

The Planning Commission met Monday, February 6, 2017 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; Bernie Fogarty; Bob Clark; Ralph Thayer; David Martin; Jimmy Conyers; Jonathan Smith, Wayne Dyess, Planning Director; Nancy Milford, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Hollie MacKellar

Chairman Turner called the meeting to order at 5:02 PM and announced the meeting is being recorded.

Mr. Turner introduced Wayne Dyess to the Planning Commission as the new Director of Planning.

The minutes of the January 3, 2017 meeting were considered and Bernie Fogarty moved to accept the minutes as written and was 2nd by Ralph Thayer. The motion carried with one abstention by Bob Clark.

ZC 15.12 Public hearing to consider the request of Larry Chason to rezone property from R-1 Low Density Single Family Residential District to PUD, Steve Pumphrey.

The property is located on the west side of US Hwy. 98 across from the entrance of Rock Creek. Mr. Smith gave the staff report saying the property consists of approximately 53.94 acres and 77 single family lots are proposed. The applicant is proposing 3 different size lots for a cluster style design. The proposal includes approximately 29.92 acres of open space and one acre of detention area, for a total site density of approximately 1.4 units per acre. Staff recommendation is to approve the proposed PUD zoning contingent upon the following conditions:

1. The buffers shown on the plans shall remain natural, with the exception of the allowance of plant materials to be installed where a visual buffer does not exist.
2. Where a visual buffer does not exist where buffers are shown on the plans, buffer plant materials shall be installed.
3. Any outside agency permits required shall be obtained (ALDOT, Baldwin County, ADEM, etc.)
4. Any item not specifically outlined in the PUD ordinance shall meet all City regulations and ordinances that govern development.

Mr. Pumphrey addressed the Commission saying the design is completely single family residential. He explained the design is a mix of lots with buffers and most of the site being left natural. He said the applicant is not proposing to open the existing right-of-ways or connect to the streets in Montrose. Their request includes reduced setbacks, 35' building height, and 40% of lot coverage.

Mr. Turner opened the public hearing.

Debbie Quinn of 7172 Taylor Street – She spoke in support of the request and thanked Larry Chason for working with the residents of Montrose on this proposal. She said the lots are small but the houses can be as large as 2,500 to 4,000 square foot. She had questions and concerns with the area labeled “Conservation Easement” regarding maintenance and acceptance. She also requested a third-party review of the drainage be completed when the time comes.

Diane Thomas of 23389 Main Street – She spoke in favor of the request and thanked Mr. Chason for listening to the requests of the Montrose residents. She had questions regarding ownership of the conservation easement and asked who will provide the sewer.

Linda McCullough of 7388 Taylor Street – She spoke in opposition of rezoning the property from R-1. She stated concerns with drainage, sewer, access, and traffic.

Martin Pitts of 7225 Ecor Dechene Court – He spoke in favor of the request and said it will allow him access to the rear of his property to maintain the existing drainage way.

Wayne McCullough of 7388 Taylor Street – He asked that 2nd Street not be opened.

Paul Klutes of 108 Alsway Court - He asked that 2nd Street not be opened.

Debbie Quinn of 7172 Taylor Street – She stated the proposal does not include opening 2nd Street.

Lynn Barnes of 23950 3rd Street – She asked what size homes will be built and what price point.

Clay Rankin of Taylor Oaks Property Owners Association – He asked if the site will be bound by the specific plan proposed tonight. Mr. Turner responded a specific plan is approved with a PUD but it does not prevent the property owner from coming back before the City to amend it as many times as they want. Mr. Rankin said the residents do not want 2nd Street opened. Mr. Turner stated 2nd Street is a County right-of-way and it would be up to the County to open it or not.

Larry Lenzi of 7245 Rock Creek Drive – He stated concerns with the drainage and potential flooding of Rock Creek and the adjacent properties.

Steven Cook of 7335 Wild Oaks Road – He spoke in opposition of the zoning change request. He stated concerns with drainage and traffic.

