

The Planning & Zoning Commission of the City of Fairhope met Monday, February 5, 2007 at 5:00PM at the City Administration Building in the Council Chambers

Present: Jean Wilson, Chairman; Tim Kant, Dan McCrory, Bob Clark, Gary Moore, Dick Charles, Lee Turner, Ed Brinson, Cecil Christenberry  
Planning Staff: Jonathan Smith, Nancy Milford, Emily Irby. Chris Gill and Betty Rivenbark, Secretary Absent: None

The minutes of the January 1, 2007 meeting were considered and approved as written on motion by Dick Charles, 2<sup>nd</sup> by Ed Brinson and unanimously carried. Chris Gill and J.J. Paige were welcomed.

The chairman advised that Gary Moore had a conflict with SD 07-02 and SD07-06 and Lee Turner had a conflict with SD07-02 so they would be abstaining when the vote is taken.

**SD06-49 Preliminary Plat approval The Plantation at PointClear**  
request of Rester & Coleman(generally located on County Road 32 just north of the H.L."Sonny" Callahan Municipal Airport) Nancy Milford gave the staff report saying the property is located on County Road 32 and is currently unzoned and a 79 lot village subdivision is proposed located in the Airport Overlay District. The subdivision consists of commercial development residential units and a club house. The residential portion will be developed in three phases. Phase 1 is approximately 54.4 acres with 80 lots with a density of 1.47 units per acre. The total unit count for the three phases is 236 residential units. It was noted that this property lies within the Airport District and all construction must adhere to City Ordinance No. 1138 for height restrictions and Ordinance No. 1140 for sound. A note has been added to the plat addressing the requirement. The covenant and restrictions specify maximum building height of 45 feet for residential and the applicants engineer will need to provide a flight path overlay on the site plan to verify that proposed height requirement will meet the ordinance. Staff recommendation was to approve as requested conditional upon 1. A maximum building height of 35 feet. 2. All final lighting plans meeting the approval of the Electrical Superintendent. 3. Approval of site plan by the Planning Commission for the commercial phase of the project before the development. Joel Coleman of Rester & Coleman and Charles Hicks spoke on behalf of the development and said since the airport issues have come up they would be willing to postpone any action for 30 days. The Chairman asked them to give an overview which they did. She asked if anyone wished to speak to this case and Joe Hopwood spoke, saying he lived immediately to the north and objected to the use. He said he feels it is not in the best interest of the city, county or state to build 79 homes virtually on the end of the runway. He was in favor of building an airpark

and gave a letter to the authority stating that. Chuck Zunk, an airport authority member, spoke saying he requests that this site plan be denied as it is 1000 feet from the end of the runway, that this is not compatible. He said he knows of many incidences all over the country where residents try to get an airport to change its hours. Also presented was a letter from John Eagerton, Chief of the Alabama Aeronautics Bureau wherein he stated that he felt residential communities located in close proximity to an airport of this size will inevitably hinder an airport's expansion and development potential and he has been led to believe that the authority expects the airport to contribute greatly to the continuing economic success of the city and Baldwin County (letters in file). Discussion followed with the Bob Clark saying we took steps to require an airport overlay district and include height restrictions and we are also requiring a note on the plat. Lee Turner asked what are we looking for. Gary Moore said there were two things that concern him, density and connectivity. It was stated that we need for our attorney to see what rules and regulations apply, that some of this information was just presented today. Further discussion led to Dick Charles moving to table for thirty days to obtain further information from our legal advisors, Tim Kant 2<sup>nd</sup> the motion and it carried with two nay votes by Lee Turner and Ed Brinson.

**SD07-01 Preliminary Plat approval of Berrington Place, Phase 1, a 41 lot subdivision** ( generally located on the west side of Langford Road, between Highway 104 and Fairhope Avenue). Jonathan gave the staff report and said the property is located in Baldwin County and is unzoned. The total site area is 15.3 acres and 41 lots are proposed which is 1.67 lots per acre. Staff recommendation was to approve contingent upon receiving traffic data in accordance with the subdivision regulations. Jonathan also said that Mr. Moore said they are working on traffic data and will provide it soon. Seth said the same company is doing Fairhope Falls and Berrington Place. Jean Wilson asked if anyone wished to speak to this and no one did. Bob Clark said why would we vote when we don't have the traffic data, it is part of the subdivision requirements. Jean Wilson said she discussed this with the Planning Department and they said this would not have any impact. Gary Moore said he still feels this is way too dense. Tim Kant asked when the model would be received from the traffic consultants and Jonathan said 3 weeks. Further discussion led to a motion by Dick Charles, in view of everyone's concerns, that this be tables for 30 days. Dan McCrory 2<sup>nd</sup> the motion and it carried with two nays by Gary Moore and Ed Brinson.

