

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

Present: Tim Kant, Bob Clark, Dan McCrory, Gary Moore, Dick Charles, Ed Brinson, Lee Turner, Mike Ford. Gregg Mims, City Planner; Jonathan Smith, Nancy Milford, Emily Irby, Planning Staff; Laurie Palmer Of Hand Arendall; Betty Rivenbark, Secretary. Absent: Jean Wilson

The minutes of the June 4th meeting were considered and accepted as amended on motion by Bob Clark, 2nd by Ed Brinson and unanimously carried.

Vice Chairman Charles announced due to the large crowd present for agenda item SD07-18 Steel Branch he was moving that to the first item to be heard.

SD07-18 Preliminary Plat approval of Steel Branch/EDS, LLC(Generally located just south of where the street stub outs for Dover Lane and Quail Creek Drive) Nancy Milford gave the staff interpretation saying the property is located in Baldwin County and is unzoned with the total acreage being 9.55. She said 18 lots are proposed and the largest lot is 18,175 sf and the smallest lot is 12,212 sf. She said they have met all city requirements and approval was recommended, conditional upon: 1. Approval of the water line location by the Water and Sewer Superintendent, 2. Approval by the Electrical Superintendent regarding the transformer layout, 3. The submittal of corrected plans to the City. Nancy said the corrected plans had been submitted. Mr. Charles asked Mr. Bullock if he wished to add anything and he said he would wait until after the others spoke. Even though it was not a public hearing several people spoke against the project: Ruth Panneton, representing the Quail Creek Civic Group, George Smith, Jack Hord, J.B. Rideout, Roy Owens, Clyde Panneton, George Thorpe, David Sharpless, T.A. Bolden. All were against the opening of the road into Quail Creek Drive The public hearing was closed at 5:20 PM. Joe Bullock spoke saying the subdivision presented within city subdivision guidelines Pat Achee spoke and handed out a fact sheet that stated 1. it meets all subdivision requirements, 2. ROW(existing subdivision guidelines require connectivity. 3. Impact ratio based on existing number of lots in Quail Creek (5.6). 4 Value created through strict design guidelines preserving the existing natural foliage. 5. Property value maintained through highly restrictive covenants. He said he met all the requirements of the city in the design of this subdivision and has developed throughout the city attractive upscale neighborhoods. Mike Ford commented that this time connectivity is wrong, and suggested putting the road to the south, Mr. Achee said he does not own the property to the south and wetlands are there. Mr. Ford said the way things are developing it is sure to be developed down the road and it

could connect then. Bob Clark spoke and spoke to the comprehensive plan and how long and how many meetings and discussions it took to finally get it to its present form and adopted. When it was all said and done he said our consultant commented that the city adopted the best plan but the hardest plan. Tim Kant said that he thinks that we should not open the road until the surrounding property is developed and put that in the form of a motion, Bob Clark 2nd the motion. Lee Turner said he feels this would be slippery ground, sending mixed signals to developers. Gary Moore said we need to face the motion do we fear it. Further discussion followed and affirmation by Mr. Mims to Mr. Achee that they had met all city requirements, led to motion by Mayor Kant being withdrawn and 2nd by Bob Clark being withdrawn. Lee Turner moved to accept staff recommendation for approval with two remaining conditions. Gary Moore seconded the motion and it carried with two no votes by Mayor Kant and Mike Ford. Mayor Kant left the meeting at 6:20 PM.

Gregg said the next three items could be handled as a consent agenda, they are all extension requests. Gary Moore asked they be considered one by one and consensus was to grant one year extension on all of them:

SD05-15 Preliminary Plat extension request of Sedgefield Subdivision, Phase II/David Diehl of EDS, LLC. (Generally located on the east side of County Road 13, just north of Twin Beech Road). Gary Moore asked that the wording in their letter “to the best of our knowledge” be changed to “we have revised and it is in compliance”. David Diehl said they have no problem with that. Gary Moore moved for approval with one year extension, Ed Brinson 2nd the motion and it carried unanimously.

