

The Planning Commission met Monday, February 5, 2018 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Charles Johnson; Richard Peterson; Ralph Thayer; Hollie MacKellar; Tim Simmonds; Jay Robinson; Wayne Dyess, Planning Director; Buford King, Planner; Nancy Milford, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Rebecca Bryant

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

The minutes of the January 4, 2018 were tabled until the March meeting.

ZC 18.02 Public hearing to consider the request of Sawgrass Consulting, LLC to establish initial zoning of PUD (Planned Unit Development) conditional upon annexation into the City of Fairhope, Ercil Godwin. The property is located on the north side of County Road 44 (a.k.a. Twin Beech Road) just west of State Hwy. 181, to be known as Twin Beech Estates PUD. Mr. King gave the staff report saying the applicant is seeking concurrent annexation and rezoning of eight parcels comprising approximately 22.6 acres +/- from unzoned Baldwin County to the City of Fairhope as a Planned Unit Development (PUD). The request for annexation/PUD zoning request depicts a future subdivision of 78 single family residential lots. Mr. King explained the Zoning Compatibility Analysis examines both “surrounding neighborhoods” (subdivisions and other developments one-quarter mile, or 1,320 feet from the subject property) as well as “adjacent areas” (abutting properties including those directly across a right-of-way from the subject property as well as properties with a physical relationship with the subject property such as properties along the same street or road as the subject property). The surrounding neighborhoods to the subject property were identified by drawing a 1,320’ buffer around the subject property utilizing the ‘buffer’ toolkit within ESRI ArcGIS ArcMap. The proposed density of 3.45 units/acre for Twin Beech Estates is approximately 36% greater than the highest average density of the adjacent areas and surrounding neighborhoods, and 106% greater than the *actual* average density of the adjacent areas and surrounding neighborhoods. Due to this disparity in the proposed density vs. the actual and allowable densities, the proposed zoning is found to be inconsistent due to differences in density. Further, the compatibility analysis chart indicates inconsistencies related to lot size and building setbacks, which are also contributors to the inconsistency with the proposed and existing development densities. Staff recommends the requested conditional annexation to Planned Unit Development (PUD) be tabled to a future Planning Commission meeting for further study, to allow the applicant to re-evaluate the development density, lot dimensions, and setbacks more fully described in the compatibility analysis. Staff believes it can support the proposed annexation to PUD if consistency with adjacent area and surrounding neighborhood development densities are achieved.

Mr. Dyas asked if this process will be used for every case and how will the developers/engineers be made aware of this new procedure. Mr. Dyess responded staff will notify the development community with a memo explaining this new procedure. Mr.

Dyas stated this takes the subjectivity out of rezoning and makes it fair for everyone. Dr. Thayer stated Mr. King's analysis is one of the best he has ever seen. Mr. Turner asked how many lots the difference in density actually means and Mr. Dyess responded approximately 55 would be allowed at 2.5 units per acre.

Mr. Godwin addressed the Commission saying the applicant is proposing something different from what is existing to market to a different demographic. He explained the small clustered lots, gated community, and amenities are geared toward older, active adults. He stated the PUD request was to do something different than the surrounding area. He added he has worked with Richard Peterson regarding the lift station. Mr. Godwin stated the applicant wishes to keep the design as proposed. Mr. Dyess explained the difference between a Village Center and a Commercial Node and the higher density would be seen closer to a Village Center.

Mr. Turner opened the public hearing.

Gary Gover of 300 Lincoln Street – He said if this area is considered a commercial node, we need to make sure it will be successful and thrive. He asked how this development will affect the area. He suggested it may be better to move this project closer to a village center.

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

Mr. Dyess said if the applicant is not willing to reduce the density, then staff recommendation will be for denial. Mr. Robinson asked what the timetable is if the application is tabled and Mr. Watson said it can be heard at the next meeting. Mr. Peterson asked what density is allowed for county unzoned property and Mr. King responded 2.9 units per acre. Mr. Godwin said the applicant is set on the lot size but could possibly reduce the number of lots.

