

The Planning Commission met Tuesday, March 12, 2019 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; Clarice Hall-Black; Wayne Dyess, Planning Director; Buford King, Planner; Nancy Milford, Planner; Mike Jeffries, Planning Technician; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Hollie MacKellar and Robert Brown

Chairman Turner called the meeting to order at 5:05 PM and announced the meeting is being recorded.

The minutes of the February 4, 2019 Planning Commission meeting were considered. Art Dyas made a motion to accept the minutes as written and Rebecca Bryant 2nd the motion. The motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Richard Peterson, and Clarice Hall-Black. NAY – none.

SD 19.11 Public hearing to consider the request of Montrose Properties, Inc. for Final Plat approval of Fox Hollow, Phase 2, a 59-lot subdivision, Tim Lawley. The property is located on the south side of Morphy Avenue, between County Road 13 and Thompson Hall Road. Mr. King gave the staff report saying the property consists of approximately 24.25 acres, 59 lots proposed. Staff recommendation is to **APPROVE** the final plat, subject to the following conditions:

- 1) *Article IV, Section.D.1.b.(17) Final Plat and Final Plans*
 - a. Please revise paragraph “3” of the Storm Water Facility Maintenance Agreement to reflect a five year inspection report cycle for drainage facilities and include a copy of the executed and recorded O&M Plan along with the city’s copy of the final plat once the final plat is recorded.
- 2) *Article VI, Section H. Construction Standards-Sanitary Sewerage*
 - a. The warranty period for the sewer lift station shall not commence until the lift station pumps are re-installed in the wet well to the satisfaction of the Fairhope Public Utilities Water and Sewer Superintendent.

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** the final plat, subject to the following conditions:

- 1) *Article IV, Section.D.1.b.(17) Final Plat and Final Plans*
 - a. Please revise paragraph “3” of the Storm Water Facility Maintenance Agreement to reflect a five year inspection report cycle for drainage facilities and include a copy of the executed and recorded O&M Plan along with the city’s copy of the final plat once the final plat is recorded.
- 2) *Article VI, Section H. Construction Standards-Sanitary Sewerage*
 - a. The warranty period for the sewer lift station shall not commence until the lift station pumps are re-installed in the wet well to the satisfaction of the Fairhope Public Utilities Water and Sewer Superintendent.

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

ZC 19.04 Public hearing to consider the request of The Teachers' Retirement Systems of Alabama to establish initial zoning of Tourist Resort (TR) District conditional upon annexation into the City of Fairhope, Tim Lawley. The property is approximately 99.15 acres located south of Twin Beech Road and west of S. Section Street. Ms. Milford gave the staff report saying the applicant is proposing 224 single family units on the subject property. Staff recommendation is to **APPROVE** as requested. Mr. Turner asked the difference in the original approved density and the proposed and Ms. Milford answered the existing density is 2.26 units per acre (UPA) and the proposed is 3.0 UPA.

Mr. Turner opened the public hearing.

Helen Hall of Henshaw Road – She stated concerns with drainage, wetlands, and the sight visibility for the construction entrance.

Joyce Tolbert of 9060 Cedar Lane – She asked what will be built on the property and how it will affect property values. She also stated concerns with drainage. Mrs. Boyett stated no construction plans have been submitted at this time.

Lori Ash of 9060 Cedar Lane – She stated she was in opposition of the project and had concerns with the increased traffic the project will create.

Lonzi Betties of 19103 Wilson Lane – She explained there are already problems with the sewer in this area and asked how the infrastructure could accommodate anymore.

Thelma Todd of 111 D'Estrehan Road – She asked why this wasn't announced in the churches. She said Tatumville was here before Fairhope and now Fairhope is trying to take it over.

Terrance Jackson of 19140 Wilson Lane – He cited concerns with traffic and school buses. He said the leaders in the area were not notified or asked for input on this project. He said more community notice was needed.

Isaac Houston of 19205 Cedar Lane – He asked what affect this will have on property values and said he does not want the City to do this project. Mr. Dyas explained the City is not the applicant or doing the development. Mr. Turner added the property owner can development the site now without annexing into City limits and the Planning Commission just makes sure they follow the rules. He stated the property is owned by The Teachers' Retirement Systems of Alabama.

