

The Planning Commission met Monday, February 1, 2016 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Civic Center.

Present: Lee Turner, Chairperson; George Roberds, Vice-Chair; Tim Kant; Jennifer Fidler; Bob Clark; Bernie Fogarty; Jay Robinson; Hollie MacKellar; Kevin Boone; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary; Chris Gill, City Attorney

Absent: none

Chairman Lee Turner called the meeting to order at 5:05 PM and announced the meeting is being recorded.

The minutes of the January 4, 2016 meeting were considered and George Roberds moved to accept the minutes as written and was 2<sup>nd</sup> by Bernie Fogarty. The motion carried with one abstention by Kevin Boone.

**ZC 16.02 Public hearing to consider the request of Preble-Rish, LLC for an amendment to the Fly Creek PUD (Planned Unit Development), Stewart Speed.** The property is located on the southeast corner of the intersection of US Highway 98 and Parker Road. Mr. Smith gave the staff report saying the PUD consists of approximately 214 acres and the development was approved by the City Council on October 23, 2006. The portion of the PUD proposed to be modified in the subject application is approximately 39.46 acres. The remaining 175 acres are proposed to remain as per the previously approved PUD. The applicant is proposing 240 apartment units and 90 flat/townhome and live/work units. The apartment buildings are 3 stories and 675 parking spaces are proposed, 172 of which are garage parking spaces. The conceptual architectural elevations appear to be consistent with a “big house” design concept. The proposed modification would result in a 10% reduction of impervious area from the previously approved PUD Master Plan. The density for the 39 acres would essentially stay the same, with the overall density for the entire site being less than the initial 835 units, at approximately 806 units. The applicant is proposing a 30’ to 50’ wetlands/creek bank buffer along Fly Creek and approximately 32% or 13 acres of combined active and passive open space, which does not include the wetlands. On December 7, 2015 the applicant brought the same plan to the Planning Commission. There were many citizens at the meeting opposed to the proposed plan, due to the apartment use and the sensitivity of the Fly Creek watershed. A motion was made by the Planning Commission to recommend approval of the proposed amendment. The motion did not pass, due to a 5 to 4 vote against approving the project, as presented. The applicant formally withdrew the previously submitted application and has re-submitted a new application. Staff is greatly concerned with the potential environmental impacts this project could have on Fly Creek, without the proper protection in place. Staff also feels that the plan submitted will be of less environmental impact than what the applicant already has approved from 2006, due to less impervious area, buffers rather than “setbacks”, and a greenspace/wilderness area that will separate phases of development. Staff recommendation is to approve the Fly Creek PUD Amendment contingent upon the following conditions:

1. A formal Site Plan/Multiple Occupancy Project Review shall be conducted.
2. A Tree Preservation/Grading Plan shall be submitted at the time of Site Plan Review.

3. The proper measures shall be taken to protect Fly Creek from run-off and any other environmentally sensitive aspects, which may come from a project of this size and nature. Any outside agency permits shall be obtained from the appropriate authorities (USACOE, ADEM, ADCNR, etc.).
4. The “wilderness area” shown on the plans shall be fenced off, prior to any land disturbance activity. Accommodations shall be made to ensure the “wilderness area” remains in its natural state.

