

The Planning & Zoning Commission of the City of Fairhope met Monday, August 7, 2006 at 5:00 PM at the City Municipal Complex in the Council Chambers at 161 N. Section Street.

Present: Dick Charles, Chairman; Tim Kant, Dan McCrory, Bob Clark, Gary Moore, Jean Wilson, Lee Turner, Cecil Christenberry. Gregg Mims, Planning Director, Jonathan Smith, Planner and Betty Rivenbark, Secretary
Absent: Ed Brinson

The minutes of the July 5, 2007 meeting were considered and approved as written on motion by Tim Kant, 2nd by Dan McCrory with two abstentions by Jean Wilson and Lee Turner. The minutes of the July 17, Special meeting were considered and approved as written on motion by Tim Kant, 2nd by Dan McCrory with one abstention by Bob Clark.

It was announced that SD06.45 would be held over until the September meeting.

Gregg Mims introduced Nancy Milford who has started working with his Department as a Planner and David Powell, GIS Technician.

ZC06.12 Request of Leonard Wormser of I-10 Development, LLC for zoning change approval of a PUD approximately 213 acres (Generally located at the southeast corner of Parker Road and Highway 98) Gregg said the 53.33 westernmost acres are zoned B-2 (General Business) and the remaining 159.67 acres are un-zoned in Baldwin County. A PUD is proposed which consists of commercial, retail, condos, townhomes, live/work units and single family residential lots. Broken down: commercial 108,000 square feet; condos, 132 units; town homes, 181 units; live/work units, 11; single-family, 511 units. There are a total of 835 residential units proposed. Fly Creek runs through all parcels involved in the project. North of the site is Parker Road and the Sandy Ford subdivision, south of the site is The Woodlands subdivision, west of the property lies Hwy 98, unzoned county properties, and the properties in the City of Fairhope zoned R-1; east of the site lies unzoned County land. He said he and Jennifer Fidler met with Wayne Curry of ALDOT during the preliminary review process and they discussed a traffic signal at Parker Road/Highway 98, and the necessary turn lanes. He indicated that ALDOT did not at this time say that they would install a signal at the entrance of the PUD. He passed out a sheet saying that in working with the developer they had agreed to the following prior to the meeting which is an update on the printout received with agenda information:

Building Heights – Residential 35' and Commercial 45'

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Buffers – A 50' Natural/Landscaped buffer off of Greeno Road; 40' Natural/landscaped buffer off of Parker Road

Setbacks – Single Family lots abutting the Woodlands S/D: Front Setback 10' Rear Setback 30'; Side yard setback 5'

Single Family lots where rear yards abut wetlands: Front setback – 10' rear setback 30'; side yard setback 5'

Remaining Single family lots: Front setback 10'; rear setback 10'; side-yard setback 5'

Town-homes: Front setback 10'; Rear setback 20'; side-yard setback 0; End unit – 10'; from Wetlands -30'.

Village Center – Commercial/Retail/Condominium: Front(facing Hwy 98)-50'; from Parker Rd – 40'' All other sides-10'.

Open Space: - An open space/green space feature shall be incorporated into the design of the commercial parking area in order to provide a more pedestrian friendly village center environment. This requirement will be approved by the Planning Department.

Site Access – Approval and Permits from ADOT shall be obtained and submitted to the Fairhope Planning Department

Adjacent Site Concerns – All lots on the south side of the project immediately abutting The Woodlands subdivision shall have a minimum lot width of at least 90 feet at front setback line and a rear setback of not less than 30 feet.

Facade Requirements – Four-sided architectural features shall be incorporated into the design of all commercial buildings, no metal exposed.

Wetlands – The applicant has volunteered to dedicate the wetlands on the site as a locally designated permanent Conservation Easement. The applicant shall work with staff to coordinate this effort.

