

The Planning Commission met Monday, April 6, 2015 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; Bernie Fogarty; Bob Clark; Jennifer Fidler; Dick Charles; Councilmember Mike Ford; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: Tim Kant

Chairman Lee Turner called the meeting to order at 5:04 PM and announced the meeting is being recorded. The minutes of the March 2, 2015 meeting were considered and Dick Charles moved to accept the minutes with one correction and was 2nd by Jennifer Fidler. The motion carried with one abstention by Mike Ford.

Bernie Fogarty stated he has a conflict with case ZC 15.04. He recused himself and left the room.

ZC 15.04 Public hearing to consider the request of Preble-Rish, LLC for an amendment to the Stone Creek PUD (Planned Unit Development), Steve Pumphrey.

The property is located on the east side of State Highway 181, just south of the intersection of County Road 44 (a.k.a. Twin Beech Road) and Highway 181. Mr. Smith gave the staff recommendation saying the property is located inside city limits and is zoned PUD. The site contains approximately 177.20 acres and the applicant is proposing to amend approximately 73 acres. The newly proposed lots will make up Stone Creek, Phase 3. On March 2, 2015 the Commission held a public hearing and the item was tabled in order for the developer to meet with property owners within Stone Creek and contemplate alternative layouts. The original master plan had a more “radial” pattern than what was proposed at the March meeting. The applicant had his development team take all factors into consideration and he has presented staff and the Commission with two options.

Option 1 consists of the layout that was previously submitted and also shows the “future development” lots on the south end of the Master Plan deleted. A greenbelt behind the lots was also added, per staff’s recommendation. The deletion of lots (“future development”) amounts to a significant reduction in density for the PUD and eliminates the commercial and any multi-family component at this time. The applicant no longer owns the property to be taken out of the PUD; therefore he has no control over what will or will not be developed. Per the owner, option 1 allows for a minimum home size of approximately 2,400 square feet.

Option 2 consists of a layout that has a more radial design pattern and also shows the “future development” lots on the south end of the Master Plan deleted. The lots for option 2 are smaller than the lots shown for option 1, but are in keeping with the radial design. Per the owner, option 2 allows for a minimum home size of 2,000 square feet. A greenbelt is also incorporated behind lots in this design.

The original Master Plan consisted of 257 single family lots and 4 commercial sites. Three of the commercial lots were removed, per the last amendment to the Stone Creek PUD in 2014. As previously mentioned, at this time, the entire southern part of the original Master Plan is being modified to delete all single family, commercial and multi-family lots originally approved. This will result in a density decrease of 136 singly family lots and no commercial lots. With the deletion of the commercial and multi-family

components, this development will no longer be in keeping with the City's "Neighborhood Village Center" pattern as outlined in the Comprehensive Plan, however, North Village at Stone Creek (just north of the subject PUD) has commercial and residential components.

The newly proposed setbacks are generally as follows: Front – 25', Rear – 20', Side – 10' and Street Side – 20'. The original master plan had varying setbacks for the area in which phase 3 is proposed. The setbacks varied from only 20' front and rear setbacks to 30' front and 20' rear setbacks.

The lots just west of Option 1 (phase 3) that are already platted and recorded have the following setbacks: Front – 30', Rear – 20', Side – 10' and Street Side – 20'. Staff recommends Option 1 (phase 3) have the same setbacks as the lots abutting, to the west. Staff recommendation is to approve amendment option 1 or option 2 for the Stone Creek PUD with following conditions:

- If Option 1 is selected:

1. The area currently labeled "Not Part of Stone Creek PUD" shall be labeled as a Buffer Zone, per the revised narrative submitted to staff on March 26, 2015.
2. The setbacks shall also be the same as the existing lots abutting the west side of the newly proposed lots.

