

The Planning Commission met Monday, August 6, 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; Ralph Thayer; Richard Peterson; Hollie MacKellar; Clarice Hall-Black; Wayne Dyess, Planning Director; Buford King, Planner; Nancy Milford, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney

Absent: Jack Burrell

Chairman Turner called the meeting to order at 5:04 PM and announced the meeting is being recorded.

Mr. Turner introduced Clarice Hall-Black as the newest Commissioner.

SD 18.25 Public hearing to consider the request of S.E. Civil Engineering, LLC for plat approval of Garner Subdivision, a 3-lot minor division, Larry Smith. The project is located on the northeast corner of the intersection of S. Church Street and Bergundy Street. Ms. Milford gave the staff report saying the property is approximately 1.06 acres in size and is currently one lot with a single-family residence. The owners plan to split the property, demolish the house and then re-build on one of the lots. The applicant is requesting the plat approval be extended from 60 days to 180 days. This will give the applicant time to take the necessary steps to remove/demolish the existing house.

Staff recommends approval contingent upon the following conditions:

1. The applicant is requesting the plat approval be extended from 60 days to 180 days. This will give the applicant time to take the necessary steps to remove/demolish the house. The plat not be signed by the City of Fairhope staff until the existing residence on the subject property is demolished and verified by the City of Fairhope;
2. The approval by the Planning Commission of the request for extension of the 60 day recording period to 180 days.
3. Sidewalks shall be constructed at time of home construction on subject property. Submit standard sidewalk details with building plans for homes to be constructed on the subject property. Existing sidewalks shall be brought into ADA compliance at the time of home construction.
4. The applicant shall provide a note of clarification that 5' will be dedicated to the City of ROW to provide sufficient row in this location.

Mr. Smith addressed the Commission saying the owners would like a circular drive for Lot 1 to allow access to both streets. Mr. Johnson, Public Works Director, responded he would prefer one access but due to the low traffic volume he is not opposed to two access points. He also added he would be able to review the driveway placement at time of permitting.

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

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

1. The applicant is requesting the plat approval be extended from 60 days to 180 days. This will give the applicant time to take the necessary steps to

remove/demolish the house. The plat not be signed by the City of Fairhope staff until the existing residence on the subject property is demolished and verified by the City of Fairhope;

2. The approval by the Planning Commission of the request for extension of the 60 day recording period to 180 days.
3. Sidewalks shall be constructed at time of home construction on subject property. Submit standard sidewalk details with building plans for homes to be constructed on the subject property. Existing sidewalks shall be brought into ADA compliance at the time of home construction.
4. The applicant shall provide a note of clarification that 5' will be dedicated to the City of ROW to provide sufficient row in this location.

Charles Johnson 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – none.

SD 18.29 Discussion regarding the request of Mullins, LLC for Site Plan approval of Northgate Subdivision, a 482-lot Village Subdivision, Joe Rector. The project is located on the south side of St. Hwy. 104 just west of the intersection of St. Hwy. 104 and Lawrence Road. Mr. King gave the staff recommendation to table the request beyond 30 days.

Mr. Rector addressed the Commission saying they are going to make some changes and bring the project back for approval. He explained this application is a new design for the site but there is an existing village subdivision approval for the subject property. He stated Trae Corte previously obtained approval and now Mullins, LLC is seeking to redesign the western portion. He noted the site is in close proximity to a village center as denoted in the City's Comprehensive Plan and the applicant is replicating the village design in the development. He noted the design will have large lots overlooking natural wetlands and he asked the Commission to look at the net density and not lot size. He stated there is a focal greenspace in the middle of the site with additional greenspace along the edges which will be connected by pedestrian trails.

Mr. Dyas questioned the traffic analysis and Mr. Rector stated there is a 10 year build-out plan and the traffic improvements will be constructed as developed. Mrs. MacKellar asked if this approval has a sunset clause and Mr. Dyess responded the preliminary plat approval expires after 2 years. Ken Watson stated the site plan has an expiration of 6 months but it only requires the preliminary plat be approved for the first phase. Dr. Thayer stated traffic studies need updating periodically to account for future growth. He also said he like the addition of a connection to the 3 Circles church. Mr. Rector stated the church actually requested the connection and he said it will be a platted right-of-way. Mrs. MacKellar suggested adding amenities and a commercial aspect along Hwy. 104. Mr. Turner said he wants to see sidewalks along Hwy. 104. Mrs. Bryant said the access connections and amenities should be front loaded. Richard Johnson, Public Works Director, stated ALDOT will dictate the required improvements and the phasing plan of the improvements. He suggested each phase be designed to meet the standards on their own so if future phases are not constructed all aspects will be met.

