

The Planning Commission met Monday, August 5th, 2013 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; Bernie Fogarty; Dick Charles; Councilman Rich Mueller; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary.

Chairman Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the July 1, 2013 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by George Roberds. Motion carried with one abstention by Jennifer Fidler.

Dick Charles made a motion for Item A and Item B be heard as a consent agenda and Item C and Item D be heard as a consent agenda. George Roberds 2nd the motion and the motion carried unanimously.

UR 13.10 Request of the City of Fairhope Water & Sewer Department for an 11.52.11 review and approval of the proposed installation of approximately 1,000 linear feet of water line, Dan McCrory. The project will run along the east side of County Road 13, from Thoroughbred Run to 16346 County Road 13.

UR 13.11 Request of the City of Fairhope Water & Sewer Department for an 11.52.11 review and approval of the proposed installation of approximately 13,789 linear feet of water line, Dan McCrory. The project will run along County Road 13, from Fairhope Avenue to St. Hwy. 104 and along St. Hwy. 104, from County 13 to US hwy. 98.

Jonathan Smith gave the staff reports. Staff recommendation for UR 13.10 and UR 13.11 is to approve, subject to staff comments listed in the staff reports. Dick Charles made a motion to accept the staff recommendation for UR 13.10 and UR 13.11 to approve, subject to staff comments listed in the staff reports. George Roberds 2nd the motion and the motion carried unanimously.

ZC 13.03 Public hearing to consider the request of Preble-Rish, LLC to establish an initial zoning of PUD (Planned Unit Development) concurrent with conditional annexation into the City of Fairhope, to be known as the Villas at Point Clear Subdivision, Steve Pumphrey.

SD 13.10 Public hearing to consider the request of Preble-Rish, LLC for Preliminary Plat approval of the Villas at Point Clear Subdivision, a 25-lot division, Steven Pumphrey.

Jonathan Smith gave the staff report saying the property is located on the south side of Battles Road, just west of the intersection of Section Street and Battles, and is unzoned outside the City of Fairhope. The applicant is proposing a 25-lot subdivision contingent upon receiving Planned Unit Development (PUD) zoning in the City of Fairhope. The Planning Commission approved a preliminary plat for the site in 2005 for a condominium development with private streets, gates and fences with 6 buildings and a total of 54 units

development with private streets, gates and fences with 6 buildings and a total of 54 units and the applicant has received several extensions to keep the multi-family development approval current. The applicant is now proposing 25 single family lots with private streets; a 35' building height; maximum total lot coverage of 40% for the principal structure and accessory structures combined; and 4' sidewalks along both sides of the streets. Mr. Smith stated there is not a sidewalk along Battles Road and staff would support the installation of a 5' sidewalk as a conditional of approval. Staff recommendation for ZC 13.03 is to approve contingent upon the following condition:

1. A note shall be added to the PUD site plan and the preliminary plat stating that fences shall not be placed within the 25' utility easement along lots 1-17.

Staff recommendation for SD 13.10 is to approve contingent upon the following conditions:

1. Submittal of a financial guaranty and subdivision agreement for street trees in front of lots;
2. The Operations and Maintenance Agreement with the developer shall be dated; and
3. A note shall be added to the PUD site plan and the preliminary plat stating that fences shall not be placed within the 25' utility easement along lots 1-17.

Steve Pumphrey of Preble-Rish, LLC addressed the Commission saying the approved 54-unit is still active; however, the developer wants single family now. He stated there is an overhead power line that will be relocated and put underground and the fence along Battles Road will be taken down and rebuilt. Mr. Pumphrey explained the neighbors and adjoining subdivision has concerns with the proposed connection into their development; however, the access has always been platted and the owners would like to keep it. He also stated the adjacent neighborhood requested stricter covenants and those changes have been made.

Mr. Turner opened the public hearing.

David Daniell of Daniell, Upton & Perry, P.C. came forward and addressed the Commission on behalf of the Azalea Ridge Property Owners Association (POA). He stated the residents of Azalea Ridge are concerned with the proposed stub-out and connection to their subdivision. He explained Azalea Ridge is a private, gated community and the POA maintains and owns the streets and common areas and allowing this new development to connect will cause additional costs to the Azalea Ridge POA. Mr. Turner stated the Planning Commission has no enforcement power for restrictive covenants. Mr. Daniell stated if the stub-out is permitted, two Azalea Ridge property owners will be immediately affected. Mr. Daniell contended the Villas at Point Clear are trying to use the equity of Azalea Ridge to promote the new development.