- If Option 2 is selected:

1. A Site Data Table shall be placed on upon the Master Plan (Site Plan).
2. The area currently labeled "Not Part of Stone Creek PUD" shall be labeled as a Buffer Zone, per the revised narrative submitted to staff on March 26, 2015.
3. The setbacks shall also be the same as the existing lots abutting the west side of the newly proposed lots.

Steve Pumphrey addressed the Commission saying the adjacent property owner purchased the undeveloped portion of Stone Creek and then sold 73 acres back to the developer with an agreement for a 300' buffer to the east between Stone Creek and his property. Mr. Smith stated the area has been designated as a buffer zone. Mr. Pumphrey explained this amendment will eliminate the remaining lots to the south and the last commercial lot. He stated any new lots would require an additional PUD amendment with Planning Commission and City Council approval. Mr. Pumphrey stated the applicant provided the 91 residents in Stone Creek with the two proposed layouts and 49 of the residents responded in writing with 48 preferred Option 1 which is the design that was presented at the March 2nd Planning Commission meeting. Mr. Pumphrey requested the Commission only consider Option 1 for approval.

Mr. Turner opened the public hearing.

Sean McDonald of 226 Stone Creek Blvd. – He stated he is one of the longest residents in Stone Creek and Option 1 is the best design. He said it will keep property values up and the developer has done a great job and the new phase will still be keeping with the overall plan for Stone Creek.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Turner stated the public input is considered but it is not the deciding factor for cases. Mr. Charles asked which plan has the least impervious area and will be best for drainage. Mr. Pumphrey responded Option 1 has larger lots and more greenspace. Mrs. Fidler asked if the site will drain to the existing pond behind the clubhouse and Mr. Pumphrey responded yes. Mrs. Fidler stated if Chapel Farms owns the "buffer" then it could come back one day to be developed. Mrs. MacKellar stated Fairhope needs the larger lots and

she likes the diversity. George Roberds made a motion to accept the staff recommendation to approve Option 1 with the following conditions:

1. The area currently labeled "Not Part of Stone Creek PUD" shall be labeled as a Buffer Zone, per the revised narrative submitted to staff on March 26, 2015.
2. The setbacks shall also be the same as the existing lots abutting the west side of the newly proposed lots.

Dick Charles 2nd the motion and the motion carried unanimously. Mrs. Fidler stated it is important to find out what the property owners want and she appreciates Mr. Reehl for taking the time and providing the information because it did help her decide.

SD 15.05 Public hearing to consider the request of Preble-Rish, LLC for Preliminary Plat approval of Stone Creek, Phase 3, a 43-lot subdivision, Steve Pumphrey. The property is located on the east side of Highway 181, just south of the intersection of County Road 44 (a.k.a. Twin Beech Road) and Highway 181. Mr. Smith gave the staff report saying the property is zoned PUD and the proposed layout, lot sizes, and area and dimensional requirements are consistent with the proposed PUD amendment (ZC 15.04 – Option 1) that has been simultaneously submitted. Approximately 21.22 acres exist within the proposed phase and there are 43 proposed lots. Staff recommendation is to approve contingent upon the following conditions:

1. The existing stormwater facilities shall meet the current City of Fairhope stormwater standards. A signed and sealed letter from the engineer of record shall be submitted clarifying that the existing stormwater infrastructure meets current City standards.
2. Any aspect of the layout or area and/or dimensional requirements in the Planned Unit Development that may change as a result of the simultaneous amendment request (ZC 15.04 Option 1) shall be shown on the Preliminary Plat.
3. No street trees shall be located within 25' of intersections. The plans need further revision.
4. The applicant shall provide a typical detail for the required retro-reflective signage, per Jennifer Fidler (Public Works Director).
5. The symbol for the required wetland buffer signage on the plat does not appear to be consistent with the symbol on the map legend. The applicant shall revise.
6. The lot numbers on the construction plans shall be consistent with the lot numbers on the plat.
7. Construction plans, sheet 4 – Overall Plan, shall reflect changes made to the plat.
8. The revised plat submitted is labeled "Boundary and Topographic Survey." The plat shall be labeled "Preliminary Plat."

