

The Planning Commission held the Public Input Meeting on Monday, April 4, 2011 at 6:30 PM at the City Administrative Building, 161 N. Section Street in the Council Chambers.

Present: Jean Wilson, Chairperson; Dick Charles, Vice-Chair; Bob Clark; Gary Moore; Jennifer Fidler; George Roberds, Mayor Tim Kant and Councilman Rick Kingrea. Jonathan Smith, Planning and Building Director; Nancy Milford, Planner; Kim Burmeister, Secretary. Absent: Lee Turner

Chairperson Jean Wilson announced the opening of the Public Input Meeting at 6:30 PM. Mrs. Wilson said that this meeting is to allow the public to speak about any Planning issue, with more time allowed than at a regular Planning Commission Meeting. Speakers are limited to 10 minutes. She announced the first speaker who had signed up.

Joe Verhoestra, 812 N. Greeno Road. Mr. Verhoestra lives across from the Fairhope City Swimming pool. He is on his 4th year of trying to sell his property. He has not had one person inquire on the property. He has met with Mayor Kant and other zoning officials asking for guidance on a proper rezoning designation for his residential property. His property is not suitable for residential zoning. He has a football field, swimming pool and the recreation center across the street. These facilities continue to draw more and more traffic. Mr. Verhoestra said that the boom boxes are sometimes so loud, windows rattle in his house. This prevents him from opening his windows most of the time. He thinks this probably helps the City, since he has to run A/C continually, causing his utility bill to go up. Mr. Verhoestra said that sometimes the lights at the Recreation Center or stadium are left on all night long. Headlights are always coming into his house from traffic leaving the center. There is also a trailer park to the south of his property. A few weeks ago, he called the Animal Control Officer Jerry Merchant to address a loose dog issue, from the trailer park. The next day, he had a flat tire and thinks it was retaliation from his filing a complaint on the dog. He said that he shouldn't have to put up with the noise, traffic and the litter. He has beer bottles being thrown on his property, and is fearful of filing a complaint. He has called the Police Department about the noise from the stadium / recreation center. Mr. Verhoestras said that he has been told the noise ordinance does not take effect until 10 PM, and in some instances, is irrelevant when pertaining to City or sports events. His quality of life is very, very low on N. Greeno Road. He has vehicles driving around his house and across his septic tank, in order to enter the trailer park next door. His place does not look like a trailer park. He is asking for help so that he can sell his property. It is not residential anymore. He has asked for guidance and has not gotten any. He said the Mayor previously suggested a bowling alley with a restaurant for the property, but one has opened up in Daphne or maybe Spanish Fort. He said Fairhope promotes quality of life. He does not have and will not have quality of life on the 4-lane. He said that someone at a meeting (he would not give a name) told him "If you bought the property for residential and you think you are going to sell it for commercial, you are wrong". He said he did not buy the property with that intention. He bought the property in 1985 to live next door his ailing parents, when Greeno Road was a 2-lane. He said the Dyas property down the road was rezoned because it was "unfit for residential". He said his property is unfit for residential also.

Mr. Verhoestra said that trespassers commonly come on his property, and he has to run them off. He has had to remove a basketball goal from his property, to keep kids from the trailer park from coming onto his property to play basketball, even after he asked them not to trespass on his property. He wants quality of life and wants not to have to live like he does now.