Bill Smith of 23591 3rd Street – He asked if the lots will have septic tanks or sewer. Mr. Turner responded sewer service will be required.

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

Mr. Chason addressed the comments saying the engineer took the comments from the previous meetings and worked with the residents to design this development. He stated the proposed density is less than the R-1 requirements but the lots will still allow a footprint of 2,700 square feet to be built. He said the cost of the lots will dictate the size and type of house built. Mr. Chason said they are building their own roads and not opening any of the existing right-of-ways. He explained the section of road to be constructed on 2nd Street will only be a hammerhead turnaround and will not open 2nd Street to connect to Taylor Street. He said the conservation easement and the trails will be owned by the Property Owners Association of the development and under their control. Dr. Thayer asked if the applicant plans to build the development and will there be architectural guidelines for the houses and Mr. Chason stated they are only seeking to have a site plan approved but there will be guidelines to protect their investment. Dr. Thayer and Mr. Turner stated concerns with the conservation easement being controlled by the POA. Mr. Chason said they are open to other alternatives for the easement but the POA is the easiest option and it will be restricted to prevent development. Mr. Turner suggested the City attorney review the conservation easement agreement as a condition of approval. Mr. Fogarty asked why staff recommends approval since there is a moratorium and Mr. Smith responded this request is land use and the applicant cannot move forward with plat approval until the moratorium is over. Mrs. Fidler asked for a comparison of the allowable density for R-1 and the proposed density for the PUD. Mr. Chason stated R-1 would allow approximately 80 lots and 77 lots are proposed in the PUD. Mrs. Fidler recommended the hammerhead be reviewed to verify it is large enough to accommodate

the City vehicles such as garbage and fire trucks. She added she would like to see connectivity but she understands the situation in this area. Mr. Conyers reiterated there are 17 existing plotted lots but 80 lots would be allowed with the R-1 zoning and the applicant is not using the existing right-of-ways. He asked how the drainage will be handled on the north end of the property and Mr. Chason stated the drainage has not been studied at this time but it will meet the City's regulations.

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

1. The buffers shown on the plans shall remain natural, with the exception of the allowance of plant materials to be installed where a visual buffer does not exist.
2. Where a visual buffer does not exist where buffers are shown on the plans, buffer plant materials shall be installed.
3. Any outside agency permits required shall be obtained (ALDOT, Baldwin County, ADEM, etc.)
4. Any item not specifically outlined in the PUD ordinance shall meet all City regulations and ordinances that govern development.
5. The City attorney shall review the conservation easement to assure it is kept in perpetuity as a park.
6. The hammerhead shall be adequate to accommodate access of all service trucks for the property.

Ralph Thayer 2nd the motion and the motion carried unanimously.

SD 16.32 Public hearing to consider the request of Chris Haley for Multiple Occupancy Project approval of Portico, a 56-unit project. The property is located at the northeast corner of Fairhope Avenue and Brown Street. Mr. Smith gave the staff report saying the property is approximately 3.52 acres and is zoned B-2 General Business District. The applicant is proposing 7 two-story buildings with 33 residential units and 23 commercial units. Mr. Smith cited the following issues with the proposal 1) it does not meet the City's minimum greenspace requirement of 20' along Fairhope Avenue, 2) safety concerns with the proposed on-street parking, and 3) all comments from Larry Smith of S.E. Civil Engineering shall be satisfied. Staff recommendation states while the majority of the project layout appears to be of good design, due to the issues outlined in the staff report, staff is unable to support the application; however, if the Planning Commission and City Council approve the subject development as proposed or with any changes, staff recommends all of Larry Smith's comments be addressed.

