

The Planning Commission met Monday, July 3, 2017 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Charles Johnson; Richard Peterson; Jimmy Conyers; Ralph Thayer; Hollie MacKellar; Wayne Dyess, Planning Director; Nancy Milford, Planner; Buford King, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney  
Absent: David Martin and Rebecca Bryant

Chairman Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded.

The minutes of the June 5, 2017 meeting were considered and Ralph Thayer moved to accept the minutes with one correction and was 2<sup>nd</sup> by Jimmy Conyers. The motion carried with an abstention by Charles Johnson.

**ZC 17.04 Public hearing to consider the request of S.E. Civil Engineering, LLC to rezone property from R-1 Low Density Single Family Residential District and R-4 Low Density Multi-Family District to PUD (Planned Unit Development), Larry Smith.** The property is located on the east side of US Hwy. 98 (a.k.a. Greeno Road) just north of Volanta Avenue, to be known as Park Place PUD. Mr. Dyess gave the staff report saying the PUD consists of 11 buildings of 2 and 3 stories totaling 60,000 sq.ft. for office, retail, medical and residential mixed use component. The residential use will be located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and will comprise 15,000 sq.ft. and an estimate of approximately 7 residential units or 25% of the total building area.

Staff recommends DENIAL of the Park Place PUD based on the following:

1. The proposed PUD is a commercial/mixed use development which is located between two villages in the Comprehensive Plan (North Village and Greeno Road Village). These villages are intended to accommodate for commercial and mixed-use development along the Greeno Road corridor, thereby creating boundaries of future commercial uses which limits “commercial creep” and strip commercial development along Greeno Road. Further, the subject properties zoning is residential as well as its Comprehensive Plan land use designation. The proposed development is not located at a designated “village” center and lies between two villages. Due to the location, size, scale and uses of the PUD, the proposed development is inconsistent with the Comprehensive Plan and its village concept and is therefore “not in accordance with” the Plan. Staff believes that to achieve the vision of the Comprehensive Plan of a village development strategy along Greeno Road, committed adherence to the Plan is necessary.
2. The proposed PUD contains references to medical and professional uses. Referencing the medical uses, the City adopted a Medical Overlay District, Section H. Article V. Fairhope Zoning Ordinance, with the intent to “establish and provide for the logical expansion of medical office needs to accommodate the growing community and region.” Although there is no outright prohibition of medical uses outside this overlay, to fulfill the intent of the overlay, medical uses should be encouraged to locate with the overlay. This may explain why the clinic or medical uses are only allowed “on appeal” and not allowed by right, pursuant Table 3.1 – Use Table of the Article III, Section B of the Zoning Ordinance.

Mr. Smith addressed the Commission saying he disagrees with the staff's interpretation of the Comprehensive Plan. He stated the Hayek PUD was approved 1 year ago and it was 17 days prior to the Comp. Plan adoption. He explained the layout will provide buffers along US Hwy. 98 and the Auburn property, shield parking from the street, and maximize walkability and open space. Mr. Smith stated the Hayek PUD set a precedent and there needs to be defined edges for the nodes outlined in the Comp. Plan. He noted the Comp. Plan does not dictate land use and the Commission recommended the properties come together and submit a plan.

Mr. Dyess stated the staff report is based on the existing regulations, ordinances, and Comp. Plan and staff does not feel it meets the requirements.

Mr. Turner opened the public hearing.

T.J. Murphy of 204 Tensaw Avenue – He noted there are issues with the Comp. Plan but we should be able to look at a master plan to know where the City is headed. He said the City needs to be workable and not over looked.

Matt Miller of 22741 Main Street – He said even though we have a Comp. Plan, the site is an eyesore and as the entrance into the City it needs to be upgraded.

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

Mr. Smith stated the property can't be developed like a normal piece because of the location and characteristics. It is bordered by Auburn to the east and US Hwy. 98 on the west and it widens from 83' to 400'. Dr. Thayer noted the letter from Auburn and commended Mr. Smith for this very workable site plan. He suggested additional buffering and landscaping along US Hwy. 98 and adding lights at the entrance. He said he does not completely agree with staff interpretation. Mr. Turner commented he agrees with Dr. Thayer and the property is an unusual shape and currently is an unattractive site. He stated he likes the plan over all but would encourage more buffering on US Hwy. 98. Mr. Turner noted concerns with the existing structures on the site not meeting hurricane standards. Mr. Peterson noted the property can accommodate residential just as well as commercial. He explained the proximity of the City facilities would encourage high density residential. Mr. Smith stated the site could accommodate approximately 7 or 8 residential units. Dr. Thayer asked about a traffic study and if ALDOT has given approval of the curb cut. Mr. Dyess recommended the Commission be specific if additional landscaping and buffering is desired. He explained the existing requirements do not specify understory or canopy trees. Mr. Peterson stated the decision at hand is for the use of the property not the aesthetics. He said landscaping will be required regardless of the use. Mr. Smith stated ALDOT is aware of the curb cuts. Mr. Conyers stated he sees both sides of the situation but he is conflicted.

