

The Planning & Zoning Commission of the City of Fairhope met Monday, June 6, 2005 at 5:00 PM in the Council Chambers of the City Municipal Building, 161 N. Section Street

Present: Jean Wilson, Vice Chairman; Dan McCrory, Bob Clark, Gary Moore, Lee Turner, Ed Brinson, Debbie Quinn. Christopher Baker, Director of Planning & Zoning, Summer Woodson, Asst. Planner, Betty Rivenbark, Secretary. Absent: Dick Charles, Tim Kant

The minutes of the May 2, 2005 meeting were duly considered and approved on motion by Gary Moore 2nd by Ed Brinson and unanimously carried.

ZC05.11 Public hearing to consider an Amendment to the City of Fairhope Zoning Ordinance to allow a building height of 35' if located in a commercial zone and contains both residential and retail and/or office space. Christopher Baker said this was discussed at the May meeting and the commission asked that he add provision that residential use make up at least 33% of the total area of the building and be located on the 2nd or 3rd floor and retail or office space must be located on the ground or/second floor. Staff recommendation was to approve. The public hearing was opened and Leon Chambers spoke saying he wanted to go on record as being opposed as this ordinance will apply to Callahan building which is being renovated and would affect Stack's Gulley and that the gulley does not need the additional runoff that this would cause. The public hearing was closed with no further comment. Debbie Quinn also said she was opposed because this would have a 35' building backing up to residential neighborhood that there should be some type of buffer zone. Bob Clark moved to accept staff recommendation and recommend to city council. Ed Brinson 2nd the motion and it passed with one no vote by Debbie Quinn.

SD05.26 Final Plat approval of Ellington Place(Generally located north of Windmill Road just east of Jackson Place) Mr. Baker said this is a 3 acre parcel with 11 lots with frontage on Windmill Road and that the main issue in question was drainage and that he and Tommy Long had met with the engineer on several occasions. He mentioned that there is still a question at the northeast corner of the property as the water is still not going as it should. He recommended carrying over 30 days to correct this. Plans called for a detention pond which has been created at the southeast corner and the outfall has been constructed and a pipe installed that flows east toward 181. There is also a swale ditch that has been created on the eastern property line as well as lot grading plan being adhered to. Ack Moore spoke for Mr. Tillman and gave a hand out to the commission members mentioning that the pond was not complete at the time of the 16" rain in April. He said he was out there 3 times today during rain and in all cases the detention pond

was only ½ full. There is ample water storage for 100 year storm. Jean Wilson commented that they had done a lot of work on the areas of concern but the north side of the property is still an area of concern. Mr. Moore said the commission could give approval subject to correcting this area. Mr. Brinson said he was out there today and he saw the grass at the north side of the property being washed away. He moved to hold this over for 30 days to give them time to correct the situation as recommended by Mr. Baker. Ms. Quinn said she wished to commend Mr. Tillman for all he had done. Mr. Baker said also in talking with them today they said they would agree to require gutter downspouts to face the street and no fencing be allowed on the drainage easements. Motion carried with two no votes by Dan McCrory and Lee Turner.

SD05.28 Final Plat approval of Pecan Ridge Estates(Generally located south of Mosley Rd and East of Cty Rd 13) Mr. Baker said Harold Thompson is the developer of this 12.49 acre parcel of property with 27 lots that was annexed into the city and is zoned R2 Single Family. The preliminary plat was approved several years ago before the new subdivision regulations. It does not meet the new requirements but it is in substantial conformance to the preliminary plat. He went on to say the major issue has been drainage and several adjacent owners have been before the commission previously with concerns. He said further that the engineer by signing the plat will certify that the drainage is in conformance with his design and E+O insurance has been provided. His recommendation was to approve subject to reviewing the drainage system during the 2 year warranty period and if any improvements or modifications are required by the city that they be implemented and require that the landscape be implemented before the final plat is signed. Charlie Bassett spoke for Mr. Thompson and said that drainage and erosion photos had been taken during construction and that they still have erosion issues but they have established grass, put sod down and that ADEM makes regular stops. That they are addressing the issues and truthfully they have over designed and over built; they never intended to stop the water backing up at Mosley Road as it is a natural water flow. He said that the current calculations meet today's regulations and it was designed to handle a 100 year storm. Mrs. Shelby, an adjoining neighbor who had come up before about water issues, was present and said one of the lots empties into the middle of her back yard. She had pictures showing her property and the pipes and asked how something like this could have been approved. Mr. Bassett responded and told of all the things they had done at Mrs. Shelby's request to handle the pipe situation, putting in rocks, rip rap and bars, and plantings, that her land was in the drainage basin. Ed Brinson asked if everything had been done that had been asked of