Paul Ripp, Highridge Road

Mr. Ripp referred to Mr. Williams comments at today's Planning Commission Meeting. Mr. Ripp said over the past 6 years, he could look up 15 cases where people do not get the notices. Recently there was a case of State Hwy. 181 and the resident didn't know the case was coming up until she read it in the paper. The notice issue has been going on forever. Mr. Ripp said the Commission keeps saying things will change, but nothing happens. Notices are a big problem. As far as the Board itself, the Planning and Zoning Board is dysfunctional. This board has cost the City 2 million dollars, with the Dyas lawsuit, the Publix lawsuit, and with Fly Creek. He said we are looking at years of damage with Fly Creek, as long as it rains and floods the creek. Mr. Ripp said the City Museum promotes Fly Creek. Now no one mentions Fly Creek, now that the detention pond does not work and that there is erosion taking place. He said the City said that they will not have to pay for the Dyas lawsuit. Mr. Ripp referred to a recent Council Meeting which stated the City would not have to pay, but now it appears the City will have to pay for this lawsuit. Now we have to pay 1.2 million and we are being sued by the insurance company. There are 6 more months before this case is finished. He said that even if the City wins the Dyas lawsuit, what do we win? We don't win one dime, all of that money is under the table. He sees the Council trying to save money by turning down charity groups, but millions are being spent on legal fees. These lawsuits came from the Planning Commission. He said that the Planning Commission has said they rely on Staff Recommendations and also that the Commission has no enforcement power if the original plan does not get done. Mr. Ripp asked "What the h... are we doing?" Chairperson Jean Wilson reminded Mr. Ripp that there will be no cursing. Mr. Ripp said Greeno Road was asinine. Mrs. Wilson reminded Mr. Ripp that there will be no cursing, and she reminded Mr. Ripp that he will not push her around. Mr. Ripp said that he did not know that asinine was a curse word. Mr. Ripp said his last comments are on Public Participation. Mr. Ripp said everyone should hang their heads in shame over the Publix project. Mr. Ripp said the City will be paying for the Publix project for a long time, with lawsuits.

Willie Williams

Mr. Williams said that there needs to be more diversification on the Board and on the Committee. Mr. Williams said that he was the first appointee from the Governor on the DHR board in South Alabama in 15 or 20 years. In Daphne, there is diversification on the Planning and Zoning Board and also on the Zoning Variance Board. City of Foley recently attended a seminar with the City of Daphne, and a Foley Councilperson had recognized the benefits of diversity, due to a growing Hispanic population in Foley. Mr. Williams said that he is a policy guy. He does not want to bash anyone. But, as his professor always told him, we are learning until the day we die. We need diversification. Mr. Williams said he believes in open forum. He has been on a DHR committee, dealing

with half a million dollars. He said that everyone can complain but very few people can come up with a solution. He said he is offering a solution. Mr. Williams said the Mayor can appoint people on the Boards. Within the MOD, there are people with proper qualifications. Mr. Williams said that the commission must revamp and have the different view points represented. This will stop a lot of the complaining. Mr. Williams said that we can not get mad; there are other citizens in the community that can bring another view point and can assist in the growth of this city. Mr. Williams referred to the County Commissioners recently losing their commission. Mr. Williams said that he is here mainly because of the Medical Overlay District but he wants to mention the need for diversification and also better notification procedures.

Harry Davis with Baldwin County Press

Mr. Davis said that he was born in Mobile and the reason he left was because of hatred. He is writing a book, "The Tale of 5 Rivers", and he has been deeply involved in the oil spill. He said that people are struggling. Mr. Davis said that the diversification issue should have been settled in the 60's. He said he doesn't see any Native Americans on the Board here and wonders why not. Mr. Davis asked how many council members are involved in development/construction or other vested interest in how things are zoned in the City. Chairperson Jean Wilson said that a member must recuse themselves from the meeting if they have a personal interest in the agenda item. Mr. Moore said that he has recently recused himself, at today's Planning Commission meeting. Mr. Moore said that all members have recused themselves at one time or another. Mrs. Wilson said that the Commission By-laws have a conflict of interest policy that all Commission members must abide by.

Debra Green, 415 Maple Street

Mrs. Green said that she is here with other property owners along N. Greeno Road, asking for guidance in regards to their property. Last June, property owners had a meeting with Dick Charles. Mrs. Green said that at the Planning Commission meeting on August 2, 2010, Mr. Charles gave a report, but Planning Commission just said "Okay, goodbye". Mrs. Green said that the property owners have kissed every rear to help get a plan together for N. Greeno Road. The property owners are on board to work together as a unit. We have contacted a firm in Atlanta, and Commission has received plans for this but has not offered any support. The N. Greeno Road property owners want to develop their property in the best interest of Fairhope. But unless the property owners get some guidance and have some support on rezoning, then the Commission will end up with a strip mall in this area. Mrs. Green said that Mr. Charles has tried to work with the property owners, but still they are getting kicked by the wayside. They are being denied rezoning requests one by one. Mrs. Green feels that a lawsuit may be in the future if there is not some resolution. Mrs. Green said that Mr. Lewis had had a conversation with Mayor Kant about a proposed project and that at that time Mayor Kant suggested he was in favor of his property, but voted against the project at the Planning Commission meeting. The Mayor not only has a vote on this Board but appoints every member. Mrs. Green said that it is a good thing the Mayor did not say too much in regards to Mr. Barnhill's property, because Mr. Barnhill is a huge campaign supporter of Mayor Kant's last campaign, and Mayor Kant should have recused himself on this item. Mrs. Green