Stewart Speed, President of Leaf River Group, addressed the Commission saying their team withdrew the previous submittal and re-submitted to answer the questions and concerns that were brought up at the December meeting. He explained he believes this proposal is in the best interest of Fairhope but it is also impossible to make everyone happy. He stated he reached out to Rock Creek, Sandy Ford, and the Woodlands homeowners’ associations and only the Woodlands responded and met with him. He said this project is a long term investment and Arthur Corte retains the architectural design approval. Mr. Speed highlighted the concerns of the December meeting which were property type, property values, “too much to fast”, traffic, school capacity, environmental impact, and past promises. Mr. Speed gave a PowerPoint presentation to address these concerns. He explained there is not a development like this on the Eastern Shore and two market studies support this development. He said the proposed rent will be approximately \$1000 to \$1600 per month. He stated this type development is promoting a sustainable community and that one apartment complex every 22 years is not “too much too fast”. He explained growth is going to happen and this is the ideal location for this development. It is not in conflict with the City’s vision and it meets the Comprehensive Plan. He said the average house cost for Fairhope in 2015 was \$302,000. Mr. Speed stated the existing traffic light at Parker Road can handle more traffic than what is proposed. He explained the impact to the schools will be minimal with less than 3% of the proposed apartments being 3 bedroom units. He stated apartments generate more revenue for schools. He said the residential needs have changed and this development will meet those needs. Mr. Speed stated this proposal is an improvement over the previously approved plan with more greenspace and more natural area. He said the site will be designed to protect Fly Creek and will be heavily landscaped with natural plants. Mr. Speed told the Commission to check their track record and the developers. He said their goal is to build on the unique character of Fairhope and they will deliver. He explained the site will generate \$225,000 of annual real estate taxes and approximately one million in impact fees, water and sewer taps, and building permits for the City. Mr. Turner opened the public hearing.

Mike Perkins of 145 Willow Lake Drive – He stated the developer says they are here for the long haul but there is no guarantee. He said he remembers the first meetings in 2006 and there was no promise that apartments would not ever be proposed but the citizens and the developer did agree on a plan and they should stick to it.

Leonard Nelson of Sandy Ford – He chose Fairhope because of the single family residential, not for apartments. He said good development enhances the city and bad detracts and he can’t see how this development will make the city better. He stated the developer already has a plan and they should keep it. He said if this part can change then what other part will they want to change next.

Roland Neeson of 95 Blue Island – He thanked the Commission for their service to the City and said he appreciates what they do. He said he has been here 13 years and he looked all over the country before settling in Fairhope. He stated he has been in real

estate for 50 years and high density brings changes that most don't want. He noted the taxes will be the same if the property is single family residential. He said there was a deal made 10 years ago and Corte got Publix and the citizens want to keep single family. Adam Milam of 116 Pecan Avenue – He stated he is representing the Friends of Fly Creek. He explained there should be housing for everyone but not every location is suitable. He said if this is approved Fly Creek will be destroyed. He said if the original proposal in 2006 had been for a “big box” store and apartments, it would not have been approved. He stated the original plan called for a 5 acre lake to be constructed and it was never built. He provided a letter from Jonathan Smith to Volkert stating the lake would be built with future development. He said the developer wants to expand and no lake has been built. He said the site has already had a blowout and damaged Fly Creek and if anything else happens, Fly Creek will be destroyed.

Mary Cain of Mary Ann Beach Road – She said the average cost of a home in Fairhope is between \$243,000 and \$302,000 and most people can't afford to move here. She said it is a smart plan and she encouraged the Commission to support it.

Clarence Bishop of Route 2 Box 195 – He said he was on the County Commission when Lake Forest was proposed and everyone fought it so he understands what the Planning Commission is going through. He stated Arthur Corte has proven himself and given to more to this community than people know. He said Mr. Corte donated the property for the Courthouse on Fairhope Avenue. He said Fairhope needs more places for people to live. He noted Thomas Hospital delivered more babies in 2015 than Mobile Infirmary.

John Luce of 124 South Drive – He asked if Fairhope is ready for this amount of people. He said ownership works here, not apartments. He said Mr. Corte gave up some of his land rights when he developed the plan in 2006 and negotiated with the surrounding neighborhoods. He said Mr. Corte should donate a school and re-negotiate the plan. He stated there are no guarantees the apartments will be high-end and they need to be located elsewhere.

Shannon Hessey of 19246 Fairfax Drive – She moved back here from Mountain Brook in 2010 and there is no way to have high-end and affordable apartments. She said they don't work.

Terrell Reeves of 122 South Drive – He said he has heard two different things tonight. The apartments will either be high-end or affordable, not both. He said this is Fairhope and we are not on the national trend. He stated people are flocking here to buy homes not to rent. He said the original plan can be built and rented if needed.