SD05-56 Preliminary Plat extension request of Villas at Point Clear/Gregory Bru of Armbrecht Jackson, LLP(Generally located on the south side of Battles Road right before curb.) Gary Moore moved for approval with one year extension, Ed Brinson 2nd the motion and it carried unanimously.

SD05-78 Preliminary Plat extension request for Ashton Trace/John Avent of EDS, LLC (Generally located on the south side of County Road 44 just west of Hwy 181) Gary Moore moved for approval with one year extension and they can come back and request another extension at that time. Ed Brinson 2nd the motion and it carried unanimously.

SD07-15 Preliminary Plat approval of Brentwood Manor/Mike Warrington, BES, Inc.(Generally located on the east side of Highway 181 just south of County Road 32). Nancy Milford gave the staff report saying the property is located in Baldwin County and is un-zoned and sixty-six lots are proposed. The largest lot being 17,689 square feet, the smallest lot being 10,500 square feet. Staff recommendation was to approve subject to

the following: 1. The submittal of maintenance plan for detention facilities prepared by a professional engineer. 2. Approval of upsizing issues and flow model by the City of Fairhope Water & Sewer Supt. Mike Warrington said he would be glad to answer any questions. Beverly Dykes spoke and asked why only one access to Hwy 181. Mike Warrington answered a traffic study was performed and this what required with widening of Hwy 181 and he has been in contact and worked with ALDOT. Lee Turner moved to accept staff recommendation. Mike Ford 2nd the motion and it carried unanimously.

SD07-20 Final Plat approval of Stuart Park/Bobby Hornsby(generally located on the south side of Mosley Road west of Highway 181) Nancy Milford gave the staff report saying this is a 27 lot subdivision located in Baldwin County and is unzoned. Approval was recommended subject to the submittal of the street light invoice(which they have received) and the completion of all punch list items to the satisfaction of the city. All questions answered satisfactorily, Lee Turner moved to approve staff recommendation, Ed Brinson 2nd the motion and it carried unanimously.

Gary Moore said he had a perceived conflict with the next three items and would not participate.

SD07-21 Minor Plat approval of the Virgie Smith Subdivision/Scott Hutchinson, HMR(generally located on the east side of Mershon Street just east of Dogwood Subdivision) Jonathan Smith gave the staff report saying the total land area is a.2 acres and 2 lots are proposed and the property is zoned R-2 Medium Density Single Family Residential. He said it meets all the subdivision regulations and approval was recommended. Bob Clark moved to approve staff recommendation. Mike Ford 2nd the motion and it carried with one abstention by Gary Moore.

SD07-22 Final Plat approval of Fairfield Phase VI(Generally located on the northeast corner of Boothe Road and Twin Beech Road). Nancy Milford gave the staff report saying this is a nineteen lot subdivision and contains 9.5 acres. Twelve garden homes and 25 town homes are proposed. Under drainage she said the applicant agreed to alleviate the flooding conditions at the intersection of Hwy 44 and Boothe Road and Fairfield Financial proposed a joint venture with Baldwin County whereby 900 LF of 36" storm sewer pipe will be installed along the south side of County Road 44. A written agreement was submitted by the applicant approved and signed by the Baldwin County Commission to improve the drainage in this area. The applicant also agreed to alleviate the lake front yard flooding and possible house flooding in Fairfield and an outfall weir at the lake was modified to satisfy this agreement. Staff recommendation was to approve conditional upon 1. Submittal of GIS Data and satisfactory approval from Dan McCrory. 2. Submittal of a financial guarantee for street trees and sidewalks in form

and substance that is satisfactory to the City. This is a sensitive water/drainage area and further questions were asked and answered by Mr. Hutchinson regarding how they are going to handle this. Ed Brinson moved to accept staff recommendation with conditions. Dan McCrory 2nd the motion and it carried with one abstention by Gary Moore.

