

The Planning Commission met Monday, February 2, 2015 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; Bernie Fogarty; Bob Clark; Jennifer Fidler; Dick Charles; Councilmember Jack Burrell; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary  
Absent: none

Chairman Lee Turner called the meeting to order at 5:01 PM and announced the meeting is being recorded. The minutes of the January 5, 2015 meeting were considered and Bernie Fogarty moved to accept the minutes with one correction and was 2<sup>nd</sup> by Jack Burrell. The motion carried unanimously.

**SR 14.04 Request of S.E. Civil Engineering, LLC for Site Plan approval of 406 Oak Avenue, Larry Smith.** The project is located on the southwest corner of the intersection of Oak Avenue and Bancroft Street. Jonathan Smith gave the staff report saying the property is located in the City's Central Business District and is zoned B-4 Business and Professional District. The property is approximately 0.148 acres and a 2,804 square foot mixed use building is proposed. The applicant is proposing a 35' height. Staff recommendation is to approve contingent upon the applicant implementing tree preservation techniques to save and preserve the existing oak tree noted on the construction plans. Larry Smith was present to answer any questions. Mr. Burrell asked what the square footage is of the first floor and Mr. Larry Smith responded 1,900 square feet and he said it will likely be an office. Mr. Burrell said he has concerns with mixed use and he wants to see the first floor used for commercial or retail. Mr. Turner asked if the building height were 45', would the roof still be flat or would it have a pitch and Mr. Larry Smith responded it would not matter because you can't tell the difference from the pedestrian level. Mayor Kant stated the live oak tree needs to be protected and any digging should be done by hand. Mrs. Fidler asked who the landscape architect is for the project and Mr. Larry Smith responded Sexton Lawn and Landscape. Mr. Burrell asked if the 1,900 square feet also included parking and Mr. Larry Smith responded no, it is the heated and cooled only. Mr. Turner stated he thought all of the properties in the CBD were zoned B-2 General Business District. Mr. Jonathan Smith explained there are only a handful of properties in the CBD that are not zoned B-2 and due to the overlay district the same uses are allowed. Dick Charles made a motion to accept the staff recommendation to approve contingent upon the applicant implementing tree preservation techniques to save and preserve the existing oak tree noted on the construction plans. Bernie Fogarty 2<sup>nd</sup> the motion and the motion carried unanimously.

Bernie Fogarty stated he has a conflict with case ZC 15.02. He recused himself and left the room.

**ZC 15.02 Public hearing to consider the request of RM Development Corporation to rezone property from R-3 High Density Single Family Residential District to R-3TH High Density Single Family Townhome Residential District, Craig Dyas.** The property is located on the southwest corner of the intersection of Fairhope Avenue and River Mill Drive. Mr. Smith gave the staff report saying this application was heard at the

January 5, 2015 Planning Commission meeting. The Planning Commission tabled the application until tonight to address issues raised during the public hearing. Mr. Smith stated the applicant has met with the homeowners association but he does not know of any resolution to their concerns. On January 14, 2015 staff received written correspondence from the applicant requesting the application be tabled until the March meeting to address additional concerns. Staff recommendation is to table the request until the March 2, 2015 Planning Commission meeting per the applicant's written request and due to complex site conditions. Mr. Charles asked if the flooding issues have been addressed or looked at by an engineer. Mr. Smith responded he is unaware if the drainage has been looked at; however, the applicant has submitted a wetland delineation which only indicates a small area of wetlands. He added a large scale drainage study would need to be performed in order to address the flooding issues. Mr. Turner stated he does not need additional information to know he does not feel comfortable with adding to existing flooding issues. He said he would rather stop the process now than cause the applicant to spend more money and the project still not be approved. Mr. Clark stated he could not vote for the project after seeing the water issues. Mayor Kant explained he does not want to encourage more costs for the applicant after receiving numerous letters and a petition from the entire neighborhood. He stated flooding has been an issue in this area since day one and the water has to go somewhere. There was discussion regarding whether action should be taken on the request or if it should be tabled. Mayor Kant stated if the request is denied, the applicant can resubmit. Mr. Burrell asked if the applicant will be required to pay another submittal fee and Mr. Smith responded yes. Tim Kant made a motion to deny the rezoning request due to storm water issues. Dick Charles 2<sup>nd</sup> the motion and the motion carried with one abstention by Jack Burrell.

**UR 15.01 Request of AT&T for an 11.52.11 Review and approval of the proposed installation of approximately 2,141 linear feet of fiber optic cable, Jeff Hadley.** The project will run on the east side of Veterans Drive from US Highway 98 to State Highway 104. Mr. Smith gave the staff report saying AT&T is converting an old network to a new fiber optic network in the proposed project location. The new system will be high speed fiber internet U-Verse. The method of installation will be directional boring. Staff recommendation is to approve, conditional upon the applicant following the general comments related to utility work in the staff report. Mrs. Fidler requested the installation be moved closer to the roadway. She stated there have been some issues with the lines not being installed deep enough in the ditches. She asked that the applicant work with Public Works on the location and depth of the cable installation. Jennifer Fidler made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant following the general comments related to utility work in the staff report.
2. The applicant work with Public Works regarding the location and depth of the cable installation.

Dick Charles 2<sup>nd</sup> the motion and the motion carried unanimously.

### **Old / New Business**

**Traffic and Operations Plan** – Mr. Smith stated the Planning Department has received the update and is reviewing it.

**Mixed Use Buildings in the Central Business District (CBD)** - Mr. Smith stated there will be a committee meeting on Thursday, February 26, 2015 at 4:30 PM at the Nix Center.

**Comprehensive Plan Update** – Mr. Smith announced the surveys will be mailed out by Friday.

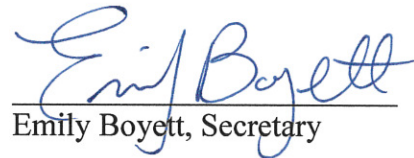
**Fairhope Single Tax Corporation** – Mr. Tuner announced the Fairhope Single Tax Corporation will be holding a meeting on Saturday, February 14, 2015 in the Gibbon's Conference Room at the Fairhope Public Library from 9 AM until 11 AM.

Dick Charles made a motion to adjourn and was 2<sup>nd</sup> by Jack Burrell.

Having no further business, the meeting was over at 5:40 PM.



Lee Turner, Chairman



Emily Boyett, Secretary