Beth Brodbeck of 18300 S. Section Street – She stated concerns with the impact this development will have on adjacent properties and said the applicant is not giving anything to the existing residents. She said the community should be involved with the development and have an input. She requested sidewalks along Section Street and Twin Beech Road.

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

Mr. Lawley addressed the Commission to answer the public comments. He said the property is currently unzoned in Baldwin County and there are no use restrictions. He said the applicant is restricting themselves to single family residential use. He stated the drainage will meet the City's regulations and will handled on their property in the existing development. He noted there will be no work done on the creek. Mr. Lawley addressed traffic concerns stating there are two existing entrances on Battles Road and

they are proposing an entrance on S. Section Street and one on Twin Beech. He stated the wetlands will be permitted and meet all regulations. He said there is a conceptual master plan but it is only a sketch and it is possible that it will change. Mr. Dyas said he would like to see the applicant set up a meeting with the community and show them the master plan for the site. Mr. Lawley said there was a community meeting scheduled for the subdivision but only two people showed up. Mrs. Hall-Black stated she lives in the community and would rather have the property annexed to know it will be residential. She suggested re-evaluating the proposed entrance on Twin Beech for sight visibility. Mr. Turner stated he would like to table the application to allow for a community meeting. Mr. Lawley agreed to holding the application over.

Art Dyas made a motion to **CONTINUE** the application to the next meeting. Charles Johnson 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Richard Peterson, and Clarice Hall-Black. NAY – none.

SD 19.12 Public hearing to consider the request of The Teachers’ Retirement Systems of Alabama for Preliminary Plat approval of Battles Trace, Phase 6, a 45-lot subdivision, Tim Lawley. Art Dyas made a motion to **CONTINUE** the application to the next meeting. Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Richard Peterson, and Clarice Hall-Black. NAY – none.

SD 19.13 Public hearing to consider the request of The Teachers’ Retirement Systems of Alabama for Preliminary Plat approval of Polo Place, a 3-lot subdivision, Tim Lawley. The property is located on the north side of Polo Ridge Blvd. just west of S. Section Street. Mr. King gave the staff report saying the subject property consists of approximately 13 total acres with 3 lots proposed. Mr. King explained two plats were submitted for consideration. Plat “1” which reflects lots smaller than 15,000sf for lots 2 and 3, and narrower than 100’ wide for lots 1 and 2. Staff recognizes the smaller and narrower lots of Plat “1” are the by-product of creating a 20’ strip between proposed Lot 1 and the existing lots of Point Clear Stables. Staff does not necessarily object to the request for waiver required to allow approval of Lot 1; however, staff believes it is possible the remnant parcel may be of sufficient size to accommodate the required lot sizes for proposed lots 1-3 without a waiver, or with a waiver that represents a more minimal departure from the required lot sizes of Article V, Section E2. Plat “2” reflects the required lot sizes and lot widths for subdivisions located within unzoned Baldwin County. Staff recommendation is to **APPROVE** subject to the following conditions:

1. *Article IV, Section C.1.b.(8)* Plan and profiles of all proposed utilities with connections.
 - a. The water and sewer superintendent reviewed the plans and profiles and notes the proposed HDPE pipe shall be in Ductile Iron Pipe Size (DIPS).
2. *Article IV, Section C.1.b.(13) and Article V, Section D.5.a.(9)* Tree protection plan for all required street trees or trees over 24” DBH. Tree protection fences shall be installed prior to land disturbance activities.
 - a. Include a tree protection plan and tree protection details in the “for construction” plans for all trees to be protected.

3. *Article IV, Section C.1.b.(15)* Topographic survey with an aerial photograph overlay.
 - a. Please provide with the for-construction plans.
4. *Article V, Section E.2. Lot Standards-Lot Sizes*
 - a. Staff recommends approval of Plat “2” which reflects required lot sizes and lot widths for subdivisions located within unzoned Baldwin County.