SD07-24 Preliminary Plat approval of The Groves at Point

Clear(Generally located on the west side of County Road 13, just north of Bishop Road) Gregg Mims gave the staff report saying the applicant is proposing a village subdivision with 16 large lots. The property is located in the county and is zoned AO(aerial overlay) the total acreage is 77.48 and in the covenants and restrictions a note has been placed on the plat that any resubdivision or increase in the number of lots to the plat is strictly prohibited. Staff recommendation was to approve conditional upon the approval of the fire hydrant locations by the Water & Sewer Superintendent. The Commission also asked if they are going to remain private roads that they would be constructed in pervious materials and make that a stipulation of approval. Lee Turner moved to recommend approval with these two conditions. Ed Brinson 2nd the motion and it carried with one abstention by Gary Moore.

SD07-25 Minor Plat approval of Werneth Subdivision (Generally located just north of the intersection of Section Street and Fairhope Avenue) Jonathan Smith gave the staff report saying this is located in the CBD and two lots are proposed. He said Parcel B is currently occupied with a commercial building and Parcel A is vacant and will be purchased by the City to be used as public open space in the CBD and is zoned B-2. Staff recommended approval. Lydia Myers spoke and questioned lines shown on the survey, saying there is a discrepancy. Gregg said that they will work this out. Lee Turner moved to accept staff recommendation. Dan McCrory 2nd and the motion carried unanimously.

IR07-07 Informal Review of request of Sister Julie/Eastern Shore

Affordable Houses to subdivide an existing 2.1 acre site with four existing affordable houses on the property. Nancy Milford gave the report and said the applicant would like to discuss being granted a waiver from the subdivision regulations to accomplish their goal of “affordable housing” and recommended input be given. Sister Julie spoke saying this is at the end of New Era Drive and that they are 501C3. Lee Turner said that she was asking for a lot of waivers. Gary Moore asked about plan to put a mobile home on this and she said she had one donated. Discussion was held and concerns raised that ownership might be changed and with it the character of the planned subdivision, what would protect it. Gary Moore asked if she could make it mandatory that a home ownership program for prospective buyers be part of the sale.

Lee Turner offered that he knew there was no insurance being offered for mobile homes, and he has serious reservations about control remaining with Sister Julie. Bob Clark said he concurred. Discussion followed on possible “lease to own” arrangement and if default coming back to Sister Julie. Dick Charles said he would like to see a list of waivers before preliminary plans presented and they would definitely like to see a “lease to own” clause. Sister Julie thanked the members for their suggestions.

IR07-08 Informal Review of a request by Scott Gonzalez to subdivide an existing 3.25 acre site (Generally located on the west side of Main Street(Scenic Hwy 98) just north of where Scenic Highway 98 and Highway 104 meet (proposed roundabout location). Jonathan Smith gave the staff report and said this is zoned R-1 in the city and five lots are proposed with a small common area on Fly Creek. He said the proposed driveway is private and does not meet connectivity standards and the driveway will exit out onto Main Street in a high traffic area. Further, if the site design is favored the access point location on Main Street should be approved by the Public Works Director. If the overall development layout is acceptable the only way to process the application is through the PUD re-zoning process. Recommendation was to give insight. Mr. Gonzalez spoke and said he will live on lot 1. Gary Moore offered that this is an incredibly sensitive area and has been a hot item for a long time. Bob Clark offered that drainage is going to be a big issue and stressed the impact to Fly Creek. He was told he was going to have to have detailed drainage plan and how he would handle stormwater runoff. He was advised to go visit with an engineer on drainage and visit with city staff.

Gregg reminded the commission of how much work and how hard his staff scrutinizes each application before it even comes to the commission for their approval. The Commission in turn lauded them for their hard work.

There being no further business, the meeting was duly adjourned at 7:35 PM.

Dick Charles, Vice Chairman

Betty Rivenbark, Secretary

