

The Planning Commission met Monday, March 7, 2016 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: George Roberds, Vice-Chair; Jennifer Fidler; Bob Clark; Bernie Fogarty; Jay Robinson; Hollie MacKellar; Kevin Boone; Jonathan Smith, Planning Director; and Nancy Milford, Planner

Absent: Lee Turner, Chairperson and Tim Kant

Vice Chairman George Roberds called the meeting to order at 5:00 PM and announced the meeting is being recorded.

The minutes of the February 1, 2016 meeting were considered and Bob Clark moved to accept the minutes as written and was 2nd by Bernie Fogarty.

ZC 16.03 Public hearing to consider the request of Preble-Rish, LLC for an amendment to the Old Battles Village PUD (Planned Unit Development), Steve Pumphrey. The property is located on the north side of Old Battles Village, Phase 1 and west of Huntington Woods. Mr. Smith gave the staff report saying the original master plan consisted of 2 phases and the proposed amendment is only for Phase 2. The site is approximately 86.76 acres and 177 lots are proposed. The applicant's reason for modification is to remove lots from significant drainage areas and environmentally sensitive areas as well as relocating the amenity area closer to the existing developed phase. They also plan on placing one section of wetlands in a conservation easement. Staff has concerns that the green space requirements may not be met due to the presence of storm water holding areas located in common area/greenspace, the lot size reduction of some lots, reducing and delaying amenities, reducing the rear setback line by 5', and increasing the number of lots proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall not reduce amenities from what is currently approved.
2. The applicant shall explain the benefits associated with the PUD amendment to the satisfaction of the Planning Commission.
3. Revise the height to be 30' for all structures.
4. Revise the maximum lot coverage for the principal structure to 37%.
5. Provide delineated wetlands and associated wetlands buffer and conservation easement on the Master Plan. The applicant shall provide additional information regarding the conservation easement being proposed.
6. The applicant shall provide for a traffic light as per the original PUD condition or provide an updated traffic study with documentation that a traffic light is not required. The traffic light shall be provided prior to the completion of the entire development.
7. The applicant shall work with Jennifer Fidler to determine acceptable traffic calming devices for the two long stretches of road in the development.
8. The applicant shall recalculate the greenspace as per the City of Fairhope Regulations, excluding any retention, detention, or similar holding basin and maximize public exposure. Greenspace percentages shall meet the provisions of the Subdivision Regulations in Article V, Section C and reflect the percentages on the site data table.

9. The applicant shall provide a narrative regarding how the City's LID provisions will be met by this development and also explaining details of what restoration of habitat will be accomplished.

Mr. Pumphrey address the Commission saying the property changed hands and a redesign was done to relocate the amenities and remove some lots that were in signification drainage areas. The applicant has agreed to build a playground and basketball court in addition to the clubhouse, pool, and tennis court. Mr. Pumphrey stated the conservation easement is in the northeast corner of the property and will probably be part of the last phase developed. He stated the large lakes in the middle of the development are not just meant to be detention but also an amenity and would like to be able to count them as greenspace. Mrs. Fidler asked about the northeast common area and what the lines on the Master Plan were and Mr. Pumphrey stated they are wetland boundaries. Mrs. Fidler stated it crosses 4 lots and Mr. Pumphrey responded those lots are not part of this proposal and have already been developed as part of Huntington Woods. Mr. Pumphrey stated the applicant has agreed to go back to the 37% lot coverage and 30' building height as set in the original PUD. Mrs. MacKellar asked if the lakes will be stocked for fishing and used for kayaking and Mr. Pumphrey responded he wasn't sure if they would be large enough for kayaking. He said the developer has not mentioned stocking the lakes for fishing. Mr. Fidler said there needs to be enough greenspace for the kids to be able to get out and kick a soccer ball and it doesn't look like enough and Mr. Clark agreed. Mr. Pumphrey stated the tennis court, basketball court, playground, and pool will provide plenty of areas for the children to play and the lakes would be more for people to get out and walk around. Mr. Clark asked how the lakes will be fed and Mr. Pumphrey responded the lakes will permanently hold water but there will be enough freeboard to allow for any needed stormwater runoff. Mrs. Fidler asked about access to the new lots and Mr. Pumphrey responded the access points have not changed from the original design and the road will tie in to the existing connections. Mrs. Fidler asked if a traffic study has been done and Mr. Pumphrey stated one was done with the original project and it called for a traffic signal to be installed at US Hwy. 98 and Farrington Blvd at the completion of the entire development.

