

The Planning & Zoning Commission of the City of Fairhope met Monday, November 5, 2007 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chamber.

Present: Jean Wilson, Chairman; Bob Clark, Mayor Tim Kant, Dick Charles, Lee Turner, Councilman Mike Ford. Gregg Mims, Jonathan Smith, Nancy Milford, Emily Irby of Planning Staff and Chris Gill, Attorney.

Absent: Ed Brinson, Dan McCrory, Gary Moore and Betty Rivenbark

The minutes of the October 1, 2007 meeting were approved on motion by Dick Charles, 2nd by Lee Turner and unanimously carried.

ZC 07-05 Rezone request from R-6 Manufactured Home District to Planned Unit Development (PUD) property of Ivey Lane Development, LLC. Chairman Wilson said Attorney Gill has a conflict with this case. Jonathan Smith gave the staff report saying the property is located on the northeast corner of Morphy Avenue and Bishop Road. Total site area is 3.03 acres. There are a total of thirteen building footprints and twenty-six units are indicated. Modular building construction is proposed. Site density is approximately 8.5 units per acre. No building on site will be over thirty feet in height and approximately forty-five percent of the total site area is dedicated as open space. Total impervious site coverage is approximately fifty-five percent. The applicant has worked with staff to reduce the unit count from thirty-two to twenty-six units; increase landscaped buffers on the north and east property lines from six feet to twenty feet; provide a six foot opaque fence on the north and east property lines; and include a "garden -- park" and playground in the large open space areas. A pool and clubhouse are also provided as amenities within the development with a pedestrian circulation plan that includes numerous sidewalks throughout the site. The site is bordered to the north, east and west by R-3 High Density Single Family Residential District zoning. South of the site is unzoned land in the County. Staff recommendation was to approve contingent upon the following conditions:

1. Detailed drainage plans in compliance with City regulations will be administratively reviewed and approved prior to the issuance of any land disturbance or building permits.
2. The City Horticulturalist (Jennifer Fidler) shall sign off on the landscape plan prior to the issuance of any land disturbance or building permits.
3. The City Water and Sewer Superintendent (Dan McCrory) shall sign off on the final Flow Model prior to the issuance of any land disturbance or building permits.

Justin Clements was present representing the applicant and said he would be glad to answer any questions. The project engineer, Richard Borden, was also present. Chairman Wilson opened the public hearing and announced that due to the large number of people signed up to speak that

each person would be limited to 3 minutes. Peter Hunter of 4 Troyer Court spoke in opposition of the development saying that this would change the characteristics of the neighborhood, drive down property values and increase the existing drainage problems. Dottie South of 1 Troyer Court and Marion McKnight of 7 Sumac Circle spoke in opposition saying the traffic is already a problem on Bishop Road and this development will negatively impact the current situation. Debra Green of 415 Maple Street addressed the Commission and requested the following letters be included in the minutes.

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Trisha LoPorto of 7 Troyer Court opposes this development because of drainage and traffic issues and deprecating property values. Robert Green of 415 Maple Street owns property to the north and east of the subject parcel and spoke in opposition. He stated that the plans show the runoff going east and uphill to his property. He also stated no aerial was submitted which would have shown approximately 70 trees on the property. Charles Cuff of 20378 Bishop Road spoke in opposition saying the neighborhood is single-family residential not multi-family and such zoning would be regression. Jane Whitehead of 8687 Morphy Avenue said she looked at the similar development and did not like it. She stated she would move if it were approved. John Reimer of 5 Troyer Court requests that the Commission deny this application due to the traffic and drainage problems. He also stated concerns with the safety of the residents of the proposed units, that currently school buses block both lanes of Morphy Avenue and emergency vehicles cannot get through if needed. Mr. Reimer presented the Commission with pictures of a similar development that is currently under construction. Scott Lee of 1 Longleaf spoke in favor of the development saying it is providing living areas at a reasonable cost. Waynard White of 12323 County Road 1 stated that he could not find the LLC registered with the state though an Internet search he conducted. Chairman Wilson closed the public hearing. Justin Clements and Richard Borden came forward to answer any questions. Mike Ford asked if the engineer ever visited the site and if the runoff was portrayed as running uphill. Mr. Borden responded that he had visited the site several times and that drainage was not going uphill. He further stated that there are three areas of drainage to control and the site has been designed to meet the City's requirements of a 100-year storm. Dick Charles stated that he would like a second opinion. Jonathan Smith said that a drainage study was not required for the project, but the drainage was revised from a 25-year storm to a 100-year storm. Lee Turner asked what the density would be for R-5 High Density Dwelling Residential District. Jonathan Smith responded that R-5 would allow 10 units per acre whereas the applicant was requesting 8.5 units per acre with the proposed PUD. Justin Clements explained to the Commission that the original site plan had proposed 32 units, which now has been reduced to 26 units. He further explained that the façade of the buildings would be Hardy Plank and they will keep all trees possible. He also stated that the buildings are built to all standards set by the State and can withstand up to 140 mile per hour winds. Mike Ford made a motion to deny and forward an unfavorable recommendation to the City Council. Mayor Kant seconded the motion and recommended that the Commission vote by show of hands. Motion passed with one abstention by Dick Charles.