the developer and engineer and the answer was yes. Ed Brinson moved to accept staff recommendation. The motion died for a lack of a second. Further discussion followed and staff also recommended that finished lot elevations be required on the lots on the east side of Pecan Ridge Blvd. Charlie Bassett said that the owner is willing to do this and clean-out the sediment in drainage pipes and put 5 ft of sod grass along the trot area as asked. Mr. Thompson also said he would fill the holes. Jean Wilson asked if the landscaping had been done and Mr. Thompson said yes, today, and we could make all of these provisions subject to plat approval that he also plans to go ahead and put the sidewalk in now so he won't have to dig up the area again. Dan McCrory moved to give final approval as per staff recommendation, require lot elevations on the east side of Pecan Blvd, require the owner to fill the holes and put down sod, do landscaping, and clean out the sediment in the basin before the final plat is signed. Ed Brinson 2nd the motion and it carried unanimously.

SD05.30 Preliminary Plat approval of Pelican Park Subdivision Phase II

(Generally located north of Baldwin County Highway 1 and west of Mary Ann Beach Road) Summer Woodson said that the property is located outside the city and contains approximately 6.52 acres and is zoned through Baldwin County as R-2(a) Single Family District and they are proposing to create an 11 lot subdivision. Staff recommendation was to approve. Brad Peacock of Orion Engineering was present representing Eagle River Retreat. Dan McCrory said the sewer specs have been submitted. Mr. Peacock said the retention pond was sized for the entire area and the lots will drain to the street. Lee Turner moved to accept staff recommendation Ed Brinson 2nd the motion and it carried unanimously.

SD05.31 Preliminary Plat of Water Oaks(Generally located north of Twin

Beech Road just east of Point Clear Court) Mr. Baker said the property contains approximately 9.1 acres and they are proposing to create 16 lots. He mentioned that the drainage runs behind the property emptying in a pond on the west boundary and that the commission has consistently had issues with allowing ponds behind homes. His recommendation was to approve subject to redesign of the pond structure so it is not located behind the lots. Scott Hutchison was representing GOB Holding, LLC. And said that the 30 feet behind the homes was comfortable but knowing how the commission feels is offering Plan B which would allow 2 detention ponds, one at the north end and one at the south end. He said he would let the commission choose. Further discussion led to Lee Turner moving to accept Plan B with staff recommendation. Ed Brinson 2nd the motion and it carried with one abstention by Gary Moore.

SD05.32 Final Plat Approval of Hollowbrook Phase 2(Generally located west of State Hwy 181 South of 104. Mr. Baker said this phase contains 15.7 lots and is creating 45 lots. He had recommended approval but went on to say that he had a call from a Larry Davidson on his answering machine this afternoon and Mr. Davidson had questions about the outfall on the south side of the property that had not been answered, and he had called EDS and talked to Jason at least 3 weeks ago and asked them to get with Mr. Davidson. Since they have not he was recommending holding over for 30 days to get the questions answered. John Avent said he thought he could answer any questions that he might have and requested we not hold it over. Further discussion led to a motion by Gary Moore to hold any action over for 30 days, Debbie Quinn 2nd the motion and it passed with three no votes by Dan McCrory, Ed Brinson and Lee Turner. A Tina McGow mentioned she had submitted a letter regarding this and it was turned in to the Building Department.

SR05.02 Site Plan Review of Rock Creek PUD-Lot 178C. The site is located on Rock Creek Parkway and is adjacent to the Rock Creek Sales Office. Summer Woodson said they are proposing a two story professional office building. The recommendation was to approve providing the building use, size and height comply with Ordinance No. 1103. John Avent of EDS was representing Corte and Brindley, LLC. Debbie Quinn questioned the twenty parking spaces shown on the plat . She asked if they were necessary. The ordinance requires 13. Trey Corte said they don't have to have 20. John Avent suggested a compromise, reduce by 4 parking spaces and landscape the middle. This was acceptable to the commission. Lee Turner moved to approve staff recommendation with reduction of four parking spaces. Motion carried unanimously.

There being no further business, meeting was duly adjourned at 6:30 PM.

Jean Wilson, Vice Chairman

Betty Rivenbark, Secretary