

The Planning Commission met Monday, December 3rd, 2012 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; George Roberds, Vice-Chair; Tim Kant; Jennifer Fidler; Bob Clark; Dick Charles; Jean Wilson; Gary Moore; Councilman Rich Mueller; Jonathan Smith, Planning and Building Director; Nancy Milford, Planner and Emily Boyett, Secretary
Absent: none

Chairman Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the November 5th, 2012 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Bob Clark. Motion passed with one abstention by Rich Mueller.

Gary Moore made a motion to hear agenda item E. UR 12.10 first. Jennifer Fidler 2nd the motion and the motion carried unanimously.

UR 12.10 Request of the City of Fairhope Electric Department for an 11.52.11 review and approval of the proposed underground installation of approximately 2,700 linear feet of a new three phase power line, Scott Sligh. The project will run along Jubilee Trail and a portion of Gayfer Avenue. Jonathan Smith gave the staff report saying the proposed power lines will be placed underground using a directional bore across Dyer Road and down the west side of Jubilee Trail to the south side of Gayfer Avenue. The line is then proposed to split and run east and west along the south side of Gayfer Avenue. Staff recommendation is to approve the request contingent upon compliance with all applicable City regulations. Mrs. Fidler stated she has reviewed the project and the boring will 4' deep which will be fine for going under any tree roots. Jean Wilson moved to accept the staff recommendation to approve contingent upon compliance with all applicable City regulations. Gary Moore 2nd the motion and the motion carried unanimously.

ZC 12.03 Public hearing to consider the request of Preble-Rish, LLC for an amendment to the North Village at Stone Creek PUD (Planned Unit Development), Steve Pumphrey. The property is located on the east side of State Highway 181, just south of the intersection of County Road 44 (a.k.a. Twin Beech Road). Jonathan Smith gave the staff report saying the property is zoned PUD (Planned Unit Development) in the City of Fairhope and consists of four lots and is approximately 63.31 acres. Lot 1 is a commercial storage site, Lots 2 and 3 are currently undeveloped commercial sites, and Lot 4 is undeveloped multi-family site. The applicant is proposing of modify Lot 4 from a 192 unit luxury scale apartment multi-family layout to 57 single-family lots. Staff recommendation is to approve the request contingent upon the following conditions:

1. Unless specified in this application and site plan, all other aspects of the North Village at Stone Creek PUD shall remain in compliance with the previously approved and amended PUD plan;
2. Due to fire protection, a loop feed system shall be used. The applicant shall work with Dan McCrory to resolve this issue.

Steve Pumphrey of Preble-Rish, LLC was present to answer any questions. He stated the conditions are not a problem and the developer is willing to work with Mr. McCrory on

the fire flow issues. Mr. Moore asked how much greenspace is proposed if the sidewalks and ponds are subtracted and Mr. Pumphrey stated approximately 10.4 %. Mr. Moore asked if the greenspace can be utilized by the residents and Mr. Pumphrey responded yes. Mr. Charles asked if there will be any problem with putting in the loop system for the fire protection and Mr. Pumphrey said no. Mrs. Fidler asked if anything can be done with the area labeled as a conservation easement and Mr. Pumphrey stated that area is wetlands and was dedicated to Weeks Bay prior to him working on this project. Mr. Smith said the area could have been considered passive recreation open space but nothing could be built in the area; however, the area was previously subdivided out and is not part of this project. Mrs. Fidler asked if the building height will remain 35' and Mr. Pumphrey responded yes. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Dick Charles moved to accept the staff recommendation to approve the request and forward a favorable recommendation to the City Council contingent upon the following conditions:

1. Unless specified in this application and site plan, all other aspects of the North Village at Stone Creek PUD shall remain in compliance with the previously approved and amended PUD plan;
2. Due to fire protection, a loop feed system shall be used. The applicant shall work with Dan McCrory to resolve this issue.

Jennifer Fidler 2nd the motion and the motion carried unanimously.

ZC 12.04 Public hearing to consider the request of Preble-Rish, LLC for a zoning change from R-A Residential/Agriculture District to R-2 Medium Density Single Family Residential District for property to be part of Idlewild, Phase 9 and 10, Steve Pumphrey. The subject property is located on the east side of Thompson Hall Road, just north of Windmill Road. Jonathan Smith gave the staff report saying the property is currently zoned R-A Residential/Agriculture District and is approximately 4.54 acres. The subject property is surrounded on all sides by R-2 Medium Density Single Family Residential zoned property. He stated the applicant is requesting to rezone the property to R-2 Medium Density Single Family Residential District to be part of Idlewild, Phases 9 and 10. Staff recommendation is to approve the request and rezone the property from R-A to R-2. Steve Pumphrey of Preble-Rish, LLC was present to answer any questions and stated this rezoning request is the first step for a larger project that will be heard next. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. George Roberds moved to accept the staff recommendation to approve the request and forward a favorable recommendation to the City Council. Dick Charles 2nd the motion and the motion carried unanimously.