Richard Peterson made a motion to deny based on the staff recommendation. Motion failed for lack of a second.

Mrs. MacKellar asked how long the site can be dormant and Mr. Dyess responded there is no limit. He recommended adding limits. Mr. Turner asked the linear footage along US Hwy. 98 and Mr. Smith answered approximately 900'. Mr. Turner stated there could be 8 or 9 lots and as many curb cuts if developed as it is currently zoned. He said he likes the proposal. Mrs. MacKellar stated she likes the proposal and said the area needs a facelift. She noted a boutique hotel is also needed. Mr. Johnson stated he likes the plan and something needs to be done in this area.

Ralph Thayer made a motion to approve the request with an increased buffer and landscaping to include understory and canopy trees. Charles Johnson 2<sup>nd</sup> the motion.

Mr. Peterson asked if there's such a demand for this type development why is the Hayek PUD still undeveloped. Dr. Thayer responded we cannot ask if there is a need for the project but review to make sure it meets the requirements.

The motion carried with the following vote: AYE – Charles Johnson, Ralph Thayer, Lee Turner, and Hollie MacKellar. NAY – Richard Peterson. ABSTAIN – Jimmy Conyers.

**ZC 17.05 Public hearing to consider the request of S.E. Civil Engineering, LLC to rezone property from R-1 Low Density Single Family Residential District to B-1 Local Shopping District, Larry Smith.** The property is located on the northwest corner of the intersection of Edwards Avenue and US Hwy. 98 (a.k.a. Greeno Road), at 861 Edwards Avenue. Ms. Milford gave the staff report saying the property is approximately .9 acres and the proposed use is a bank. Upon the Commission finding that this application is not commercial creep and leap frog development, staff would offer a favorable recommendation. Mr. Smith addressed the Commission saying the site is contiguous with B-4 zoned property and commercial PUD across the street.

Mr. Turner opened the public hearing.

Elmer Vick of 102 Ingleside Terrace Circle – He stated access to Greeno Road from Edwards Avenue is already very difficult and this development will compound the problem. He noted B-1 allows much more than just a bank and he requested the Commission deny the request.

T.J. Murphy of 204 Tensaw Avenue – He stated this rezoning will set a precedent for the R-1 properties along Greeno Road. He said the Commission seems to be granting a lot of exceptions to the Comp. Plan. He explained the plans are not bad but they don't fit with the current Comp. Plan vision and should be denied. He said development should be driven by the community.

Mr. Dyess stated this request is different from the last case because this property is contiguous with existing commercially zoned property. He noted buffering would also be required between the incompatible uses if approved. He added the site falls under the threshold for site plan requirements and will not come back before the Commission.

Ronna Field Yeager of 105 Ingleside Terrace Circle – She stated concerns with the entrance into the property and the increased traffic on Edwards Avenue. She asked what is proposed. Mr. Turner explained the applicants have indicated a bank is to be developed but he noted there are multiple uses allowed in the B-1 zoning district.

Jerome O'Brien of 9985 Gayfer Road Extension – He stated he is representing the bank for real estate purposes. He explained there will be a 20' buffer along the east and west sides of the property. He noted the hours will be 9 to 5 Monday through Friday with an ATM and drive-thru. He stated the applicant would have requested a more stringent zoning but B-1 is the only zoning district which allows a bank. Mr. Dyess explained the property will have to meet the requirements of the Zoning Ordinance for use and buffering if the application is approved. He cited Article IV, Section B. for buffering requirements.

