

The Planning Commission met Monday, January 6th, 2014 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; George Roberds, Vice-Chair; Tim Kant; Bob Clark; Dick Charles; Bernie Fogarty; Jennifer Fidler Councilmember Diana Brewer; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: None

Chairman Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the December 2nd, 2013 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by George Roberds. Motion carried with abstentions by Bernie Fogarty and Jennifer Fidler.

SD 14.01 Public hearing to consider the request of HMR, LLC for Final Plat approval of Saddlewood, Phase 1, a 34-lot subdivision, Tim Lawley. The property is located on the south side of Manley Road, just east of Southland Place Subdivision. Mr. Smith gave the staff report saying the property was unzoned at the time of preliminary plat but has since been annexed into the City as R-1 Low Density Single Family Residential District. Staff recommendation is to approve contingent upon the following conditions:

1. A final inspection that is satisfactory to all applicable City Department Supervisors;
2. All City of Fairhope lighting requirements shall be satisfied;
3. The submittal, prior to issuance of the building permit, of financial guaranty(s) and subdivision agreement for any work not completed at the time of the Planning Commission meeting. The financial guaranty packet shall include the subdivision agreement, the letter of credit(s) and the engineer's cost estimate(s) for pending work to be completed;
4. Prior to the issuance of a building permit, the applicant shall submit to the City of Fairhope a fully executed maintenance bond and maintenance bond agreement;
5. The Operations and Maintenance plan shall be recorded prior to issuance of building permits;
6. The GIS data and fire hydrant requirements shall meet the approval of Dan McCrory, Water and Sewer Superintendent.

Tim Lawley was present for the applicant to answer any questions. Mr. Turner opened the public hearing.

Virgil Decker – 197 Pemberton Loop – He stated concerns with the traffic because of the school, existing subdivisions, proposed soccer fields and the lack of traffic lights or turn lanes. He also asked who the builder will be.

Mr. Smith responded the City had a traffic analysis in 2008 and a new analysis is being done that will include this area to be studied. Mrs. Fidler said she thought the engineer said a traffic light was not needed. Mr. Smith stated the subdivision did not warrant any improvements but the City is having the analysis done for all of the other developments in the area. Mr. Charles asked why the property is R-1 non-conforming and Mr. Smith stated at the time of preliminary plat the property was unzoned and does not meet the minimum lot standards for R-1. He stated the Commission recently changed the lot standard requirement to eliminate this issue. Mr. Turner stated the Commission does not know who the builder will be. Having no one else present to speak, Mr. Turner closed

the public hearing. George Roberds made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. A final inspection that is satisfactory to all applicable City Department Supervisors;
2. All City of Fairhope lighting requirements shall be satisfied;
3. The submittal, prior to issuance of the building permit, of financial guaranty(s) and subdivision agreement for any work not completed at the time of the Planning Commission meeting. The financial guaranty packet shall include the subdivision agreement, the letter of credit(s) and the engineer's cost estimate(s) for pending work to be completed;
4. Prior to the issuance of a building permit, the applicant shall submit to the City of Fairhope a fully executed maintenance bond and maintenance bond agreement;
5. The Operations and Maintenance plan shall be recorded prior to issuance of building permits;
6. The GIS data and fire hydrant requirements shall meet the approval of Dan McCrory, Water and Sewer Superintendent.

Dick Charles 2nd the motion and the motion carried unanimously.

ZC 14.01 Public hearing to consider the request of the City of Fairhope Planning Department for a Zoning Ordinance Amendment to add provisions regarding Multiple-Family/Apartments for the B-3a Tourist Resort Lodging District and B-3b Tourist Resort Commercial Service District, Jonathan Smith.

Mr. Smith gave the staff report saying currently the City of Fairhope Zoning Ordinance does not allow Multiple-Family/Apartment uses in the B-3a and B-3b zoning districts. Due to the nature and intent of the Tourism Districts, the locations of existing B-3a and B-3b properties and previous City approvals, staff feels it is appropriate to allow multi-family/apartments uses in these districts, subject to appeal to the Board of Adjustments. By requiring an applicant to appeal to the Board of Adjustment, the site can be evaluated and any special conditions as a result of the site evaluation may be part of the Board's approval. Upon evidence provided by an applicant and staff, the Board may also find that some sites are not appropriated for Multi-family and/or apartment uses. Mr. Smith stated these districts currently allow more intense uses than what staff is proposing. Staff recommendation is to approve the proposed Zoning Ordinance Amendment to allow Multiple-Family/Apartment uses in the B-3a and B-3b zoning districts contingent upon the following condition:

1. All proposed Multiple Family/Apartment projects in the B-3a and B-3b zoning districts shall be subject to appeal to the Fairhope Board of Adjustment and may be subject to special conditions as determined by the Board.