SD 12.07 Public hearing to consider the request of Preble-Rish, LLC for Preliminary Plat approval of Idlewild, Phase 9 and 10, an 85-lot subdivision, Steve Pumphrey. The subject property is located at the northeast corner of the intersection of Thompson Hall Road and Windmill Road. Jonathan Smith gave the staff report saying the subject property is part of the original master plan for Idlewild Subdivision and it will be the last two phases of the development. He stated the site is approximately 43 acres with 85 lots proposed. Mr. Smith added the proposed lots are substantially larger than the required R-2 size lots. Staff recommendation is to approve the request contingent upon the following conditions:

1. The rezoning of the property from R-A to the proposed R-2 zoning designation;

2. Submittal of an Erosion Control Plan meeting the approval of Kim Burmeister, Code Enforcement Officer;
3. Construction drawings shall be revised to reflect all new subdivision lighting being 175 watt metal halide acorn fixtures on black poles;
4. Submittal of a revised set of construction plans reflecting all staff revision comments including but not limited to the street name changes, BMP revisions, gas certificate on plat and the landscaping revisions.

Steve Pumphrey of Preble-Rish, LLC addressed the Commission saying this development is the last of Idlewild Subdivision and will be built in two phases. He stated he is aware and agreeable to the staff's conditions and many have already been addressed. Mrs. Fidler asked about traffic calming devices and Mr. Pumphrey responded there will be stop signs at all intersections and an island on Kensley Avenue and at the entrance at Morphy Avenue. Mr. Pumphrey added that "Common Area 2" will be eliminated and the surrounding lots will be extended to encompass that area. Mr. Charles asked if that area is dry and Mr. Pumphrey stated it was not designed to be a pond but it is a low area and there is an existing structure there to drain it. Mr. Turner and Mr. Moore questioned the lack of greenspace and Mr. Pumphrey responded that due to the large lot sizes greenspace is not required. Mr. Turner opened the public hearing.

Ken Lacey – 260 Royal Lane – He stated he was not concerned with the expansion of the subdivision but with the extension of Morphy Avenue through to Hwy. 181 because of safety and traffic issues. He recommended the entrance be off-set and not directly connected to Morphy Avenue. He added that these lots should be required to have the same covenants and restrictions as the existing subdivision.

Colin Keleher – 105 Orleans Drive – He said he understands greenspace is not required because of the larger lots but the rest of the subdivision has approximately the same size lots and greenspace. He asked if sidewalks will be required for the homes that front on Thompson Hall Road and if there will be a connection through to the interior of the subdivision. He also had concerns with the drainage and asked where it is discharged, if it was reviewed, and if the City was satisfied with it.

Jonas Lyborg – Idlewild POA President – He stated he is excited about the development but the POA has not had any contact with the developer until this meeting. He stated concerns with the lack of greenspace and sidewalks. He recommended the developer work with the existing POA to address their concerns.

Terry Jenson – 264 Royal Lane – He stated traffic concerns regarding access onto Hwy. 181.

Diane Casoloaro – 270 Royal Lane – She asked who the utility providers would be, specifically the cable.

Having no further comments, Mr. Turner closed the public hearing. Mr. Pumphrey addressed the public comments regarding traffic, sidewalks, greenspace, restrictive covenants, utilities, and drainage. He stated the traffic will be increased because they will be adding 85 new lots but the stop signs and islands will help to slow the traffic down and discourage the new connection as a short cut or cut-through. He added the access onto Hwy. 181 has not been addressed but ALDOT would have to require a light be put in. Mr. Pumphrey said if sidewalks are required then they will be put in. He stated that greenspace is in the other phases of Idlewild but it is not required so the developer is not putting any in other than around the pond. Mr. Pumphrey explained the restrictive covenants are the responsibility of the developer and he does not know what they will require. He stated the drainage was designed to meet the City's requirements.

He also added the utility providers will be Baldwin EMC for electric, City of Fairhope for water, sewer, and gas, and AT&T for telephone. He said he does not know the cable provider. Mr. Charles and Mrs. Wilson had concerns regarding the isolation of the lots that front Thompson Hall Road and Windmill Road. Mr. Pumphrey stated those lots are still part of the development and the sidewalks will help with the cohesiveness. Mrs. Wilson said she understands the concerns of the traffic and the likelihood of through traffic but connectivity is a requirement. Gary Moore expressed concerns with the lack of greenspace and recommended adding greenspace and connecting sidewalks to access the greenspace. Mr. Moore also asked if these phases are not part of the existing POA will they have access to those common areas and Mr. Pumphrey responded no. Mr. Moore also recommended communication between the developer and the Idlewild POA. Mr. Turner and Mr. Clark suggested additional greenspace be incorporated in the layout. Mayor Kant asked if the applicant has met all of the requirements and Mr. Smith responded yes. Dick Charles made a motion to accept the staff recommendation to approve the request contingent upon the following conditions:

1. The rezoning of the property from R-A to the proposed R-2 zoning designation;
2. Submittal of an Erosion Control Plan meeting the approval of Kim Burmeister, Code Enforcement Officer;
3. Construction drawings shall be revised to reflect all new subdivision lighting being 175 watt metal halide acorn fixtures on black poles;
4. Submittal of a revised set of construction plans reflecting all staff revision comments including but not limited to the street name changes, BMP revisions, gas certificate on plat and the landscaping revisions;
5. The applicant work with staff to provide more greenspace;
6. Sidewalks shall be required on Thompson Hall Road and Windmill Road;
7. To remove "Common Area 2" and extend the adjacent lots to include the area. Jennifer Fidler 2nd the motion and the motion carried unanimously.