said that they need honest help and they need to know if the City will go the extra mile and spend money on a developer that can help the N. Greeno Road property owners do this right. They only have one chance to do this and they do not want to do it wrong. They can not afford to sit silently on their property. Mrs. Green said the traffic and the trailer park are atrocious. She asked that they be referred to City Council if the Commission can not assist or give guidance. She is certain that hiring a planner to help them do this would be cheaper than another lawsuit. She said the Commission did some good things tonight: the Tree Ordinance and the Medical Overlay District. She agrees with Mr. Williams; however, in that all of us need to be involved and adjacent property owners must be notified, even on informal reviews. She is glad the B-4 zoning was not approved on Morphy. She referred to the Bones and Babies project on N. Greeno Road at Gayfer Avenue and said that at first it did not meet criteria and then all of a sudden it did meet the criteria. She said this project is nothing like what was originally approved, which she thinks is what Mr. Ripp was referring to. She also suggested the meetings be set a little later.

Fred Hayak, 848 N. Greeno Road

Mr. Hayak moved into his house prior to the 4-lane being built and has raised 8 kids here. He needs to sell the property and downsize. He can not sell this property as residential. He has had it on the market (off and on) for 12 years. He really needs some relief. There is a 50 mile per hour speed limit in front of his house. He has brought a PUD proposal before the Planning Commission. He would like to leave the City a legacy, something for everyone to be proud of. All of the property owners are working together within the confines of the Comprehensive Plan. Mr. Hayak said they need some guidance. In the past, somehow the ball always gets dropped by the City government when proposals are made. He was told in 2004 to get on the Steering Committee in order to give input and he did this. The language in the Comprehensive Plan promotes exactly what these property owners are trying to do. Mr. Hayak referenced page 4 of the Comprehensive Plan and also page 6. Page 6 specifically mentions the growth of Greeno Road and recognizing market changes. Page 36 was also mentioned and urban design strategies in regards to Greeno Road. Mr. Hayak said that he and the other property owners need help and guidance and want to leave Fairhope a legacy.

Bill Lewis, Principal of Seaman Capital

Seaman Capital owns property on N. Greeno Road (as well as other properties in Fairhope). He and the other property owners do not want Greeno Road looking like Airport Boulevard, as discussed previously with Dick Charles. This is setting the bar pretty low. We need to start with the concept that these properties along Greeno Road are not suitable for single family residential. The properties to the north and the south seem to have been taken care of with zoning. The question is the three blocks along Greeno Road that have been left out. No one wants to talk about these three blocks and he is not sure why. We need to know what we can do to enhance the quality of life for the City and make these properties properly usable. Currently, these properties are not usable. There are essentially two groups doing separate plans. One group represents about 25 acres and the other is about 30 acres. These need to be dealt with as a unit. Seaman Capital's property is contiguous with the Green's property. Seaman Capital is

willing to work with the Greens and other property owners. Seaman Capital is willing to hire someone or do whatever the City would like them to do. Mr. Lewis said the market is peculiar and soft right now. Mr. Lewis said that ultimately something will be done on this property. It seems it needs a rational imprint to determine what is best. With Seaman's property being across from the City park, it seems obvious that this property should compliment and benefit park use and be walkable. Americans, it seems, are only willing to walk about 5 minutes. Americans will not walk from here to the triangle or to Fairhope Avenue. What is it we need to do to give them an area near the park to walk to? Mr. Lewis does not believe there is walkability across Greeno Road. Residents will walk across Volanta, since this is easily walkable. He said he would like to suggest that the Planning Commission be kind to this group, meet with us and help us come up with something that makes the property properly usable.

