

The Planning Commission met Monday, July 2, 2018 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

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

Absent: Ralph Thayer and Clarice Hall-Black

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

SD 18.19 Public hearing to consider the request of HMR, LLC for Multiple Occupancy Project approval of a New Bank and Retail – Ecor Rouge, a 6-unit project, Robert Cummings. The property is located on the west side of Greeno Road between Edwards Avenue and Fairhope Avenue. Mr. King gave the staff report saying the subject property fronts upon Greeno Road consisting of approximately 5.76 total acres and 0.80 project site acres. The subject application is a MOP and does not request subdivision of lands or the creation of new lots; however, a concurrent subdivision application will be separately-considered to establish condominium units on subject property. The subject property contains an existing restaurant, church, and office building occupying a former grocery store building. The subject application is a Multiple Occupancy Project and as a result there is no “plat” to be submitted for final approval. In order to fulfill the final inspection requirements of Article IV, Section C.6.a. and b., as well as Article IV, Section D.4, staff recommends **APPROVAL** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance.
 - a. The sequencing of construction of the three buildings, procedures for requests for building inspection, site stabilization requirements for each building site and initiation of closeout procedures will be clarified during the pre-construction conference.
 - b. Consult with the COF horticulturalist to determine if any tree-protections will be required for the existing trees along the ROW adjacent to subject property.
- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of four (4) LID techniques for the site.
- 3) Include with the building permit plans elevations indicating how screening is accomplished for any items included with the site requiring screening as required by Article IV, Section B.2. Note the maximum allowable building height in B-2 General Business District is 30’-0” tall.
- 4) An elevation certificate shall be included with the building permit request for each building.
- 5) Revise drawing 10 of 13 “Erosion Control Plan” to reflect the COF 10-day rule in the lieu of the ADEM 13-day rule shown regarding temporary seeding.
- 6) Subject development is an MOP and not a typical subdivision. In lieu of the final plat approval procedure required for a typical subdivision, the closeout procedure for subject development includes the follow procedures and/or documents:

- a) Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - b) A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3)
 - c) Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16)
 - d) One copy of the site as-built drawings as well as one copy of the drainage calculations containing the engineer's certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6-8 as well as a statement identifying the POA or similar entity responsible for maintaining any and all storm water facilities and structures located outside of the publicly accepted ROW.
 - e) One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - f) Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
 - g) Inspection of all other MOP-applicable sections of Article VI, Construction Standards and Chapter 19 of the City of Fairhope Code of Ordinances, testing requirements.
- 7) Approval of the landscape plan by the City of Fairhope Horticulturist.
 - 8) Approval of case SD 18.20 Ecor Rouge Place, A Condominium by the City of Fairhope Planning Commission.

Mr. Cummings was present on behalf of the applicant.

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 for **approval** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance.
 - a. The sequencing of construction of the three buildings, procedures for requests for building inspection, site stabilization requirements for each building site and initiation of closeout procedures will be clarified during the pre-construction conference.
 - b. Consult with the COF horticulturalist to determine if any tree-protections will be required for the existing trees along the ROW adjacent to subject property.
- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of four (4) LID techniques for the site.
- 3) Include with the building permit plans elevations indicating how screening is accomplished for any items included with the site requiring screening as required by Article IV, Section B.2. Note the maximum allowable building height in B-2 General Business District is 30'-0" tall.
- 4) An elevation certificate shall be included with the building permit request for each building.

- 5) Revise drawing 10 of 13 “Erosion Control Plan” to reflect the COF 10-day rule in the lieu of the ADEM 13-day rule shown regarding temporary seeding.
- 6) Subject development is an MOP and not a typical subdivision. In lieu of the final plat approval procedure required for a typical subdivision, the closeout procedure for subject development includes the follow procedures and/or documents:
 - h) Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - i) A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3)
 - j) Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16)
 - k) One copy of the site as-built drawings as well as one copy of the drainage calculations containing the engineer’s certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6–8 as well as a statement identifying the POA or similar entity responsible for maintaining any and all storm water facilities and structures located outside of the publicly accepted ROW.
 - l) One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - m) Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
 - n) Inspection of all other MOP-applicable sections of Article VI, Construction Standards and Chapter 19 of the City of Fairhope Code of Ordinances, testing requirements.
- 7) Approval of the landscape plan by the City of Fairhope Horticulturist.
- 8) Approval of case SD 18.20 Ecor Rouge Place, A Condominium by the City of Fairhope Planning Commission.

Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.20 Public hearing to consider the request of HMR, LLC for plat approval of Ecor Rouge Condo, a 6-unit condominium development, Robert Cummings. The property is located on the west side of Greeno Road between Edwards Avenue and Fairhope Avenue. Mr. King gave the staff report saying the applicant requests approval of preliminary and final plat of three new condominium units to be located at the at the Ecor Rouge shopping center. The subject property fronts upon Greeno Road consisting of approximately 5.76 total acres and 0.80 project site acres. The subject application is concurrently submitted with case number SD 18.19, a Multiple Occupancy Project (MOP) for a bank and retail site on the same property. The MOP does not request subdivision of lands or the creation of new lots, however subject application creates condominium “lines of ownership” that serve as the “lot lines” on which the units requested by SD 18.19 may be built.

The subject property contains three existing condominium units occupied by a restaurant, a church, and office space occupying a former grocery store building. The proposed new condominium unit “lot lines” will be created in the existing parking lot serving the existing condominium units and will front upon Greeno Road. Staff recommends preliminary and final plat **APPROVAL** of the three condominium units subject to the condition(s) below:

- 1) Approval of Case # SD 18.19, New Bank and Retail-Ecor Rouge Shopping Center.

Mr. Cummings was present on behalf of the applicant.

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 for preliminary and final plat **approval** of the three condominium units subject to the condition(s) below:

- 1) Approval of Case # SD 18.19, New Bank and Retail-Ecor Rouge Shopping Center.

Charles Johnson 2nd the motion.

Mr. Burrell asked if the three lots will be leased separately and Mr. Cummings responded there will be two spaces on each lot.

The motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.24 Public hearing to consider the request of Sawgrass Consulting, LLC for Preliminary plat approval of Twin Beech Estates, a 72-lot subdivision, Ercil

Godwin. The property is located on the north side of County Road 44 (a.k.a. Twin Beech Road) just west of St. Hwy. 181. Mr. King gave the staff report saying the subject property is approximately 22.6 acres and is currently located in an unzoned region of Baldwin County. The applicant has a current application for conditional annexation to PUD (case ZC18.02). The Planning Commission unanimously approved the conditional annexation and re-zoning at the May 7, 2018 meeting. Staff recommends **APPROVAL** of the Preliminary plat of Twin Beech Estates contingent upon the following conditions:

- 1) City Council approval of Case # ZC 18.02, annexation of subject properties and re-zoning to PUD.
- 2) Waiver of five (5) of the ten (10) LID techniques required by Article V, Section F.11.f.(1)-(15). Five LID techniques are utilized in eight (8) locations as indicated in Article V, Section F.8.e.-g. in the “comments” section of the staff report.

Mr. Burrell stated concerns with the greenspace and questioned the use of common area for drainage. Mr. Dyas asked Richard Johnson, Public Works Director, if he agrees with the traffic data not requiring improvements for Twin Beech Road. Mr. Johnson stated a left turn lane would be a potential issue, but the study did not warrant a turn lane. Mr. Dyess explained the difference between greenspace and common area. He noted detention and storm water holding areas cannot be included in greenspace calculations. Mr. Burrell asked if the application would meet the requirements of the subdivision regulations if the project was not a PUD and Mr. King responded yes.

