

The Planning and Zoning Commission met Tuesday, September 2, 2008, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

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

The minutes of the August 4, 2008 meeting were duly considered and approved as amended on motion by Dick Charles, and 2nd by Fran Slade. Dan McCrory abstained.

ZC08-08 Public hearing zoning request of Christopher L. Haley for PUD concurrent upon conditional annexation for Parker Place Subdivision.

Eight lots are proposed at the property located at 7220 Parker Road on the southeast corner of Scenic Highway 98 and Parker Road. Nancy Milford gave the staff report saying the applicant is requesting to annex into the City and rezone to PUD. The property is 3.79 acres and is now zoned in County Planning District 16 with an R-2A (Single Family Residential) zoning designation. In staff comments it was noted this property is situated in the Fly Creek watershed and that the applicant during development must take steps to minimize runoff of sediment to Fly Creek and maintain the area as natural as possible. It was also recommended the lots be cleared as they are sold and ready for a building permit to minimize soil loss and potential deposition to Fly Creek with minimal land disturbance during construction. Under Baldwin County Zoning setbacks are front 30 ft; rear 30 ft side 10 ft and 2 dwelling units per acre with minimum lot area 20,000 sf per dwelling unit and minimum lot width of 80 ft. The City recommendation was the 8 lots with 20% open space and a maximum lot coverage of 40% with a note placed on the preliminary plat, the site plan and the construction drawings stating the required maximum lot coverage of 40%. Other points noted: a public street is proposed meeting the minimum street standards and the PUD site plan will reflect utility easements at the front of the lots. A proposed sidewalk will be routed to have maximum tree preservation and pedestrian connectivity in the southern common area to the Eastern Shore Trail with minimal impact to the natural vegetation in the buffer and the addition of a sidewalk along Parker Road. The landscaped buffers along Hwy 98 and Parker Road shall remain natural and heavily wooded creating a dense buffer. A tree protection and barrier plan specifying the barrier detail shall be submitted for all trees over 20" dbh. An underground drainage system with 3 pipes being 300 ft. long is proposed. All outside agency approvals (Baldwin County, ADEM, COE, etc.) shall be obtained prior to the issuance of a land disturbance permit. Staff recommendation was to approve with the following conditions: 1. Maximum lot coverage of 40% with 20% open space requirement. 2. The PUD site plan shall be revised to reflect utility

easements at the front of the lots. 3. The pedestrian circulation plan provides pedestrian connectivity in the southern common area to the Eastern Shore Trail. 4. All common area areas shall be maintained by the property owners association including the on-site drainage. Trey Jinright of Jade Consulting spoke on behalf of the applicant saying the applicant is aware of the sites many natural features and desires to preserve them. The City recommended R-1 zoning 15,000 sq ft. as this is the zoning in surrounding property which would allow 2.9 units per acre. He said they are proposing 8 lots at 13,919 sq ft. but offered they have .75 acres of common areas and buffers and if this common area was added to the average lot size, the project's collective lot average would be in excess of 18,000 square feet. He said that is 3000 square feet per lot larger than what is required in R-1 zoning. He said they were asking for smaller building setbacks which would allow for bigger building footprint area on the respective lots and give more room to locate a house on each lot and work around the many trees. He said using this approach they were able to be more creative and maneuver the projects street and other improvements around the property's trees and create a more park like development that blends better with the natural features of the property. The public hearing was opened and Michael Lucci of 22450 Main Street spoke saying he is not opposed would welcome a quality development but also wanted to call attention to the significant drainage that occurs now around Parker Road and Scenic Hwy 98. Jim Coker 7295 Charbon Drive, questioned whether the proposed stormwater retention system would hold all the water if we had more than a 15" rain, and questioned who would maintain the system. He proposed maybe having pipe run to Fly Creek rather than holding runoff. The public hearing was closed. Mr. Jinright spoke again and said the homeowners association would maintain the system and also said he had spoken with Mr. Coker and gotten his suggestion of running a pipe to Fly Creek which he is looking into. He said the design of the retention system was such that it is suppose to drain in 8 hours. Lee Turner asked if he plans to capture all the water, Mr. Jinright said yes. Fran Slade said previous drawing showed 7 lots why changed. Mr. Jinright said they put drainage underneath. Dick Charles asked if they agreed to connectivity and talked to Eastern Shore Trailblazers. Mr. Jinright said yes to connectivity and had not talked to Trailblazers yet, but they are building sidewalk that will connect to trail. Mr. Charles asked about the covenants, restrictions, having it all spelled out as to what and who will maintain. He was told this will be done by final plat submittal. Lee Turner said he liked idea of retention. Dick Charles moved to recommend approval of PUD application to the City Council, with the conditions outlined by staff, Lee Turner 2nd the vote. Conditions were:

