

The Planning Commission met Monday, May 7<sup>th</sup>, 2012 at 5:00 PM at the City Administration Building, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Jennifer Fidler; Tim Kant; Bob Clark; Dick Charles; Gary Moore; Jean Wilson; and Debbie Quinn. Jonathan Smith, Planning and Building Director; Emily Boyett, Secretary; and Nancy Milford, Planner  
Absent: George Roberds, Vice-Chair

Chairperson Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the April 2<sup>nd</sup>, 2012 meeting were considered and Dick Charles moved to accept the minutes as corrected and was 2<sup>nd</sup> by Debbie Quinn. Motion carried with abstentions by Bob Clark, Jean Wilson, and Jennifer Fidler.

**SD 12.04 Public hearing to consider the request of Jade Consulting for review and approval of Fairhope Commons, a 62 unit, Multiple Occupancy Project, Trey Jinright.** The project is located on the south side of Gayfer Avenue just east of Greeno Road. Nancy Milford gave the staff interpretation saying the property is located in the City of Fairhope and is zoned R-5 High Density Dwelling Residential District. The project consists of two parcels totaling 10.17 acres with 62 units proposed. Staff recommendation is to approve contingent upon the following seven conditions:

- 1) A signed copy of the site plan shall be added to the O&M plan and the document shall be revised to reflect the correct number of ponds (12).
- 2) A pedestrian plan shall be submitted reflecting a five (5) foot sidewalk along Gayfer Avenue (connecting to the adjacent property to the west); a pedestrian connection between the Fairhope Commons property and Jeff Davis Street (in Rosa Acres); and the internal pedestrian circulation patterns. All sidewalks shall be ADA compliant.
- 3) Any existing structures on the subject site shall be removed.
- 4) A note shall be added to the site plan stating the engineer's conclusion to the flow model.
- 5) All screening shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height. If the owner elects to build a wall or fence of bare or severe appearance it shall be enhanced with the planting of shrubs.
- 6) The City of Fairhope Tree Ordinance and screening provisions in the Zoning Ordinance shall be met. All questions regarding the Tree Ordinance shall be directed to Jennifer Fidler, City of Fairhope Horticulturist and Public Works Director.
- 7) The submittal of a turnout permit from Baldwin County shall be submitted prior to the issuance of a building permit.

Trey Jinright of Jade Consulting addressed the Commission saying this is a 62 unit townhouse project. The buildings will be single story with the largest building being a quad-plex. He said the development includes a pool house and a mix of units, some with garages and some with carports. It is a cluster style layout on the site and only really developing 7 of the 10 acres and leaving the other 3 acres natural. Mr. Jinright stated they are very aware of the drainage issues on the site. There will be a buffer around an existing grady pond on the property. They are maintaining the sheetflow type drainage

and using pervious materials and minimizing drainage with various small details like the parking stalls. The site will have 12 bio-retention ponds that will be less than 3 feet deep and create a multi-use area that can also serve as recreation or landscaping. Mr. Jinright said the site has buffers around the perimeter and he understands the surrounding neighbor's concerns regarding the preservation of the existing trees. He stated the City has requested an 8' fence be constructed but it may not be advantageous for the neighbors and he would like to reach a compromise to satisfy everyone.

Mr. Turner opened the public hearing.

Paul Kennard of 8356 Gayfer Avenue questioned whether the buildings would be 2-story since they are townhomes. Mr. Jinright confirmed the buildings will only be 1-story.

Edward Schneider of 901 Diehl Avenue stated concerns with the removal of the trees but has since spoken with the applicants and he feels much more comfortable with the plan. He also spoke about the flooding in Rosa Acres. He stated that during Hurricane George they had 15" of rain and even though water never made it into any of the houses, it was very close. Mr. Schneider asked what the recourses are if there is any flooding because the ditch that drains the wetlands runs to their neighborhood. He also said he would rather see trees instead of an 8' fence in his backyard. He said he would like to see the landscape plan of what was actually going to be kept and what they are going to take down. Mr. Schneider provided pictures of the existing trees.

Debra Green of 415 Maple Street said that unfortunately what gets approved is not the end result. She mentioned Publix and said she does not want to see the trees on this property be lost. Mrs. Green stated her main concern is traffic. She said this is a very busy road and she has been told that a traffic study is not warranted. She stated the County uses the number of lots as their determining factor for traffic studies and they do not have anything to account for this type of development. She said she would like to see turn lanes and safety concerns addressed. Ms. Milford stated the submittal of a turnout permit is required as a condition of approval. Mr. Smith stated this is a County right-of-way so the County will permit the ingress/egress for this project.