Mr. Godwin addressed the Commission saying the project exceeds the greenspace requirements. He explained the PUD zoning was requested to allow for three different

lot sizes but all other aspects of the Subdivision Regulations still had to be met. Mrs. MacKellar asked if the final product will look like the drawings and Mr. Godwin responded yes, the layout will be the same but the sidewalk locations within the greenspace could vary due to natural features. Mr. Dyess stated the regulations only require 10% of greenspace.

Mr. Turner opened the public hearing.

David Ellis of 7194 Brodbeck Lane – He asked where the sewer from all this new construction is going and Mr. Peterson responded new lift stations are being built for new developments and phase one of the sewer improvements have been started. Mr. Ellis also noted traffic concerns and reduced fees for those annexing into the City. Mr. Dyess stated the impact fees are required for property inside city limits. Mr. Burrell added there are also property and sales tax that the City gets from annexed properties.

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

Hollie MacKellar made a motion to accept the staff recommendation for **approval** of the Preliminary plat of Twin Beech Estates contingent upon the following conditions:

- 1) City Council approval of Case # ZC 18.02, annexation of subject properties and re-zoning to PUD.
- 2) Waiver of five (5) of the ten (10) LID techniques required by Article V, *Section F.11.f.(1)-(15)*. Five LID techniques are utilized in eight (8) locations as indicated in *Article V, Section F.8.e.-g.* in the “comments” section of the staff report.

Art Dyas 2nd the motion.

Mr. Burrell asked what communication utilities will be provided and Mr. Godwin responded he did not know but conduit will be installed in the right-of-way inside the development, but the applicant cannot make the providers come down Twin Beech.

The motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.26 Public hearing to consider the request of Moore Surveying, Inc. for plat approval of the Re-plat of Lots 4, 5, 6, 7, and 8 of Red Barn Road Estates, a 9-lot subdivision, Seth Moore.

The property is located on the southeast corner of the intersection of County Road 33 and Red Barn Road. Ms. Milford gave the staff report saying the subject property is approximately 28.29 acres in unzoned Baldwin County. The original approved Red Barn Road Subdivision consisted of 16 lots. The applicant is taking a portion of those lots, reconfiguring 5 of the original 16 lots and then adding 4 additional lots. The smallest lot is approximately 2.61 acres and the largest lot is approximately 5.97 acres. The minor plat for Red Barn Road Subdivision contains 9 single family lots. However, the applicant is only adding 4 lots to the original subdivision. Staff recommends **APPROVAL** contingent upon the following conditions:

1. The applicant shall provide written verification (letter or email) from Baldwin County regarding approval of Lot 25 as a flag lot.
2. The applicant shall add the note that was on the previously recorded plat regarding the wetland specialist and engineer. The note on the previous plat reads as follows: “The owner of each lot shall provide to the City of Fairhope Planning Department a signed sealed certification from and Alabama Registered Professional Civil

Engineer and a wetland specialist stating that the drainage and Low Impact Development (LID) have met the City of Fairhope drainage and LID requirements.”

3. The applicant shall provide a note on the plat that sidewalks shall be required at building permit.
4. The applicant shall correct the utility easements and building setback lines so that the utility easements are not greater than the building setback lines and meet the City of Fairhope’s requirements.