He said further, all items listed above shall be completed to staff's satisfaction prior to the issuance of a building permit. It is noted that a drainage and storm water management analysis must be presented to show the impact of the proposed development on adjacent properties and the Fly

Creek watershed. The purpose and influence of the lakes must be articulated. This would be required at the time the project is submitted for subdivision approval and/or request for permits. Robin Gregory of Volkert & Associates did a power point presentation showing the whole layout of what proposed. Arthur Corte spoke to the Commission saying he met with all the homeowners associations. He said this is a continuation of part of the development of his family's timberland. He said in 1995 he was asked to annex into the city and agreed to do so with the 53 acres coming in as B-2 and the other 160 acres are part of Fred Corte's land for a total of 213 acres. He said they have worked extensively to preserve the Fly Creek area, they plan to enhance/preserve this with walk trails and boardwalks. He talked about the different companies he is using for the development. Bill Tunnell of Tunnell/Spangler Walsh spoke saying they wanted to design and develop this property so it fits the Fairhope Comprehensive Plan, he also showed through a power point presentation buildings they propose for each portion of the development. Arthur spoke again saying that this will be at least a ten year project, it will be done in phases. The public hearing was opened and Mike Perkins, President of The Woodlands property owner's association, spoke saying the density will only add to the problems, they are adamantly opposed to it as presented and oppose any connection to the Woodlands. Jeffrey Phillips, President of Rock Creek POA, also expressed adamant opposition and cited South Drive problem. Rhonda Jones, a resident of the Woodlands spoke and told of the time and effort spent on her property and how they hand cut each tree, bush, she is opposed to connection that is planned into her property. Doug Montgomery asked if there is an ordinance that requires a connection. Several others spoke voicing concerns. Dr. Mullins spoke for PUD citing how Corte's had developed the other property surrounding him including Rock Creek, The Woodlands, Sandy Ford and how it was first class. Robbin Gregory spoke to the question of not having stub out going into other subdivisions. He said they would not be opposed to eliminating them, they were just adhering to requirements. Mr. Montgomery asked if they would be in compliance with one way in and one way out. He was told this could be handled through the subdivision regulations and an exception could be made but the answer was yes. The public hearing was closed. There was a ten minute break and when the meeting resumed at 6:40 the Commission members asked questions of the developer regarding the heights as proposed, development not looking like Airport Blvd in Mobile, possibly setting commercial 100 ft back and conceal as much as possible. Gregg injected that as late as today they are still working with them on site plan. Bob Clark asked about the big box issue with comprehensive plan and Arthur said this was approved in 1995 and predated comp plan adoption regarding Greeno Road. Gary

Moore suggested at least 100 ft. greenbelt buffer around commercial with 75 ft on Parker Road. Mr. Corte was thanked for working with the subdivisions and planning department and commission. After all questions answered satisfactorily, Mayor Kant moved to recommend approval of the PUD to the City Council with the following conditions:

The proposed height would not be more than 40 feet on mixed use and 35 feet on everything else.

They would maintain the natural easement to the Woodlands

Any phase going into Rock Creek and Sandy Ford would not be opened until such time Highway 13 is developed.

A natural bridge or access to Highway 13 be put in before the southeast corner phase next to the Woodlands is developed.

and to include the conditions of approval that Gregg Mims presented at the outset of the meeting.

Lee Turner 2nd the motion and it carried with two nay votes by Gary Moore and Jean Wilson.

SD06.37 Preliminary Plat Approval request of EDS of Fairhope Falls, Phases 1A, 1B & 2, 150 lot subdivision (generally located on the west side of Fish River, adjacent to the south side of Highway 104 and the east side of Langford Road) This had been carried over from the July 5th meeting to give Dan McCrory time to work with the developers on how the city would serve the development. Jonathan Smith read the staff recommendation saying the water and sewer issue had been resolved and all requirements met. The property is not located in the city and is not zoned. These phases contain 120.54 acres and 150 lots and will be a village subdivision. The design and concept is in keeping with the goals and objectives of the comprehensive plan. The greenspace exceeds the minimum requirements of the subdivision regulations and copies of the traffic impact and access needs study have been provided showing turn lanes being provided into the subdivision which have been approved by ALDOT. General requirement - FFE of 24" above the highest centerline elevation on the adjacent roadway will be required for lots located in the flood zone and a note placed on the plat saying this. Staff recommendation was to approve. Discussion led to a motion by Dan McCrory to approve, Cecil Christenberry 2nd the motion and it carried unanimously.

