

The Planning & Zoning Commission of the City of Fairhope met Tuesday, January 2, 2007 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the City Council Chambers.

Present: Jean Wilson, Chairman; Dick Charles, Tim Kant, Dan McCrory, Bob Clark, Gary Moore, Lee Turner, Ed Brinson, Cecil Christenberry Gregg Mims, City Planner, Nancy Milford, Jonathan Smith, Emily Irby, Betty Rivenbark, Secretary

The minutes of the December 4, 2006 meeting were considered and one amendment made and then approved on motion by Dick Charles, 2nd by Ed Brinson and unanimously carried.

SR06-05 Site Plan approval Founder's Square. Application of Michael Bernhardt/HMR, LLC on the west side of Section Street, North of Morphy Avenue. This was carried over for thirty days from the December 2006 meeting in order to resolve issues with site access. Dick Charles moved to untable this, Ed Brinson seconded the motion and it carried unanimously. Jonathan Smith reported that the property is zoned B2(General Business) and is located in the Central Business District. The proposed building is three stories. A total of 12 residential units and 6 commercial units are proposed. On December 15, 2006 the Parking Authority met to discuss access for the subject site and voted to give the applicant a 20 foot easement along the eastern property line of the parking lot immediately to the west. On December 18, 2006, the City Council also consented to grant a 20 foot ingress/egress easement on the east property line on the parking lot abutting the west property line of the Founder's Square development. He said further entering and exiting the site by use of DeLaMare Avenue and the 20 foot easement approved by the Parking Authority and City Council accommodates access for the site. They are providing 22 on site below building spaces, 12 are required. Two public parking spaces will be gained on Section Street and three parking spaces will be removed from the parking lot in order to accommodate site access. Staff recommendation was to approve contingent upon: 1. the building being moved approximately two feet to the west in order to remedy an encroachment of the building on the Public Right of Way with revised plans reflecting site changes being submitted to the Planning Department. and 2. the sidewalk along Section Street in front of the subject site being 8 feet wide with revised plans being submitted also reflecting this. Jonathan said they have received a letter saying they will comply with both requests. Ray Moore spoke for the applicant and said Jonathan had covered everything. The Chairman asked if anyone wanted to speak to this issue and no one did. Mayor Kant asked if there would be a problem if a driveway runs along the south property line and Ray said no. Lee Turner moved to accept staff recommendation, Dick Charles 2nd the motion and it carried with one abstention by Gary Moore.

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ZC06.22 R5(High Density Dwelling Residential) Zoning concurrent with conditional annexation for property located on the south side of Twin Beech Road just west of Greeno Road named Shellbrooke Pointe.

Jonathan Smith reported that this property contains approximately 12.23 acres and is unzoned property. He said further that the applicant has volunteered to restrict the density for the property to 8 units per acre and has presented a conceptual site plan consisting of a 96 unit multi-family “affordable housing” development. This also includes a clubhouse, pool, computer lab, community room and a picnic area with a gazebo. It was noted that R-5 allows for 15 units per acre but staff recommendation was that density should be capped at 8 units per acre. Staff recommendation was approval of the R-5 zoning with the following condition: Maximum allowed density for the subject property shall be 8 units per acre. Tommy Ward of Gateway Construction spoke for the project saying it is funded by the state but will be designed to City codes. He said 85% will be brick, have a sprinkler system, professional management full time and maintenance on staff. The public hearing was opened and no one spoke, it was closed. Further discussion was held and Mayor Kant asked about screening from Dove Lane and they said an 8 foot fence plus landscaping is planned. Gary Moore moved to recommend approval to the City Council with the condition of 8 maximum units per acre. Dick Charles 2nd the motion and it carried unanimously.

SD06-55 Final Plat Approval The Waters (Generally located on the west side of Highway 181 just north of Highway 104)

Nancy Milford gave the staff report saying this is an 89 lot division located inside the City and is zoned PUD. The site contains 94.85 acres and proposed density is .94 units per acre with approximately 16.70 acres of common area. She said it is surrounded on all sides by un-zoned county land. Staff recommendation was to approve contingent upon the following conditions: 1. The applicant shall complete all Final Inspection Punch list items 2. The applicant shall construct 5 foot sidewalks in the future thru street stub-out easements throughout the subdivision. 3. The applicant shall post future thru street signs in all future thru street stub-out locations. Matt Bell spoke for Pat Achee and said all the punch list items had been done. Dan McCrory mentioned the fire hydrants and said they could get together later this week on it. Mrs. Wilson asked if anyone wished to speak, no one did. Dick Charles said he had a call from Joe Johnson about a stub out to his property. Jonathan Smith told Mr. Charles that he had written a letter to Mr. Johnson and explained there is not a stub out to his property and Cecil said he had also talked to him and he is happy. Lee Turner moved to give final approval with all punch list items completed. Cecil Christenberry 2nd the motion and it carried unanimously.

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SD06.56 Final Plat Approval of Northstation (Generally located on the north side of Gayfer Road Extension just east of Blueberry Lane).