Chairperson Jean Wilson said that she is sensing a pattern of folks from the Greeno properties. She said that she thinks it would be good to have a special committee for this project. Since the Planning Commission does not have any money, she said Council approval would be necessary, as well as Planning and Zoning input. Planning Commission can provide input in regards to what would be approved. She suggested a committee consisting of people from the Planning Commission and one or more Council members to look at proposed plans. The stumbling block as been how this would be funded. From the City perspective, a professional needs to do this. Dick Charles said that he has been involved in this effort for about 6 months. He suggested a change to the Comprehensive Plan which addresses northern approaches to the City, from Volanta or Dyer Road to Hwy. 104. We need something attractive and affordable which utilizes the maximum use of the space we have to work in. Mr. Charles said that Debbie Quinn was involved in the first few meetings on this and he asked her to consider a change to the Comp Plan in regards to this area, specifically for the areas close to the Recreation Center. Mr. Charles said that the willingness from the City is there. The verbiage we need to kick it off is not in the Comp Plan and the money issue is not resolved. Chairperson Jean Wilson asked if it would be necessary to change the Comp Plan in order to accomplish this. Mr. Charles said it would be to address this specific point. Jonathan Smith said he wasn't sure a change to the Comprehensive Plan would be necessary, but the City hiring a consultant would be an issue. This would have to be presented to the City Council and also the Financial Advisory Committee. Council would want to know which properties are involved. Staff recommendation would be to remedy the issue. He does think a committee should be established and have Council involved. Chairperson Jean Wilson suggested at least two people from the Planning Commission be part of the committee. Jonathan said that this has been an ongoing issue for at least 2 years. Mr. Smith said enabling a committee to establish some sort of a plan would be a good idea. Chairperson Jean Wilson asked how he suggested the Planning Commission proceed. Mr. Smith suggested the Planning Commission establish a committee. Chairperson Jean Wilson asked if a motion would have to be passed to establish a committee. Mr. Moore suggested the Commission pole the Council to see if they support the committee effort. Councilman Kingrea said that he thinks establishing a committee is a good idea and suggested that this committee be diverse to include a well rounded group of folks. This way different views can be heard. He didn't think the

Comprehensive Plan would have to be changed, because it is not the law. Mr. Charles said he realizes this. Councilman Kingrea said the Commission needs to establish a committee to study Greeno Road, including Council persons and Commission members. Councilman Kingrea said that the money issue will be a problem. He said that he is not sure if he would even, at this time, support City funding of this study. Councilman Kingrea said that the Council will be willing to study it and give it all due consideration. Mr. Williams said that Auburn University Graduate School has a graduate level group that does planning. This group assisted in a project in the Stockton area. Mr. Williams has spoken with this group about similar projects with the south side of Fairhope and he thinks the professor over that design group would support the Fairhope study of Greeno Road. Mr. Williams said it would be relatively inexpensive. Chairperson Jean Wilson thanked Mr. Williams for this information and asked that Councilman Kingrea let the Council know that the Commission recommends that this committee move forward and be supplemented with additional members. Chairperson Jean Wilson suggested this committee come out of the Council since it is a huge City issue. Mr. Moore asked for clarification on Seaman Capital's commitment to hire a consultant. Mr. Lewis said that Seaman Capital would contribute towards the cost of a consultant. He also said that this is a relatively small area and the issues are pretty clear, not complicated. Mr. Lewis said that it is just a matter of the City or Commission telling the property owners how they should move forward. Chairperson Jean Wilson said this would be discussed at the next Council meeting. Mr. Charles said the Commission should avoid a development project such as The Wharf in Orange Beach.

