

The Planning Commission met Monday, May 5, 2014 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; Bob Clark; Dick Charles; Bernie Fogarty; Councilmember Diana Brewer; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: Jennifer Fidler and Tim Kant

Chairman Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the April 7, 2014 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Bernie Fogarty. Motion carried unanimously.

ZC 14.05 Public hearing to consider the request of Preble-Rish, LLC to establish an initial zoning of PUD(Planned Unit Development) concurrent with conditional annexation, Steven Pumphrey.

The property is located on the east side of State Hwy 181 and the south side of Quail Creek Drive, between Hwy 181 and Quail Creek. Jonathan Smith gave the staff report saying the subject property consist of approximately 126.37 acres and the applicant is proposing 228 lots along with a clubhouse, pool, and a playground area. The lots are a minimum of 15,000 s.f. with many of the lots being larger. The proposed setbacks are as follows: front – 35’; rear – 35’; side – 10’; and street side – 20’. The applicant is proposing a 35’ building height; however, staff recommends maintaining a 30’ height due to the surrounding developments. The applicant is proposing a 20’ greenbelt easement on the back of lots 25-39. Staff recommends the greenbelt easement be changed to a tree preservation buffer which will be part of the lot. Mr. Smith stated the drainage for this development will have to be designed in accordance with the Subdivision Regulations and a traffic study will be required at the preliminary plat. Staff recommendation is to approve contingent upon the following conditions:

1. All setback lines shall be no less than the utility easement line on lots;
2. A 20’ tree preservation buffer shall be shown on lots 25-39;
3. The maximum building height shall be 30’; and
4. A traffic study shall be required at preliminary plat.

Steve Pumphrey addressed the Commission saying the applicant agrees with three of the conditions but would like to keep the 35’ building height. He stated they are proposing large lots and plenty of open space. He explained there are probably drainage concerns especially after the recent rains but no drainage study has been done yet, only a preliminary review. He stated this is only the master plan and overall site plan for the annexation and zoning approval. Mr. Pumphrey said a traffic study will be conducted with the preliminary plat and the applicant will have to work with ALDOT for any improvements that are required. He stated a traffic light is proposed at Hwy 181 and Bay Meadows. Mr. Turner opened the public hearing.

GR Stuardi of Quail Creek said he thought the property was already inside city limits. He asked if the Planning Commission and City Council turn the development down then can the owner do something through the County and Mr. Turner responded yes.

James Smith of 10315 Longleaf Lane stated he owns the 20 acres to the south and does not have any objections to the plan or annexation but he does have concerns with the drainage outfall and connection points to the south.

Having no one else present to speak, Mr. Turner closed the public hearing. Mr. Pumphrey responded to the public comments saying the drainage has not been designed yet but it currently runs north to south. He stated the water will probably be piped along Mr. Smith's north property line and around him. He said he does not know what the applicant will do if this plan is denied but the property is unzoned and they preferred to only have to deal with the City. Mr. Charles asked if there will be any connection to Divot Loop and Mr. Pumphrey responded no. Mr. Turner asked if they looked at connecting to Quail Creek and Mr. Pumphrey stated the only connection could have been to Quail Creek Drive and there is a City ordinance which restricts any connection. Mrs. Brewer questioned the front setback reduction and developer and Mr. Pumphrey responded the developer is Bellator and the setback reduction is due to the style house they are proposing. Mrs. Brewer stated ALDOT has said they do not have the money for improvements to Hwy. 181 and she asked for a comparison of the lot sizes. Mr. Pumphrey stated the traffic study will dictate what is required and the applicant will install the necessary improvements. He said the proposed lots are similar to the larger lots in Stone Creek. Mr. Turner asked if the 35' building height is for design or a look and Mr. Pumphrey responded Truland Homes is the builder and they are proposing houses that will use the 35' building height. Mr. Turner asked when the amenities are proposed to be built and Mr. Pumphrey stated the lakes will be built first for drainage and the clubhouse and amenities will be constructed in the first phase. Mr. Turner asked staff if there was a reason not to allow the 35' building height and Mr. Smith responded staff were being good stewards for the surrounding properties that are only built to 30'. George Roberds made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. All setback lines shall be no less than the utility easement line on lots;
2. A 20' tree preservation buffer shall be shown on lots 25-39;
3. The maximum building height shall be 35'; and
4. A traffic study shall be required at preliminary plat.

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

SD 14.04 Public hearing to consider the request of the City of Fairhope Planning Department of the proposed amendment to Article V, Section D., 6. Pedestrian Design Standards of the Subdivision Regulations, Jonathan Smith.

Mr. Smith gave the staff report saying the Planning Commission Chairman expressed concern that the sidewalks in various subdivisions are not always completed in a timely fashion and it was suggested that it would be better to have the sidewalks completely built at the time of final plat. Several other Commissioners expressed it would be better to have the sidewalks completed at the time the subdivision is completed and built out, rather than waiting to provide a financial guarantee and bonding the sidewalks for two or more years. Article V, Section D., 6. Pedestrian Design Standards currently states:

“All streets shall include a pedestrian area comprised of a planting strip and a sidewalk, according to the standards in Table 5.3 in Appendix A.

