

The Planning Commission met Monday, April 3, 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; Richard Peterson; Charles Johnson; Ralph Thayer; Hollie MacKellar; David Martin; Jimmy Conyers; Wayne Dyess, Planning Director; Nancy Milford, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney

Absent: none

Chairman Turner called the meeting to order at 5:03 PM and announced the meeting is being recorded. He introduced Richard Peterson and Charles Johnson and welcomed them to the Commission.

The minutes of the March 6, 2017 meeting were considered and Ralph Thayer moved to accept the minutes as written and was 2nd by David Martin. The motion carried with abstentions by Lee Turner, Richard Peterson and Charles Johnson.

ZC 17.01 Public hearing to consider the request of for an amendment to the East Park PUD (Planned Unit Development), Wendell and Charlotte Barnhill. The property is located on the north side of Parker Road between US Hwy. 98 and High Ridge Road, at 7625 Parker Road. Mr. Dyess gave the staff report saying the East Park PUD was established by the City Council through Ordinance No. 1273, on October 24, 2005. The PUD comprises 12.18 acres. The development was approved as a patio home development containing 47 single family lots and one parcel (279'x 83') which does not contain any home sites located on the west side of the subject property. The applicant is requesting to amend the PUD to include a church school with a small parcel to be a personal storage building. In addition, the applicant wishes to establish allowable uses consistent with the B-2 zoning district. The subject parcel to be amended abuts property located in unincorporated Baldwin County located in Planning District 16, which is a zoned area. The western abutting properties have frontage on U.S. 98 and designated B-2 zoning through the Baldwin County Zoning Ordinance and currently contains commercial buildings. The school site is considered a Civic Use by the permitted uses in the Zoning Ordinance. Therefore, no buffering is required and no deviation is necessary in the PUD amendment. Therefore, if the change in use is approved, the required buffering would not be required. However, staff does have concern with a school site and B-2 uses (commercial) located adjacent to single family uses contained in the PUD. It is staff's position that buffering between the proposed church school and commercial uses and the single-family homes would be appropriate and could mitigate the incompatible uses. Staff recommendation is to approve with the following condition:

1. Landscape buffering in accordance with Article IV.B.2(b) between the subject parcel and abutting single family uses.

Mr. Barnhill address the Commission saying he originally wanted to develop the 47 home sites but now the church as approached him to allow for expansion of their school. He explained he wants to keep the small area on the west side of the property for a storage building. Mr. Peterson asked Mr. Barnhill if he was referring to the 84' x 280' lot and Mr. Barnhill responded yes, that is correct. Dr. Thayer asked what else the property could be used for instead of a school or church and Richard Skinner with the Eastern Shore Presbyterian Church stated the school has been in place for several years and they need more room for senior high classrooms. Mr.

Conyers asked if the entire site will be used for the school and Mr. Turner responded there will be a small portion Mr. Barnhill wants to keep for storage. Mr. Barnhill explained he could sell the property for much more but he wants to help the church and school grow.

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

Mr. Dyess stated the R-1 zoning district allows for school and the only question is for the small strip on the west side for storage.

Jimmy Conyers made a motion to accept the staff recommendation to approve with the following condition:

1. Landscape buffering in accordance with Article IV.B.2(b) between the subject parcel and abutting single family uses.

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

ZC 17.02 Public hearing to consider the request to rezone property from R-1 Low Density Single Family Residential District to B-4 Business and Professional District, Clifford Street.