Hollie MacKellar made a motion to table the application to the next meeting. Art Dyas 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, Tim Simmonds, and Jay Robinson. NAY – none.

SD 17.29 Public hearing to consider the request of HMR, LLC for Preliminary plat approval of Battles Trace, Phase 5, a 73-lot subdivision, Tim Lawley. The property is located on the north side of Battles Road, north of the Colony at the Grand. Ms. Milford gave the staff report saying this case was tabled by the applicant at the January meeting to resolve sewer concerns. She stated the applicant has worked out a solution to the sewer issues with Richard Peterson, Utility Superintendent. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall record the O&M amendment at the time of final plat.
2. The City of Fairhope requests clarification on the construction of the Pedestrian Path.
3. The applicant shall provide economic data and supporting plans to support the justification for the waiver, pursuant to Division 2 Design Criteria, Paragraph 8 of the Specifications for Constructing Sanitary Sewer and Water Facilities. Both the Director of Operations and the Planning Commission shall have the economic data prior to rendering a decision on the waiver.

Mr. Lawley addressed the Commission saying he met with Mr. Peterson and they have been able to revise the sewer design to provide gravity sewer for 66 lots and only have 7

lots on low pressure. Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing. Mr. Dyas asked Mr. Peterson if this revised design is acceptable and Mr. Peterson responded yes, it will be better for everyone.

Richard Peterson made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall record the O&M amendment at the time of final plat.
2. The City of Fairhope requests clarification on the construction of the Pedestrian Path.
3. The applicant shall provide economic data and supporting plans to support the justification for the waiver, pursuant to Division 2 Design Criteria, Paragraph 8 of the Specifications for Constructing Sanitary Sewer and Water Facilities. Both the Director of Operations and the Planning Commission shall have the economic data prior to rendering a decision on the waiver.

Mr. Turner asked if the developer would consider adding sidewalks along Battles Road since the pedestrian gates seem to always be closed and locked going into the Colony at the Grand. Mr. Lawley said he would pass along the request.

Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, Tim Simmonds, and Jay Robinson. NAY – none.

SD 18.03 Public hearing to consider the request of Lilia Caballero for plat approval of Henshaw Road Subdivision, a 2-lot minor division. The property is located on the south side of Henshaw Road just west of Twin Beech Road. Ms. Milford gave the staff report saying the total tract of the subject property is approximately 2.1 acres. Each lot is approximately 1.03 acres. The site has an existing building which is currently under construction. The applicant has an interested party in purchasing the remaining lot. Staff recommends approval of the application contingent upon the following conditions:

1. The applicant shall provide a flow model meeting the approval of the City of Fairhope Water and Sewer Superintendent.
2. The Utility Certificate on the plat shall reflect Baldwin County Health Department, if that is the chosen utility.

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

Art Dyas made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall provide a flow model meeting the approval of the City of Fairhope Water and Sewer Superintendent.
2. The Utility Certificate on the plat shall reflect Baldwin County Health Department, if that is the chosen utility.

Hollie MacKellar 2nd the motion.

Mr. Peterson recommended a fire hydrant be installed at the intersection of Henshaw Road and Twin Beech Road.

Art Dyas amended his motion to include the following condition:

3. A fire hydrant shall be installed at the intersection of Henshaw Road and Twin Beech Road.

Hollie MacKellar amended her 2nd and the motion carried unanimously with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, Tim Simmonds, and Jay Robinson. NAY – none.

SD 18.05 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Final plat approval of Old Battles Village, Phase 3, a 41-lot subdivision, Steve Pumphrey. The property is located west of Huntington Woods and north of Old Battles Village, Phase 1 and 2. Ms. Milford gave the staff report saying the subject property is approximately 26.09 acres and 41 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall provide a corrected certificate of insurance to the City of Fairhope.
2. The final punch list for Old Battles Village, Phase 3 shall be completed to the satisfaction of the City of Fairhope department heads.