Mr. Turner and Mr. Dyas stated concerns with the major subdivision being resubdivided into multiple minor divisions to circumvent the requirements of the Subdivision Regulations. Mr. Burrell and Mrs. Bryant questioned the number of lots and the process by which it was reviewed. Mr. Dyess explained the proposed lots exceed the minimum lot size requirements. Mr. Watson stated a piece of land is being made into 9 lots and it does not constitute a minor subdivision. Mr. Dyess noted only 4 new lots are being proposed and the other 5 lots are just lot line adjustments. Mr. Peterson asked what would change if the application was reviewed as a major subdivision and Mr. Dyess responded nothing because no infrastructure is required. Ms. Milford added the preliminary and final plat would be heard simultaneously and the fees would be double. Mrs. Bryant noted a concern with the flag lot. Mr. Johnsons addressed the Commission saying the application has kept all the original requirements of the previous approval and has even added sidewalks. Mr. Burrell said the lot sizes meet and exceed the requirements, but his concern is if this continues with the rest of the lots then the density will be out of control. Mr. Turner said he liked the large lots and they fit with the surrounding properties but not if they are being chopped up into smaller and smaller lots. Mrs. Bryant asked if the heritage tree will be saved and questioned the increase of stormwater from the previously approval. Mr. Johnson responded the lots are still in excess of 10,000 square feet and he does not see drainage as a problem. Mrs. Bryant asked if the application was a major subdivision would the tree be protected and Ms. Milford responded no, this is residential property and unzoned. Mr. Moore addressed the Commission saying this could have been accomplished in a 2-step process by requesting a common lot line movement and then a minor subdivision. Mr. Dyas suggested changing the regulations to specify a particular piece of property. Mr. Dyess stated these are legal lots of record and only 4 new lots are being created. Mrs. Bryant asked the intended use of the flag lot with the tree and Mr. Moore responded the owner plans to keep the tree and build their residence on the lot. Mr. Burrell explained he wants to prevent a huge subdivision by circumventing the major subdivision regulations. Mr. Dyas and Mr. Burrell asked if the application can be voted on as a major subdivision and Mr. Watson stated yes, they are just changing the label and not the proposal.

Mr. Turner opened the public hearing.

Bruce and Joy Larsen of 18837 Highland Drive – He stated concerns with stormwater, drainage, erosion, and size of the lots. He said they were told one thing and now it is being changed. Mr. Turner explained the only way to prevent the lots from being subdivided is a deed restriction. Mr. Larsen also said there are gopher tortoises on the property. Mr. Burrell noted the drainage techniques that will be applied to these properties may help the downstream runoff. Mrs. Larson stated their home has flooded in the past and the water continues to rise with each rain event.

Monty Montgomery of 31200 River Road – He asked if the LID techniques that were required with the first subdivision were carried over to this application because this will

double the amount of impervious area. He said this is stealth subdividing and now it is becoming something the residents in the area didn't know it was going to be. Having no one else present to speak, Mr. Turner closed the public hearing. Mrs. Bryant asked how the LIDs will be enforced and Mr. Dyess answered at the time of building permit. Mr. Johnson stated a signed and sealed drainage plan is required for each lot. Mr. Burrell stated the runoff will not be any worse than what is happening now especially with the LID techniques incorporated. Jack Burrell made a motion to accept the staff recommendation for Preliminary and Final plat **approval** contingent upon the following conditions:

1. The applicant shall provide written verification (letter or email) from Baldwin County regarding approval of Lot 25 as a flag lot.
2. The applicant shall add the note that was on the previously recorded plat regarding the wetland specialist and engineer. The note on the previous plat reads as follows: "The owner of each lot shall provide to the City of Fairhope Planning Department a signed sealed certification from an Alabama Registered Professional Civil Engineer and a wetland specialist stating that the drainage and Low Impact Development (LID) have met the City of Fairhope drainage and LID requirements."
3. The applicant shall provide a note on the plat that sidewalks shall be required at building permit.
4. The applicant shall correct the utility easements and building setback lines so that the utility easements are not greater than the building setback lines and meet the City of Fairhope's requirements.

Art Dyas 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.27 Public hearing to consider the request of HMR, LLC for Multiple Occupancy Project approval of Old Battles Place, Phase 2, at 94-unit project, Tim Lawley. The property is located on the northeast corner of the intersection of Old Battles Road and S. Section Street. Mr. King gave the staff report saying the site is approximately 40.89 total acres and is zoned R-5 High Density Multi-Family Residential District. The subject application is an MOP and does not request subdivision of lands or the creation of new lots. Phase 1 of the development has been constructed, consisting of 110 apartment homes. Phase 2 will complete development of the site and add an additional 94 apartment homes of similar configuration and arrangement to Phase 1. Staff recommends **approval** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance associated with Phase 2.
 - a. Incidental land disturbance associated with Phase 1 may continue prior to the Phase 2 pre-construction meeting.
 - b. The sequencing of apartment home construction, procedures for requests for building inspection, and site stabilization requirements for each apartment home site will be clarified during the pre-construction conference.
- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of six (6) LID techniques. A similar waiver as was accepted for Phase 1 of subject

development. The six LID techniques occur in 21 locations throughout Phase 1 and Phase 2.