Having no one else present to speak, Mr. Turner closed the public hearing. Mr. Turner asked if this is a subdivision request where they are going to subdivide each of the individual townhomes or is it a site plan review. Mr. Smith stated this falls under the subdivision regulations but it is a multiple occupancy project review which essentially allows the Commission to review the site plan for the project. He added the property owners are allowed by right to do what they are proposing because the property is zoned R-5 High Density Dwelling Residential District; they are under the density requirements and building heights; and they meet the setback requirements. Mr. Smith said this review mainly allows the City to look at building height, drainage, and traffic but since this is a County right-of-way the City does not have the authority to issue a turnout permit and we have to concede to Baldwin County on their right-of-ways. Mr. Turner asked if the fence is a requirement of the subdivision regulations and Mr. Smith responded no, it is a requirement of the Tree Ordinance. Mr. Smith stated an O&M plan is required which will help to ensure that there won't be future drainage issues and malfunctions on the property because there will be a 3 year inspection requirement. Mr. Charles stated

concerns with traffic and suggested an additional entrance on the east side of the property, just outside of the wetlands. He also questioned additional parking for visitors and a pedestrian connection to Rosa Acres via Jeff Davis Street. Mr. Smith addressed the comments saying the applicant has met the parking requirements; staff has recommended a pedestrian connection to Jeff Davis Street as a condition of approval; and he stated he would not like to see two ingress/egress points that close together. Mr. Jinright stated an initial traffic analysis was conducted and the results did not meet the City's requirements for a traffic study. Mr. Turner stated that connectivity is big issue but in this situation a pedestrian connection is preferred to a vehicular access and he would like to see the neighborhoods connected. Mr. Schneider stated there is not a sidewalk on Jeff Davis Street and it would make more sense to connect a sidewalk to the one on Greeno Road. Mr. Kant stated concerns with the drainage and he asked if the ponds will be able to handle all the water for the site and he asked what frequency storms were used for their calculations. Mr. Jinright responded studies were done for 1, 2, 5, 10, 25, 50, and 100 year storm events. He stated they will be releasing less water at post development than what it is at now and they will maintain the natural sheetflow discharge by using level spreaders. Mr. Kant suggested moving the fence back from the property line in an effort to protect the trees from being cut down in the future and leave that area in its natural state. Mr. Jinright stated there is a buffer there to protect the trees and it will even be marked off during construction. He recommended a vegetative landscape buffer in that area for visual separation as opposed to fence. Mrs. Wilson stated she would prefer a green buffer instead of a fence because most people would rather see a nice landscaped area than a fence. She also stated the adjoining uses are not that incompatible and she is in favor of establishing connectivity with a pedestrian access between the neighborhoods. Mrs. Quinn stated the fence was originally recommended because they were looking at 100 units and 2-story buildings but she is in favor of a green buffer. She said she is happy with this plan and is glad they did not try to mitigate the grady pond. Mr. Smith stated the fence is a requirement of the Tree Ordinance which also allows for a tight evergreen hedge of solid appearance. Mr. Moore said he thinks this is a sensible, rational plan and it makes sense for the area. He also stated the pedestrian connection is a minimum and he favors automobile connectivity where possible. Mrs. Fidler stated the access issues could possibly be eased with a connection to Jeff Davis Street. She said the Tree Ordinance does not require that trees under 20" DBH be saved but the applicants will get credits for any they do save. She added that she thinks the bio-retention ponds are the way to go on this site. Mr. Turner stated with would also be in favor of an automobile connection but the Commission does not have the authority to make it a stipulation. Dick Charles moved to accept the staff recommendation to approve contingent upon the following seven conditions:

- 1) A signed copy of the site plan shall be added to the O&M plan and the document shall be revised to reflect the correct number of ponds (12).
- 2) A pedestrian plan shall be submitted reflecting a five (5) foot sidewalk along Gayfer Avenue (connecting to the adjacent property to the west); a pedestrian connection between the Fairhope Commons property and Jeff Davis Street (in Rosa Acres); and the internal pedestrian circulation patterns. All sidewalks shall be ADA compliant.
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- 7) The submittal of a turnout permit from Baldwin County shall be submitted prior to the issuance of a building permit.

Jennifer Fidler 2<sup>nd</sup> the motion and the motion carried unanimously. Dick Charles amended his motion to specify that the screening on the south property line shall be an evergreen hedge. Jennifer Fidler amended her 2<sup>nd</sup> and the motion carried unanimously.

Jonathan Smith stated he has given the Commission a motion from Judge Reed to dismiss a lawsuit that the City has been in with Paul Ripp, Tom White, Lisa White, and Chip Shaw regarding the Publix development. The case has been dismissed based on Rule 12B (fails to state a claim upon which relief can be granted).


**Low Impact Development Presentation by Goodwyn, Mills & Cawood, Inc.**

Mr. Quinn introduced Chad Jordan and Shane Sawyer of Goodwyn, Mills & Cawood, Inc. She said she saw a stormwater system they designed at Eastern Shore Neurology and Pain Center in Daphne. Shane Sawyer addressed the Commission saying he is an engineer with Goodwyn, Mills & Cawood and he said they have offices in Mobile and Loxley. He gave a PowerPoint presentation of a Low Impact Development project they did for Dr. Tarabein's office in Daphne.

Having no further business, Dick Charles moved to adjourn and was 2<sup>nd</sup> by Jean Wilson. Motion passed unanimously and the meeting was duly adjourned at 6:20 PM.



Lee Turner, Chairperson

  
Emily Boyett, Secretary