

The Planning Commission met Monday, May 4, 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; Bernie Fogarty; Bob Clark; Tim Kant; Dick Charles; Councilmember Mike Ford; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: Jennifer Fidler

Chairman Lee Turner called the meeting to order at 5:03 PM and announced the meeting is being recorded. The minutes of the April 6, 2015 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Bernie Fogarty. The motion carried with one abstention by Tim Kant.

ZC 15.03 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article V, Section B. Central Business District Overlay, 4. Dimension Standards of the Zoning Ordinance regarding commercial and residential floor area requirements for mixed use buildings. Jonathan Smith gave the staff report saying the Commission formed a committee at the February Planning Commission meeting to look into issues with the City's Central Business District (CBD). The first committee meeting was held on February 26, 2015 with a second meeting on March 19, 2015. Mr. Smith explained our current regulations do not include provisions requiring a minimum percentage of commercial space within a mixed use development in the CBD. Staff recommendation is to add the following subsection:

"f. All proposed mixed use developments in the Central Business District shall have at least 50% of the first floor dedicated for commercial use. Not less than 75% of any linear street frontage shall be commercial store front area."

Mr. Turner opened the public hearing.

Jack Burrell of 22624 Alice Lane – He stated he asked to form the committee and has been a driving force to see some of these issues addressed. He stated a number of people have come to him regarding these issues, especially the height for the CBD. He asked if the 75% of street frontage for commercial use is only for the first floor. He stated he would like to see the Commission recommend this amendment to the Council.

Mr. Smith stated the wording can be changed to state the 75% of street frontage for commercial use is for the first floor.

Mr. Turner stated there were two architects on the committee and he would like to have seen more people at the meeting to be a part of this.

Mr. Burrell stated Rich Mueller is in favor of the amendment but could not be here due to health reasons.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Turner stated the architects at WAV Architects said they would like to let free enterprise dictate the commercial and residential. He explained they were not discouraging the Downtown, just maintain and require the commercial downstairs.

Mr. Clark asked what provisions we are changing from and Mr. Smith responded currently there are no provisions for requiring any commercial in the CBD. Mr. Clark stated we should be promoting commercial and this is a good idea. He asked why not require 100% commercial on the first floor. Mr. Smith explained the committee took into consideration elevators, parking, and deep lots when formulating the percentages and if

the requirement was 100% commercial on the first floor then residential would be eliminated. There was discussion regarding existing residential areas in the CBD and Mr. Smith explained this amendment is only for mixed use sites and any existing uses are covered under Article VII Non-conformities. Mr. Roberds stated the amendment would only be for new construction and Mr. Smith agreed. Mr. Turner suggested reconfiguring the boundary lines for the CBD. Mayor Kant stated the residential properties do not want to give up their commercial zoning. The Commissioners discussed having more input on the proposed amendment and several changes. Mr. Clark said it seems there is still work to be done on this amendment and maybe it should go back to the committee. Bernie Fogarty made a motion to table the request for further discussion. Hollie MacKellar 2nd the motion and the motion carried unanimously.

ZC 15.05 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article V, Section B. Central Business District Overlay, 4. Dimension Standards of the Zoning Ordinance regarding building height.

Mr. Smith gave the staff report saying the Commission formed a committee at the February Planning Commission meeting to look into issues with the City's Central Business District (CBD). The first committee meeting was held on February 26, 2015 and the CBD building height recommendations are as a result of the meeting. Currently the Zoning Ordinance has the following provisions regarding building heights in the CBD: "Building heights for all non-residential structures shall not exceed 35 feet." The building height is measured as follows: "the vertical distance measured from the average natural elevation of the lot at the front of the building to the highest point of the roof." Staff recommendation is to approve the building height for non-residential structures in the CBD be defined and measured as follows: "Building heights for all non-residential structures in the CBD shall not exceed 50 feet to the highest point of the roof. The maximum final finished ceiling height for non-residential structures shall not exceed 35 feet. The vertical distance for the aforementioned building and ceiling heights shall be measured from the natural elevation of the lot at the front of the building. Mixed use structures are considered non-residential structures."

