

The Planning & Zoning Commission of the City of Fairhope met Monday, October 6, 2008 at the City Administration Building 161 N. Section Street in the Council Chambers

Present: Jean Wilson, Chairman; Dan McCrory, Bob Clark, Dick Charles, Lee Turner, Fran Slade, Debbie Quinn. Chris Gill, Attorney; Jonathan Smith, Nancy Milford, Planning Staff; Betty Rivenbark, Secretary. Absent: Tim Kant, Gary Moore, Gregg Mims, City Planner

The minutes of the September 2, 2008 meeting were duly approved on motion by Dick Charles, 2nd by Bob Clark, motion carried with one abstention by Debbie Quinn.

The Chairman recognized Council Member Debbie Quinn.

Item SR08-01 was withdrawn from the agenda.

ZC08-09 Public hearing amendment request for North Village at Stone Creek PUD. The property is located on the east side of Highway 181 just southeast of where County Road 44 meets Highway 181. Jonathan Smith gave the staff report saying the applicant is requesting to change the residential layout for North Village at Stone Creek Lot 4. The proposed amendments do not affect the commercial layout of the project. The previously approved Site Plan shows 110 residential units at 1.73 units per acre. The units are arranged in a townhouse like fashion with 2 to 4 connected units positioned throughout lot 4. The previously amended plan shows a 20 ft wetlands buffer, and the newly proposed plan indicates a 30 ft buffer bringing the site into compliance with the new Wetland Buffer requirements in the Subdivision Regulations. The approved plan shows 110 condo units and the proposed amendment includes 192 luxury scale apartments at a density of approximately 3 units per acre. The approved plans show 36 building footprint areas with a small reduction in impervious building coverage for lot 4(23% to 22%)/ The proposed height will remain 35 ft. and the amenity area has been moved to a more central location. ALDOT was contacted regarding the increase in density and they stated that the traffic conditions and structures for the development have been approved and they do not have any further comments regarding these amendments. He said the applicant has agreed to construct 25% of the parking spaces with pervious materials which will increase the percentage of pervious area for the site. Staff recommends approval contingent upon the following conditions:

1. A sidewalk shall be placed in front of all the units circling the development and shall connect to the abutting phase of development to the west. 2. In addition to existing natural vegetation, heavy

landscape materials shall be used in the north property line buffer area. 3. Parking lot islands shall be arranged in a way that works for maximum tree preservation. The Tree Survey indicates several trees that can be saved if a few parking lot islands are re-arranged. 4. A minimum of 25% of the proposed parking spaces shall be constructed of pervious pavers, or a pervious material approved by staff. Installation of pervious materials shall comply with all applicable industry standards relating to installation and maintenance. The applicant shall submit a maintenance plan for the type pervious material used. The pervious materials used shall be consistent with the underlying materials at the site. 5. Unless specified in this application and site plan, all other aspects of the North Village at Stone Creek shall remain in compliance with the approved PUD plan (amended and approved by the City Council November 13, 2006 ZC06-17) Steve Pumphrey of Volkert and Associates spoke on behalf of the applicant giving an overview saying lots 1,2,3 are the same, have not changed, height has not changed, they have created more buffer on the north side, more parking but more pervious material. He offered to answer questions. The public hearing was opened and Mac McCauley asked about the height and was told 35 ft. The public hearing was closed and Dick Charles asked about parking and was told 2 planned for each unit and 8 extra at clubhouse. He questioned if that was enough. Jean Wilson questioned if it was affordable for working people in Fairhope. Further discussion led to a motion by Dick Charles to recommend approval to the City Council with five staff recommendations as set out above. Lee Turner 2nd the motion and it carried with two no votes by Jean Wilson and Fran Slade.