Dr. Thayer asked about the wetland buffer signage and Ms. Milford responded they are required to be installed along the 30' buffer and say "wetland buffer". Mr. Dyess added the City has a wetland ordinance which protects the wetlands from being disturbed. Mr. Dyas asked if wetlands are allowed to be platted as part of a residential lot and Mr. Turner responded these are not.

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

Mrs. MacKellar asked if the street stub-out on the west side of the subject phase will eventually tie into Section Street or does it adjoin the Brodbeck's property and Mrs. Boyett responded the phase will tie into the next phase 4 of Old Battles Village.

Art Dyas made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall provide a corrected certificate of insurance to the City of Fairhope.
2. The final punch list for Old Battles Village, Phase 3 shall be completed to the satisfaction of the City of Fairhope department heads.

Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, Tim Simmonds, and Jay Robinson. NAY – none.

UR 18.01 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,987 linear feet of fiber optic cable. The project will run along County Road 13 from 20670 County Road 13 to the intersection of County Road 13 and Gayfer Road Extension. Mr. King gave the staff report saying the portion of CR 13 related to subject application is located within the Fairhope extra territorial jurisdiction (ETJ) as well as an area contiguous to CR 13 zoned R-1 Low Density Single Family. Public rights-of-way are under the jurisdiction of The City of Fairhope however the Gayfer Road Extension ROW is under the jurisdiction of Baldwin

County. The comments below are typical general comments for City of Fairhope right-of-way projects. The portion of the project affecting public right-of-way maintained by Baldwin County shall require permits through the Baldwin County Highway Department. Deviney Construction on behalf of AT&T proposes construction of the project in two segments: Segment one will be a directional bore of approximately 1,304' of fiber optic cable in the east ROW of CR 13 ROW beginning at an existing handhole near 20670 CR 13 and proceeding north ending at an AT&T easement near 20882 CR 13. Segment two will be a directional bore of approximately 683' of 4" HDPE conduit and fiber optic cable beginning at an AT&T easement located at 20882 CR 13, crossing underneath CR 13 to the west ROW of CR 13 then proceeding north to the intersection of the Baldwin County ROW at Gayfer Avenue Extension, and includes placement of one 30"x48" handhole. No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc. 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. All mechanical and locator equipment shall be painted Munsell Green.

Richard Peterson 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. All mechanical and locator equipment shall be painted Munsell Green.

Charles Johnson 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, Tim Simmonds, and Jay Robinson. NAY – none.

Old / New Business

Sidewalks, Lee Turner – Mr. Turner said he would like to review the 2 year sidewalk requirement and bonding again. He stated there are several subdivisions that still do not have sidewalks installed after the 2 year period. Ms. Milford explained many of the bonds are being extended. Mr. Turner said the sidewalks either need to be built at the time of final plat or the bonds need to be called. Richard Johnson, Public Works Director, stated this is an ongoing problem and there is not an easy solution. Mr. Dyess said staff will look at the options and see what can be done.

Comparison Analysis, Hollie MacKellar – Mrs. MacKellar thanked staff for the detailed research and suggested we educate the citizens as well as the development community regarding how it works. Jack Burrell, Councilman, applauded the data and information. He suggested staff weigh the densities to keep the information from being skewed.

Stormwater Amendments, Art Dyas – Mr. Dyas suggested a meeting with the development community and interested parties to discuss the proposed amendments prior to Commission adopting them. He said he would like to get feedback on the proposed changes. Mr. Dyess stated it has already been done but it can be done again. Mr. Turner

suggested the Council also be invited. Mr. Dyess said it could be held in 2-3 weeks so it can be advertised properly.

Having no further business, Ralph Thayer made a motion to adjourn. Art Dyas 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:30PM.



Lee Turner, Chairman



Emily Boyett, Secretary