Barry Stalnaker, 460 Hwy. 48, Wilsonville, AL

Mr. Stalnaker is a Urban Developer, developing Trussville Springs in Trussville, AL. His experience has been at first, cities may not welcome his help or designs. Trussville, being located on the Cahaba River, had a similar beginning. Mr. Stalnaker was able to bring all of the stakeholders together and is flushing out the issues. Now Trussville has become friendly to urbanism and Trussville Springs is being developed with a village concept. He said that the Greeno Road issue is similar and at least most of the property owners are working together. Mr. Stalnaker thinks there is an opportunity for this to be something the City will be very proud of. Mr. Stalnaker said the Urban Studio out of Auburn University is the group that Mr. Williams referred to and this should be a project the group would be interested in. The professor's name is Cheryl Morgan and the group is located out of Birmingham. Since money is an issue the City could refer to the Smart Code, developed in public domain and free to municipalities. www.smartcodecentral.org. It is a free development tool. Mr. Stalnart said that in reviewing the Comprehensive Plan it has bull's eye targets. Mr. Stalnart agrees with Mr. Lewis perception that Americans will not walk more than 5 minutes and neighborhood villages are a good concept. A blank slate such as Greeno Road is exactly what Fairhope needs to develop neighborhood villages. Mr. Stalnaker is working on some projects in Baldwin County and would like to be involved in Fairhope's projects.

Bobby Green, 415 Maple Street

Mr. Green said he would like to echo his wife's comments. He thinks there is a golden opportunity for the City of Fairhope, since there is a group of property owners willing to

come up with a common plan for North Greeno Road. Mr. Green said that Fairhope has declared itself a walkable community but you need a place to walk to. Mr. Green said that a large mixed use development would be better than splitting these areas into individual PUDs or rezoning one at a time. He said that spot zoning has taken precedence with Bones and Babies, for example. He said there has also been a very beautiful PUD put in by the Dyas family. He said that one project turned out great and the other, not so much. He said that he is encouraged about the concept of bringing in planners and having a revived committee. He would like to see Greeno Road property owners and perhaps Colonial Acres property owners invited in this group, as well. Also, he said Auburn should be included since the Auburn properties abut or are near these properties.

Gary Gover, 300 Lincoln Street

Mr. Gover said that the City has a track record of excellent Comprehensive Planning results. He does have some concern that the City is not tracking progress on objectives. There is a lag between what was identified to be done and their realization. We should keep these objectives in the forefront. It is time now to begin doing the next 5 year plan cycle for the Comprehensive Plan. He suggested that we think on the far side of the plan and think through the activities required to accomplish the plan. The City should provide support to implement the package. If necessary, the City should contract for those necessary services or obtain qualified volunteers from the community. We need to go beyond the document. Mr. Gover said that he believes there is an annual review process that is not happening. We need to make this a part of the process.

Ralph Thayer, 416 Patlynn Drive

Mr. Thayer said he is a retired professor of Urban Planning. He is willing to volunteer his time with this group and would like to offer his assistance. He would recommend that before City starts designing, do a feasibility study. Mr. Thayer suggested the City decide the land use intent so that the cart is not put before the horse. Chairperson Jean Wilson asked Mr. Thayer to get with Jonathan Smith after the meeting. Mr. Thayer said that he has spoken with Mr. Smith and is available to him.

Joe Rerhoestra, 812 N. Greeno Road (2nd time to speak)

Mr. Rerhoestra said that in regards to the traffic and noise people have suggested he put up a gate. He can't do this because of his wife's health conditions and the need to possibly leave in a hurry. Mr. Rerhoestra said that he sometimes has to leave his home to get relief from the noise and traffic. He said that none of his family wants to inherit his property. He asked the Commission for help and asked that this is not drawn out for several years.

Fred Hayak, on behalf of his neighbor Chrissy, on N. Greeno Road.

Mr. Hayak said Chrissy's husband died less than a year ago and is struggling because of insurance issues. Chrissy lives next to Mr. Rerhoestra. She has about an acre and a half and is unable to keep her property up.

Chairperson Jean Wilson thanked everyone for coming. She said that everyone attending the meeting loves Fairhope and wants to keep Fairhope the nice place that it is to live. The village concept is the hardest type of plan to develop and it has cost the City money. Fairhope looks a lot different than other cities and we have had to fight for that. The Commission really appreciates the input.

Dick Charles moved that meeting be adjourned. Meeting was duly adjourned at 7:45 p.m.