SD06-38 Preliminary Plat approval extension for Stone Creek

Subdivision, Phase II. The property is located on the east side of Highway 181 just south of Twin Beech Road. Nancy Milford gave the staff report saying the property is located inside the City and is zoned PUD. It contains approximately 34.75 acres and 66 lots are proposed. Proposed density is .53 lots per acre. The preliminary plat approval was granted by the Planning Commission on November 6, 2006. Staff recommendation was to approve subject to twelve minimum changes now in the new subdivision regulations being adhered to, as follows:

1. The most current ISO requirements for fire flow
2. Articles of Incorporation
3. Drainage Requirements (a letter and/or revised drainage plan stating that the new drainage requirements have been met. This documentation shall include a watershed map
4. BMP Treatment (a letter stating the requirements will be met)

5. Submission of an Operations and Maintenance Plan, signed and stamped by a Professional Engineer
6. All required Maintenance and Financial Guaranty agreements and bonds shall be submitted
7. A street lighting plan shall be submitted
8. A letter, signed and stamped by an approved professional traffic engineer, stating that the latest version of the traffic requirements of the subdivision regulations are met.
9. Tree Survey and Landscape Plan must be submitted. The applicant shall meet all of the tree requirements per the Subdivision Regulations and Zoning Ordinance. A tree protection plan and barrier detail shall be submitted for all required street trees or trees over 20" DBH.
10. All final plans shall be submitted on disc in an ADOBE PDF format.
11. Storm Sewers shall be videoed (reflecting a time and date stamp) and reviewed and approved by staff.
12. The Engineer's certificate on the plat would have to be revised with the new wording provided in the Subdivision Regulations Article IV Section D 18.

Steve Pumphrey was representing the developer and said he would be glad to answer questions, they are requesting a two year extension. Dick Charles said in the past we have granted one year extensions. Bob Clark and Lee Turner echoed Mr. Charles comment. Bob Clark moved for one year extension with 12 listed staff recommendations being adhered to. Dick Charles 2nd the motion. Mr. Pumphrey expressed that he had not received a copy of the recommendations/conditions, they were read and further discussion led to a motion by Lee Turner, 2nd by Fran Slade to table this vote until the end of the meeting to give the developer time to review the 12 recommendations. Motion passed unanimously.

SD07-08 Preliminary Plat approval extension of Fox Hollow subdivision submitted by Jason Estes of EDS, LLC. The property is located on the south side of Morphy Avenue just west of Thompson Hall Road. Nancy Milford gave the staff recommendation saying this property is located inside the City and is zoned R2. The total site area is approximately 62.68 acres; and 124 lots are proposed. Proposed density is 1.97 lots per acre. The preliminary plat approval was granted by the Planning Commission on April 2, 2007. A one year extension and approval was recommended subject to the new subdivision regulations being adhered to as listed below:

1. Drainage requirements (a letter and/or a revised drainage plan stating that the new drainage requirements have been met. This documentation shall include a watershed map.
2. BMP Treatment (a letter stating the requirements will be met)

3. Submission of an Operations and Maintenance Plan signed and stamped by a Professional Engineer
4. All required maintenance and financial guaranty agreements and bonds shall be submitted.
5. A street lighting plan shall be submitted.
6. A letter signed and stamped by an approved professional traffic engineer, stating that the latest versions of the traffic requirements of the subdivision regulations are met.
7. Tree survey and landscape plan must be submitted. The applicant shall meet all of the tree requirements per the Subdivision Regulations and Zoning Ordinance. A tree protection plan shall be submitted for all required street trees or trees over 20" DBH.
8. The applicant shall submit a pedestrian plan
9. All final plans shall be submitted on disc in an ADOBE PDF format
10. Storm Sewers shall be videoed (reflecting a time and date stamp) and reviewed and approved by staff
11. The engineer's certificate on the plat would have to be revised with the new wording provided in the subdivision regulations Article IV Section D 18.

There was no one present representing Fox Hollow. Dick Charles moved for a one year extension and meeting the eleven staff recommendations as listed that would bring it into compliance with new subdivision regulations. Lee Turner 2nd the motion and it carried unanimously.