Mr. Roberds opened the public hearing.

Beverly Alice of 321 Bloomsbury Avenue – She said Huntington Woods only has one entrance/exit and the residents do no want more traffic coming through their neighborhood. She said the streets have already been patched due to damage from the construction vehicles building houses and they have had multiple thefts and do not want more. She said Old Battles Village has two entrances/exits and they should just use those and not ruin Huntington Woods.

Michael Bragg of 500 Charing Cross Street – He said this development will add approximately 100-150 additional cars through Huntington Woods and the streets are barely adequate for the people who live there. He said safety is a concern and the right in and right out only on US Hwy. 98 is dangerous and can not handle anymore traffic. He suggested adding an access to Twin Beech or Section Street.

Lois Manual of 507 Charing Cross Street – She asked if the "Conservation Easement" would be cleared or left natural.

Howard Green of 511 Charing Cross Street – He stated Huntington Woods already has a place for kids to play and for seniors to walk. He said adding additional traffic will ruin an existing neighborhood.

Eddie Holt of 503 Charing Cross Street – He stated concerns with stormwater runoff and said water already comes up into his lot. He said he is worried that more water will cause his lot to flood. He also noted proposed Lots 171-177 are extremely close to the drainage area and potential flooding.

John Clements of 200 Farringdon Blvd – He asked when construction is proposed to start.

Debbie Ellis of 7194 of Brodbeck Lane – She said they do not want traffic through their property. She stated they have had issues with people coming down the power line and mud riding on their property so they are requesting a fence be built. She noted there are large oak trees where the ponds are proposed and she hates to see them go. She said the street lights in Old Battles Village are visible from their property and they want ones that shine down.

William Cook of 207 Farringdon Blvd – He stated all of the traffic will come down Farringdon Blvd and it will be an issue.

Having no one else present to speak, Mr. Roberds closed the public hearing.

Mr. Roberds explained there is an approved PUD for the subject property and the applicant is proposing to amend and tweak the approved design. Mr. Pumphrey addressed the public comments concerning connectivity saying those are already in place and are not being changed. He stated the “Conservation Easement” will be left in its natural state and construction will begin as soon as approval is granted for Phase 2 which could be as soon as 3 months. He explained the construction will start at the south end of the property adjacent to Phase 1 of Old Battles Village and construction traffic will not be through Huntington Woods. Mr. Pumphrey stated the City has changed the type of street light that is required which directs the light to the ground. He said the project will be phased and it will take multiple phases to completely build out the development. Mr. Pumphrey stated they will save as many trees as possible but some will be lost due to digging the lakes and Mrs. Fidler added trees over 24” DBH have to be located and saved if possible. Mr. Pumphrey explained the drainage for the proposed development will help the adjacent property’s drainage because the water runoff will be controlled. Mrs. Fidler noted Bloomsbury Avenue will transition from a 70’ right-of-way to 40’ and Mr. Pumphrey stated that is how the master plan was designed and he did not know any of the back history as to why it was done that way. Mrs. Fidler asked if all of the lake area is needed so more trees could be saved and Mr. Pumphrey responded this is only conceptual and once they are in the design stage they may be able to adjust the sizes of the lakes. Mrs. Fidler and Mr. Pumphrey agreed the contours show there should not be any drainage or water issues for the proposed Lots 171-177. Mrs. Fidler asked about installing a fence at each of the stub-outs to the west and Mr. Pumphrey responded yes; possibly even a barricade or something more substantial. Mrs. Fidler stated she is not satisfied or supportive of 4-way stops and speed tables as traffic calming devices. Mrs. MacKellar asked what LID techniques are being used for this development and Mr. Pumphrey responded they are using vegetative buffers, grass swales, restoration of habitat, wet basins, level spreaders, step pools, bio-retention ponds, pervious pavement, and greenways. Mr. Clark asked if the original PUD is still in effect and if the amendment is denied then they would not be stopping a development but saying it will have to be developed as originally approved and Mr. Roberds responded that is correct. Mr. Fidler asked why the applicant is amending the PUD and Mr. Pumphrey responded it is to reconfigure the lots, for drainage, and to move the amenities closer to Phase 1. Mr. Robinson asked who determines what a greenspace is and what is not greenspace. Mr.