The property is located on the northwest corner of the intersection of Farringdon Blvd. and US Hwy. 98 (a.k.a. Greeno Road). Mr. Dyess gave the staff report saying the applicant is seeking to rezone one parcel of approximately 31,300 sq.ft. from R-1 Low Density Single Family Residential District to B-4 Business and Professional District. The parcel is located on the west side of U.S. 98 (aka Greeno Road) in front of the Huntington Subdivision. Parcels located directly across the U.S. 98 are unzoned in unincorporated Baldwin County. The proposed use is an administrative office related to a wholesale lumber company. The proposed use is strictly an office use. No storage or similar uses are being requested, nor are they allowed. The subject property is a corner lot which contains approximately 120' of frontage on U.S. 98/Greeno Road and approximately 215' of frontage on Farringdon Blvd. which serves as the primary entrance into Huntington Subdivision, which serves approximately 100 lots. The lots size is approximately 31,300 sq.ft. The subject property abuts the 2 lots of the Huntington Subdivision which is currently zoned Planned Unit Development District. The subject property is zoned R-1 Low Density Single Family Residential District. The requested zoning for the subject property is B-4 Business and Professional District. The subject property is located south the Commercial Node at Greeno Road and Twin Beech Road. The Comprehensive doesn't define the size of the commercial node, but does provide a general location. Typically, commercial nodes are defined as a compact concentration of commercial land within a relatively small area. Ideally, such nodes are located around or near intersections of major city roadways (typically, 4 or more lanes, divided parkways, and boulevards). Once the node is established, it is difficult to define how far from the intersection subsequent commercial expansion should reach. Ideally, a commercial node should have internal access roads, shared parking, courtyards, walkways, or other features that binds the various commercial properties within the node together. This pattern of development reduces the traffic impacts associated with commercial development and promotes a pedestrian-friendly environment. The subject property is located approximately 1,800' south of the Twin Beach and Green Road commercial node and is located between Huntington Subdivision and Greeno Road. The parcel is currently vacant. Due to the proposed commercial use abutting a single family residential development, compatibility of uses is critical. The property's location and size lends itself to a use that has low impacts from noise, light and hours of operation. The office use would serve as a transition to the residential use and provide a buffer from Greeno Road. Staff recommendation is to approve. Mr. Dyess stated the applicant has indicated the site would become an office for their wholesale timber business.

Mr. Turner opened the public hearing.

Jacqueline Turner of 312 Blackfriars Street – She stated this location is not suitable for commercial use and looks as though it is part of Huntington Subdivision. She noted safety concerns with pedestrian and vehicle access with an entrance at this intersection. She asked the Commission to consider the residents opinions.

Sam Comly of 401 Ellington Avenue – He agreed with the previous comments and said it is tacky to have commercial in this location.

Mike McPherson of 314 Blackfriars Street – He stated the Mayor has emphasized proper planning and this request does not make sense. He said once it is rezoned there is no going back. He explained the new phases of Old Battles Village are going to increase the traffic at this intersection and it is already dangerous for the children to cross for school.

Michael Abirillo of 302 Blackfriars Street – He said he lives directly behind this property and it will be 15' from his window. He stated the subdivision entrance is landscaped and a curb cut is not practical for either side of the lot. He said this request will diminish the real estate for the surrounding houses.

Mike Bragg of 500 Charing Cross Street – HOA President – He stated most of the residents in the Huntington Subdivision are not in favor of this request due to traffic and safety concerns.

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

No one was present on behalf of the applicant.

Dr. Thayer said the lot is too small for B-4 and it does not make sense in this location.

Mr. Dyess explained the B-4 uses are very limited. He said he understands the concerns but he can't speak to the applicant's intent. Dr. Thayer suggested the case be deferred until the applicant can address the concerns. Mrs. MacKellar asked what other commercial uses are in the same node as this location. Mr. Dyess explained the node is shown at the intersection of Co. Rd. 44 and US Hwy. 98 but the Comprehensive Plan does not provide a clear delineation of size or distance for the nodes. Mr. Turner noted these requests use to be denied and once one is approved then more will follow. He said something needs to be outlined or an overlay developed with specific requirements for buffering between lot on Greeno Road. Mr. Dyess said an overlay district can be done but we still need node definitions and to know what uses we want to allow and how we want it to look. He added the property across the street has applied for the same request to be heard next month. Mrs. MacKellar asked if architectural guidelines could be included and Mr. Dyess yes, it would be the guidelines the Commission wants. Mr. Peterson stated an office is a better transition but stated concerns with access.

Richard Peterson made a motion to continue the request to the next meeting. Ralph Thayer 2nd the motion and the motion carried unanimously.

