

The Planning & Zoning Commission of the City of Fairhope met Monday, May 4, 2009, in the City Council Chambers at the Administrative Building, 161 N. Section Street.

Present: Jean Wilson, Chairperson, Bob Clark, Dick Charles, Dan Stankoski, Jennifer Fidler, Fran Slade., Jonathan Smith, Director of Planning and Building, Nancy Milford, Planning Staff, Chris Gill, Attorney. Absent: Mayor Kant, Gary Moore and Lee Turner.

Betty Rivenbark was absent, so Nancy Milford recorded the minutes in her absence.

The minutes of the May 4, 2009 meeting were considered. The meeting minutes were amended and corrections made prior to the Planning Commission Meeting. Dick Charles moved to approve the minutes. Jennifer Fidler 2nd the motion and it carried with one abstention by Dan Stankoski.

Jean Wilson explained to the audience that there are two items on the agenda. ZC 09-02 has been withdrawn from this month's agenda and UR 09-07, the expansion of the Fairhope Courthouse is an 11-52-11 utility review which does not require a public hearing.

UR 09-07 Request of the Baldwin County Commission for an 11-52-11 Review of the expansion of the existing Fairhope Satellite Courthouse. The satellite courthouse is located on at the northwest corner of Fairhope Avenue and Bishop Road. Jonathan Smith gave the staff report. The applicant is requesting Planning Commission approval for the expansion of the existing Fairhope Satellite Courthouse which will include the following: department renovations and additions, new parking areas, underground water retention system and miscellaneous site improvements. The applicant had to acquire property on the west and north sides of the courthouse location. David Ed Bishop, introduced himself as Baldwin County Commissioner and as a resident of Fairhope. He said that the expansion was a part of the County's twenty year strategic plan. They had to acquire property to accommodate the expansion. Mr. Bishop introduced Nancy Strube, the County's Building Project Coordinator and Jeff Hudson as the project architectural consultant. Nancy Strube said that the service to the public will be much improved by the expansion. Jeff Hudson introduced himself as a representative of Hatch Mott McDonald. He stated he was a resident of Fairhope. He explained that the expansion was an effort to bring legislative delegation, Planning and Zoning and other County offices into one area and part of the project will be to provide new entrances. A new road will be constructed first and then the building and parking lot will be added at a later date. Underground retention will be provided to try and save trees.

Jean Wilson said that an issue was brought to her attention regarding a tree planted at the entrance of the project. She would like to see this tree saved by altering the ingress and egress on Fairhope Avenue. David Ed Bishop said that there are plans for the widening of Fairhope Avenue which will impact the tree. Jeff said he will consider alternatives for saving the tree. Dick Charles said he measured the trees on-site and one tree was 8 feet in diameter. He said that there were four (4) four foot trees also on -site. Jonathan said that the county had to vacate a right-of -way. Councilman Stankoski the right-of -way was vacated at the last council meeting and a traffic study was conducted by Neil Shaffer

which reported that the widening of Fairhope Avenue should be included in a long range plan. On the horizon, there are no immediate plans for the widening project. David Ed Bishop stated that the Baldwin County Engineer came to the City Council to request the vacation of the right-of-way. An agreement between Mr. Corte and the City had to be executed to vacate the right-of-way.

One commission member stated that if Fairhope Avenue is widened, could the trees be placed in a medium?

Mr. Bishop said that when you widen a road, then you have to purchase people's property along the right-of-way. He said that it gets very costly when buying people's property by the foot. Jean Wilson said that as a Planning Commission body, the Commission must look at the property as it sits today. Jean Wilson said that right now the site has a line of trees that the Planning Commission would like to save. Mr. Hudson said that his main concern was sight distance at the ingress/egress. Jean asked if there were any other questions. Fran Faust asked for an explanation of underground retention. Mr. Hudson said that underground retention are chambers underground used like retention.

Mr. Hudson said that pervious paving was installed at the entrance near the trees that the County are trying to save. Fran Faust briefly discussed a concern about the soil types and the applicability of the underground retention system.

Commissioner Bishop showed pointed to two buildings situated close to Bishop Road on the project drawing that will eventually come down but for now they will stay. Mr. Bishop said that Baldwin County purchased the property to the north east of the project as a part of their future growth plan for the next 10-20 years.

Dick Charles told Commissioner Bishop that he gets an A+ for the east side parking. Dan Stankoski said the County gets an A+ for having a twenty year plan.

Jennifer Fidler told the architect that when they build around the trees, they should not cut the grade around the trees. She also said that where they have porous concrete, they may want to have a curb.

Commissioner Bishop would like to have a gazebo under the shade tree for the smokers. Jean Wilson said that the County may want to consider including a place for bikers to park their bikes. Commissioner Bishop said that the County has money to build a structure for Brats which may come to the City Council for discussion. Jonathan said it is good to know that the City would like to have bike racks on this project. The Commissioner said that Taylor Rider, the head of Brats has been ill, but he is the one putting together the grant package for the Brats structure. Jeff said that bike racks will be easy to include on the project.

Dick Charles moved to approve the 11-52-11 review with the caveat that the County work with the planning staff on adjusting to save the tree, if it is feasible.

Bob Clark seconded the motion.

Old/New Business: Jonathan announced that Ken Smith of the Alabama League of Municipalities will be set up for presenting an Ethics Class for the Planning Commission on June 18, 2009 at 1:00pm at the Fairhope Civic Center.

Commissioner Bishop announced that the County will have a Public Hearing on the Comprehensive Plan Thursday at 6:00pm.

Fran Slade asked about the status of the ADU Ordinance. Jonathan responded that staff is putting it into Ordinance format.

Fran Slade brought up an article in the paper regarding "Streets nobody lives on". The article was about subdivisions that were approved but are now completely abandoned. There was some general discussion about two year maintenance bonds. Chris Gill gave an example of the Old Battles Village Project. Chris said that if the streets have never been accepted then it is not the City's problem. We have tried to address the problem as much as possible through the Operation and Maintenance Requirements in the Subdivision Regulations. If a property goes into bankruptcy, then it is really difficult to participate as a creditor. Thus far, the City has resisted taking over detention ponds. We have gone as far as we can with the Operations and Maintenance Plan Requirements in the Subdivision Regulations. Fran Sade asked about sewer lines. Chris thinks the City should consider requiring a letter of credit, instead of other types of financial guarantys. Jennifer provided clarification that street trees are required at the time of final inspection.

The meeting adjourned at 5:45pm.