ZC 07.06 Request for R-3 High Density Single Family Residential District Zoning of Eastern Shore Affordable Housing for St. Joseph's Way concurrent with annexation for property located at the north end of New Era Lane. Nancy Milford gave the staff report saying the applicant is

requesting to annex 1.97 acres, which currently consist of 4 building sites. The R-3 zoning requires a minimum lot size of 7,800 s.f. which would allow for the property to be subdivided into 7 lots. Nancy Milford noted that the applicant is a non-profit organization focusing on affordable housing. Staff recommendation was to approve. Chris Baker was present to represent the applicant. Chairman Wilson opened the public hearing. There was no one signed up to speak. The public hearing was closed. Lee Turner moved to accept staff recommendation and recommend approval to the City Council. Dick Charles seconded the motion. Motion carried unanimously.

SD 07.39 Minor Plat approval of St. Joseph's Way/Chris Baker of Hutchinson, Moore & Rauch, LLC. Property generally located at the north end of New Era Lane. Nancy Milford gave the staff interpretation saying the applicant is proposing a 7-lot subdivision on 1.97 acres. The property is currently unzoned with R-3 zoning proposed. The applicant is also requesting a waiver from the minimum street standards in the Subdivision Regulations. The applicant is a documented 501(C)(3) non-profit organization providing housing to the working poor in the Fairhope Community and does not have the financial resources to meet the full requirements of the regulations. Staff recommendation was to approve conditional upon receiving final approval of all water and sewer issues by the Water & Sewer Superintendent. Chris Baker was present for the applicant. Dick Charles moved to approve as per staff recommendation with the condition that all water and sewer issues have final approval by the Water & Sewer Superintendent. Lee Turner seconded the motion. Motion carried unanimously.

SR 07.09 Site Plan Approval for Jade Professional Office Building/Trey Jinright of Jade Consulting, LLC. (Generally located on the east side of Greeno Road, just south of Gayfer Avenue) Jonathan Smith gave the staff report saying the property is zoned PUD and is part of the Greeno Professional Village approved in 2002. The total site area is 36,905 s.f. (0.847 acres) with a building footprint of 5,000 s.f. and total gross floor area is 9,999 s.f. Proposed building height is 34 feet 4 inches. The project is in compliance with the originally approved PUD Ordinance for the Greeno Professional Village. Staff recommendation is to approve as requested. Trey Jinright was present to answer any questions. Mayor Kant wanted to know if the large live oak on the property would be saved. Mr. Jinright responded that they would be protecting the tree. Dick Charles moved to accept the staff recommendation. Lee Turner seconded the motion. Motion carried unanimously.

SD 07.37 Multiple Occupancy Project – Approval of Crown Pointe Cottages/Trey Jinright of Jade Consulting, LLC. (Generally located on the south side of County Road 24, just west of U.S. Highway 98) Jonathan Smith gave the staff interpretation. The applicant is proposing 12 one-story

cottages on 5 acres of unzoned County land, with a density of 2.4 units per acre. Each cottage will be 1,300 s.f. (habitable). Staff Recommendation is to approve contingent upon the submission of a Drainage Maintenance Plan, in compliance with the City regulations, prior to the issuance of any land disturbance or building permits. Trey Jinright was present and explained that this is a rental type project and would have one owner. John Worley of 7760 County Road 24 had drainage concerns and wanted to verify that the runoff would not end up on his property. He also wanted to know who would maintain the road. Mr. Jinright responded that they would be containing their water on site, which should lessen the natural flow onto Mr. Worley's property. The maintenance of the road would be that of the property owner. Lee Turner move to accept the staff recommendation with the condition that a Drainage Maintenance Plan, in compliance with the City regulations, prior to the issuance of any land disturbance or building permits. Dick Charles seconded the motion. Motion carried unanimously.

