3.1 acre site and 8 lots are proposed. The property is zoned R-2 and an informal review was held but the layout has been completely revised from the original submittal. Staff recommendation was to approve conditional upon the submittal of the street tree plan and the required finished floor elevations and the temporary turnaround being labeled on the plat. A second opinion on drainage calculations was sought from Thompson Engineering as property in this area has had flooding problems before. Scott Hutchinson of HMR spoke for the project and said the new layout has a detention pond that provides 35, 800 cubic feet of water storage below the 74 contour which accommodates the existing 32,000 cubic feet of storage on the property plus the additional 3600 cubic feet of storage required for a 100 year storm event. Scot said further he had done some work in this area and knows it is a sensitive area. Jean Wilson asked if anyone wished to speak to the application, no one did. Scott was asked to provide finished floor elevations for every lot and he said it would not be a problem. Further discussion led to a motion by Dick Charles to approve preliminary plat subject to the FFE on every lot and the temporary turnaround being labeled on the plat. Ed Brinson 2nd the motion and it carried with one nay vote by Jean Wilson and one abstention by Gary Moore.

SD06.54 Final Plat approval of Old Battle's Village Phase One Nancy Milford read the staff comments and said this property contains 51.44 acres and 120 lot subdivision that it is located inside the city and is zoned as a PUD. She said a Letter of Credit has been submitted for the completion of improvements. Staff recommendation was approval conditional upon a submittal of utility plan or letter from the Electric utility. Mrs. Wilson asked if anyone wished to speak on this application and Bo Brodbeck spoke saying his father and grandfather own the abutting property and citing encroachment by an appraisal stake on their property. Scott Hutchinson of HMR spoke on behalf of the applicant and said that will be looked into and corrected if need be. Mr. Brodbeck asked if any buffers planned and Mr. Hutchinson remarked that there were none shown on original PUD plan. Scott said further this was formerly Huntington and that when last discussed

the number of lots were significantly reduced and approval given. Lee Turner asked about the detention pond and Scott explained they were stabilizing it and planting around it. Further discussion led to a motion by Dick Charles to accept staff recommendation contingent upon receiving the utility letter and planting/stabilizing around the detention pond. Ed Brinson 2nd the motion and it carried with one abstention by Gary Moore.

Gregg Mims spoke to the commission on the adoption of the Comprehensive Plan revisions . He said they have had numerous meetings and extensive comments and this was the final version. He reminded the commission that this is a working document and asked for formal adoption. Dick Charles moved to approve latest 2006 update and recommend same to the City Council. Lee Turner 2nd the motion and it carried unanimously. Mayor Kant asked that the changed sections be marked so the council could compare the old and new document and Gregg said they would be marked.

A Resolution was presented to the Planning Commission and staff was asking for them to pass it relating to the extension of the present moratorium through March 26, 2007. Staff was recommending it and Dick Charles moved to approve the Resolution and pass it on to the City Council, Ed Brinson 2nd the motion and motion carried unanimously. Tim Kant said he would still like something that adopted by the commission that will stop any construction on Hwy 181 until we get a plan from the state. Gregg said he would be meeting again tomorrow with Gorman Shaffer, the 3rd work session, and also said that a joint session is planned for the City Council and Planning Commission on December 20th at 4:00 PM with Gorman Shaffer who is doing our drainage and traffic study.

Gregg also presented to the commission a court order that he had received regarding Tuscany Village subdivision where the city was ruled against and told the commission members what he felt they should do in making future motions, be specific in voting. He said we could make a form that can be forwarded to the applicant stating the decision of the Planning & Zoning Commission and conditions for approval and denial. Bob Clark said he would like to acknowledge receipt of the court order from Judge James Reid and go forward. Further discussion led to a motion by Dick Charles, 2nd by Bob Clark, to pass a resolution authorizing staff to proceed with the Tuscany Village application and our obligations therein in accordance with the court order. Motion was passed unanimously.

The calendar for 2007 meetings was duly approved as presented (in P& Z file)

Meeting was duly adjourned at 6:05 PM

Jean Wilson, Chairman

Betty Rivenbark, Secretary