Smith stated staff has definitions in the Subdivision Regulations and the lakes can be considered passive recreation greenspace. He explained the original design showed a lake in the same general area and the applicant has indicated these will be more of an amenity than a just a retention/detention area. Mr. Robinson asked how we know these will be an amenity and Mr. Smith responded the applicant has committed to making these more than retention/detention ponds and set aside the land as common area and it appears to be more acreage than what was proposed with the original plan. Mr. Roberds said they will work out the details at the time of preliminary plat and Mr. Smith confirmed the preliminary plat will show exactly what types of LID techniques will be used and where and how these lakes will look. Mrs. Fidler asked if the ingress/egress has changed from the original approval and Mr. Smith responded no. She asked if the Commission can require an addition access point and Mr. Smith explained the traffic study for the overall development only warranted a traffic signal be installed at US Hwy. 98 and Farrington Blvd. Mrs. MacKellar asked if an updated traffic study is required and Mr. Smith responded no.

Jennifer Fidler made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall not reduce amenities from what is currently approved.
2. The applicant shall explain the benefits associated with the PUD amendment to the satisfaction of the Planning Commission.
3. Revise the height to be 30' for all structures.
4. Revise the maximum lot coverage for the principal structure to 37%.
5. Provide delineated wetlands and associated wetlands buffer and conservation easement on the Master Plan. The applicant shall provide additional information regarding the conservation easement being proposed.
6. The applicant shall provide for a traffic light as per the original PUD condition and provide an updated traffic study with documentation whether a traffic light is required and if any additional access is needed. If required, the traffic light shall be provided prior to the completion of the entire development and the additional access shall be installed.
7. The applicant shall work with Jennifer Fidler to determine acceptable traffic calming devices for the two long stretches of road in the development.
8. The applicant shall recalculate the greenspace as per the City of Fairhope Regulations, excluding any retention, detention, or similar holding basin and maximize public exposure. Greenspace percentages shall meet the provisions of the Subdivision Regulations in Article V, Section C and reflect the percentages on the site data table.
9. The applicant shall provide a narrative regarding how the City's LID provisions will be met by this development and also explaining details of what restoration of habitat will be accomplished.
10. The applicant shall install a wooden fence along the western right-of-way stub-outs adjacent to the open field.
11. The applicant shall work toward preserving more trees 24" DBH and greater and if necessary, add additional detention to save existing trees.

Kevin Boone 2nd the motion and the motion carried unanimously.