Mr. Roberds suggested contacting the applicant for next month to explain the Commission's concerns. Mr. Martin asked what process is need to establish an overlay district and Mr. Dyess responded it is an amendment to the Zoning Ordinance and will have to be adopted by the City Council. Mr. McPherson asked when the next meeting will be held and Mr. Turner responded May 1st. Debra Green of 415 Maple Street – She said they are comparing two different things and trying to put everyone in the same box She said the Commission wants to make another overlay district but the ones we already have are being ignored.

SD 16.39 Request of Dewberry/Preble-Rish, LLC for Multiple Occupancy Project approval for Graceway “A Senior Living Community,” a 48-unit project, Andy Bobe. The property is located on the west side of Bishop Road, just north of Edwards Avenue. Mr. Dyess gave the staff report saying the applicant is requesting a multiple occupancy approval for 2 buildings. Building 1 is 2 stories with 26,581 sq.ft. containing 20 – 1 bedroom units and 4 – 2 bedroom units. Building 2 is 2 stories with 25,017 sq.ft. containing 24 – 1 bedroom units. Total square footage for the residential buildings is 51,606. The site also contains a 1 story community building consisting of an office and a community room totaling 1,768 sq.ft. The buildings are located on 5.44 acres. The site plan indicates 96 parking spaces. The applicant is also seeking 6 waivers from the required ten (10) Low Impact Development (LID) design requirements. The use of LID is required by Article V.F.11. of the Subdivision Regulations. The applicant has provided a letter stating each waiver and their justification (please see attached waiver request and applicant’s justification for waiver dated February 27, 2017). The City’s 3rd party engineer reviewed the waiver requests and provided comments on December 13, 2016. These comments indicate that he is not in agreement with the justification for the waivers. Staff recommendation is the application’s LID waivers be denied and the project be approved with the following condition:

1. The project shall comply with Article V.F.11. of the Subdivision Regulations, LID requirements.

Mr. Bobe addressed the Commission saying the design provides 8 of the required 10 LID techniques. He explained the site has a poor perk rate and he does not think the other 2 techniques will work on the site but he is willing to run the calculations to try them. He requested the project be approved contingent upon working with staff or tabled.

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

Dr. Thayer said this sounds like a debate between the engineers. He stated he does not like waivers and a would like to see it worked out. Mr. Bobe stated he has not had a chance to run the calculations and work out the details but he feels the pond could backflow into the bio-retention. Mr. Turner asked if it is okay to allow the engineers to work it out and Mr. Watson stated it would be cleaner to bring it back next month for the waiver approval if it is needed. Mr. Bobe stated the calculations will either prove the techniques will work or they won’t. Mr. Smith stated the applicant did a great job on the design and he just needs to see the calculations. Mrs. MacKellar asked if a detention pond is the only thing that will work here and Mr. Bobe explained the detention pond is only one of the 8 techniques being used.

David Martin made a motion to accept the staff recommendation to deny the LID waiver request and the project be approved with the following condition:

1. The project shall comply with Article V.F.11. of the Subdivision Regulations, LID requirements.

George Roberds 2nd the motion and the motion carried with the following vote: AYE – Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Jimmy Conyers, George Roberds, and David Martin. NAY – Richard Peterson.

SD 17.09 Public hearing to consider the request of S.E. Civil Engineering, LLC for Plat approval of Manson Subdivision, a 2-lot minor division, Larry Smith. The property is located on the east side of Mershon Street between Nichols Avenue and Middle Street. Ms. Milford gave the staff report saying the property is zoned R-2 Medium Density Single Family Residential District and 2 lots are proposed. The applicant is requesting a waiver to Article V.E.3.a. of the Subdivision Regulations which

states “all lots shall front upon a paved, publicly maintained street.” Staff recommendation is to approve contingent upon the following condition:

1. The waiver request regarding lot access being approved by the Planning Commission.

Mr. Smith addressed the Commission saying the rear lot fronts on a 16’ alley that is partially open. He explained there are 5 other lots which are accessed only by the alley and the owner is also providing a 20’ access easement along the south side of the front lot.

Mr. Turner opened the public hearing.