SD08-10 Minor Subdivision approval of Langford Estates, a 4 lot subdivision of property located on the west side of Langford Road just south of Highway 104 application presented by Vince LaCoste of Poly Surveying. Jonathan Smith gave the staff report saying the subject property is unzoned in Baldwin County and contains about 89.56 acres. The applicant is proising to subdivide the property into 4 large lots. He said lots 1,2,3 are approximately 10 acre tracts and lot 4 is 59.61 acres. He said all lots front on Langford Road and Fairhope Falls is directly east of the subject site. Lot 4 is up for informal review IR08-06 Berrington Subdivision to be developed into approximately 153 lots. He said the Planning Commission approved a Village Subdivision Site Plan for the subject property on August 7, 2006. The total land area for the 2006 site plan was 89 acres and 225 lots were proposed (2.5 lot per acre prior to the subtraction of common areas, drainage facilities and Rights of Ways). They never came back for preliminary plat approval. He said further that the property owner illegally subdivided the property into large lots consistent with what is proposed. He was fined for the illegal subdivision and all fines have been paid. The City subdivision regulations state that water supply and pressure shall be

adequate to provide fire protection for the future needs of the development and Dan McCrory, Water & Sewer Supt, said there is a 12 " water line running in front of the proposed lots to service the nearby Fairhope Falls Subdivision. The City has not yet accepted the water line for maintenance. The subject property is bordered on all sides by unzoned land in Baldwin County. Approval was recommended contingent upon the following conditions:

1. Water supply and pressure from the proposed water system shall be adequate to provide fire protection and for the future needs of the development.
2. The applicant shall submit a sufficient flow model for the proposed development. Dan McCrory shall approve the final flow model.
3. All water and fire protection related issues shall be worked out between the developer and the city Water & Sewer Supt. , Dan McCrory, and the Volunteer Fire Chief, Kevin Hempfleng prior to the city signing the plat and before any land disturbance or building permits are issued.
4. All necessary outside agency permits (i. e. Baldwin County Health Department, ADEM, USACOE, etc.) shall be obtained prior to any land disturbance or building permits are issued.

Chris Gill spoke and said he had sent a letter to the owner that it was an illegal subdivision(in file) and the fines had been paid. He said the commission can approve or deny this request. Bill Simmons spoke saying he and his wife had purchased two 10 acre tracts of land that had sold at auction and were present to see what the commission said. Jonathan Smith told the Commission members that he wanted them to know that the staff did nothing wrong, that the owner had never submitted anything after the site plan approval. Vince LaCoste was present representing the owner. He said they are proposing 3- 10 acre lots and the remaining lot is proposed residential. Lee Turner moved to approve subject to staff recommendations being adhered to. Dick Charles 2nd the motion and it carried unanimously.

IR08-06 Informal Review of Berrington subdivision 153 lot subdivision by Vince LaCoste of Poly Surveying. The property is located on the west side of Langford Road, just south of Highway 104. Jonathan Smith gave the staff report saying this is the fourth lot in the property acted on above. The total site area is approximately 59.61 acres and is unzoned in Baldwin County. 153 lots are proposed and would be what amounts to 2.5 lots per acre, prior to subtracting common areas, drainage facilities and rights of ways. The plan is showing just over 10% open space. The minimum lot size is 10,500 feet. He said the minimum lot size in the proposed development is smaller than what is required in the Fairhope