Lynn Maser of Chestnut Ridge – She stated she did not meet with Mr. Speed because he is proposing apartments and the residents of Sandy Ford do not want apartments. She said there is a plan approved and it would have never passed if apartments would have been part of that plan. The surrounding neighbors want single family residential homes to be built. She said the rent prices quoted are not affordable. She stated the citizens trust the Planning Commission and the City Council to do what is right, not the developer. She said this plan is not acceptable at Parker Road and US Hwy. 98.

Paul Ripp of 22985 High Ridge Road – He said he knew this plan would come back to the Planning Commission and here we are, after it has already been denied. He said he will be watching the vote to see who changes. He explained there are already apartments being built in Daphne, a school, and now more apartments all on US Hwy. 98. He stated US Hwy. 98 and Parker Road will be even more dangerous and more of a traffic problem and then the City will connect Parker Road and Rock Creek to County Road 13. He asked the Commission to remember what didn't happen with the original Fly Creek

development. He said the trees were not saved, the buffers were not saved, and the creek was not protected. He stated it will be the same this time and Fly Creek is already filling in. He said no environmental study or traffic study has been done. He asked the Commission to deny this proposal again.

Judy Bond of 213 South Drive – She said apartments are not wanted. She stated there are traffic concerns, the hospitals are full, and the schools will be impacted. She said we need places for young people but this is not it.

Donna Dorriety of 148 Old Mill Road – She said the developer needs to stick to the original plan of small lots with single family houses. She said it will be better for the economy than apartments.

Margaret Cadden of 129 Sandy Ford Road – She stated it is apparent that the citizens are in agreement that they do not want apartments. She said Robert's Rules of Order have not been followed. She said there was a motion and it was voted and acted upon so this case should not even be able to be heard.

Pam Hardeston of 320 Cumberland Road – She said she lived in Mountain Brook and move to Fairhope 5 years ago. She stated the apartments in Mountain Brook had to be torn down to build more. She said the schools are already over-crowded and this will compound the problem. She stated Arbor Gates has been sold 3 times so there is no guarantee this developer will stay. She said the apartments will look good for the first years but then they will need maintenance. She noted the tall retaining walls are a safety hazard, as well as the traffic at Parker Road and US Hwy. 98. She said this is not a village and we don't want to be Daphne.

Tom Ollinger of 316 Cumberland Road – He said no environmental study, traffic study, grading plan, site plan, or permits have been done for this site so why would the Commission approve it.

Leo Sylvia of 118 Willow Lake Drive – He stated his property actually abuts the proposed development and he has no problem with it and the Commission should move forward with the proposal.

Arthur Corte of 5500 Battles Road – He addressed the Commission saying he has lived here for 71 years and his family has been here for 5 generations. He said most of the people that have spoke are living on property that his family once owned. He said his family has farmed and developed most of it. He explained Fairhope is what it is today because of his family and they made it the place all of those speaking wanted to move to. He said he has been here longer than any of them and when they moved here they caused traffic for him and his family but he still welcomed them. He said US Hwy. 98 does not have a traffic problem. Mr. Corte stated apartments generate twice as many taxes as single family residential. He said the proposed design will keep the apartments from being seen from US Hwy. 98. He stated he still owns the adjacent property and he has the most to lose if the apartments aren't what he says they will be. He explained he will maintain control of the architectural design of the apartments. He said he has given a lot to Fairhope and Baldwin County. He stated he gave the property for the County's Fairhope Satellite Courthouse, helped with the site for the Fairhope Volunteer Fire Station, got the trees and plants donated for the fire station, helped with the site for the future cancer center on Fairhope Avenue, and served on the Thomas Hospital Board. He said he knows this area and apartments are needed.

Bill Crouch of 122 Augusta Court – He said it took him 20 years to get to Fairhope and the people here tonight are only 2% of Sandy Ford, Rock Creek, and Woodlands. He stated he appreciates everything Mr. Corte has done and this will be no different.



Stan McCord of 123 Chestnut Ridge – He asked about Robert’s Rules of Order and why Mike Ford has been replaced by Kevin Boone on the Commission. He asked about connectivity and said the changes are open-ended.

