

The Planning Commission of the City of Fairhope met **Monday, April 7, 2008** at 5:00 PM at the City Administration Building, 161 N. Section Street in the City Council Chambers.

Present: Jean Wilson, Chairman; Tim Kant, Dan McCrory, Bob Clark, Dick Charles, Lee Turner, Bob Gentle. Gregg Mims, City Planner, Nancy Milford and Jonathan Smith. Chris Gill Attorney. Absent: Gary Moore  
Ed Brinson

The minutes of the March 3, 2008 meeting were considered and duly approved on motion by Bob Gentle, 2<sup>nd</sup> by Dick Charles and unanimously carried.

The Chairman announced that item ZC 08-05 Village North PUD (The Triangle) had been withdrawn.

Chris Gill, Attorney for the Commission, stated that he is an attorney licensed to practice law in the State of Alabama and that he was giving an oral declaration in accordance with 36-25A-7(a)(3) of the Alabama Code in that he needed to discuss with the members of the Planning and Zoning Commission the legal ramifications of pending litigation on the actions of the Planning and Zoning Commission. Dick Charles moved, Bob Gentle 2<sup>nd</sup> that they go into executive session. A roll call vote was taken as follows: Tim Kant, Aye; Dan McCrory, Aye; Bob Clark, Aye; Jean Wilson, Aye; Dick Charles, Aye; Lee Turner, Aye; Bob Gentle, Aye. Motion carried unanimously and the Chairman said they would be into executive session no longer than 10 minutes. They went into executive session at 5:04 PM and meeting was reconvened at 5:09 PM.

**ZC08-04 Fairfield, Unit VI PUD Amendment** application request by Scott Hutchinson of HMR, LLC. The property is located on the northeast corner of Twin Beech Road and Booth Road. Nancy Milford gave the staff report saying that the PUD was approved on 8/01/2005 and contains some 9.2 acres and is located at the corner of Boothe Road and Twin Beech Road. The initial master plan consisted of 8 garden homes and 32 townhomes and on June 5, 2006 the PUD was amended to 12 detached single family units and 20 attached townhomes(4 building with 5 units each). The applicant is now requesting to modify 15 (5 units in 3 buildings) to 15 detached town home units along the west property line. Staff recommendation was to approve. Scott Hutchinson spoke for applicant and said this is a good change, breaking up 5 plexes into single family layout. The public hearing was opened and closed with no comments. Lee Turner moved to accept staff recommendation and forward to City Council with approval. Dick Charles 2<sup>nd</sup> the motion. Mr. Charles asked if the T-head was being changed and the answer was no and he asked if 0-lot line with 10 ft on other side and was told yes. Motion carried unanimously.

**ZC08-03 Zoning change from R-5 High Density Multi-family to B-4 Business and Professional for the property located on the south side of Fairhope Avenue just east of Hoffren Drive.** Jonathan Smith gave the staff report saying the property is currently undeveloped and contains approximately 41,412 sq ft. The B-4 zoning allows for businesses of professional nature and is restricted to offices and business which provide specific functions or professional services. Staff recommendation was to approve the request. Ray Moore spoke for the applicant and said he had met with residents and the adjacent property owners and explained the plan. The public hearing was opened and Marion McKnight of Sumac Circle spoke and said this was a wonderful plan and that they explained how they would keep as many trees as possible and take care of the drainage problem with their plan. The public hearing was closed and Dick Charles moved to recommend approval to City Council, Lee Turner 2<sup>nd</sup> the motion and it carried unanimously.

**SD08-04 Final Plat approval of Colony Square Subdivision (Founder's Square).** The property located on the west side of Section Street just south of DeLaMare Street. It was noted Chris Gill, Attorney had a conflict and left the room. Nancy Milford gave the staff report saying this is approximately .62 acres and is zoned B-2 and is located in the Central Business District and a 14 lot subdivision is proposed. Site plan approval was given on 12/4/06 and preliminary plat approval on 10/01/07. Approval was recommended. Hop Allen asked how this would affect Masonic Drive and he was told that they would enter off of DelaMare Street and that two car parking would be provided for each residence and there was a recorded easement into the public parking lot. Mr. Allen said that the entrance off of DelaMare was not big enough now. Dick Charles asked if an 8 ft. sidewalk was in the plans and was told yes. Bob Gentle moved for approval, Dick Charles 2<sup>nd</sup> and motion carried unanimously.

**SD08-05 Final Plat approval Phase 1, Fairhope Village at Fly Creek Subdivision,** land of Arthur Corte with property being located on the southeast corner of US Highway 98 and Parker Road. Nancy Milford gave the staff report saying PUD approval was given by the City Council on October 23, 2006. The property contains 53.3 acres and preliminary plat approval was given for five lots. She said the PUD is being developed in phases and this subdivision application is for Phase 1 consisting of lots 1 and 2. Staff recommendation was to approve conditional upon 1. Approval of the fire hydrant locations by the Water and Sewer Superintendent. Steve Pumphrey of Volkert & Associates was present and said he would answer any questions. Jim Horner of Volanta Avenue spoke against proposed

project citing damage this or any other project in this location would do to Fly Creek watershed in regards to stormwater and siltation. Further discussion led to a motion by Dick Charles to approve with condition cited above, Lee Turner 2<sup>nd</sup> the motion and it carried unanimously.

**UR0804 – Baldwin County Sewer Service request for 11-52-11 review**

of a proposed sewer force main extension along River Creek Drive and Danne Road. Lee Turner left the meeting as he had a conflict with this. Jonathan gave the staff report saying that approximately 659 feet is proposed along the east side of River Creek Drive and 1775 feet is proposed on the east side of Danne Road. Staff recommendation was to approve. Stephen Kichler was present representing BCSS. Bob Gentle asked if all the lines would be connected properly. He said yes, all would be color coded. Dick Charles moved to approve, Dan McCrory seconded the motion and it carried unanimously.

Gregg mentioned an upcoming meeting in Birmingham May 21<sup>st</sup> -23<sup>rd</sup> where the Mayor was going to be honored and said he would like to know if anyone else would be interested in attending. He said he would give everyone a follow up call.

The meeting was duly adjourned at 5:35 PM.

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Jean Wilson, Chairman

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Betty Rivenbark, Secretary