Rebecca Bryant stated a conflict with SD 18.30 and SR 18.05. She recused herself and left the dais.

SD 18.30 Public hearing to consider the request of James and Beverly Reid for Multiple Occupancy Project approval of Reid Mixed Use Development, a 21-unit project, Larry Smith. The property is located on the south side of Magnolia Avenue just west of Church Street. Mr. King gave the staff report saying the property is zoned B-2 General Business District and is in the Central Business District Overlay of downtown Fairhope, consisting of a combined 0.81 acres. Subject application is an MOP and does not request subdivision of lands or the creation of new lots. The development proposes six (6) structures with a total of 21 units. 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 various 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.
 - i. Any building constructed “stand-alone” must be constructed and all improvements installed for “stand-alone” functionality and will have its own closeout process.
- 2) Submission of a copy of the recorded utility easements related to subject property.
- 3) Submission of a re-plat of the existing lot lines to fit the proposed development. (Administrative approval, no new lots to be created)
- 4) 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 as applicable:
 - a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - b. 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)
 - c. 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.
 - d. 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.
 - e. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
 - f. 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.

Larry Smith addressed the Commission saying the property is in the CBD and they are proposing to expand the existing sidewalk to 8' and push the building closer to the street which will help the trees in the middle of the property.

Mr. Turner opened the public hearing.

Al Johnson of 215 Magnolia Avenue – He stated this area drains down the hill and floods his property. He asked how the drainage and run-off will be addressed.

Dan Stubler of 209 Magnolia Avenue – He stated he is in favor of the development but has concerns with headlights shining in his windows. He also had concerns with parking during construction. He asked what the phasing and timeline would be.

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

Mr. Smith addressed the public comments saying a new storm system will be constructed to tie into the existing system. He stated the access points are existing, but the flow could possibly be reversed to help with the lights and glare. He added Saxe Lane is also an access point that will be used. Mr. Smith said there has not been a construction staging plan developed yet but the applicant will start with one building and the rest will be market driven.

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 various 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.
 - i. Any building constructed “stand-alone” must be constructed and all improvements installed for “stand-alone” functionality and will have its own closeout process.
- 2) Submission of a copy of the recorded utility easements related to subject property.
- 3) Submission of a re-plat of the existing lot lines to fit the proposed development. (Administrative approval, no new lots to be created)
- 4) 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 as applicable:
 - a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - b. 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)
 - c. 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.
 - d. 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.

- e. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
- f. 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.

Ralph Thayer 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Hollie MacKellar, Richard Peterson, Clarice Hall-Black. NAY – None. ABSTAIN – Lee Turner.

SR 18.05 Request of James and Beverly Reid for Site Plan approval of Reid Mixed Use Development, a 21-unit project, Larry Smith. The property is located on the south side of Magnolia Avenue just west of Church Street. Mr. King gave the staff report saying the property is zoned B-2 General Business District and is in the Central Business District Overlay of downtown Fairhope, consisting of a combined 0.81 acres. Subject application is a mixed-use development which proposes six (6) structures with a total of 21 units. Staff recommendation is for **APPROVAL**.

Dr. Thayer asked if there will be elevators and Mr. Smith responded none are proposed but they can be incorporated.

Charles Johnson made a motion to accept the staff recommendation for **APPROVAL**.

Art Dyas 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Hollie MacKellar, Richard Peterson, Clarice Hall-Black. NAY – None. ABSTAIN – Lee Turner.

Rebecca Bryant returned to the dais.

ZC 18.06 Public hearing to consider the request of Truland Homes, LLC for a PUD Amendment to the Old Battles Village PUD, Steve Pumphrey. The property is located on the north side of Battles Road, between Section Street and Greeno Road. Mr. Dyess gave the staff report saying the applicant is seeking to amend Phases 3, 4, 5, and 6 of the Old Battles Village PUD Master Plan. The most significant change in lot sizes and lot number will occur in phases 5 and 6, with minor changes to phases 3 and 4 needed to accommodate the changes to phases 5 and 6. The proposed changes will increase the total number of lots in the development by four lots, resulting in a change from 177 total lots to 181 lots. The total area of the development will remain unchanged at 86.76 acres. The proposed changes minimally increase the development density from 2.04 units per acre to 2.09 units per acre. No request for changes in use has been proposed and the use of the development shall remain “single family residential” as the use type. No other use types are above and beyond single family residential are indicated in the applicant’s PUD request narrative. Phase 5, the “Hamlet” is ringed with a 20’ and 25’ “green belt”, large common area buffer or abuts the property line of an adjoining property located in unincorporated Baldwin County. The smallest lot abutting the property subject of the amendment is 11,480 sq.ft. (82’x140’) to the north and approximately 13,800 sq.ft. for the property abutting on the east. In comparison, the smallest lot inside the “Hamlet” abutting the east and northern properties are 8,775 sq.ft. Where the “Hamlet” abuts lots outside of itself, a green belt, common area or property line is present thereby separating dissimilar lot sizes. The “Hamlet”, is essentially self-contained neighborhood within a neighborhood with all lots fronting inward to the development with no lots directly abutting adjoining