SD 12.08 Public hearing to consider the request of Preble-Rish, LLC for Preliminary Plat approval of Fairhope Falls, Phase 1A, 1B, and 2, a 150 lot subdivision, Steve Pumphrey. The subject property is located on the south side of State Hwy. 104, just west of Fish River. Jonathan Smith gave the staff report saying the property is outside City Limits and is not zoned. The property contains approximately 120 acres and 150 lots are proposed. The subdivision is already built and the applicant is requesting a waiver for the 100' buffer from Fish River and the 30' buffer from the wetlands. The applicant is proposing a 15' drainage easement for lots backing up to the wetlands. Mr. Smith stated the development was originally approved in 2006 and an extension was granted in 2008 with a waiver to the buffer requirement. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall provide any revision to the recorded restrictive covenants document, if revisions are proposed,
2. The 30' wetland buffer shall be provided along the lots and all applicable regulations relating to such buffer shall be followed, if this requirement is not waived by Planning Commission;
3. The submittal of a revised street tree plan reflecting the City of Fairhope's Horticulturist, Jennifer Fidler's comments and meeting her approval.

Steve Pumphrey of Preble-Rish, LLC addressed the Commission saying this development is 95% complete. He said the work that needs to be done is from the deterioration of

sitting vacant for so long. He stated they would be re-testing and fixing any problems that they find. The Commissioners stated concerns with lots 1 through 7 and possible flooding. Mayor Kant asked if this is the same proposal as originally approved and Mr. Smith responded yes. Tim Kant made a motion to accept the staff recommendation to approve the request with the following conditions:

1. The applicant shall provide any revision to the recorded restrictive covenants document, if revisions are proposed,
2. The 30' wetland buffer shall be provided along the lots and all applicable regulations relating to such buffer shall be followed, if this requirement is not waived by Planning Commission;
3. The submittal of a revised street tree plan reflecting the City of Fairhope's Horticulturist, Jennifer Fidler's comments and meeting her approval.

George Roberds 2nd the motion and the motion failed with the following vote: AYE – Tim Kant, Lee Turner, and George Roberds. NAY – Jennifer Fidler, Bob Clark, Gary Moore, Jean Wilson, Dick Charles and Rich Mueller. There was discussion regarding changing the requirements when it is already built. Jean Wilson moved to accept the staff recommendation to approve the request with the following conditions:

1. The applicant shall provide any revision to the recorded restrictive covenants document, if revisions are proposed,
2. The 30' wetland buffer shall be provided along the lots and all applicable regulations relating to such buffer shall be followed, if this requirement is not waived by Planning Commission;
3. The submittal of a revised street tree plan reflecting the City of Fairhope's Horticulturist, Jennifer Fidler's comments and meeting her approval.
4. The removal of Lots 1, 2, and 3 based on the wetland buffer line.

George Roberds 2nd the motion and the motion carried with the following vote: AYE – Tim Kant, Jennifer Fidler, Bob Clark, Lee Turner, Jean Wilson, George Roberds, and Rich Mueller. NAY – Gary Moore and Dick Charles.

MS4 Permit – Review and Approval of Storm Water Management Plan and Ordinance, Kim Burmeister. Kim Burmeister gave a PowerPoint Presentation and overview of the permitting saying the City operates under Municipal Separate storm Sewer System (MS4) Phase II General Permit Number ALR040040. She stated a Storm Water Management Plan (SWMP), submitted yearly, is a permit requirement. Assessment and public review of this plan is also a requirement, and specified in the current plan as being evaluated by the Planning Commission. She stated the SWMP is available on the City's Website.

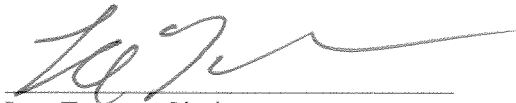
New/Old Business

Election of Officers – Gary Moore made a motion to nominate Lee Turner as Chairman, George Roberds as Vice-Chair, and Emily Boyett as Secretary. Jennifer Fidler 2nd the motion and the motion carried unanimously.

Northern Greeno Road Corridor Committee – Joe Verhoestra – 812 N. Greeno Road – He asked when the Committee would meet again. He said something has to be done and he doesn't want to be forgotten about. Mr. Charles stated until the Comprehensive Plan is updated they are at a standstill. Mayor Kant said the individual property owners

can ask to be rezoned or wait until the Comprehensive Plan is redone. Mr. Smith stated staff is starting to work on it at the first of the year.

Having no further business, Jennifer Fidler moved to adjourn and was 2nd by George Roberds. Motion passed unanimously and the meeting was duly adjourned at 6:59 PM.



Lee Turner, Chairman



Emily Boyett, Secretary