

The Planning and Zoning Commission met Tuesday, October 5, 2009 at 5:00 PM at the City Administration Building, 161 N. Section Street in the Council Chambers.

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

Absent: Lee Turner, Jennifer Fidler

Chairperson Jean Wilson called the meeting to order at 5:00 p.m. The minutes of the September 8, 2009 meeting were considered and Gary Moore had one correction. Dick Charles made a motion to approve the minutes as corrected and was 2nd by Gary Moore. The motion carried unanimously.

IR 09.03 Informal Review for Strayhorn Place, a two lot minor subdivision, Harriett Strayhorn.

The property is located on the west side of Ingleside Avenue just south of Estella Street, at 101 North Ingleside Avenue. Jonathan Smith gave the staff report saying the subject property is approximately 1.29 acres and is zoned R-1 Low Density Single Family Residential. Two lots are proposed, the largest lot to be approximately .93 acres and the smallest lot to be approximately .37 acres. Mr. Smith stated in order to subdivide the property the applicant must receive a waiver from the Planning Commission to deviate from the minimum lot width requirements set forth in the Fairhope Zoning Ordinance. The proposed lot width for Lot 1 is 58' and the required minimum lot width for R-1 lots is 100'. Staff recommends the Planning Commission provide insight and comment regarding the proposed two lot Strayhorn Place Subdivision. Harriett Strayhorn, the applicant, addressed the Commission saying they bought the property under the assumption that it could be subdivided only to find after many months of waiting and the loss of several thousand dollars that is not possible. After much discussion Gary Moore, Jean Wilson, Dick Charles and Lonnie Mixon said they would like to see letters from all the neighbors in favor of the division since the proposed lot will face the back of several lots. Fran Slade said she would like to see the applicant be able to find some solution. Mayor Kant had concerns with the infilling of this lot due to the current drainage in the area. Bob Clark and Mayor Kant said they do not like setting precedents and there are many places like this in Fairhope.

Old/New Business

Sand Chimneys Discussion – Jonathan Smith addressed the Commission saying Gregg Mims, City Administrator, asked to have Sand Chimneys added to the agenda to see if the Commission finds them an acceptable method of stormwater management, but would like to incorporate language into the Subdivision Regulations to limit their use. Mr. Smith stated that Staff is agreeable with using sand chimneys if an engineer signs off on the project. Jean Wilson said she does not know enough about them at this time and would like more information on their advantages and disadvantages. Mayor Kant stated his issues were not with the drainage but with the filtration and the possible contamination of the drinking water. Dick Charles noted that the Publix project proposed

sand chimneys and which were turned down. Lonnie Mixon and Gary Moore want to see in-field case studies from projects that are using sand chimneys.

Proposed Subdivision Regulation Amendments Discussion – Nancy Milford addressed the Commission and gave a brief summary of the proposed changes to the subdivision regulations. She noted that Staff has been working with the Baldwin County Engineering Department since April of 2008 to improve cohesion between the City and County Regulations. Ms. Milford added that a Worksession would be scheduled for the Commission to review the proposed changes in depth.

Election of Officers – Chairperson Wilson stated it is time for the annual elections of the Commissions Chairperson and Vice-Chair. Bob Clark moved to re-elect Jean Wilson as the Chairperson. Gary Moore 2nd and the motion passed unanimously. Bob Clark moved to re-elect Dick Charles as the Vice-Chair. Fran Slade 2nd and the motion passed with one abstention by Dick Charles.

Executive Session – Chris Gill addressed the Commission and requested they enter and Executive Session by reading the following letter:

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October 5, 2009

VIA HAND DELIVERY

City of Fairhope
Planning and Zoning Commission
Fairhope, Alabama

Re: Executive Session for Monday, October 5, 2009 Meeting

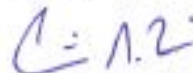
Dear Commission Members:

At the September 8, 2009 meeting of the Planning and Zoning Commission, the Planning and Zoning Commission considered a request from Chris Bowman for approval of Ansley Landing, a 56-Unit multi-occupancy project (SD 09-05). As you will recall, this matter was approved per the staff recommendation, but with an additional increase in the setbacks applicable to this project of 35 feet all the way around the property.

Following the September 8, 2009 meeting, I received a letter dated September 15, 2009 from Deborah G. Knight, an attorney who represents Mr. Bowman. The letter from Ms. Knight indicates that Mr. Bowman is clearly assessing his legal options with respect to the imposition of the 35 foot setbacks applicable to the property.

I respectfully request that the Planning and Zoning Commission enter into an executive session pursuant to and in accordance with Section 36-25A-7(a)(3) of the Alabama Code, to discuss the legal ramifications of and legal options for controversies not yet being litigated but immediately likely to be litigated if the Planning and Zoning Commission pursues a proposed course of action. I am an attorney licensed to practice law in the State of Alabama (Alabama Bar No. ASB-8341-162G), and it is my opinion that the exception allowing for an executive session set forth in Section 36-25A-7(a)(3) of the Alabama Code is applicable to the discussion that will take place once we are in executive session.

Very truly yours,



Christopher M. Gill
For the Firm

MOBILE • BIRMINGHAM • FOLEY • ATHENS • FAIRHOPE • JACKSON, MS

Lawyers are admitted to Florida, Georgia, Louisiana, Mississippi, and the District of Columbia.

Dick Charles moved for the Commission to enter an Executive Session to reconvene no later than 6:25 p.m. Lonnie Mixon 2nd and motion passed unanimously by the following voice vote AYE – Mayor Kant, Bob Clark, Gary Moore, Jean Wilson, Dick Charles, Fran Slade, and Lonnie Mixon. NAY – None. The Commission entered Executive Session at 5:55 p.m. The Commission returned at 6:23 p.m. and Dick Charles moved to end the Executive Session. Gary Moore 2nd and the motion carried unanimously.

The meeting was duly adjourned at 6:24 p.m.

Jean Wilson, Chairperson

Emily Boyett, Secretary