1. A note added to the PUD site plan – maximum lot coverage of 40% with 20% open space required.
2. The PUD site plan shall be revised to reflect utility easements at the front of the lots
3. The pedestrian circulation plan provide pedestrian connectivity in the southern common area to the Eastern Shore Trail
4. All common areas shall be maintained by the property owners association including the on-site drainage.

Motion passed unanimously.

SD08-09 Preliminary Plat approval of Parker Place Subdivision 8 lots was considered with the above zoning application and a separate staff recommendation was made for the preliminary plat and a separate vote by commission was taken. Lee Turner moved to give preliminary plat approval with conditions outlined by staff, Dick Charles 2nd the motion. Conditions of approval were:

1. A note shall be added to the construction drawings stating that all sidewalks shall meet the most current edition of the Americans with Disabilities Act Standards.
2. All utilities must be inside a utility easement. Utility location conflicts must be resolved to meet the approval of each utility superintendent and the City of Fairhope horticulturist.
3. The applicant shall submit a tree protection and barrier plan and detail that meet the approval of the City of Fairhope Horticulturist. The landscape drawings are pending the approval of the horticulturist.
4. The approval of the fire hydrant location by the Fire Chief and Dan McCrory.
5. The surveyor shall sign all construction plan documents submitted to the Planning Office.
6. Building setbacks shall be revised to reflect the approved PUD site plan.
7. A note shall be placed on the plat stating the maximum lot coverage is 40%.
8. A drainage easement across Lot 4 for drainage pipe to the retention basin shall be labeled on the plat.
9. Additional boring shall be conducted to the depth of the drainage system. The results and summary of findings from the borings shall be submitted to the Planning Office for review and approval.

Dan McCrory brought up to the Commission that they needed to be aware that Daphne currently does not meet ISO regulations and he had talked with Mr. Jinright about this. Mr. Jinright said if Daphne could not meet ISO regulations he would require sprinkler systems in the houses. Mr. Charles

said we had turned down applications before because of this and it needed to be addressed. Further discussion was held regarding this and Mr. Turner's motion was amended to include Mr. Jinright working with staff to either obtain a commitment from Daphne that they do meet ISO standards of 1000 gpm, suitable fire flow, or if not, have sprinkler system installed in houses. Mr. Charles amended his 2nd to include this recommendation.

SD 06-45 Preliminary Plat extension request of Wendell Barnhill for East Park Subdivision. Property generally located on the north side of Parker Road just east of U.S. Highway 98. Nancy Milford gave the staff report saying the property is located inside the City and is zoned as a PUD. It contains approximately 12.18 acres and 47 lots. Preliminary plat approval was granted on September 5, 2006. Under the Subdivision Regulations if a final plat is not submitted within two years from preliminary plat approval the plat approval will expire. Staff recommendation was to approve a one year extension subject to the new subdivision regulations being adhered to and the following minimum changes must be met:

1. Finished floor elevation requirements must be revised (no longer measured from the centerline of the street)
2. 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)
3. BMP Treatment (a letter stating the requirements will be met)
4. Submission of an Operations and Maintenance Plan, signed and stamped by a professional engineer
5. All required maintenance and financial guaranty agreements and bonds shall be submitted.
6. A street lighting plan shall be submitted
7. A topographic map with an aerial overlay shall be submitted.
8. Tree Survey and Landscape Plan must be submitted. The applicant shall meet all of the tree requirements per the Subdivision Regulations and Zoning Ordinance.
9. 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.
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 for approval by the staff.