Mr. Turner closed the public hearing.

Mr. Turner explained the City Council members rotate on the Planning Commission and each one serves 9 months and Mr. Ford’s last meeting was the December meeting. He said Mr. Boone’s term started with the January meeting.

Mr. Speed said he was not sure about the 5 acre lake that Mr. Milam mentioned but the site will meet all of the City’s requirements. He said stormwater design will come later in the development process. Mrs. MacKellar asked when the environmental study will be completed and Mr. Smith responded it is not a requirement but the Commission can make it a condition of approval and it would be done at the time of site plan. Mr. Smith stated the 5 acre pond was not built because it was to be phased out. He added the City’s new Low Impact Development (LID) regulations will not allow a detention area that size.

Mrs. Fidler asked if there was a traffic study done in 2006 and if the developer would consider doing a new one and Mr. Speed responded yes. Mayor Kant said the amendment is for 39 acres but only 18 acres are proposed apartments. He asked what will the remaining acreage be and Mr. Speed responded townhomes, condominiums, and single family residential lots. Mr. Speed stated it is harder to speak in favor of this development but not all of Fairhope is against it. He said the Woodlands did not take a stand either way but the approved plan is 10 years old and needs revised. He stated they are not clear cutting the property but trying to preserve the existing trees. He said Arbor Gates has not become Section 8 housing and Publix was controversial too but no one has an issue with it now. Mr. Fidler asked if the apartments could be changed to condos later and Mr. Speed responded yes. Mrs. MacKellar asked if the apartments on US Hwy 98 in Daphne were considered in the market study for this proposal and Mr. Speed answered yes. Mr. Robinson questioned an environmental bond and Mr. Smith stated staff would look into it prior to the City Council if the amendment is approved. Mr. Turner asked if the consultants for the Comprehensive Plan Update have looked at the proposal and Mr. Smith responded yes and the Comprehensive Plan calls for high density to surround commercial but it does not give any consideration for public opinion. Mr. Gill stated this case is before the Commission in accordance with the City’s rules and regulations. He explained the previous submittal was heard and a motion was made to approve but the motion failed. He stated the applicant has the right to withdraw an application prior to the City Council hearing and re-submit; which is what happened in this instance. Mrs. Fidler said a new traffic study and an environmental study need to be done but apartments are needed and the Comprehensive Plan supports them in this area. She stated the community voted for the Comprehensive Plan and this is one of the locations labeled for high density. She said this plan has 10% more greenspace and will save more trees than individual lots. She explained the buffers will be nice for walking trails and for protecting the wetlands. She said this plan has the same density as the original. Mr. Clark said he believes we need apartments. He said when he moved here 30 years ago he couldn’t find an apartment. He stated he has been to all of the Comprehensive Plan meetings and the citizens asked for the village concept and Mr. Corte is working to make a village. He said even if these were condos they could be rented. Mr. Turner said he doesn’t see much difference between condos and apartments. He stated he liked the original plan but he likes this one much more. He said if the city needs apartments then where better to have them but hidden and out of sight. Mrs. MacKellar said there are

apartments just up US Hwy. 98 in Daphne and she hears the residents saying they don't want them. George Roberds made a motion to approve the staff recommendation to approve the Fly Creek PUD amendment contingent upon the following conditions:

1. A formal Site Plan/Multiple Occupancy Project Review shall be conducted.
2. A Tree Preservation/Grading Plan shall be submitted at the time of Site Plan Review.
3. The proper measures shall be taken to protect Fly Creek from run-off and any other environmentally sensitive aspects, which may come from a project of this size and nature. Any outside agency permits shall be obtained from the appropriate authorities (USACOE, ADEM, ADCNR, etc.).
4. The "wilderness area" shown on the plans shall be fenced off, prior to any land disturbance activity. Accommodations shall be made to ensure the "wilderness area" remains in its natural state.

Kevin Boone 2<sup>nd</sup> the motion.