subdivision regulations, therefore if the applicant wishes to proceed, he will have to apply for a Village Subdivision. Currently public water and sewer are not available for the property. The subdivision regulations require lots to be a minimum of 20,000 sq ft in area and 100' in width if public water and sewer are not available. According to the city Water and Sewer Supt, Dan McCrory there is a 12" water line in front of the property that has not been accepted by the city. Mr. McCrory also mentioned that Baldwin County Sewer Service has plans to run a sewer line in front of, or near the property to service the Fairhope Falls Subdivision to the east. He said that the Village Subdivision Site Plan for this was approved on August 7, 2006 and the land directly to the south was also included in the development. The total land area for the 2006 site plan was approximately 89 acres and 225 lots were proposed (2.5 lots per acre, prior to the subtraction of common areas, drainage facilities and rights of ways). He said the property is bordered on all sides by unzoned land in Baldwin County and Fairhope Falls Subdivision is directly east of the subject property. Staff recommendation was to provide insight and comment. Lee Turner asked if this had been annexed and was told no. Mr. LaCoste said he had just been hired two weeks before and that he had not done a topo. Dick Charles informed him that he could not use the detention areas as part of the required common areas. Further discussion led to Bob Clark and Lee Turner saying this was too much density, that a different layout, possibly a different scheme with larger lots is what preferred, that the village concept never went forward. Dan McCrory also said too much density, Jean Wilson said she voted against Berrington when it was first presented, Mr. LaCoste indicated that Baldwin County Sewer might be chosen to serve the development and Debbie Quinn said unless City water and sewer she could not support it.

SD08-11 Request of Scott Hutchinson of HMR,L.L.C. for Site Plan Approval of Multiple Occupancy Project The Oaks of Fairhope (aka Byrne 20 Unit Complex) The property is located on the west side of Blueberry Lane, north of Fairhope Avenue and five buildings were shown on the site plan. Nancy Milford gave the staff report saying the property is located in Baldwin County and unzoned. The total tract area is 4.88 acres. This project is a 48 unit multi-occupancy project. The City does not have any zoning authority on multiple occupancy projects outside the city however, the City's subdivision regulations allow the Planning Commission specific technical review that can be exercised over projects with three or more units. Approval was recommended subject to a sidewalk along Blueberry Lane and an aerator installed in the pond. Scott Hutchinson of HMR, LLC spoke representing the owners and said he would be glad to answer questions. Katie Spratlin a property owner on the north side spoke

and said all she is asking for a privacy fence on the north side and change the setback to 35 ft. William Lassiter a resident on the south side, adjacent to the property spoke. He asked if there is a time limit to finish all units, and wanted to be sure the developer is responsible for the drainage, if the pond fills in, will it be monitored and the runoff treated and will the corporation be responsible for the runoff. Jonathan Smith responded saying that this is a phasing plan, not aware of any time limit. Scott spoke saying the first phase contains building 1 & 2, pond and parking. He said the retention pond runoff will go to the north and it is designed for a 100 year storm and yes, the developer would be responsible for the pond. A question was raised about the pool and the answer was it does not have to be built. It was determined that a 6 ft privacy fence was approved on the south property line all the way to the retention pond. Mr. Lassiter asked if the fence runs past the retention pond and Mr. Hutchinson said he did not know. After further discussion a motion was made by Lee Turner to approve site plan subject to staff recommendation of sidewalk being installed on Blueberry Lane and aerator being installed in the pond and change the north setback to 35 ft. Dick Charles 2nd the motion and it carried unanimously.

06-38 Continuance – Dick Charles moved, Bob Clark 2nd to untable Item 06-38, motion carried unanimously. Steve Pumphrey said they had a chance to look over conditions set out and agreed to them as they wanted the one year extension. He mentioned the tree survey requirement and was told that he could get with staff on that. A motion had been made by Bob Clark, 2nd by Dick Charles to approve one year extension with staff recommendations listed being adhered to so as to come into compliance with the new subdivision regulations prior to tabling. The Chairman called for a vote and motion passed unanimously.

Officers for the upcoming year were elected – Bob Clark moved to reelect Jean Wilson as Chairman, Dick Charles seconded the motion and it carried unanimously. Bob Clark moved to reelect Dick Charles as Vice Chair, Fran Slade 2nd the motion and it carried unanimously.

There being no further business, meeting was duly adjourned at 6:15 PM.

Jean Wilson, Chairman

Betty Rivenbark, Secretary