Joe McGilberry of 6411 Beaver Creek Drive, stated concerns with the size of the lots in comparison to the lots of Azalea Ridge and the impact to property values if the connectivity is allowed. He stated the Azalea Ridge POA will lose control of their subdivision and the two developments will appear as one if the connection is granted.

Aubrey King of 6501 Beaver Creek Drive stated he is the Azalea Ridge POA president and he has received multiple letters from concerned property owners in Azalea Ridge. He said the following characteristics were in all of the letters and these are why the

residents chose to live in Azalea Ridge: security, privacy, quietness, quaintness, and minimal traffic. Mr. King stated the traffic will increase approximately 45% by adding 25 lots and this will cause Azalea Ridge to lose its quaintness. He said the connection will not be a quicker route to the golf course or to the Grand Hotel.

William Johnston of 6820 Beaver Creek Drive explained he chose to live in Azalea Ridge because it is a gated community, its beauty, and the architectural design. He stated he supports all of the objections stated by the POA and he said the connection will be a traffic disaster for Azalea Ridge.

Richard Crum of 6381 Beaver Creek Drive stated concerns with traffic, safety, and the location of the detention pond.

Ken Duncan of 6600 Beaver Creek Drive said Azalea Ridge is an exclusive neighborhood and any connection will a detriment to the neighborhood. He said he does not care what is built on the property as long as it is not connected.

John Taber of 6440 Beaver Creek Drive stated he is not concerned with what is built on the property but does not want the City to allow them to connect to a private street. He also stated concerns with traffic and safety.

Having no one else present to speak, Mr. Turner closed the public hearing. Mr. Fogarty asked how connectivity issues have been handled in the past and Mr. Turner responded it has been done in different ways. Mr. Charles stated one connection was denied in Rock Creek and Mayor Kant explained two other connections were granted. Mr. Turner referenced Quail Creek was required to connect with Steel Branch; however, Trentino was only required to have a pedestrian connection. Mr. Pumphrey stated the connection has always been there and this request is only changing the layout and use. Mayor Kant asked if the applicant has permission to connect and Mr. Pumphrey and Mr. Bill Bru responded yes, as per the restrictive covenants. Mr. Bru stated he paid to have this connection and there has never been an objection to the connection and the property was bought with the intent to connect and the previous owner and developer set it up this way. Mr. Turner said he would at least like to see a pedestrian or golf cart connection. Mrs. Fidler suggested installing another gate between the two subdivisions. Mr. Mueller stated if the layout is approved then it will just be a road to nowhere and there should at least be a turnaround put in until the issue is solved. Mr. Pumphrey stated the road will go through and connect because the covenants give approval to do so. Mr. Daniell stated the covenants do not allow it without 75% of the POA agreeing to it. Mr. Roberds asked if the Azalea Ridge POA owns the right-of-way and Mr. Pumphrey responded yes. Mr. Daniell stated the area in question is for utilities and not a road. Mr. Smith stated the Commission has required other connections and it is obvious that the original design set it up to be a connection and this is an issue between the individual property owners. Mr. Clark stated this should not be part of the Commission's decision tonight. Mrs. Fidler stated the proposed sidewalks are only 4' wide but the streets will be private so she does not have any issue with them. Jennifer Fidler made a motion to accept the staff recommendation for ZC 13.03 and SD 13.10.

Staff recommendation for ZC 13.03 is to approve contingent upon the following condition:

1. A note shall be added to the PUD site plan and the preliminary plat stating that fences shall not be placed within the 25' utility easement along lots 1-17;
2. A temporary turnaround shall be provided at the end of Polo Field Road; and
3. A 5' sidewalk shall be installed along Battles Road.