Roy Parker of 357 Mershon Street – He stated there are already major drainage issues in this area and 2 additional houses are only going to compound them. He said one house is fine but not 2.

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

Mr. Peterson said an access road will need to be built up or a retaining wall to allow access to the rear lot. Mr. Smith stated fill will have to be brought in regardless.

Tom Manson, owner, explained he wants to build 2 homes approximately 1,300 sq.ft. and he knows the drainage is a concern but he plans to live on one lot so it will be addressed properly.

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

1. The waiver request regarding lot access being approved by the Planning Commission.

Mrs. MacKellar stated the water is already an issue and the applicant appears to be doing what he can to control it but adding 2 additional houses will impact the drainage even more.

David Martin 2nd the motion and the motion was denied with the following vote: AYE – George Roberds and David Martin. NAY – Richard Peterson, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, and Jimmy Conyers.

The motion was denied due to the rear lot not meeting the access requirements of the Subdivision Regulations and drainage concerns with the amount of water in the area.

SD 17.10 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Final Plat approval of Phase 2 of Silverleaf at Firethorne, a 29-lot subdivision, Steve Pumphrey. The property is located on the east side of US Hwy. 181 and on the south side of Narrowleaf Blvd. Ms. Milford gave the staff report saying the property is located in the City of Fairhope and is zoned PUD (Planned Unit Development). The applicant is proposing 29 lots on approximately 13.78 acres. Staff recommendation is to approve contingent upon the following conditions:

1. Proof of payment for street lights shall be provided.
2. A financial guaranty package meeting the approval of the City of Fairhope shall be provided for improvements not complete.
3. The Maintenance Bond shall be on the City of Fairhope approved forms.
4. The punch list items shall be addressed prior to the plat being signed.

Mr. Pumphrey addressed the Commission and stated all the conditions have been addressed. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

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

1. Proof of payment for street lights shall be provided.
2. A financial guaranty package meeting the approval of the City of Fairhope shall be provided for improvements not complete.
3. The Maintenance Bond shall be on the City of Fairhope approved forms.
4. The punch list items shall be addressed prior to the plat being signed.

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

SD 17.11 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Final Plat approval of Old Battles Village, Phase 2, a 21-lot subdivision, Steve Pumphrey. The property is located on the north side of Battles Road and north of Old Battles Village, Phase 1. Ms. Milford gave the staff report saying the property is located in the City of Fairhope and is zoned PUD (Planned Unit Development). The applicant is proposing 21 lots on approximately 13.50 acres. Staff recommendation is to approve contingent upon the following conditions:

1. The final punch list shall be satisfied to the approval of the City of Fairhope.
2. The maintenance bond shall be on the approved City of Fairhope standard form.
3. A performance financial guaranty package meeting the City of Fairhope requirements shall be submitted for all improvements that are not completed as part of final inspection.
4. The Operations and Maintenance Agreement and Plan shall be executed and recorded.

Mr. Pumphrey addressed the Commission and stated all the conditions have been addressed.

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

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

1. The final punch list shall be satisfied to the approval of the City of Fairhope.
2. The maintenance bond shall be on the approved City of Fairhope standard form.
3. A performance financial guaranty package meeting the City of Fairhope requirements shall be submitted for all improvements that are not completed as part of final inspection.
4. The Operations and Maintenance Agreement and Plan shall be executed and recorded.

George Roberds 2nd the motion and the motion carried unanimously.

SD 17.12 Public hearing to consider the request of S.E. Civil Engineering, LLC for Final Plat approval of Red Barn Road Estates, a 16-lot subdivision, Larry Smith. The property is located at the southeast corner of the intersection of County Road 33 and Red Barn Road. Ms. Milford gave the staff report saying the property is located in Baldwin County and is unzoned. The applicant is proposing 16 lots on approximately 114.44 acres. Staff recommendation is to approve contingent upon the following condition:

1. A note shall be added to the plat stating/referencing the buffer requirements, the allowed uses within the buffer, and showing the location of the buffer signage.

Mr. Smith addressed the Commission saying the note will be added to the plat. Mr. Peterson asked if additional fire hydrants have been installed on the site and Mr. Smith responded yes.