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 existing stormwater facilities shall meet the current City of Fairhope stormwater standards. A signed and sealed letter from the engineer of record shall be submitted clarifying that the existing stormwater infrastructure meets current City standards.
2. Any aspect of the layout or area and/or dimensional requirements in the Planned Unit Development that may change as a result of the simultaneous amendment request (ZC 15.04 Option 1) shall be shown on the Preliminary Plat.

3. No street trees shall be located within 25' of intersections. The plans need further revision.
4. The applicant shall provide a typical detail for the required retro-reflective signage, per Jennifer Fidler (Public Works Director).
5. The symbol for the required wetland buffer signage on the plat does not appear to be consistent with the symbol on the map legend. The applicant shall revise.
6. The lot numbers on the construction plans shall be consistent with the lot numbers on the plat.
7. Construction plans, sheet 4 – Overall Plan, shall reflect changes made to the plat.
8. The revised plat submitted is labeled “Boundary and Topographic Survey.” The plat shall be labeled “Preliminary Plat.”

Bob Clark 2nd the motion and the motion carried unanimously.

Bernie Fogarty returned to the dais.

SD 15.08 Public hearing to consider the request of Sawgrass Consulting, LLC for Preliminary Plat approval of Twin Beech Estates, an 8-lot subdivision, Tom Granger. The property is located on the north side of County Road 44 (a.k.a. Twin Beech Road), just west of State Highway 181. Mr. Smith gave the staff report saying the property is located in Baldwin County and is unzoned. The property consists of 22.65 acres and 8 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. A note shall be added regarding the following: A Property Owners Association (POA) is required to be formed. The POA is required to maintain all stormwater facilities and structures located outside of the publicly maintained/accepted right-of-way.
2. A fire flow test meeting the approval of the Water and Sewer Superintendent shall be submitted.
3. The submittal of a BMP plan.
4. The submittal of documents relating to Baldwin County’s decision regarding sidewalks.

Mr. Granger was present to answer any questions.

Mr. Turner opened the public hearing.

Justin Taylor of 9711 Twin Beech Road – He is adjacent to the subject property and owns Bee Natural Farms. He requested a natural buffer remain between his property and Lot 1 and Lot 8.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Turner asked if Lot 8 will remain in its current state and Mr. Smith responded he is not sure. Mrs. Fidler asked what the side setback will be between the subject property and Mr. Taylor’s property. Mr. Smith explained the subject property is unzoned and the City can’t require setbacks. Mrs. MacKellar asked if there is a pedestrian plan for sidewalks along Twin Beech. Mr. Smith stated this is County right-of-way and they did not show interest in wanting a sidewalk. Mr. Turner stated he would like to see the developer put in sidewalks along these lots.

Dick Charles made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. A note shall be added regarding the following: A Property Owners Association (POA) is required to be formed. The POA is required to maintain all stormwater

facilities and structures located outside of the publicly maintained/accepted right-of-way.

2. A fire flow test meeting the approval of the Water and Sewer Superintendent shall be submitted.
3. The submittal of a BMP plan.
4. The installation of sidewalks with Baldwin County's approval.

Bernie Fogarty 2nd the motion and the motion carried unanimously.

SD 15.09 Public hearing to consider the request of Moore Surveying, Inc. for Final Plat approval of Sam's Hill Top, a 2-lot minor subdivision, Seth Moore. The property is located on the west side of S. Greeno Road, just south of Dove Lane at 18713 S. Greeno Road. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned R-1 Low Density Single Family Residential District. The total site area is approximately 3.65 acres and 2 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. A flow model meeting the approval of the Water and Sewer Superintendent shall be submitted.
2. A note that a drainage plan shall be required at the time of building permit shall be placed on the plat.
3. The applicant shall work with Dan McCrory, Water and Sewer Superintendent with regards to the availability of water and sewer service.
4. The applicant shall correct the vicinity map replacing Mosley Road with the correct road.
5. Fifteen foot easements shall be provided along side and rear lot lines.
6. The applicant should explore the possibility of a common access point between Lots 1 and 2.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Mrs. MacKellar asked if a buffer is required between the subject property and Huntington Woods. Mr. Smith responded a buffer is not typically required between residential properties. Mr. Charles asked if a shared access is required by the State and Mr. Smith stated there is no access plan for Greeno Road and it is only a recommendation.