Nancy Milford gave the staff report saying this is a 20 acre tract and is zoned R-1 containing 49 lots. A final inspection was done and test reports on water and sewer have been submitted. Dan McCrory has requested two additional bacteria tests at the back of the project. Staff recommendation was to approve conditional upon resolution regarding water and sewer being accepted by the Water & Sewer Supt. Further discussion led to a motion by Lee Turner to accept staff recommendation, Dick Charles 2nd the motion and it carried with two abstentions by Gary Moore and Ed Brinson.

SD06-57 Final Plat Approval Quail Creek Estes, Unit V (Generally located on the south side of Windmill Road just west of Lawrence Road).

Nancy Milford reported the property is located inside the city and is zoned R-2 and it contains 23.41 acres and 57 lots are planned. She noted the final plat is consistent with the preliminary plat. Staff recommendation was to approve conditional upon the completion of the punch list items and completion of the requested bacteria and vacuum tests. Ack Moore was representing the applicant and said the bacteria tests were submitted, Dan said he had them. Ack said this is the last of Quail Creek and the property backs up to what has been proposed as an additional 9 holes for the golf course. Ms. Wilson asked if anyone wished to speak, no one did. Lee Turner moved to approve staff recommendation, Dick Charles 2nd and motion carried unanimously.

SD06-58 Preliminary Plat Approval of Quail Creek Villas, Unit VI (Generally located at the end of Club Drive on Divot Loop)

Jonathan Smith gave the staff report saying this is located inside the city and is zoned R2PGH containing 6.72 acres and 30 lots are proposed. Ack Moore represented the applicant and said this is the last of the Villas. Staff recommendation was to approve subject to the a note being placed on the plat indicating all required sidewalks will be installed at time of home construction. Dick Charles questioned whether this will join Wedge Loop and the Mayor said the Council voted not to have it go through. Dick Charles moved to accept staff recommendation, Lee Turner 2nd the motion and it carried unanimously.

UR06.03 Request of Riviera Utilities for 11.52.11 review of a proposed power line rebuild project along the east and west sides of Highway 98 from Johnson Road to Highway 104, and also extend their transmission line south to Highway 104. Jonathan gave staff report saying Riviera will go into

a joint use agreement with the city in order to use a section of a city pole. He said all lines will be installed to current construction standards. Aaron Norris has signed off on the project and said we could move forward. Two residents of The Woodlands questioned if a line on their property would be removed and it was determined they would be. Further discussion led to a motion by Dick Charles to approve, Lee Turner 2nd the motion and it carried unanimously.

IR06.12 Informal Review request of Charles H. Weissinger for a proposed multi-family development located off of the east side of Greeno Road on the south side of Autumn Drive. Jonathan Smith said the property contains some 9.06 acres and is located inside the city and is zoned B-2 General Business. They are proposing 156 multi-family units and proposed density is 17.2 units per acre. The plan consists of 7 multi-family buildings, a clubhouse, gazebo, playground and pool. Staff recommended giving input. Tom Pennington spoke saying that Mercy Medical is for the proposed development. Charles Weissinger spoke and said he is seeking input if the density is more than allowed he would like to know up front before too much is planned. He said this would be geared towards seniors without children, not affordable housing, elevators planned. He was asked why the amenities and he said that grandparents like to have these for children when they visit. Lee Turner said he questions the traffic and density. Mr. Weissinger also relayed that if they can't have this much density then the project might not be feasible to the investors. Gregg told the Commission that with the updates in the zoning ordinance it will clearly define cap per acre and it will not be anywhere near 17. It was determined that Arbor Gates is 12 units per acre. Bob Clark said again he hates to set a precedent, it seems like a good plan and would definitely improve what is now located on the property. Several were excited by thought of housing that would not be prohibitive. Jean Wilson suggested possibly coming back as a PUD but density would still be a question. Previous parking was suggested. He was asked to look at Arbor Gates, and told we are open to something but density is definitely an issue. No action was needed.

Gregg Mims asked that the Commission to consider a site plan review that was left off of the agenda. Gary Moore moved to add it to the agenda. Bob Clark 2nd and motion carried unanimously. Larry Thomas of Thomas Construction spoke regarding the Bank Trust building that is planned for the southeast corner of Gayfer Avenue and Greeno Rd. It was pointed out that this is part of the Dyas PUD that was approved on Greeno Rd. Gregg said it had been looked at and meets all the stipulations of the PUD. He said this backs up to the Dean property. He told of landscaping and drainage plans

and height will fall within requirement. He said there will be no access to Greeno Rd. Dan had a question about the water lines and fire hydrant. He said he will work with Larry on it but need to verify road does not go over them. Further discussion led to a motion by Tim Kant to approve subject to the PUD buffer being met and utility question being resolved. Lee Turner 2nd the motion and it carried unanimously.

Meeting was duly adjourned at 6:20 PM.

Jean Wilson, Chairman

Betty Rivenbark, Secretary