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

Dr. Thayer asked if there will be an ATM and noted at other locations the lighting seems to be intrusive but necessary due to safety. Mr. Dyess stated lighting is a valid concern and a 10' pole height limit with no-spill covers will help to alleviate those issues. He stated, if approved, the site plan will be reviewed to verify compliance with all current regulations. Mr. Conyers asked if there is another more restrictive zoning district which allows a bank and Mr. Dyess responded no. Mr. Peterson asked for a definition of the

buffer. Mr. Dyess explained the buffers are landscaping. Mr. Turner asked the width of the buffers and Mr. Dyess answered 20'. Mrs. MacKellar asked about signage and Mr. Dyess stated it will be a constrained site but it will have to meet all the requirements and regulations. There was discussion regarding a possible plan or overlay district for Greeno Road and the process to make those amendments or revisions to the City regulations. Richard Peterson made a motion to approve the zoning change request. Motion failed for lack of a second.

Mr. Conyers suggested tabling the application for more discussion and Mr. Watson stated the 30-day continuance does not apply in this situation. Mrs. MacKellar asked if there are more applications coming for this area and Mr. Dyess responded yes. Mr. Smith requested the Commission vote and either deny or approve the request to be forwarded to City Council.

Richard Peterson made a motion to approve the zoning change request. Motion failed for lack of a second.

Charles Johnson made a motion to deny the zoning change request. Ralph Thayer 2<sup>nd</sup> the motion and the motion carried with the following vote: AYE – Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, and Jimmy Conyers. NAY – Richard Peterson.

**ZC 17.06 Public hearing to consider the request of S.E. Civil Engineering, LLC to rezone property from RA Residential/Agriculture to R-2 Medium Density Single Family Residential District, Larry Smith.** The property is located on the north side of Windmill Road just east of US Hwy. 181, at 10143 Windmill Road. Mr. King gave the staff report saying the property is approximately 46,969 sq. ft. with one existing home on the site. The applicant is also proposing a 2 lot minor subdivision of the subject property. Staff recommendation is to approve the zoning change as requested. Mr. Smith addressed the Commission saying there are several surrounding parcels zoned R-2. 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 the zoning change as requested. Ralph Thayer 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 17.13 Public hearing to consider the request of S.E. Civil Engineering, LLC for Plat approval of Lyons Subdivision, a 2-lot minor division, Larry Smith.** The property is located on the north side of Windmill Road just east of US Hwy. 181, at 10143 Windmill Road. Mr. King gave the staff report saying the property is approximately 46,969 sq. ft. with one existing home on the site and 2 lots are proposed. Staff recommendation is to approve contingent upon the following condition:

1. City Council shall approve the rezoning request for the subject property.

Mr. Smith was present to answer any questions.

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. City Council shall approve the rezoning request for the subject property.

Ralph Thayer 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 17.15 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Final Plat approval of Fox Hollow, Phase 1, a 52-lot subdivision, Andy Boobe.** The

property is located on the south side of Morphy Avenue between Edington Place and Pecan Trace subdivisions. Ms. Milford gave the staff report saying the property is approximately 38.73 acres and is zoned R-2 Medium Density Single Family Residential District. Staff recommendation is to approve contingent upon the following conditions:

1. The final punch list shall be completed to the satisfaction of the City of Fairhope.
2. The Operations and Maintenance Plan shall be executed and recorded at the time of final plat.
3. The applicant has shown a willingness to provide two valves at the time of the first issuance of a Certification of Occupancy for the subdivision.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Dr. Thayer stated he appreciated the calculations for the school impact that were included in the staff report. Mr. Dyess stated staff will be presenting quarterly data to the Baldwin County School Board to show the growth in Fairhope so they will be able to more accurately plan for expansion. Mr. Turner stated the contractor did an excellent job on the sidewalk and boardwalk through the wetlands on Morphy Avenue. Mrs. MacKellar stated the traffic calming device look great also.

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


1. The final punch list shall be completed to the satisfaction of the City of Fairhope.
2. The Operations and Maintenance Plan shall be executed and recorded at the time of final plat.
3. The applicant has shown a willingness to provide two valves at the time of the first issuance of a Certification of Occupancy for the subdivision.

Ralph Thayer 2<sup>nd</sup> the motion and the motion carried unanimously.

### **Old/New Business**

Wednesday, July 12, 2017 at 1:00PM – Council Chambers - Public meeting for construction industry professionals and the public to discuss and gather input on issues relating to the zoning ordinance and subdivision regulations and related to construction and design standards.

Having no further business, Ralph Thayer made a motion to adjourn. Jimmy Conyers 2<sup>nd</sup> the motion and the motion carried unanimously. The meeting was adjourned at 6:46 PM.

  
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Lee Turner, Chairman

  
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Emily Boyett, Secretary