SD 16.06 Public hearing to consider the request of Preble-Rish, LLC for Final Plat approval of Sedgefield, Phase 4, a 14-lot subdivision, Steve Pumphrey. The property is located on the west side of Thompson Hall Road, across from Derby Lane. Mr. Smith gave the staff report saying the property is in the City of Fairhope and is zoned R-1 Low Density Single Family Residential District. The site is approximately 5.6 acres and 14 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant's engineer shall provide a letter confirming that the pond holding water issue has been resolved, that the pond meets the current City of Fairhope Subdivision Regulations, and is operating as designed.
2. The Operations and Maintenance Plan and Agreement for phases 3 and 4 of this subdivision shall be executed and recorded at the time of final plat recording.
3. All financial guarantees, agreements, and cost estimates shall be submitted prior to the plat being signed.
4. A vacuum test, approved by the Water and Sewer Superintendent, shall be submitted.
5. The engineer of record shall provide a letter stating that the storm sewer and sewer videos have been reviewed and approved.
6. The street tree plan met the approval of the City of Fairhope Horticulturist. The applicant shall check with the City of Fairhope Horticulturist to determine the acceptable tree species and the tree species shall be noted on the street tree plans.
7. The applicant shall provide a permanent easement for the turnaround placed on private property and shall show and note the easement on the plat.
8. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval, per the City of Fairhope Subdivision Regulations.

Mr. Pumphrey addressed the Commission saying most of the conditions have already been satisfied. Mrs. Fidler stated she would like to see the plat prior to it being recorded. Mr. Roberds opened the public hearing. Having no one present to speak, Mr. Roberds closed the public hearing.

Jennifer Fidler made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant's engineer shall provide a letter confirming that the pond holding water issue has been resolved, that the pond meets the current City of Fairhope Subdivision Regulations, and is operating as designed.
2. The Operations and Maintenance Plan and Agreement for phases 3 and 4 of this subdivision shall be executed and recorded at the time of final plat recording.
3. All financial guarantees, agreements, and cost estimates shall be submitted prior to the plat being signed.
4. A vacuum test, approved by the Water and Sewer Superintendent, shall be submitted.
5. The engineer of record shall provide a letter stating that the storm sewer and sewer videos have been reviewed and approved.
6. The street tree plan met the approval of the City of Fairhope Horticulturist. The applicant shall check with the City of Fairhope Horticulturist to determine the acceptable tree species and the tree species shall be noted on the street tree plans.
7. The applicant shall provide a permanent easement for the turnaround placed on private property and shall show and note the easement on the plat.

8. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval, per the City of Fairhope Subdivision Regulations.

Kevin Boone 2nd the motion and the motion carried unanimously.

SD 16.07 Public hearing to consider the request of Sawgrass Consulting, LLC for Final Plat approval of The Highlands at Point Clear, a 6-lot subdivision, Tom Granger. The property is located on the east side of Scenic Highway 98, just south of Confederate Drive. Mr. Smith gave the staff report saying the property is located in Baldwin County and is zoned RSF-1 and unzoned. The property consists of approximately 26.33 acres with 6-lots proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall submit documentation for Baldwin County approving the site as designed.
2. The applicant shall install and grout all wetland buffer signs.
3. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval, per the City of Fairhope Subdivision Regulations.

Mr. Granger was present to answer any questions on behalf of the applicant. He stated he received the letter of approval from Baldwin County earlier in the day.

Mr. Roberds opened the public hearing. Having no one present to speak, Mr. Roberds closed the public hearing.

Bob Clark made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall submit documentation for Baldwin County approving the site as designed.
2. The applicant shall install and grout all wetland buffer signs.
3. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval, per the City of Fairhope Subdivision Regulations.

Hollie MacKellar 2nd the motion and the motion carried unanimously.

UR 16.03 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 12,500 linear feet of fiber optic cable, Jeff Hadley. The project will run from 201 S. Section Street to Fairhope Avenue and County Road 13 via Morphy Avenue. Mr. Smith gave the staff report saying the project will be bored and 7 fiber handholes will be installed. Staff recommendation is to approve conditional upon the applicant following the general comments related to utility work as stated in the staff report.

Jennifer Fidler made a motion to accept the staff recommendation to approve conditional upon the applicant following the general comments related to utility work as stated in the staff report. Bob Clark 2nd the motion and the motion carried unanimously.