Mrs. Fidler questioned the proposed requirement for Board of Adjustment approval and Mr. Smith responded the Board would have the ability to review each application and decide if the request is suitable for the site. Mrs. Fidler stated it makes sense to allow these uses in these zoning districts and she asked if the Board can deny an application and Mr. Smith answered yes. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Mayor Kant explained the Board can impose restrictions on any site that comes before them. He referenced a restaurant on S. Mobile Street where the Board restricted the use of alcohol, limited hours of operation, and the building size. Mr. Smith added the Board can also regulate architectural requirements. Mrs. Brewer stated it seems the Board will allow the City to add more controls. Mr.

Turner stated he thinks this request fits with the Comprehensive Plan. Mr. Clark expressed he had concerns at first but after further explanation, he is comfortable with Staff's recommendation and said it does add another layer of control and review. Mayor Kant referenced the American Legion and stated they are not zoned for their use but they are limited to who can operate there. George Roberds made a motion to accept the staff recommendation to approve the proposed Zoning Ordinance Amendment to allow Multiple-Family/Apartment uses in the B-3a and B-3b zoning districts contingent upon the following condition:

1. All proposed Multiple Family/Apartment projects in the B-3a and B-3b zoning districts shall be subject to appeal to the Fairhope Board of Adjustment and may be subject to special conditions as determined by the Board.

Bob Clark 2nd the motion and the motion carried unanimously.

ZC 14.02 Public hearing to consider the request of the City of Fairhope Planning Department for a Zoning Ordinance Amendment to add provisions regarding Hotel/Motel and Multiple-Family/Apartments for the B-2 General Business District, Jonathan Smith.

Mr. Smith gave the staff report saying currently the City of Fairhope Zoning Ordinance does not allow Hotel/Motel or Multiple-Family/Apartment uses in the B-2 zoning district. Due to the nature and the intent of the B-2 zoning district and the locations of existing B-2 properties and previous City approvals, staff feels it is appropriate to allow Hotel/Motel and Multi-family/Apartment uses in these districts, subject to appeal to the Board of Adjustments. Mr. Smith stated the City currently has approved projects with multi-family components and hotel/motel projects in B-2 such as the Pulitzer Hotel and the Hampton Inn. Staff recommendation is to approve the proposed Zoning Ordinance Amendment to allow Hotel/Motel and Multiple Family/Apartment uses in the B-2 General Business District contingent upon the following condition:

1. All proposed Hotel/Motel and Multiple Family/Apartment projects in the B-2 General Business District shall be subject to appeal to the Fairhope Board of Adjustment and may be subject to special conditions as determined by the Board.

Mr. Turner stated there have been projects approved but the Commission has also fought against projects. He said he would like to see guidelines for these projects. Mr. Roberds stated these projects are not allowed now and this amendment will give the City the review process and the ability to have control over these projects. Mr. Smith explained staff is trying to do the right thing and give the City the ability to approve these projects but also have controls with them. Mr. Turner said he agrees with the hotel/motel use but not multi-family. Mr. Clark stated it is not changing the zoning only allowing applicants to plead their case. Mr. Smith said the Commission and Council are limited in their review but the Board can review and place conditions on all aspects of the project. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Mayor Kant said he sees Mr. Turners point and agrees with him; the City has worked hard for the Downtown area and to keep residential off the ground floor. Dick Charles made a motion to approve the proposed Zoning Ordinance Amendment to allow Hotel/Motel uses in the B-2 General Business District contingent upon the following condition:

1. All proposed Hotel/Motel projects in the B-2 General Business District shall be subject to appeal to the Fairhope Board of Adjustment and may be subject to special conditions as determined by the Board.

Bernie Fogarty 2nd the motion and the motion carried unanimously.