Mr. Turner said he would like to see a new traffic study and an environmental study included.

George Roberds amended his motion to approve to include the following conditions:

5. A traffic study shall be submitted at the time of Site Plan Review.
6. An environmental study shall be submitted at the time of Site Plan Review.

Kevin Boone amended his 2<sup>nd</sup> and the motion carried with the following voice vote:

AYE – Tim Kant, Jennifer Fidler, Bob Clark, Bernie Fogarty, Lee Turner, Jay Robinson, George Roberds, and Kevin Boone. NAY – Hollie MacKellar.

**ZC 16.01 Public hearing to consider the request of Cindy Nicholson on behalf of Jon McMurray to rezone property from R-1 Low Density Single Family Residential District to B-1 Local Shopping District, Cindy Nicholson.** The property is located on the east side of Greeno Road just south of Dyer Road, at 546 N. Greeno Road. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is approximately 28,234 square feet in size. The applicant desires to restore the 1940's McMurray homestead to become the next site for the Sugar Kettle Café restaurant. The applicant went before the Planning Commission on December 7, 2015 for an Informal Review. The majority of the Commissioners appeared to have no problem specifically with a restaurant in the subject location, but the majority of the members were concerned about outright rezoning to B-1. The PUD option seemed to be the favored option of the Commission, but the site does not meet the minimum lot area of 3 acres required for a PUD. There was also mention that there might be an option for the applicant to self-impose restrictions on a B-1 zoning request, such as restricting the subject property to a restaurant use only. The applicant submitted a list of "self-imposed restrictions", but most of what is listed is either a requirement of the City or is not absolute. Staff feels that a restaurant in particular is not necessarily an unfavorable use for the subject property, but staff also is not in favor of zoning the property B-1, due to the lack of City oversight for what can be done on the property in the future and the potential appearance of spot-zoning. Staff recommendation is to deny the subject application, due to the issues listed in the staff report. Ms. Nicholson addressed the Commission saying she was not sure what to do as far as self-imposed restrictions and can only guaranty what will be done under her.

Mr. Turner opened the public hearing.

Debra Green of 415 Maple Street – She asked why the agenda changed and this case wasn't heard first. She said the Commission can't mandate people do a PUD because most of the property along Greeno Road doesn't have 3 acres. She explained that several years ago multiple property owners worked together for a plan and the City would not work with them. She said the City is being unfair to the applicant who is trying to bring new business and revenue. She stated Greeno Road is not suited for R-1 zoning but the property owners can't get a business zoning and are being penalized. She said the Bones and Babies site was supposed to be all medical but they came back and amended their PUD and now the State Fish and Wildlife has an office in that building.

Michelle Young of Sugar Kettle Café – She said she has a heart for old buildings and would hate to see this home torn down. She stated she understands not wanting to spot-zone but the property is on the 4-lane highway and it doesn't mix with single family residential zoning.

Anna Miller of 257 Wesley Street – She stated the Commission is not trying to be evil or untrustworthy and the issue is not about any one person or group, they are making sure what zonings are appropriate for specific locations.

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

Mrs. MacKellar asked how the City is supposed to proceed without something in place for guidance in this area. She said this issue will just continue to come up until something is done. Mr. Smith stated the City can't impose restrictions but we are also hesitant to give blanket zoning to a parcel. He explained there are lots of other uses allowed in B-1 in addition to a restaurant. He said a PUD gives the City more control and he recommended looking at an overlay district for North Greeno Road. Mr. Turner stated this is the most difficult area in the City for him. Mr. Gill stated the City can not impose restrictions because that is contract zoning but PUDs are different because they are an agreement. He said rezoning this property would be spot-zoning because there is no commercial zoning around it. Mayor Kant suggested creating a new zoning district for Greeno and Mr. Gill responded an overlay district would be an easier solution. Mr. Boone asked how to get one started and Mr. Gill said the City Council would need to direct staff to define it. Mr. Boone said something needs to be done soon and Mrs. MacKellar agreed.

Mrs. Green said there are already 5 commercial businesses in this area.