Bob Clark said traditionally we have approved one year extensions and he moved to approve one year extension with the new subdivision regulations being met and eleven changes stated above in staff report. Dick Charles 2nd the motion and it carried unanimously.

SR08-01 Request of Rob Williams to modify the pervious pavement conditions of the previously approved Site Plan for The Shoppes At Fairhope Village in Fly Creek PUD to an alternative method. The property is located on the southeast corner of U.S. Highway 98 and Parker Road. Jonathan Smith gave the staff report saying the Fly Creek PUD was approved by the City Council on October 23, 2006 and the Site Plan was approved by the City Council on January 14, 2008. He said as a condition of approval, twenty-five percent (25%) of the parking lot shall be constructed of pervious materials(i.e. pervious asphalt, pervious concrete, pervious pavers) Due to the site being located in a sensitive area along Fly Creek, this condition was added to help absorb excessive run-off created by the expansive asphalt parking area shown on the plans. In lieu of the pervious building materials, the applicant is proposing to amend the site plan by adding a series of inlets throughout the parking lot to capture a portion of runoff from the site. He said further staff sent a copy of the proposed amended plans to an outside engineering firm for an engineering review. The report received by staff from the firm indicates that the proposed alternative will not be as effective as installing pervious materials in the parking lot. Staff recommendation was to deny the alternative plan of placing inlets throughout the parking lot. Jeff Pape, of Regency Realty Group, and Matt Bell, of Volkert & Associates, spoke for the applicant. Mr. Pape spoke saying they are requesting a change in design because they have discovered that below the proposed parking area there exists a 3-6 ft. layer of clay and that if they use the pervious pavers the water will just sit under them and not run off so they are proposing a series of inlets throughout the parking lot to capture the runoff and take it down to the sand. Matt Bell passed out information regarding the runoff and use of pervious vs use of inlets. He said 31% more would drain off with the inlets and because of the water that would stand under the pervious materials there is concern about maintenance. Discussion followed and it was determined that the second opinion sought from EDS did not address this problem. Gregg Mims told the Commission that in doing a PUD there is lot of give and take but that he and his staff feel strongly that they should keep the 25% pervious material commitment, there are a number of products that can be used. He said there were no surprises with this, it was discussed in depth. In response, Mr. Pape said they are not trying to get out of anything, he stated that Regency, Inc and Volkert Engineers made the mistake and the issue is where will the water go with the clay underneath. Fran Slade asked why they could not use pervious and inlets, incorporate both. Dick Charles said maybe we should get a third opinion. Lee Turner said that EDS did not address this problem, whether it will work or not, does staff

think it will work. Gregg said they had clear discussion and Volkert understood clearly, whatever it takes to make it work, no one ever said it would not work, and it was no surprise to Volkert. He said it sounds like an applicant and engineering problem. Dick Charles said we do not have a good engineering solution and moved to table this for 30 days to get another opinion or agreement between the protagonists (all parties). Lee Turner 2nd the motion. The applicant consented to the tabling for thirty days. Gregg Mims requested that two Planning Commission members and the Environmental Board be included in the discussions. The motion was amended to reflect this request. Motion carried unanimously.

Dan McCrory exited the meeting

UR08-07 Request of Baldwin County Sewer Service for 11-52-11 Review, Steven Kichler, of a proposed Sewer Force Main Extension on 6th Street and Japonica Street. Jonathan Smith gave the staff report saying this is located in the City Planning Jurisdiction and that by letter and drawing 866 linear feet of 2" SFM pipe will be extended on the east side of 6th Street and the north side of Japonica Street to accommodate sewer services for a home on the south side of Japonica Street. Staff recommendation was to approve. Discussion followed and Bob Clark moved to approve provided green sewer pipe is used and this pipe be 10 feet from the City water line. Dick Charles 2nd the motion with the conditions outlined and motion carried unanimously.

A motion was made by Bob Clark, 2nd by Dick Charles to table the building height discussion until a future date. Motion carried unanimously.

The meeting was duly adjourned at 6:15 PM

Jean Wilson, Chairman

Betty Rivenbark, Secretary