SD06.40 Site Plan Approval of Berrington Place a 225 lot Village Plan/Moore Engineering & Surveying(Generally located on the west side of Langford Road, south of Highway 104) Jonathan Smith said this was also carried over from the July meeting and was tabled in order for the applicant to address concerns associated with double frontage lots and additional access. He said the proposed common area along Langford Road has been increased from 10' to 20'. In addition the developer has agreed to incorporate a sidewalk, berm and irrigation system. The design of the berm, landscaping details and irrigation design will be submitted for approval at the preliminary approval submittal. A note has been placed on the plat that all lots within the subdivision that abut this common area shall only have access from the streets within the subdivision and not via Langford Road. The streets will be built to city standards and the developer has committed to planting a minimum of 350 over-story trees along the streets, park areas and retention areas. A second access street has been proposed to connect the subdivision to Langford Road. He said a draft copy of detailed covenants and restrictions has been submitted and a total of 9.44 acres has been provided for greenspace. Staff recommendation was to approve. Seth Moore spoke for the developer. He said the sidewalk would be woven throughout the subdivision. When questioned about the turnarounds he said he plans a T-type. Mayor Kant reminded him that a fire truck or garbage truck needed to be able to maneuver in these spaces. Mabry Stone, adjacent property owner spoke saying he that this ought to be done right from the start. The comment was made that the developer is committed to the irrigation system on the berm and this will not be turned over to the property owners until the last lot sold. Further discussion led to a motion to approve staff recommendation. Dan McCrory 2nd the motion and it carried with Gary Moore and Jean Wilson opposed.

SD06.44 Final Plat Approval of Copper Key, request of EDS (Generally located south of Lawrence Road east of and adjacent to Quail Creek Estates Unit Four B) Jonathan reported that the property is located in the city and is zoned R-1 and contains 13.04 acres and 19 lots. He said a final inspection was completed on June 23 and all items have been completed. Staff recommendation was to approve. Joe Bullington was representing EDS. A motion was made by Dan McCrory to approve, Bob Clark 2nd the motion and it carried unanimously.

SD06.46 Minor Plat Approval of Peterson Medical Park/Baskerville-Donovan (Generally located on the southwest corner of Greeno Road and Middle Street, just south of Holiday Inn Express) Jonathan said the property is not located in the city and is not zoned. The property contains 2.87 acres

and they are proposing a 3 lot subdivision. He said all lots will be accessed by a common driveway coming out on Greeno Road. He said the property includes 0.27 acres of wetlands and the engineer has provided a copy of the wetland permit application that has been filed with the Corps of Engineers and irrigation will be provided in the center of the cul-de-sac. Staff recommendation was to approve. Further discussion led to a motion by Lee Turner to approve as per staff recommendation. Dan McCrory 2nd the motion and it carried unanimously.

IR06.10 Informal Review request of Scott Hutchinson of a proposed development, Colony Oaks, is located on the west side of North Bancroft Street just north of Pine Avenue. Jonathan said the property is located in the city and is zoned B-2. The proposed building footprint is 7,845 square feet. It was recommended that input be given. Richard Casey spoke saying that this was looked at before and approved with residential upstairs and retail below including his wife's studio. He is now asking for a 4 lot subdivision with 3 of the 4 containing townhomes and the 4th will be his wife's studio which will be single story. This property contains 3 heritage oaks that they plan to preserve. Bob Clark said when they came before he agreed with what was presented and we have stuck to retail on bottom and residences on top and he would have trouble changing now.

Discussion was held on the updating of the Comprehensive Plan and Gregg told the Commission that he appreciated all the time and input that has been given and said they are still fine tuning, looking at accessory dwelling units as mentioned and the Mayor mentioned rentals and the problems we are having with rentals in residential neighborhoods. Traffic saturation was also mentioned. Gregg said they should have it together in about 2-3 weeks and also give some direction about what we can and can't control, continue to study and have everything ready for the September meeting.

There being no further business, meeting was duly adjourned at 8:25 PM.

Richard N. Charles, Chairman

Betty Rivenbark, Secretary