Bobby Green of 415 Maple Street – He said technically no commercial abuts this property but across the street is contiguous and it is commercial but the Commission is telling the applicant to get more property and come back.

Mrs. Fidler noted concerns with changing the zoning because there is already higher density on Greeno than the Comprehensive Plan recommends. Ms. Nicholson said she chose B-1 because it has more limited uses. Mr. Turner said he likes the idea but it would be spot-zoning or contract zoning if the Commission approved it.

Tim Kant made a motion to table the request for further study. Bob Clark 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 16.03 Public hearing to consider the request of Leah Geis on behalf of Sean and Shantelle Ros for Preliminary and Final Plat approval of the Resubdivision of Lot 1 of Mitchell Subdivision, a 2-lot minor division, Leah Geis.** The property is located on the northeast corner of the intersection of Church Street and Kirkman Lane. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned R-2. The total site area is .6 acres and 2 lots are proposed. Currently, there is an existing

structure on the lot. The proposed 2 lot subdivision, if approved will result in non-compliance with the R-2 zoning district requirements. The applicant has submitted a written waiver request to the minimum dimension and area requirements in order to preserve the existing home and have 2 lots. If approved, the existing home will encroach into the front setback by approximately 7' to 9' and approximately 33' of the home will project in the required rear 35' setback. He stated the applicant is also requesting a 60 day extension to record the plat if the application is approved to satisfy staff's conditions. Staff recommendation is to approve contingent upon the following conditions:

1. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval, per the City of Fairhope Subdivision Regulations, unless a specific time extension is approved by the Planning Commission.
2. The applicant shall provide finished floor elevations for every lot on the plat as stated in Article IV, Section IV, 1b(14) Submission Requirements.
3. The applicant shall revise the plat note #7 to show that a signed, sealed drainage plan and calculations shall be "required" at the time of building permit.
4. The existing structure shall come into compliance with the City's R-2 zoning requirements or it shall be removed.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing. Mrs. Geis stated there won't be much left to save of the existing house if the front and the back have to be taken down. She said she would like to save the house but she understands staff's concerns.

Tim Kant made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 120 days from Planning Commission approval.
2. The applicant shall provide finished floor elevations for every lot on the plat as stated in Article IV, Section IV, 1b(14) Submission Requirements.
3. The applicant shall revise the plat note #7 to show that a signed, sealed drainage plan and calculations shall be "required" at the time of building permit.
4. The existing structure shall come into compliance with the City's R-2 zoning requirements or it shall be removed.

George Roberds 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 16.04 Public hearing to consider the request of HMR, LLC for Preliminary and Final Plat approval of Quail Run, a 2-lot minor subdivision, Tim Lawley.** The property is located on the west end of Quail Run Road. Mr. Smith gave the staff report saying the property is zoned RTF-4 (Two Family District) in Baldwin County. The property consists of 1.91 acres and 2 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The easements shall be shown and the fire hydrants shall be placed in an easement, per the City of Fairhope Water and Sewer Superintendent. Utilities running through "Parcel B" need to be rerouted prior to the final plat being signed.
2. Proof of Baldwin County's approval of the subdivision as proposed shall be provided.



3. A flow model meeting the approval of Dan McCrory has been submitted. However, the engineer's conditions of the flow model shall be stated as a note on the plat.
4. The Planning Commission Certificate shall be corrected.

Mr. Lawley was present to answer any questions. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

George Roberds made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The easements shall be shown and the fire hydrants shall be placed in an easement, per the City of Fairhope Water and Sewer Superintendent. Utilities running through "Parcel B" need to be rerouted prior to the final plat being signed.
2. Proof of Baldwin County's approval of the subdivision as proposed shall be provided.
3. A flow model meeting the approval of Dan McCrory has been submitted. However, the engineer's conditions of the flow model shall be stated as a note on the plat.
4. The Planning Commission Certificate shall be corrected.