Mr. Smith stated the proposed amendment was crafted to allow for more architectural flexibility for roof lines in downtown. Mr. Roberds stated maybe it should be 3 stories or floors without a height limit. Mr. Turner suggested sending this amendment back to the committee as well, for further review. Mayor Kant said we are penalizing big buildings with height and not allowing for pitched roofs.

Mr. Turner opened the public hearing.

Jack Burrell of 22624 Alice Lane – He stated this should also be looked at again by the committee. He said there needs to be a definition for "finished ceiling" and define what can be above the heated and cooled area.

Having no one else present to speak, Mr. Turner closed the public hearing.

Hollie MacKellar made a motion to table the request for further discussion. Bernie Fogarty 2nd the motion and the motion carried unanimously.

ZC 15.06 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article III, Section D., 10. Building Materials on Certain Commercially Zoned Properties of the Zoning Ordinance. Mr. Smith gave the staff report saying the City's Zoning Ordinance

currently has the following provisions regarding exposed metal buildings on commercially zoned property:

“10. Building Materials on Certain Commercially Zoned Property

- a. *Intent*: The intent of the special conditions on building materials for certain commercially zoned property is to prevent negative visual impact, provide attractiveness and beautification on and protect commercial property values on major thoroughfares in the City.
- b. *Location restrictions*: The special conditions in this section shall apply to any commercially zoned property that fronts on or has access to:
 - (1) US Highway 98/Greeno Road
 - (2) Fairhope Avenue
 - (3) Section Street
- c. No building or portion of a building visible from a public street or right-of-way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right-of-way. Buildings less than 200 square feet in size are not subject to these special conditions for building materials.”

Upon reading the provisions outlined above, metal buildings are allowed on commercially zoned properties all over town that do not front on or have access to Highway 98, Fairhope Avenue, or Section Street.

Staff proposes that this be changed to require a façade on proposed buildings that can be seen from a public street or right-of-way located on all commercially zoned properties in Fairhope, regardless of location or size. Staff recommendation is to approve Article III, Section D., 10. Building Materials on Certain Commercially Zoned Properties to read as follows:

“10. Building Materials on Commercially Zoned Property

a. *Intent*: The intent of the special conditions on building materials for commercially zoned property is to prevent negative visual impact, provide attractiveness and beautification and protect commercial property values.

b. *Location restrictions*: The special conditions in this section shall apply to any commercially zoned property in the City of Fairhope.

c. No building or portion of a building visible from a public street or right-of-way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right-of-way.”

Mr. Tuner opened the public hearing.

Jack Burrell of 22624 Alice Lane – He stated that all lots technically can be considered as accessible to the three streets listed.

Mr. Smith responded the location restrictions will be amended to read “any commercially zoned property in the City of Fairhope.”

Having no one else present to speak, Mr. Turner closed the public hearing.

Mayor Kant asked if this amendment will apply to City buildings and residential property. Mr. Smith responded it will apply to City buildings but not residential buildings. Tim Kant made a motion to accept the staff recommendation to approve Article III, Section D., 10. Building Materials on Certain Commercially Zoned Properties to read as follows:

“10. Building Materials on Commercially Zoned Property

a. *Intent*: The intent of the special conditions on building materials for commercially zoned property is to prevent negative visual impact, provide attractiveness and beautification and protect commercial property values.

b. *Location restrictions*: The special conditions in this section shall apply to any commercially zoned property in the City of Fairhope.

c. No building or portion of a building visible from a public street or right-of-way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right-of-way.”

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

Old / New Business

Comprehensive Plan 2015 Update – Vision, Goals, and Objections - Mr. Smith stated there will be a Special Planning Commission meeting on Thursday, May 7, 2015 at 5:00 PM in the Council Chambers.

Bernie Fogarty made a motion to adjourn and was 2nd by Dick Charles.

Having no further business, the meeting was over at 6:15 PM.



Lee Turner, Chairman



Emily Boyett, Secretary