ZC 14.03 Public hearing to consider the request of the City of Fairhope Planning Department for a Zoning Ordinance Amendment to add provisions regarding Entertainment Venues for the B-3a Tourist Resort Lodging District, Jonathan Smith. Mr. Smith gave the staff report saying currently the City of Fairhope Zoning Ordinance does not allow Entertainment Venues in the B-3a Tourist Resort Lodging District. Due to the nature and intent of the B-3a zoning district and the locations of existing B-3a properties, staff feels it is appropriate to allow Entertainment Venue uses in this district, subject to appeal to the Board of Adjustment. Mr. Smith stated he has spoken with several Commissioners and they have expressed concerns and may want to have further study done on this issue. Staff recommendation is to approve the proposed Zoning Ordinance Amendment to allow Entertainment Venues in the B-3a Tourist Resort Lodging District contingent upon the following condition:

1. All proposed Entertainment Venue projects in the B-3a Tourist Resort Lodging District shall be subject to appeal to the Fairhope Board of Adjustment and may be subject to special conditions as determined by the Board.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. George Roberds made a motion to postpone this request indefinitely for more study. Bob Clark 2nd the motion and the motion carried unanimously.

Storm Water Management Plan (SWMP) – Jonathan Smith explained this review is a formality that must be done each year as part of the City's MS4 permit. He said the Planning Commission is the most appropriate City committee for the review. Kim Burmeister, Code Enforcement Officer, addressed the Commission saying the SWMP is a working document that is updated each year to remove achieved goals and add new goals. This year the SWMP has added media to the City's website and a two-year maintenance statement. Mr. Smith added Mrs. Burmeister holds a BMP workshop for City employees, residents, and contractors every year. Mayor Kant stated the City wants to make sure we are doing the same thing that we require of contractors. Mrs. Burmeister stated the SWMP is available on the website. Mrs. Fidler added it is very thorough. Jennifer Fidler made a motion to approve the Storm Water Management Plan (SWMP) as presented. Dick Charles 2nd the motion and the motion carried unanimously.

LID (Low Impact Development) – Christopher Baker of Thompson Engineering gave a PowerPoint presentation regarding the City's Low Impact Development Grant. He stated this project is funded through a grant from ADCNR and its purpose is to define approved LID methods in Fairhope, codify the approved methods, and incentivize the use of LID. He stated there is a list of 20 LID methods for use in Fairhope and five incentivization options.

1. Rely on the Free Market
2. Assess a Permit Fee
3. Change SWM Calculation Methodology
4. Require the use of LID
5. Require all SWM to be Underground

Mr. Baker said he is looking for direction from the Commission as to what they would like to see the use of LID integrated with developments. There was discussion regarding using a combination of the five options. Mrs. Fidler suggested requiring a percentage of

storm water management be LID and the rest up to the free market. Mayor Kant recommended a committee be put together to review each of the options to see what will actually work best for Fairhope. Mr. Clark agreed with Mayor Kant and stated the committee needs to include Planning Commissioners and City Council members. Mr. Turner said he would like to see the costs for using LID verses the typical storm water management practices. Mr. Baker stated it is very difficult to determined cost unless both designs are done on a specific site. Mayor Kant suggested using Saddlewood as an example. Mr. Clark agreed that he would like to see a comparison. Mr. Roberds stated he thinks assessing a permit fee is the best option but it will have to be high enough to make developers think about what they would rather do. Mr. Baker stated LID will be also help with the City's MS4 permit requirements because it is very proactive. Mr. Smith stated the grant expires in April or May so the committee needs to be appointed soon.

New / Old Business

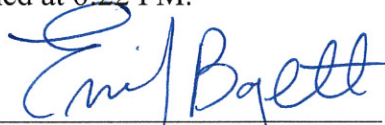
Sidewalks – Mr. Smith said staff has been looking at solutions for sidewalks in subdivisions. He stated the City does have the mechanism in place to require sidewalks be installed prior to final plat approval it is just up to the Planning Commission to make it a requirement.

R-6 Zoning Ordinance Amendment – Mr. Smith stated staff will likely be proposing a zoning ordinance amendment to allow single family residential in the R-6 Mobile Home District. Mr. Roberds said applicants can just get the zoning changed if they want single family and we are getting too accommodating. Mr. Smith said it is just to give property owners options. Mr. Roberds stated a zoning change is an option. Mayor Kant referenced Kevin Boone's property on Fairhope Avenue. Mr. Clark said single family is more desirable than mobile homes. Mr. Smith stated he will talk more with staff regarding proposing this amendment.

Having no further business, George Roberds moved to adjourn and was 2nd by Bob Clark. Motion passed unanimously. The meeting was duly adjourned at 6:22 PM.



Lee Turner, Chairman



Emily Boyett, Secretary