Dick Charles made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. A flow model meeting the approval of the Water and Sewer Superintendent shall be submitted.
2. A note that a drainage plan shall be required at the time of building permit shall be placed on the plat.
3. The applicant shall work with Dan McCrory, Water and Sewer Superintendent with regards to the availability of water and sewer service.
4. The applicant shall correct the vicinity map replacing Mosley Road with the correct road.
5. Fifteen foot easements shall be provided along side and rear lot lines.
6. The applicant should explore the possibility of a common access point between Lots 1 and 2.

Hollie MacKellar 2nd the motion and the motion carried unanimously.

SD 15.10 Public hearing to consider the request of HMR, LLC. for Final Plat approval of Pate House Subdivision, a 1-lot minor division, Scott Hutchinson. The property is located on the west side of Colony Drive just north of Battles Road. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned TR (Tourism Resort) District. The subject property consists of .82 acres and one lot is proposed in order to separate an existing home from the remnant parcel of the Colony at the Grand property. Mr. Smith explained this case was heard by the Commission on December 1, 2014 and the case passed unanimously; however, the plat was not recorded within 60 days of the approval. Staff recommendation is to approve the request as proposed. Mr. Turner stated the property is part of the TR District and no changes have been made to the zoning district so the original application still meets all of the requirements. Mr. Turner opened the public hearing.

Horace Gilbert of 6286 Houston Place – He stated there has been a lot of building in the area and it is causing erosion and drainage issues with the ditch. Mr. Hutchinson stated he would address the issues with the builder, Stuart Contracting, in Battles Trace and have them fix the ditch.

Having no one else present to speak, he closed the public hearing.

Dick Charles made a motion to accept the staff recommendation to approve the request as proposed. Bernie Fogarty 2nd the motion and the motion carried unanimously.

SD 15.11 Public hearing to consider the request of HMR, LLC. for Final Plat approval of Watershed South, a 10-lot subdivision, Scott Hutchinson. The property is located on the west side of Battles Road (a.k.a. County Road 34) just south of County road 44. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned TR (Tourism Resort) District. The project is approximately 4.39 acres and 10 lots are proposed. Mr. Smith explained this case was heard by the Commission on December 1, 2014 and the case passed unanimously; however, the plat was not recorded within 60 days of the approval. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall submit a subdivision bond agreement and Final Guarantee for street trees and sidewalks.
2. A fully executed maintenance bond agreement and maintenance bond shall be submitted.
3. The applicant shall provide verification through the Director of Planning and the City Attorney, whether there are any required updates to the contractual documents (such as new dates, etc.). Any revised contractual documents shall be submitted.
4. The submitted landscape plan shall meet the approval of the City of Fairhope Horticulturist.
5. The applicant shall correct any discrepancies in the O&M Plan. The O&M Plan shall reflect current conditions.
6. The corrected Operations and Maintenance Plan shall be recorded as required by the City of Fairhope Subdivision Regulations.
7. A satisfactory final inspection shall be required and any final inspection punch list items shall be completed prior to signing the plat.
8. The applicant shall show the placement of the wetland buffer signage on the plat.
9. The applicant shall provide a signed and sealed drainage letter certifying the detention pond and associated storm water system.

Scott Hutchinson was present to answer any questions. Mrs. Fidler asked how the site drains and Mr. Hutchinson responded the roadway has an inverted crown and drains to the lake on the golf course.