Bernie Fogarty 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 16.05 Public hearing to consider the request of HMR, LLC for approval of Knoll Park Flats, an 18-unit multiple occupancy project, Robert Cummings.** The property is located on the southwest corner of the intersection of Fairhope Avenue and Bayview Street. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned B-3b. The property consists of .538 acres with 2 principal structures proposed. He stated the applicant is working with Tut Wynne for a hold harmless agreement for any encroachments onto City property. Staff recommendation is to approve contingent upon the following conditions:

1. The Operations and Maintenance Plan and Agreement shall be recorded.
2. A flow model approved by the City of Fairhope Water and Sewer Superintendent shall be submitted.
3. The applicant shall work with the police department on the location of the construction entrance.
4. The applicant shall add the Erosion Control Phasing Plan to the construction drawings.
5. The applicant shall provide a hold harmless agreement with the City of Fairhope for all of the encroachments in the City of Fairhope right-of-way.
6. The applicant shall sign, seal and provide the certification statement on the drainage calculations and plans. All drainage components of this project shall be engineered. The drainage calculation and plans shall include the cistern system.

Mrs. MacKellar asked how much of the buildings will be for the commercial use and Mr. Smith responded 400 square feet total. Mr. Cummings was present to answer any questions.

Mr. Turner opened the public hearing.

Charles Lake of 55 Bayview Street – He asked how much parking will be provided and wanted to make sure the gulley would not be impacted. Mr. Cummings responded 18 parking spaces are required and 28 are being provided. He added the developer will build a retaining wall to reclaim part of the gulley and will be working to restore it.

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

Mr. Turner said the City has given on the zoning, landscaping, and right-of-ways so he would like to have seen more commercial. Mr. Cummings stated there is no specific commercial square footage required. Mayor Kant said he would like to see commercial in both buildings and Mr. Cummings responded the applicant could possibly add more commercial. Mr. Smith said staff can work with the applicant administratively for more commercial. Mr. Clark asked what type of wall would be used for the gulley and Mr. Cummings responded it will be the same type the City uses.

Tim Kant made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The Operations and Maintenance Plan and Agreement shall be recorded.
2. A flow model approved by the City of Fairhope Water and Sewer Superintendent shall be submitted.
3. The applicant shall work with the police department on the location of the construction entrance.
4. The applicant shall add the Erosion Control Phasing Plan to the construction drawings.
5. The applicant shall provide a hold harmless agreement with the City of Fairhope for all of the encroachments in the City of Fairhope right-of-way.
6. The applicant shall sign, seal and provide the certification statement on the drainage calculations and plans. All drainage components of this project shall be engineered. The drainage calculation and plans shall include the cistern system.

Bernie Fogarty 2<sup>nd</sup> the motion and the motion carried unanimously.

**UR 16.02 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 717 linear feet of fiber optic cable.** The property will run throughout Phase 1A of Greenbrier and Phase 1B of Silverleaf of Firethorne Subdivision. Mr. Smith gave the staff report saying AT&T is proposing to install 717 linear feet of fiber optic cable and 46 hand holes to supply service for Firethorne Subdivision. All road crossings will be bored and the cable will be placed in a 2" or 4" HPDE pipe. The method of installation will be trenching with a vibratory plow and directional boring. No open trenches shall be allowed. Staff recommendation is to approve conditional upon the applicant following the general comments related to utility work as stated in the staff report.

Jennifer Fidler 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. Jay Robinson 2<sup>nd</sup> the motion and the motion carried unanimously.

### **Old / New Business**

**SD 15.26 Request of Pam Albertson for an additional 90 day extension to record the final plat of Griffing Estates, Phase 2.** Mr. Smith stated the applicant needs the additional time to install the required fire hydrant for the subdivision.

George Roberds made a motion to approve a 90 day extension to record the final plat of Griffing Estates, Phase 2. Bernie Fogarty 2<sup>nd</sup> the motion and the motion carried unanimously.

George Roberds made a motion to adjourn and was 2<sup>nd</sup> by Bernie Fogarty.

Having no further business, the meeting was over at 9:00 PM.



---

Lee Turner, Chairman



---

Emily Boyett, Secretary