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**SD07-02 Minor Subdivision request Blue Heron** request of Scott Hutchinson of HMR, LLC (property generally located on the north side of Gayfer Avenue, just east of Greeno Road) Jonathan Smith gave the staff report saying that the subject property is located in Baldwin County and is unzoned. The site area is approximately 3.31 acres and 3 lots are proposed with density being 1.1 units per acre. Staff recommendation is to approve contingent upon: 1. Applicant revising the plat to indicate an accurate number regarding the smallest lot size in the minor subdivision; the site data table shall be revised to reflect 46, 927.135 as being the smallest lot area. 2. Utility access and easements for the proposed minor subdivision shall be in compliance with the provisions of the subdivision regulation requirements. Scott Hutchinson spoke and said he had nothing to add. Dick Charles asked about the grady pond and Scott said everyone is aware that lot 3 is unbuildable, heavily wooded. It was also pointed out the utility easements need to be on the plat. Scott said they are aware of the problems and will require each lot developer to provide detention and also require staged stormwater detention placed on the plat. Tim Kant asked where will the water go. Scott said he does not know what will go on the site, whoever buy the lots will have to pay for site improvements. Further discussion led to a motion by Ed Brinson to approved subject to staff recommendation. Motion carried with Lee Turner and Gary Moore abstaining.

**SD07-05 Final Plat approval of Long Pines Estates, Unit II**, Jeff Thompson of TRB Development, Inc(generally located on the west side of Cty Rd 33, just south of County Road 48) Nancy read the staff report saying that the property is located in the county and unzoned. It is the second phase of a two phase development formerly called Riverchase. Phase II contains approximately 19.5 acres and 39 lots are planned. Approval of the preliminary plat was granted on July 6, 2004. She said a final inspection has been done and since the agenda was presented the punch list items have been completed. Staff recommendation was to approve conditional upon the revision of the FFE diagram on the plat the installation of the traffic calming device on Carib Falls and the maintenance bond being presented. Don Rowe addressed the commission saying everything has been installed. Jean Wilson asked if anyone wished to speak and no one did. Further discussion led to a motion by Lee Turner to accept staff recommendation with stipulation that maintenance bond be received. Cecil Christenberry 2<sup>nd</sup> the motion and it carried unanimously.

SD07-06 Minor Subdivision approval of Blaum subdivision, two lots (generally located on the northeast corner of intersection of Sibley Street and Second Street) Nancy Milford gave the staff report saying the property

is located in the County and is zoned single family residential R-2a. The application is for preliminary and final approval. She said prior to the issuance of a permit for Lot 2 the encroachment shall be removed from Lot 1 and all county zoning standards will be complied with. Staff recommendation was conditional approval subject to the installation of a fire hydrant at the corner of Sibley and Second Street. Scott Hutchinson spoke for the owner and said that there is only a two inch water line so they can't put a fire hydrant in. Tim Kant said that this water line problem has come up before and until Daphne utilities gets a larger water line there he cannot see increasing the area with houses. Ms. Wilson asked if anyone wished to speak, no one did. Further discussion led to a motion by Tim Kant to deny approval based on the fact that currently the situation with the water is a safety issue. Dick Charles 2<sup>nd</sup> the motion and motion carried with Ed Brinson opposed and Gary Moore abstaining.

**IR07-01 – Withdrawn**

**IR07-02- Informal Site Plan Review** remodeling of Bay Flooring Williams Blackstock Architecture/Rebecca Whiteside( generally located on the west side of Section Street across the street from Fairhope Middle School) Jonathan gave the staff review saying the property is located inside the city and is zoned B-1. The existing building footprint, including the office and warehouse, is approximately 5850 square feet and the proposed additions will add an additional 3,680 sq ft. The site is currently non-conforming i.e. parking, sign, dumpster and the exposed bare metal warehouse and existing driveways and parking areas do not meet the current zoning ordinance. The warehouse use is not a permitted use in the B1 district and the site is not in compliance with the city's tree ordinance. The maximum building height for B-1 is 30 feet and the proposed remodeling is 33' 7". It also states in the zoning ordinance that any change in use, expansion of the use or expansion of the structure shall require all non-conforming site characteristics to be brought in conformance with this ordinance. Staff recommendation was to provide input. Rebecca Whiteside spoke for Maclin Smith the owner and gave a presentation showing what proposed. It was pointed out that the new warehouse should not be metal or at least have a façade covering it, the looped driveway was good, moving the dumpster to the rear was a good thing. Tim Kant said we could work with the architect on landscaping and parking. Dan brought up that it looked like the new building was on top of a sewer line. Jean Wilson said we could give waivers but probably not get everything, work with us. Everyone said that they wanted him to keep his business there, that this is the entrance to Fairhope and putting in another metal building was not attractive. The

height requirement was talked about and it was pointed out it is at a low point. Mr. Smith said he had gotten some good input and was understanding what everyone was saying like a finish of the warehouse, not backing on Section Street, do the drive around parking and move the dumpster to the back and he agrees with everything that was said.

Jonathan discussed with the members the proposed updates and revisions to the zoning ordinance and comprehensive plan. He said something will be forthcoming for the March agenda.

Nancy Milford asked discussed having a planning commission worksession to discuss subdivision changes and a date of February 12 was decided on at the Nix Center at 4:00 PM

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Jean Wilson, Chairman

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Betty Rivenbark, Secretary