SD 07.40 Request to vacate a reserved Right-of-way on Lot 1, Mallory Estates/Mike McQuillen of Sun World, Inc. (Generally located on the south side of Twin Beech Road, just west of Thompson Hall Road.) Nancy Milford gave the staff interpretation saying Mallory Estates Subdivision is 40.14 acres, consisting of four large lots. Lot 1 is 8.51 acres. As a rural subdivision, 60-foot right-of-ways were reserved on the plat for future streets. The revised subdivision regulations require a 50-foot right-of-way. Staff recommendation is to approve the reduction of the right-of-way to 50 feet. Mike McQuillen was present and explained that currently the existing house is encroaching the right-of-way. He stated the reason for this request is to allow for a deck to be added to the existing house. Dick Charles stated that this only pertains to the east 30-feet of the ROW. Gregg Mims said the standard ROW now is 50-feet and staff would recommend only reducing 5-feet of the 30-foot on Mr. McQuillen's property. Mayor Kant asked if 5-foot reduction would allow the proposed addition. Mr. McQuillen said no that it might not even eliminate the existing encroachment. Mike Ford asked if the entire ROW could be vacated. Gregg Mims explained it could not without Mr. Mallory's, the adjacent property owner to the east, agreement. Mr. Mallory was present and did not concede to removing the entire ROW, but said he would be willing to work with Mr. McQuillen on a compromise. Dick Charles moved to accept staff recommendation to reduce the right-of-way by 5-feet. Motion fails for lack of a second. Bob Clark moved to deny. Motion fails for lack of a second. Dick Charles moved to table for 30 days to allow the two adjacent property owners the opportunity to seek a solution. Bob Clark seconded the motion. Motion carried unanimously.

Lee Turner left at 6:30.

SD 07.36 Minor Plat approval of Jennifer Moore Merritt Subdivision/Daryl Russell of McCrory & Williams, Inc. Property

generally located on the east side of Ferry Road, just south of County Road 32. Nancy Milford gave the staff interpretation saying the property is located in Baldwin County and is unzoned. A three-lot subdivision is proposed on 1.96 acres. All lots are roughly 0.65 acres. Staff recommendation is to approve as requested conditional upon the submittal of a revised plat reflecting the flood zone boundaries. Daryl Russell was present to answer any questions. Mary Catherine of 16981 Ferry Road was concerned with the ownership of Ferry Road and wanted clarification that the lots would be single family residential, but not rental property. Nancy Milford explained that Ferry Road, according to Baldwin County staff, is a common law dedicated public right-of-way. It is a County Road, but it is not County maintained. Daryl Russell verified that all lots are single family residential. Dick Charles moved to approve with the condition that a revised plat reflecting the flood zone boundaries be submitted. Mike Ford seconded the motion. Motion carried unanimously.

SD 07.35 Final Plat approval of North Village At Stone Creek PUD/Steve Pumphrey of Volkert & Associates, Inc. Property is located on the east side of Highway 181, just east of Twin Beech Road. Nancy Milford gave the staff interpretation saying the property is 63.13 acres and four lots are proposed. The property was zoned PUD on May 11, 2006 and was amended on November 13, 2006. The proposed plat is in conformance with the approved PUD. Staff recommendation is to approve with the following conditions:

1. The submittal of the Engineer's cost estimate for the Maintenance Bond and the Maintenance Bond Agreement.
2. Completion of the punch list items.
3. Submittal of the revised Operations and Maintenance Plan.
4. Landscape plan shall reflect trees placed at least 25 feet from intersections.

Steve Pumphrey of Volkert was present to answer any questions. Dick Charles moved to accept staff recommendation to approve with conditions that the Engineer's cost estimate for the Maintenance Bond and the Maintenance Bond Agreement be submitted, punch list items be completed, a revised Operations and Maintenance Plan be submitted, and the Landscape Plan be revised to reflect trees placed at least 25 feet from intersections. Bob Clark seconded the motion. Motion carried unanimously.