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

Jimmy Conyers made a motion to accept the staff recommendation to approve contingent upon the following condition:

1. A note shall be added to the plat stating/referencing the buffer requirements, the allowed uses within the buffer, and showing the location of the buffer signage.

David Martin 2nd the motion and the motion carried unanimously.

SR 17.01 Request of Century Construction for Site Plan approval of Eastern Shore Healthcare Advocacy building, Laura Tensley. The property is located on the east side of Greeno Road just south of Gayfer Road, at 230 N. Greeno Road. Ms. Milford gave the staff report saying this property is in the Greeno Professional Village PUD Ordinance #1142 which was approved April 8, 2002. The applicant provided a narrative of how this project meets the requirements of the approved PUD. The narrative addressed the total square footage of the PUD, parking, orientation of the building as compared to the site plan layout, as well as the other PUD components. There is a slight shift in orientation with the building but it is consistent with the existing building configurations. The lighting shall be in compliance with the approved PUD, Ordinance #1142, Greeno Professional Village PUD, which states “The light standards shall be no taller than the fence to be constructed at the rear property line”. The PUD requires an 8’ tall shadowbox fence at the rear property line. The applicant requested consideration to keep property lighting consistent with the neighboring property. Trustmark Bank has 25’ light poles. In staff’s review of the site plan approval for the old Bank Trust Site Plan (aka Trustmark Bank), the Planning Director noted on the plan that the lighting shall be no taller than 8’. Staff recommendation is to approve contingent upon the following conditions:

1. Staff requests clarification as to how any medical waste will be handled.
2. The lighting shall be as per Ordinance #1142 Greeno Professional Village PUD which states “the light standards shall be no taller than the fence to be constructed at the rear property line.”
3. Signage shall be as per the approved PUD which states “One ground sign shall be permitted for the development. Each building may have signage on the building only as permitted by the sign ordinance”.

Ms. Tensley addressed the Commission to explain the waiver request for the lighting. She stated the PUD ordinance only allows 8’ light fixtures and they are requesting a 25’ height. She said the fixtures they are proposing will have no spill onto the adjacent properties. Mr. Dyess stated he feels the intention of the lighting provision in the PUD ordinance was to protect the neighbors. Dr. Thayer asked if the only access is to Gayfer Avenue and Ms. Milford responded no, the access drive runs from Edwards Avenue to Gayfer Avenue along the rear of the property. Dr. Thayer asked how the medical waste will be handled and Mr. Dyess answered the applicant indicates it will be a private service.

David Martin made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. Staff requests clarification as to how any medical waste will be handled.
2. The lighting shall be as per Ordinance #1142 Greeno Professional Village PUD which states “the light standards shall be no taller than the fence to be constructed at the rear property line.”
3. Signage shall be as per the approved PUD which states “One ground sign shall be permitted for the development. Each building may have signage on the building only as permitted by the sign ordinance”.

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

Old/New Business

Informal Review for Lieb Engineering, LLC to discuss a proposed Site Plan for a 10,500 sq.ft. New Medical Clinic on US Hwy. 98, Chris Lieb. The property is located on the east side of US Hwy. 98 just north of Spring Lake Drive. Mr. Lieb stated the site is currently 4 lots that will be combined into 1 lot for a new medical clinic. He stated there will be 2 access points and above ground detention. Mr. Roberds stated this is a good use for this location and he is in favor of combining the lots. Mrs. MacKellar she likes to see several similar uses together to complement each other. Mr. Conyers asked what the property is zoned and Mr. Lieb responded it is unzoned. Dylan Wells of 857 Seacliff Drive – He stated their practice has out grown their current location and this site will be their new location. He noted they searched for a site in the Medical Overlay District but were unsuccessful and found this location. Mr. Peterson noted concerns with the access lanes and suggested one entrance.

Jimmy Conyers thanked Bob Clark and Bernie Fogarty for their many years of service on the Planning Commission.

Having no further business, George Roberds made a motion to adjourn. David Martin 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:57 PM.



Lee Turner, Chairman



Emily Boyett, Secretary