- 3) The building official will monitor the progress of the construction of the apartment homes in Phase 2. When the building official determines approximately 75% of the apartment homes have attained certificate of occupancy, staff will conduct the following closeout procedures as well as request the following closeout documents:
 - a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope.
 - b. A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3).
 - c. Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16).
 - d. One copy of the site as-built drawings as well as one copy of the drainage calculations, both containing the engineer's certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6.–8. and identifying the entity responsible for maintenance of drainage facilities outside the public ROW or public easements.
 - e. One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - f. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18).
 - g. Inspection of all other MOP-applicable sections of Article VI, *Construction Standards* and Chapter 19 of the *City of Fairhope Code of Ordinances*, testing requirements.

Mr. King explained each of the LID techniques being utilized in the development and the location of each. Mr. Dyas asked if the project meets the City's rules and regulations and Mr. King responded yes. Mr. Burrell asked if MOPs are required to have 10% of greenspace like other subdivisions and Mr. King responded no. Mr. Burrell stated he would like to make the greenspace required for MOPs and Mr. King said an amendment can be proposed to change the regulation. Mrs. Bryant asked where the constructed wetland is located and Mr. King explained it is in Phase 1. Mrs. Bryant stated pervious pavement is required to be used due to the parking requirements and the applicant is also listing it as a LID technique. She said counting it as both is double dipping. Mr. Burrell asked if grass buffers can be counted as greenspace or just as storm water and Mr. King said he is not sure if the uses can be overlapped. Mr. Turner stated some LIDs are very usable for greenspace. Mr. Dyess explained an open field can function as both a LID and greenspace.

Tim Lawley addressed the Commission saying greenspace is not required for MOPs but the subject development is 20 acres with 5 acres of greenspace proposed. He explained the site has a pool, clubhouse and deck.

Mr. Turner noted there are sidewalks stubbed out for the surrounding area to connect.

Mr. Turner opened the public hearing.

Allen Jones of 17891 S. Section Street – He stated concerns with drainage and noted there have been numerous issues with red runoff from this site.

Carol Gordon of 17861 S. Section Street – She stated the Commission has already denied this project once for the health, safety, and welfare of the public and this proposal is not doing anything different. She said the issues will continue if this phase is approved.

Lexie Jones of 17891 S. Section Street – She said the rules and regulations are here to protect the City but they have not worked for this site. She asked the Commission to make the best decision for the citizens.

Bonnie Gulsby of 410 Bartlett Avenue – She said the health, safety and welfare of the public is in danger with this development. She stated there have been 18 calls to ADEM, City stop work orders, and 3 self-reports because of this site. She showed pictures of run-off and flooding issues downstream. She asked the Commission to deny due to the waivers requested.

Beth Brodbeck of 18280 S. Section Street – She said this site is environmentally detrimental and it is affecting hundreds of homes downstream. She said the sidewalks should be provided by the developer and not the city or the citizens.

Bo Brodbeck of 18280 S. Section Street – He asked the point of LIDs is if the developers are only meeting the bare minimums. He said the problems will continue and what will it be like in 5 years.