Mr. Haley stated he is a local developer and has been here for 15 years. He said the issues with the buffer and parking would not be a concern if the property was within the Central Business District (CBD) and he is asking for an exception. He explained he could have done a PUD but chose not to because the property is already zoned for what he is proposing. He said he has met with Mrs. Fidler and Mr. Smith regarding the landscaping and he is willing to enhance the greenspace. Mr. Haley cited multiple examples where the city already has 45° parking and said he does not understand why it is an issue for his site. He stated the traffic engineer he hired has approved the design. Mr. Turner opened the public hearing.

Tony Taylor of 560 Fairhope Avenue – He stated safety concerns with the on-street parking for Fairhope Avenue. He said the 18-wheelers already have a difficult time turning into ACE Hardware.

Bob Griffin of 203 Fairhope Avenue – He asked if the City’s parking requirements are being met by the applicant and if there will be underground drains for retention. Having no one else present to speak, Mr. Turner closed the public hearing. Mr. Haley stated the on-street parking will not protrude into the lanes on Fairhope Avenue. He said he can’t do anything about the 18-wheelers not being able to access ACE Hardware. Chris Lieb stated the site will incorporate 7 LID techniques and will make the drainage better for the area. Mrs. Fidler stated the surface water for this watershed drains through the subject property and she noted there are drains that run under the site. Mr. Lieb stated they are aware of the drainage through the site. Mrs. Fidler asked if the on-street parking will be public or private and Mr. Haley said it will be public. Mrs. Fidler said the design is superb but she supports the Tree Ordinance and the City needs to maintain the green canopy and greenspace requirements. She also noted safety concerns with the on-street parking. Mr. Clark asked if the main parking will be on-street parking and Mr. Haley responded no, the majority of the parking is in the northeast corner of the property. Mr. Turner commended the project and said he is fine with the on-street parking. He liked that the site keeps with the Downtown feel as long as it is not violating the Tree Ordinance. Mr. Roberds said this is a terrific project and he does not have a problem with the on-street parking. Mr. Martin asked what percentage the greenspace is increasing with the new design and Mr. Haley said he is not sure. Mr. Martin said it seems to be a huge increase of greenspace. Mr. Conyers said this is a great project and the on-street parking is not a concern. He stated the greenspace does not really start until east of Fairwood Blvd. He said the applicant can work with staff to address additional concerns. Mr. Haley responded he has been working with staff since May and it is his intent to have an attractive development. Dr. Thayer asked about building signage and Mr. Haley answered all signage will meet the sign ordinance requirements.

Jimmy Conyers made a motion to grant a waiver to the greenspace and LID requirements. David Martin 2nd the motion due to the amount of greenspace being provided throughout the entire project. The motion carried with the following vote: AYE- Bob Clark, Bernie Fogarty, Ralph Thayer, Lee Turner, George Roberds, Jimmy Conyers, and David Martin. NAY – Jennifer Fidler.

David Martin made a motion to approve the multiple occupancy project with the following condition:

1. The applicant shall address all comments by Mr. Larry Smith of S.E. Civil Engineering.

Jimmy Conyers 2nd the motion and the motion carried with the following vote: AYE- Bob Clark, Bernie Fogarty, Ralph Thayer, Lee Turner, George Roberds, Jimmy Conyers, and David Martin. NAY – Jennifer Fidler.

SR 16.05 Request of Chris Haley for Site Plan approval of Portico, a 56-unit project.

The property is located at the northeast corner of Fairhope Avenue and Brown Street. Mr. Smith gave the staff report saying the property is approximately 3.52 acres and is zoned B-2 General Business District. The applicant is proposing 7 two-story buildings with 33 residential units and 23 commercial units. Mr. Smith cited the following issues with the proposal 1) it does not meet the City’s minimum greenspace requirement of 20’ along Fairhope Avenue, 2) safety concerns with the proposed on-street parking, and 3) all comments from Larry Smith of S.E. Civil Engineering shall be satisfied. Staff recommendation states while the majority of the project layout appears to be of good

design, due to the issues outlined in the staff report, staff is unable to support the application; however, if the Planning Commission and City Council approve the subject development as proposed or with any changes, staff recommends all of Larry Smith's comments be addressed.