SD 07.38 Final Plat approval of Dogwood Subdivision/Chris Baker of Hutchinson, Moore & Rauch, LLC. Property is located at the northeast corner of Valley Street and Middle Street. Nancy Milford gave the staff interpretation saying the property is zoned R-2 Medium Density Single Family Residential District in the City of Fairhope. Property is 3.1 acres and an eight-lot subdivision is proposed. Staff recommendation is to approve as requested with the following conditions:

1. Resolution of the FEMA map revisions to the satisfaction of the City of Fairhope Building Official.
2. Submittal of the Maintenance Bond.
3. Street trees scheduled to be moved within eight months of Planning Commission approval of the subdivision and with notification to the City horticulturalist.

Chris Baker of HMR,LLC was present to answer questions. Mayor Kant asked if the fence would be complete prior to the final. Mr. Baker responded that it would be. Dick Charles moved to accept the staff recommendation to approve with conditions that the FEMA map revisions be resolved to the satisfaction of the City Building Official, a Maintenance Bond be submitted, and the City Horticulturalist be notified of the moving of the street trees within eight months from approval date. Bob Clark seconded the motion. Motion passed unanimously.

IR07-12 Informal Review of proposed amendment to the Village North PUD (The Triangle)/Chris Baker of Hutchinson, Moore & Rauch, LLC.

Property is generally located on the north and south sides of the intersection of Section Street (Eastern Shore Parkway) and US Highway 98. Jonathan Smith gave the staff interpretation saying the subject property consist of 108 acres and was zoned PUD in December 2002. Greeno Road borders the property to the east, north is Fairhope R-1 Low Density Single Family Residential District and Baldwin County B-1 Commercial. West of the site lies Baldwin County R-2a Single Family and Fairhope R-1, and south is Fairhope R-1 and R-4 Low Density Multi-Family Residential District. The applicant is seeking to amend the original PUD site plan in order to accommodate a larger commercial building footprint and a change in the commercial and residential layout. The commercial sections of the development have been reconfigured and a 54,817 sq. ft. "big box" building footprint is shown on the new site plan. The new site plan shows an amphitheatre and other new recreational amenities. The applicant worked with staff in providing additional buffer areas and reducing the total land allotted for commercial square footage form 200,000 sq. ft. to 180,000 sq. ft. The 2002 plan shows 514 total dwelling units and the new plan shows 949 dwelling units. Staff recommendation is to prove. Chris Baker of HMR, LLC highlighted the differences between the approved 2002 PUD and the proposed changes. Commercial square footage will remain the same at 180,000 sq. ft. A decrease of 20 residential units is proposed. The approved commercial building for Parcel A has 30,000 sq. ft. and the proposed building has an increase of 24,817 sq. ft. for a total of 54,817 sq. ft. No proposed changes for the 13 acres for park land, 6 acres for semi-public uses, 100 foot buffer for Fly Creek, 15 acres of open space or public roads. Mr. Baker expressed that the applicant wants to be pedestrian friendly and tie the two sites together while calming traffic. The applicant would also restrict the commercial building on Parcel A to a grocery store. Lisa Loney, Joe Pazdan, and Chuck Wallace of Pazdan-Smith Group were

present. Ms. Loney explained the façade designs would be pulled from existing architecture in Fairhope. The use of natural plantings would pull people in. Chris Baker said Village North fits in the Comprehensive Plan as a Traditional Neighborhood Center. Dick Charles asked for clarification on the 48 live/work units. Mr. Baker responded they would be low traffic home occupations, such as a lawyer's office, no retail. Jean Wilson asked what type of business would Buildings A1, A2, and A3 along US 98 be. Mr. Baker said small neighborhood business, such as cleaners, casual dining, CVS or Walgreen's and possibly multiple tenants. Bob Clark said they are asking for a building larger than what is allowed in the "big box" ordinance and it does sound like smart planning because there will be two practically across the street from each other. Mr. Clark said it will pull business from Downtown and the Commission is to protect Downtown, it took 20 years to get to where we are now. Jean Wilson said the issues will be with the grocery store and commercial building along US 98 that was previously multi-family. Mike Ford said is a fairness issue, its not fair to deny one person just because they are across the street. Mayor Kant said it took two years to get the current PUD plan approved and he is proud of the City. Chris Baker said that only one person was in opposition of the plan in 2002. Dick Charles asked if they would be using permeable paving for the grocery store site. Mr. Baker said they have a reduction in impervious area, but would look into using a pervious surface. Chris Baker thanked the Commission for their input.

The Planning Commission was duly adjourned at 7:20.

Jean Wilson, Chairman

Emily Irby