Old / New Business

ZC 15.12 Thomasson PUD, Larry Chason – Mr. Smith stated this property is located on the west side of US Hwy. 98 across from the entrance of Rock Creek and came before the Commission several months ago. He explained the PUD application has been

postponed and Mr. Chason has requested to be on the agenda to discuss other possible options for the property.

Mr. Chason addressed the Commission saying the applicant had several questions to answer after the initial Planning Commission meeting. He said they found the property was zoned R-1 in the City of Fairhope and the right-of-ways have not been vacated so they are looking at an R-1 development. He explained he met with several of the residents of Montrose to discuss residential options similar to what is existing in the area. Mr. Chason drafted a 71-lot development with approximately one mile of streets and a new road off of Main Street. He said the residents he discussed this plan with were not very receptive to it either. He explained the Thomasson family is looking at the possibilities of obtaining grants and other funding to purchase the property to be placed in a perpetual natural state similar to a conservation easement or public park or combining the two options and doing a "cluster" development. Mr. Chason said he is looking for feedback from the Planning Commission regarding these options.

Mr. Fogarty asked what the area along the US Hwy. 98 would be and Mr. Chason replied it is a buffer for road noise but it would probably change with a cluster development.

Mrs. Fidler asked how he plans to cross low areas and Mr. Chason responded the area south of Chapman Street will require extensive work but box culverts should work.

Mr. Robinson asked what size lots he would propose and Mr. Chason explained the lots would have to be about half the size of R-1 sized lots in order to get the same amount on half the amount of property so they would be around 9,000 square feet. Mr. Clark reiterated the proposal is still single family residential and not apartments and just the size of the lots is being reduced and Mr. Chason stated that is correct. Mr. Roberds asked why he is not including all of the property in a PUD and Mr. Chason responded all of the property would be included but at the time of the first phase the portions of land to remain natural would be put into a conservation easement.

Mr. Roberds opened the floor to public comments.

Tom Davis of 7118 Chapman Street – He requested an impact study to be done to determine how much runoff and drainage will affect Rock Creek and Mobile Bay.

Eleanor Reeves of 23672 Third Street – She thanked Mr. Chason for listening to the residents of Montrose. She said she would like to see the new lots utilize the traffic signal at Rock Creek Parkway and US Hwy. 98 and not come through the existing one lane roads in Montrose. She said they would like to connect to the new neighborhoods with bike and walking trails.

Linda McCullough of 7388 Taylor Street – She stated concerns with additional traffic and safety. She is also opposed to smaller lots and the areas labeled "Future Development" and what might be proposed. She thanked Mr. Chason for coming to the residents.

Commissioner Chris Elliot of Baldwin County – He stated the County has addressed additional traffic on Second Street and Third Street and it is the County's stand to keep those right-of-ways as they are and unopened. They are very narrow right-of-ways and the County Commission has worked to keep the existing neighborhood intact. He said a vacation or agreement would have to take place and he does not see that happening.

Commissioner Tucker Dorsey of Baldwin County – He explained the County requires developers to mitigate any impacts, which is traffic to the right-of-ways in this case, by installing traffic signals, turn lanes, or expand roads. He stated the County Commission has no intention of permitting anyone to expand the capacity or change the integrity or profiles of these roads.

Clay Rankin of 23271 Dovecote Lane – He said if Second Street is opened, it would only dump traffic on Taylor Street.

Matthew Cepeda of 7350 Taylor Street – He stated his family moved to Montrose for the quiet, historic, and rural feel and they wish to keep it that way.

Steve Moore of 233320 Main Street – He is on the Montrose Cemetery Board and he explained there are currently no residential lots along the south side of the Montrose Cemetery. He said they would like to see a buffer installed to keep the cemetery quiet, respectful, and to preserve the reverence of the cemetery.