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

Mr. Lawley addressed the public comments saying sidewalks were not required with Phase 1 but the developer is adding them. He explained the water quality of the run-off has improved and will continue once Phase 2 is completed because the site was designed together. He stated ADEM conducted numerous inspections and only 1 violation was ever given. Mr. Peterson asked if the phasing of the project is causing the turbidity and Mr. Lawley explained a 6” or 7” rain event will cause turbid water and that is why ADEM has a major event clause. Mr. Turner noted the roads being required to be paved will help the run-off. Mr. Burrell stated the City has passed new regulations due to Phase 1 of this development. Richard Johnson, Public Works Director, stated red clay turns the water red but the sediment is what will be helped with the new regulations. He explained LIDs are really for post development and the best way to help the situation is to finish the site. Mr. Burrell stated most of the concerns with this project are with stormwater and turbidity. Mr. Lawley explained the site is only 40 acres but the watershed for the corner where the water has been an issue is the draining point for 1200 acres. Mrs. MacKellar stated crop run-off doesn't cause roads to wash out. Mr. Lawley stated the County made improvement upstream and install new larger culverts the same time Phase 1 was beginning which is what made it seem all the issues were from this site.

Art Dyas made a motion to accept the staff recommendation for **approval** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance associated with Phase 2.
 - a. Incidental land disturbance associated with Phase 1 may continue prior to the Phase 2 pre-construction meeting.
 - b. The sequencing of apartment home construction, procedures for requests for building inspection, and site stabilization requirements for each apartment home site will be clarified during the pre-construction conference.

- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of six (6) LID techniques. A similar waiver as was accepted for Phase 1 of subject development. The six LID techniques occur in 21 locations throughout Phase 1 and Phase 2.
- 3) The building official will monitor the progress of the construction of the apartment homes in Phase 2. When the building official determines approximately 75% of the apartment homes have attained certificate of occupancy, staff will conduct the following closeout procedures as well as request the following closeout documents:
 - a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope.
 - b. A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3).
 - c. Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16).
 - d. One copy of the site as-built drawings as well as one copy of the drainage calculations, both containing the engineer's certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6.–8. and identifying the entity responsible for maintenance of drainage facilities outside the public ROW or public easements.
 - e. One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - f. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18).
 - g. Inspection of all other MOP-applicable sections of Article VI, *Construction Standards* and Chapter 19 of the *City of Fairhope Code of Ordinances*, testing requirements.

Richard Peterson 2nd the motion.

Mr. Burrell asked if the project meets the health, safety and welfare of the public and Mr. Dyess stated the project meets the City regulations. He said health, safety and welfare is ambiguous, but the regulations are based on the health, safety and welfare and the project meets the regulations. Mrs. MacKellar stated the stormwater is a concern.

The motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Lee Turner, Richard Peterson, and Jack Burrell. NAY – Rebecca Bryant and Hollie MacKellar.

Old / New Business


Resubmittal Requirements, Subdivision Regulations Amendment – Mr. Dyess explained the Subdivision Regulation currently state a parcel cannot be reconsidered by the Planning Commission for 6 months if a preliminary plat is denied on said parcel. Mr. Dyas stated the proposed amendment would allow the plat to be resubmitted before the

180 day time frame if the applicant has clearly addressed the concerns stated in the denial.

LID Amendment – Mr. King provided the Commission a draft proposal of an amendment to the LID requirements in the Subdivision Regulations. He highlighted the changes which include removing the required use of 10 LID techniques and adding a reference to the Alabama LID Handbook. He stated there will be a worksession prior to the next Planning Commission meeting to further discuss the proposed changes. Mr. Dyess stated the proposed changes will still require the same results for discharge just not mandate the number of techniques be used. Mr. Turner stated he likes the proposed changes.

Greenspace Requirements – Mr. Burrell suggested greenspace be based on the density of a project and not a set percentage. Mrs. MacKellar said she would like to see greenspace defined for each development. Mr. Turner stated R-1 properties are not required to provide any greenspace. Mr. Burrell stated 10% should be the minimum but the denser the project the more greenspace that should be required. Mrs. Bryant said she would like see more diverse bio-retention and practical applications.

Having no further business, Richard Peterson made a motion to adjourn. Jack Burrell 2nd the motion and the motion carried unanimously. The meeting was adjourned at 8:56 PM.



Lee Turner, Chairman



Emily Boyett, Secretary