Mr. Turner opened the floor to public comments.

Gary Gover of 300 Lincoln Street – He cited concerns with the angled parking and the bicycle lanes on Fairhope Avenue.

Chuck Earp of 550-A Mershon Street – He stated concerns with speeding on Fairhope Avenue with the on-street parking. He asked if the spaces could be a little further into the property.

Mayor Wilson addressed the Commission saying she is planning to have a Comprehensive Plan done for Downtown and just because the parking has been done a certain way does not mean we should keep doing it. She stated the parking is a hazard and there are multiple accidents daily due to the angled parking on Section Street and Fairhope Avenue. She recommended the applicant to be creative and work on the parking. Mrs. Fidler asked about the bicycle and pedestrian access and Mayor Wilson noted the City has adopted Complete Streets and this development needs to meet those requirements. Mr. Haley stated his traffic engineer has approved the design and said it meets the requirements for up to 35 mph. Mr. Martin asked if the parking could be converted to parallel and Mr. Haley responded parallel parking is more dangerous than angled parking. Mr. Conyers asked if the site meets the parking requirements without the on-street parking and Mr. Haley answered yes. Dr. Thayer stated he likes the project but hates the parking and he feels the project would not suffer without the on-street parking. Mr. Clark and Mr. Turner both said they like the project. Mr. Clark said backing out into traffic is a concern and Mr. Turner said maybe the parking will help with speeding. Jimmy Conyers made a motion to approve the request as presented. David Martin 2nd the motion and the motion carried with the following vote: AYE - Bob Clark, Bernie Fogarty, Lee Turner, George Roberds, Jimmy Conyers, and David Martin. NAY – Jennifer Fidler and Ralph Thayer.

SD 17.05 Public hearing to consider the request of HMR, LLC for Final Plat approval of South Pointe at Fairhope, a 6-lot subdivision, Tim Lawley. The property is located on the north side of Pecan Avenue and the west side of Section Street. Ms. Milford gave the staff report saying the property is approximately 2.44 acres and is zoned R-3 High Density Single Family Residential District with 6 lots proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall provide a 10' easement along the property lines with the 30" pipe to accommodate for maintenance of the pond and the drainage pipe. The setback for Lot 6 shall not be less than the drainage easement setback.
2. The applicant shall add the following notes on the plat clarifying the issues listed below:
 - Fences shall not be located in any of the drainage easements on the property as pipes in drainage easements require access for maintenance.
 - The water meters for Lots 2 & 3 shall not be moved per the City of Fairhope Water and Sewer Superintendent for maximum tree preservation.
 - The requirement for maintenance for the homeowner and the City of Fairhope existing pipe.

- No vertical or hardscape structure shall be located within the drainage easement on the north side of Lot 6.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing. Mrs. Fidler asked if they used a HDPE pipe on the site and Mr. Lawley responded yes, but not on the right-of-way.

Ralph Thayer made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall provide a 10' easement along the property lines with the 30" pipe to accommodate for maintenance of the pond and the drainage pipe. The setback for Lot 6 shall not be less than the drainage easement setback.
2. The applicant shall add the following notes on the plat clarifying the issues listed below:
 - Fences shall not be located in any of the drainage easements on the property as pipes in drainage easements require access for maintenance.
 - The water meters for Lots 2 & 3 shall not be moved per the City of Fairhope Water and Sewer Superintendent for maximum tree preservation.
 - The requirement for maintenance for the homeowner and the City of Fairhope existing pipe.
 - No vertical or hardscape structure shall be located within the drainage easement on the north side of Lot 6.

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

Old / New Business

The Commissioners thanked Jonathan Smith for his service to the City and wished him well with future endeavors.

Having no further business, George Roberds made a motion to adjourn. Jimmy Conyers 2nd the motion and the motion carried unanimously. The meeting was adjourned at 7:01 PM.



Lee Turner, Chairman



Emily Boyett, Secretary