Staff recommendation for SD 13.10 is to approve contingent upon the following conditions:

1. Submittal of a financial guaranty and subdivision agreement for street trees in front of lots;
2. The Operations and Maintenance Agreement with the developer shall be dated;
3. A note shall be added to the PUD site plan and the preliminary plat stating that fences shall not be placed within the 25' utility easement along lots 1-17;
4. A temporary turnaround shall be provided at the end of Polo Field Road; and
5. A 5' sidewalk shall be installed along Battles Road.

Rich Mueller 2nd the motion and the motion passed with the following vote: AYE – Tim Kant, Jennifer Fidler, Bob Clark, Bernie Fogarty, Lee Turner, and Rich Mueller. NAY – Dick Charles and George Roberds.

SD 13.11 Public hearing to consider the request of Preble-Rish, LLC for Preliminary Plat approval of Stone Creek Villas, a 57-lot subdivision, Steve Pumphrey.

The property is located on the east side of St. Hwy. 181, just south of the intersection of County Road 44. Jonathan Smith gave the staff report saying the property is inside the City of Fairhope and is zoned PUD (Planned Unit Development). The applicant is proposing 57 single family residential lots and the proposal is in conformance with the approved site plan. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall submit a revised copy of the Covenants and Restrictions addressing the 30' wetland buffer;
2. Submittal of the "re-delineation" of the wetland area;
3. The following notes shall be added to the plat:
 - a. Accessory Structures: Not accessory structures shall be allowed on the individual lots.
 - b. Fire Protection: A loop feed system shall be used.
 - c. Impervious Coverage: Shall not exceed 40% for individual lots.
4. Mark up comments made by staff shall be made to the revised construction drawings.

Steve Pumphrey of Preble-Rish, LLC was present to answer any questions. Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing. George Roberds made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall submit a revised copy of the Covenants and Restrictions addressing the 30' wetland buffer;
2. Submittal of the "re-delineation" of the wetland area;
3. The following notes shall be added to the plat:
 - a. Accessory Structures: Not accessory structures shall be allowed on the individual lots.
 - b. Fire Protection: A loop feed system shall be used.
 - c. Impervious Coverage: Shall not exceed 40% for individual lots.

4. Mark up comments made by staff shall be made to the revised construction drawings.

Dick Charles 2nd the motion and the motion carried unanimously.

SR 13.09 Request of Two Moore, LLC for Site Plan approval of 154 N. Section Street, a mixed use development, Joan Moore. The property is located on the east side of Section Street, just south of Oak Avenue. Jonathan Smith gave the staff report saying the property is zoned B-2 General Business District and is in the Central Business District (CBD). The applicant is proposing mixed use, which is allowed within the current zoning designation. Mr. Smith stated the building is a 1940's style building and the applicant is proposing extensive structural, mechanical and electrical modifications to the existing building and a new addition. Staff recommendation is to approve, contingent upon the following conditions:

1. A re-plat of the property to remove a conflicting lot line shall be submitted to the Planning Department;
2. Civil drawings shall be submitted and in compliance with the City of Fairhope officials and utility superintendent;
3. The submittal of a revised erosion control plan meeting the approval of Kim Burmeister, Code Enforcement Officer; and
4. The submittal of screening details for all mechanical equipment.

Chris Reebals, of Christopher Architects, LLC was present for the applicant to answer any questions. Dick Charles made a motion to accept the staff recommendation to approve, contingent upon the following conditions:

1. A re-plat of the property to remove a conflicting lot line shall be submitted to the Planning Department;
2. Civil drawings shall be submitted and in compliance with the City of Fairhope officials and utility superintendent;
3. The submittal of a revised erosion control plan meeting the approval of Kim Burmeister, Code Enforcement Officer; and
4. The submittal of screening details for all mechanical equipment.

Rich Mueller 2nd the motion and the motion carried unanimously.

New / Old Business

Lee Turner announced the Comprehensive Plan Update Committee has been appointed and the members will be as follows: Rich Mueller, Kevin Boone, George Roberds, Bob Clark, Jennifer Fidler, and Lee Turner. He stated the Committee will meet prior to the next Commission meeting.

Having no further business, Dick Charles moved to adjourn and was 2nd by George Roberds. Motion passed unanimously. The meeting was duly adjourned at 6:05 PM.


Lee Turner, Chairman


Emily Boyett, Secretary