Ellen Bowman of 18 Viale Bellezza – She stated concerns with storm water and drainage. She explained there has already been a culvert collapse and the creeks and gullies have caved in even more since then.

Mr. Chason said he is not planning to use anything on Third Street, Taylor Street or Sibley Street. He explained they plan to enter from US Hwy. 98 and turn south on their own property. He said the only people that would be using these streets would be buyers of these lots. He stated connectivity is an issue because people don't like it but planners do. Mr. Chason said he is not trying to add more traffic to the small streets in Montrose. He stated there will be the same amount of traffic with both proposals but the impact of drainage will be less with the cluster development. He said he just wants to get a feel for which plan he should put work into. Mr. Boone stated he favors the cluster development. He asked what the 25 acres labeled "Future Development" on the south end of property will be used as and Mr. Chason replied it is pretty low and will more than likely be open space. Mr. Roberds polled the audience and there were 10 in favor of the cluster development and 4 in favor of the R-1 size lots. Mr. Robinson asked if the cluster development would have an entrance from US Hwy. 98. Mr. Chason responded the entrance will be off US Hwy. 98 and will wind through the property. He said he would like to construct streets similar to the existing Montrose streets with narrow pavement to help minimize speed. Mrs. MacKellar asked what the minimum square footage would be for the cluster size lots and Mr. Chason replied he can't answer because of the streets and topography but in order to get the same number of lots on half the property it would be around 9,000 square foot lots. Mrs. MacKellar asked what type of houses will be built on the proposed lots and Mr. Chason responded they would be the same houses built on the R-1 size lots but it could be patio garden homes as well. Mrs. Fidler asked how many of the 71 R-1 size lots are actually buildable and Mr. Chason replied all of them. Mrs. Fidler stated she would be on the cluster side because she likes to see the natural features left but she knows some the residents would the larger lots. Mr. Clark said he is half and half, he likes the clusters but he also likes the similar larger lots. He said regardless of the lot sizes the ingress/egress will be at the Rock Creek light on US Hwy. 98. Mr. Fogarty stated he is also half and half for the proposals and Mr. Boone stated he is in favor of the cluster development. Mrs. MacKellar said the cluster development sounds creative and she likes the idea of having the smaller lanes like Montrose and Lakewood with the natural areas too. Mr. Robinson said he personally likes the larger lot layout because it fits better but if the surrounding property owners like the cluster then he should look at it.

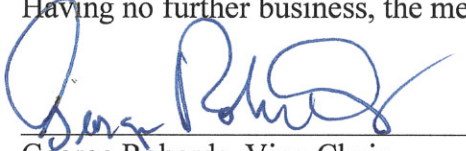
Kenneth McCullough of 7388 Taylor Street – He said if Third Street is opened it will tie all of the other streets together. He also stated concerns with the size houses that could fit on a 9,000 square foot lot.

Mr. Chason said a 4,000 square foot house could be built on the smaller lots.

SR 14.04 Request of Dreamtech Design Services for a 1 year extension of Site Plan approval for 406 Oak Street, Pete Sikorowski. The property is located on the southwest corner of the intersection of Oak Avenue and Bancroft Street. Mr. Smith gave the staff report saying the site plan was approved by the Planning Commission on February 2, 2015 and on March 5, 2015 by the City Council. Staff recommendation is to approve a one year extension of the site plan approval for 406 Oak Street. Bernie Fogarty made a motion to accept the staff recommendation to approve a one year extension of the site plan approval for 406 Oak Street. Kevin Boone 2nd the motion and the motion carried unanimously.

Downtown Parking – Mr. Smith stated Dan Burden will be in town to discuss the parking Downtown and the parking deck on April 6th and 7th. He encouraged the Planning Commission to participate and attend the charette on April 7th. Mr. Clark stated the parking deck is under used and needs to be utilized.

Having no further business, the meeting was over at 7:21 PM.


George Roberds, Vice-Chair


Emily Boyett, Secretary