

The Planning Commission met Monday, May 2, 2016 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; Jennifer Fidler; Bob Clark; Bernie Fogarty; Jay Robinson; Hollie MacKellar; Kevin Boone; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary  
Absent: 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 11, 2016 meeting were considered and Jennifer Fidler moved to accept the minutes as written and was 2<sup>nd</sup> by Bob Clark. The motion carried with one abstention by Bernie Fogarty.

**ZC 16.05 Public hearing to consider the request of Liberty Church Eastern Shore Campus to rezone property from R-2 to PUD (Planned Unit Development), Jeremy Sasser.** The property is located between Fairhope Avenue and Morphy Avenue, just east of Beecher Street. Mr. Smith gave the staff report saying the subject property is currently the site of the abandoned Liberty Church. The site includes 3 parcels which total approximately 8.60 acres. It is the applicant's desire to improve this blighted, underutilized area to medical office use with 12 single family residential lots occupying the remainder of the site. Staff recommendation is to approve contingent upon the following conditions:

1. Fences shall not impede the flow of drainage throughout the site.
2. Building height shall be measured per the City of Fairhope Zoning Ordinance.
3. The applicant shall clearly note on the PUD plan the proposed responsibilities of maintenance for streets, drainage, street trees, utilities, etc., so that the obligations will be clear to all parties involved.
4. All drainage shall meet the requirements of the City of Fairhope Subdivision Regulations. The maintenance of the drainage facilities, even those in the right-of-way, shall be the responsibility of the developer/POA.
5. The applicant shall submit a revised LID narrative.

Mr. Sasser of Goodwyn, Mills and Cawood, Inc., explained the applicant would like to renovate the existing building for his medical office and the residential would come later. He said the applicant would also build his residence on one of the 12 lots.

Mr. Turner opened the public hearing.

Carl Edmiston was present to represent his son – He owns the 5 acres adjacent to the subject property and had concerns with drainage.

Mr. Smith stated this application only addresses land use and the site plan. He stated the applicant will have to meet all of the City's ordinances and regulations including LID.

Mr. Smith stated drainage will be required at the time of subdivision.

Mr. Edmiston said he will defer his questions until the appropriate time.

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

Mr. Sasser stated there has not been any extensive drainage study performed at this time but the site will be in compliance with all City regulations. Mrs. Fidler explained this area is the first to flood when it rains. She suggested a connection be added from the residential to the commercial. She also asked why this is not proposed in the Medical

Overlay District (MOD). Mr. Smith explained this is an existing vacant building and the Comprehensive Plan supports medical use in Fairhope and not just limited to the MOD. Mr. Turner asked if staff supports the connectivity of the residential to the commercial and Mr. Smith responded yes, but the cul-de-sac is in a low area. Mr. Sasser explained they chose to do a cul-de-sac so it would not be used as a cut-through. Mrs. Fidler noted there are lots platted in grady ponds. Mr. Sasser said they are trying to work the pond to the front of the subdivision but it may have to be moved due to the grady ponds. Mrs. MacKellar asked where the greenspace will be located and Mr. Sasser responded it will be around the pond and in the median at the entrance. Mr. Boone stated County Road 13 and Bishop Road are on either side of this property and this site doesn't need to have a cut-through in a parking lot. Mr. Turner suggested a pedestrian connection would be preferable and Mr. Sasser stated the applicant would support a pedestrian connection. Mr. Clark said the site has been vacant for some time now and he supports revitalizing existing buildings and he is in support of the proposal. Bob Clark made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. Fences shall not impede the flow of drainage throughout the site.
2. Building height shall be measured per the City of Fairhope Zoning Ordinance.
3. The applicant shall clearly note on the PUD plan the proposed responsibilities of maintenance for streets, drainage, street trees, utilities, etc., so that the obligations will be clear to all parties involved.
4. All drainage shall meet the requirements of the City of Fairhope Subdivision Regulations. The maintenance of the drainage facilities, even those in the right-of-way, shall be the responsibility of the developer/POA.
5. The applicant shall submit a revised LID narrative.
6. A pedestrian connection between the commercial and residential shall be added to the site plan.

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

**UR 16.04 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,073 linear feet of conduit in the City of Fairhope right-of-way, Jeff Hadley.** The project will run along County Road 44 and through Woodlawn, Stone Creek, Sedgefield, Hunter's Glen, Summer Lake, and Fairfield VI subdivisions. Mr. Smith gave the staff report saying the total installation will include 27,838 linear footage in utility easements and City ROW, 202 handholes, and 44 pedestals. The method of installation will be directional boring and trenching with a vibratory plow. No open trenches shall be allowed. Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment should be painted munsell green.

Mrs. Fidler stated there have been complaints with the color of the locating equipment and she said it needs to be painted munsell green as well.

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

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment shall be painted munsell green.
3. Any locating equipment shall be painted munsell green.

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

**UR 16.05 Request of Southern Light for 11.52.11 Utility Review and approval of the proposed installation of approximately 966 linear feet of fiber optic cable, John Hixon.**

The proposed project will run along Magnolia Avenue and N. Church Street to serve Merchants and Marine Bank at 325 Fairhope Avenue. Mr. Smith gave the staff report saying the method of installation will be directional boring and manual digging. This request will also include additional installations around the Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment should be painted munsell green.

Mrs. Fidler stated the staff report did not include her typical statements regarding drainage and all locating and mechanical equipment shall be painted munsell green.

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

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment shall be painted munsell green.
3. Any locating equipment shall be painted munsell green.
4. Conduit shall be placed a minimum of at least 7' deep and shall maintain 3' clearance under all storm drain infrastructure. No handholes, boxes, or other above ground infrastructure shall be located in drainage easements. Pedestals shall be placed in a manner as to not block site visibility and to allow cars to get off of the roadway during an emergency. The applicant shall not change elevations of ditches with any installation. The applicant is to stay out of any tree drip lines with handholes and equipment.

Bob Clark 2<sup>nd</sup> the motion and the motion carried unanimously.

**UR 16.06 Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed installation of approximately 740 linear feet of CATV cable, Jon Innes.**

The project will run along S. Ingleside Street from Fairhope Avenue to Coleman Avenue and along Coleman Avenue. Mr. Smith gave the staff report saying the method of installation will be directional boring and manual trenching. The staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment should be painted munsell green.

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

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment shall be painted munsell green.
3. Any locating equipment shall be painted munsell green.

**Old / New Business**

**Comprehensive Plan** – Mr. Smith stated the City is waiting on the revisions to be completed. The maps were being updated to reflect the most recent city limits of Daphne and Fairhope.

Having no further business, George Roberds made a motion to adjourn. Bernie Fogarty 2<sup>nd</sup> the motion and the motion carried unanimously. The meeting was adjourned at 5:30 PM.

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Lee Turner, Chairman

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Emily Boyett, Secretary

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