

The Planning & Zoning Commission of the City of Fairhope met Thursday, February 7, 2008 at the City Administration Building, 161 N. Section Street in the Council Chambers.

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

The minutes of the January 7, 2008 meeting were duly approved on motion by Bob Gentle, 2<sup>nd</sup> by Dick Charles and unanimously carried.

**SD06-14 Preliminary Plat approval for Tuscany Country Estates, Phase 1/Charles R. Bennett.** The property is located on the north side of Red Barn Road just east of County Road 33 . This is a 58 lot subdivision containing 71.2 acres. Gregg gave the staff report saying that on June 5, 2006 the Planning Commission voted to deny the subdivision. This decision was challenged in Circuit Court and on November 29, 2006 Judge James Reid rendered a verdict in favor of Tuscany Village, LLC. The subdivision regulations require an applicant to obtain Final Plat approval of a subdivision with two years of the preliminary plat approval date and in this case preliminary plat approval will expire November 29, 2008. They are requesting a two year extension and staff recommendation is to approve a one year extension contingent upon the following condition: The applicant shall bring the Tuscany Country Estates Subdivision, Phase 1 into compliance with the City's revised Subdivision Regulations prior to the issuance of any land disturbance or building permits. Revised plans shall be submitted to the Fairhope Planning Department and the Fairhope Building Department. Charles Bennett spoke for the project saying the reason for the request is where the real estate market is at the present time and when start the project won't disturb any more than necessary. Ms. Wilson asked if anyone wished to address the Commission, no one did. Bob Gentle asked if there was a writ of mandamus with the court order, will there be trouble if we change anything. Chris Gill said no. Dick Charles asked if the applicant understood that the revised subdivision regulations do affect the one year extension. Gregg said that is the staff recommendation and Mr. Bennett said he understands that and it should not be a problem. Mr. Charles said the flood maps are out of date and there are changes that need to be realized. Bob Clark asked where does the flood plain map fit in the county's plans, Gregg said they never came to a conclusion, it was voted down, put on hold and there is no way he can respond to the question. Dick Charles stressed again the need for Flood Map updates. Further discussion led to Chris Gill saying the bottom line is the developer will agree to live by the new improved subdivision regulations as per staff recommendation. Tim Kant moved to approve for one year and as per staff

recommendation that the applicant shall bring the Tuscan Country Estates Subdivision, Phase 1 into compliance with the City's revised subdivision regulations prior to the issuance of any land disturbance or building permits and revised plans shall be submitted to the Fairhope Planning Department and the Fairhope Building Department. Dick Charles 2<sup>nd</sup> the motion and it carried unanimously.

**SD08-02 Minor Subdivision** approval request of **Habitat for Humanity/Alex Cary** for Habitat Two Subdivision. Property located on the north side of Spring Run Drive just west of North Chase Court. Gregg gave the staff report saying the property is zoned B4 in the City and the total site area is approximately 18,740 sq ft and two lots are proposed. These lots front on Spring Run Drive and the plat is in compliance with the requirements of the B4 zoning district. He said to the east there is a two lot subdivision known as Habitat One. He also said the applicant is requesting a waiver of the applications fees. Staff recommendation was the approve Habitat Two and waive the application fees. Alex Cary was present representing Habitat for Humanity. Mrs. Wilson asked if anyone wished to speak to the application, no one did. Bob Gentle said we had already set a precedent by waiving the fees for Sister Julie. Further discussion led to a motion by Bob Gentle to accept the staff recommendation and waive the fee. The Mayor suggested and the motion was amended to read that the guidelines should be that "the income be below the mean income level" should apply to applicants who occupy this housing. Dick Charles 2<sup>nd</sup> the motion and amendment. Motion carried unanimously.

**UR08-02 Request of Alabama Power for 11-52-11 review** of a proposed Electrical Regulating Substation. The property is located on the south side of Red Barn Road just east of Gunnison Road. Gregg gave the staff report saying they are requesting a review and approval for the location of a new Electrical Regulating Substation near Fish River and the total site area is .5 acres of a .92 acre tract of land owned by Alabama Power. Gregg said that a fence will be provided around the site area and staff has requested the applicant provide an evergreen hedge around the site for screening purposes and additional landscaping requirements are to be approved by city staff prior to the issuance of any land disturbance or building permit. Staff recommendation was to approve the location and site plan with the following condition: The applicant shall plant an evergreen hedge around the perimeter of the .5 acre Electrical Regulating Substation site. Brandon Gee was present representing Alabama Power Co. Ms. Wilson asked if anyone wished to speak to the issue and no one did. Dick Charles moved for approval with staff recommendation. Bob Clark 2<sup>nd</sup> the motion and it carried unanimously.

**ZC08.02 Public hearing on a Zoning Ordinance Amendment –  
Article IV, Section G. Signs**

Gregg gave the staff report saying this had been presented at the last meeting and minor changes were suggested and have been incorporated. It was also voted on by the Downtown Business Association who were for changes and this applies to Central Business District area only. The public hearing was opened and closed and no one wished to speak. Dick Charles moved for approval. Bob Gentle 2<sup>nd</sup> the motion and it carried unanimously.

New Business –Gregg said since developments have slowed down his department is focusing on other things, one being the census, and said further he would like to suggest getting with the members and ride around, look at projects approved in the last 4-5 years and get feed back from them on if we are headed in right direction.

Chris Gill said next month he would like to review with the Commission Multi-occupancy buildings.

Bob Gentle asked to be heard and said at the last meeting an informal review was held on property on Greeno Road and he said he would like to “put feet” on his suggestion to visit with the owners of property on Greeno Road, get a clear understanding of how we want to develop this entrance to Fairhope. Bob Clark said he thought this was already addressed in the Comprehensive Plan and its update and through the steering committee. Gregg said we could develop a specific corridor plan for Greeno Road, the Comprehensive Plan is a general guide, implementation takes time and strategy and it only applies to what we have control over. He did ask for feed back from the members and also mentioned the possible development of a hospital district.

There being no further business, meeting was duly adjourned at 5:45 PM.

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Jeans Wilson, Chairman

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Betty Rivenbark, Secretary