Jennifer Fidler made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall submit a subdivision bond agreement and Final Guarantee for street trees and sidewalks.
2. A fully executed maintenance bond agreement and maintenance bond shall be submitted.
3. The applicant shall provide verification through the Director of Planning and the City Attorney, whether there are any required updates to the contractual documents (such as new dates, etc.). Any revised contractual documents shall be submitted.
4. The submitted landscape plan shall meet the approval of the City of Fairhope Horticulturist.
5. The applicant shall correct any discrepancies in the O&M Plan. The O&M Plan shall reflect current conditions.
6. The corrected Operations and Maintenance Plan shall be recorded as required by the City of Fairhope Subdivision Regulations.
7. A satisfactory final inspection shall be required and any final inspection punch list items shall be completed prior to signing the plat.
8. The applicant shall show the placement of the wetland buffer signage on the plat.
9. The applicant shall provide a signed and sealed drainage letter certifying the detention pond and associated storm water system.

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

UR 15.02 Request of AT&T for an 11.52.11 Review and approval of the proposed installation of approximately 500 linear feet of fiber optic cable, Jeff Hadley. The project will run on the west side of Thompson Hall Road from Sedgefield Avenue south to the end of city limits. Mr. Smith gave the staff report saying AT&T is converting an old network to a new fiber optic network in the proposed project location. The new system will be high speed fiber internet U-Verse and the method of installation will be directional boring for the entire distance for the project. Staff recommendation is to approve, conditional upon the applicant following the general comments related to utility work as stated in the staff report.

George Roberds made a motion to accept the staff recommendation to approve, conditional upon the applicant following the general comments related to utility work as stated in the staff report. Dick Charles 2nd the motion and the motion carried unanimously.

UR 15.03 Request of AT&T for an 11.52.11 Review and approval of the proposed installation of approximately 6,230 linear feet of fiber optic cable, Jeff Hadley. The project will run throughout Natures Trail, Phase One subdivision. Mr. Smith gave the staff report saying the applicant will be installing new high speed fiber internet U-Verse fiber optic cable to service the residents of the subdivision. The method of installation will be directional boring for the entire distance for the project. Staff recommendation is to approve, conditional upon the applicant following the general comments related to utility work as stated in the staff report.

George Roberds made a motion to accept the staff recommendation to approve, conditional upon the applicant following the general comments related to utility work as stated in the staff report. Bernie Fogarty 2nd the motion and the motion carried unanimously.

UR 15.04 Request of the City of Fairhope Water and Sewer Department for an 11.52.11 Review and approval of the proposed installation of approximately 1,800 linear feet of 3" sewer line, Jeff Hadley. The project will run on the south side of Nelson Road from Heard Road to the end of Liberty Road. Mr. Smith gave the staff report saying the proposed project will start on the corner of Nelson Road and Heard Road. The line will go east on the south side of Nelson Road to Liberty Street and continue down Liberty Street to an end point to serve a residence. The method of installation will be open digging and directional boring. Staff recommendation is to approve, subject to the comments listed in the staff report.

George Roberds made a motion to accept the staff recommendation to approve, subject to the comments listed in the staff report. Jennifer Fidler 2nd the motion and the motion carried with one abstention by Hollie MacKellar.


Old / New Business

Comprehensive Plan 2015 Update Findings Report, Christopher Baker - Mr. Baker of Thompson Engineering gave a PowerPoint presentation of the Findings Report and a summary of the progress regarding the Comprehensive Plan 2015 Update.

Mr. Smith announced there will be a Special Planning Commission meeting held on May 7, 2015 at 5:00 PM in the Council Chambers for public input regarding the Findings Report.

Dick Charles made a motion to adjourn and was 2nd by Bernie Fogarty.

Having no further business, the meeting was over at 6:22 PM.



Lee Turner, Chairman



Emily Boyett, Secretary