The developer may have the flexibility to construct the sidewalk within 2 years of final plat approval. A letter of credit guaranteeing the construction for 125% of the engineer's estimate is required. At the end of 2 years, all sidewalks shall be completed by either the developer or City, using the letter of credit.”

Staff proposes to remove the option of providing a financial guaranty for the construction of sidewalks and change the wording as follows:

“All streets shall include a pedestrian area comprised of a planting strip and a sidewalk, according to the standards in Table 5.3 in appendix A. All sidewalks shall be installed prior to final plat approval.”

Staff recommendation is to approve as presented. Mr. Turner opened the public hearing. Rance Reehl addressed the Commission with concerns regarding maintenance and costs for the developers. He stated the sidewalks are going to get broken during the construction of the houses and it makes more sense to have them put in after the houses and make the contractors responsible for them. Mr. Turner explained that Quail Creek was developed 22 years ago and it still doesn't have continuous sidewalks because it still isn't built out. Mr. Reehl suggested changing the wording to require the sidewalks be bonded and installed within 3 years from final plat. Mr. Smith stated the current requirement is 2 years but it hasn't been enforced because the developers are arguing that they will be torn up during house construction. Mr. Fogarty asked what the cost is to install the sidewalks and Andy Bobe stated approximately \$22 per linear foot. Mr. Roberds stated he understands the concerns and there will be problems on both sides but having the sidewalks installed on the front end of the development is in the best interest of the citizens and the community and he is in favor of the amendment. Mr. Smith added the sidewalks will have to be ADA compliant and it will be the responsibility of the engineer of record to inspect and verify compliance. Mr. Roberds stated maybe the concrete strength requirements need to be reevaluated if the sidewalks are being broken so easily. Bernie Fogarty made a motion to accept the staff recommendation to approve Article V, Section D., 6. Pedestrian Design Standards to read as follows:

“All streets shall include a pedestrian area comprised of a planting strip and a sidewalk, according to the standards in Table 5.3 in appendix A. All sidewalks shall be installed prior to final plat approval.”

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

IR 14.03 Request of Bobby Faust for and informal review to rezone property from R-6 to R-4. The property is located on the northeast corner of Bishop Road and Morphy Avenue. Jonathan Smith gave the staff report saying the property is currently zoned R-6 Mobile Home Park District and is approximately 3.02 acres. The adjacent properties are zoned as follows: north – R-3 High Density Single Family Residential District; east, west, and south – unzoned. The applicant has not given a specific project for the subject property but the uses in the R-4 zoning district include: Uses allowed by right – single family and two family; Uses subject to special conditions: townhouse, multi-family apartments, or home occupation; Uses permitted on appeal to the Board of Adjustments: schools, cemetery, community center, nursing home, convalescent home, clinic, outdoor recreational facility, or day care. The applicant contends that the benefit to the City would be to change the zoning to allow for a more compatible use with the surrounding properties that the current R-6 Mobile Home District will allow. Mr. Smith stated the site would allow approximately 7 units per acre for R-4, whereas R-6 allows approximately 16 to 22 units. Staff recommendation is to provide insight and comments regarding the proposed zoning change from R-6 to R-4. Mr. Turner opened the floor for public comments.

Debra Green of 415 Maple Street – Owns property next door and stated several concerns and issues. She stated modular home are not conducive to the area and she would like to see a design before the Commission just changes the zoning. She said there are crime issues associated with retirement housing. She also stated issues with drainage and traffic

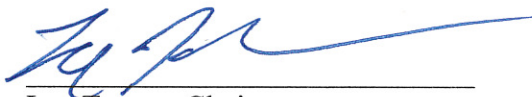
at this location. Mr. Clark stated he does not find any uses that he would be objective to. Mr. Fogarty stated he would hate to see a mobile home park at this location and R-4 seems more compatible. Mr. Turner stated he doesn't have any issues with R-6 or R-4. He said the location is great; it's close to the schools and hospital. He also said he would like to see a residential PUD. Mrs. MacKellar said she would like to see more details or even some ideas. Mr. Roberds stated R-4 would be appropriate for this location and a development will help handle the Green's water issues. He said the entrance would need to be on Bishop and he is comfortable with an R-4 zoning even without a plan. Mr. Charles stated he would like to see a plan. Mrs. Brewer stated she would like to see a plan but even if the R-4 zoning is granted additional approvals are still going to be required. Mr. Faust thanked the Commission for their comments.

New / Old Business

Public Input Meeting – Mr. Smith stated the Planning Commission's annual Public Input Meeting will be held June 2, 2014 after the regular meeting. He said it will be advertised and hopefully the citizens will come out to give the Commission their thoughts.

APA National Conference – Mr. Turner thanked the Mayor and City Council for allowing several Commissioners to attend the Conference in Atlanta.

Having no further business, George Roberds moved to adjourn and was 2nd by Bernie Fogarty. Motion passed unanimously. The meeting was duly adjourned at 6:06 PM.



Lee Turner, Chairman



Emily Boyett, Secretary