lots in other phases of Old Battles Village. The subject property comprising the request for PUD amendment is a component of the Old Battles Village Master Plan, approved by the Fairhope City Council on August 22, 2016. Staff believes that the proposed amendment offers a variety of single family lot types without unduly affecting neighboring properties. In addition, the green belt and common area concept provides not only a visual buffer and separation for the subject property but also provides a unique aesthetic surrounding for this self-contained internally facing neighborhood.

Staff recommends that ZC 18.06 Old Battles Place PUD Amendment be **APPROVED**.

Mr. Pumphrey addressed the Commission saying this design amendment was relocated to a further future phase at the request of the residents in the neighborhood.

Mrs. Bryant asked if the buffer is required to be sodded or planted and Mr. Pumphrey responded there are trees proposed in the buffer.

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

Mrs. Boyett stated no letters have been received but several residents called to verify the location of the amendment had been moved to the north.

Art Dyas made a motion to accept the staff recommendation for **APPROVAL** of the Old Battles Village PUD Amendment. Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – None.

UR 18.05 Request of AT&T for an 11.52.11 Utility Review and approval of approximately 1,269 linear foot of underground installation of fiber optic cable,

Wade Mitchell. The project will run along Magnolia Avenue, N. Church Street, and the Fairhope Parking Garage alley to service 23 N. Section Street. Ms. Milford gave the staff report saying The applicant proposes to install approximately 1269 linear feet of 1.5” and 2” HPDE conduit, equipped with a fiber optic cable, across Magnolia Avenue, just west of Section Street., along Magnolia Avenue to N. Church St. along N. Church Street to the alley entering the Fairhope Parking Garage, and through the alley to the rear of 23 N. Section St. Fiber Optic handholes to be placed in the sidewalk in two locations

The applicant proposes to install 7 handholes flush to grade and replacing 3 existing pedestals in the alley. Staff recommendation is to approve with the following conditions:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) All mechanical equipment shall be painted Munsell green as applicable.
- 3) The applicant shall provide verification of the depth of the bore to the Public Works Director.
- 4) The applicant shall provide the City of Fairhope with the Right of Entry documents from the Lease holder (Parking Authority) and the grantor (Fairhope Single Tax).
- 5) A pre-construction conference shall be held prior to construction and written notice shall be provided in advance to the affected business owners, along with a written schedule.

Mrs. Bryant was concerned with the large trees on Magnolia Avenue and Richard Johnson, Public Works Director, stated boring is the least intrusive and preferred method of installation near and around trees.

Hollie MacKellar made a motion to accept the staff recommendation to approve with the following conditions:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) All mechanical equipment shall be painted Munsell green as applicable.
- 3) The applicant shall provide verification of the depth of the bore to the Public Works Director.
- 4) The applicant shall provide the City of Fairhope with the Right of Entry documents from the Lease holder (Parking Authority) and the grantor (Fairhope Single Tax).
- 5) A pre-construction conference shall be held prior to construction and written notice shall be provided in advance to the affected business owners, along with a written schedule.

Richard Peterson 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – None.

Resolution 2017-03 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to approve a proposed amendment to Article V, Section F. 11 Low Impact Development (LID) requirements in the City of Fairhope Subdivision Regulations. Mr. King gave the staff report saying the major changes include removing the required use of 10 LID techniques and adding a reference to the Alabama LID Handbook. He also stated there were a few minor text edits and grammatical corrections. Staff recommendation is to **APPROVE** as presented.

Mr. Turner opened the public hearing.


Wade Burches – He stated he was glad to see the City being proactive about drainage and he applauded these changes.

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

Mrs. Bryant asked why the waiver allowance is still included and Mr. Dyess responded he thought it best to keep it but does not see where it should ever be needed. Mr. Turner said he would not be in favor of granting a waiver to the LID requirements if this change is approved.

Ralph Thayer made a motion to accept the staff recommendation to **APPROVE** as presented. Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – None.

Having no further business, Ralph Thayer made a motion to adjourn. Rebecca Bryant 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:50 PM.



Lee Turner, Chairman



Emily Boyett, Secretary