Mr. Turner said the waiver came out of the pre-application community meeting. Mr. Dyas asked if this is a leftover area and Mr. King explained the property is currently an undeveloped corner along the golf course. He stated this request is not being considered as a minor application because a sewer line must be installed to serve the new lots. Mrs. Bryant questioned tree protection and a tree survey and Mr. King responded a tree survey has been done and the details are shown on the construction plans. Mrs. Bryant asked if there is a difference between the trees being saved with one plat versus the other and Mr. King responded the buffer strip on Plat “1” will save a thick grove of trees. Mr. Turner questioned the use of the golf course for greenspace and Mr. Dyas stated several golf courses are going under and there is no security this site won’t do the same. Mr. Lawley said both plats avoided all the major trees.

Mr. Turner opened the public hearing.

Paul Davis of 17674 Hitching Post Circle – He requested the Commission approve the buffer to provide relief from the drainage.

Buddy Covington of 6419 Saddlewood Lane – He asked for shared driveways to reduce the number of curb cuts on Polo Ridge Blvd. He also noted this should have been part of the master plan for the golf course.

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

Mr. Dyas stated the buffer is needed to allow for drainage. Richard Johnson, Public Works Director, stated an easement can be required to satisfy drainage concerns. Mr. Peterson asked who would maintain the common area and Mr. Lawley responded RSA.

Mr. Waston stated the remnant parcel needs to be shown as part of the plat.

Richard Peterson made a motion to **APPROVE** Plat “1” with the following conditions:

1. *Article IV, Section C.1.b.(8)* Plan and profiles of all proposed utilities with connections.
 - a. The water and sewer superintendent reviewed the plans and profiles and notes the proposed HDPE pipe shall be in Ductile Iron Pipe Size (DIPS).
2. *Article IV, Section C.1.b.(13) and Article V, Section D.5.a.(9)* Tree protection plan for all required street trees or trees over 24” DBH. Tree protection fences shall be installed prior to land disturbance activities.
 - a. Include a tree protection plan and tree protection details in the “for construction” plans for all trees to be protected.
3. *Article IV, Section C.1.b.(15)* Topographic survey with an aerial photograph overlay.
 - a. Please provide with the for-construction plans.
4. A waiver to *Article V, Section E.2. Lot Standards-Lot Sizes* and the required lot sizes and lot widths for subdivisions located within unzoned Baldwin County.

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

SD 19.14 Public hearing to consider the request of Magnolia/Church, LLC for plat approval of Magnolia and Church Square, a 4-lot minor subdivision, Vance McGowin. The property is located on the northeast corner of the intersection of Magnolia Avenue and Church Street. Mr. King gave the staff report saying the property consists of approximately .51 acres zoned B-2 General Business District and located in the Central Business District (CBD). Staff recommendation is to **APPROVE** with the following condition:

1. *Article VI, Section I. Construction Standards – Permanent Monuments*
 - a. In lieu of furnishing concrete monuments at all locations provide at least 2 concrete monuments with ferrous cores on the site, preferable at an internal location(s) to avoid damage.

Mr. Turner opened the public hearing.

Al Johnson of 215 Magnolia Avenue – He stated his opposition due to the size of the lots and the existing drainage issues.

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

Mr. Turner asked if there is a minimum lot width or setbacks and Mr. King responded no, there is not a minimum lot size for B-2 and setbacks are based on the use.

Art Dyas made a motion to accept the staff recommendation to **APPROVE** with the following condition:

1. *Article VI, Section I. Construction Standards – Permanent Monuments*
 - a. In lieu of furnishing concrete monuments at all locations provide at least 2 concrete monuments with ferrous cores on the site, preferable at an internal location(s) to avoid damage.

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

UR 19.03 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 2,608 linear foot of aerial fiber optic cable, Wade Mitchell. The project will run along the south side of Volanta Avenue from Section Street to Sarge Turner Road. Mr. Jeffries gave the staff report saying the project will consist of overlashing 1,742 linear foot of fiber optic cable to existing copper cable, extending 866 linear foot, and installing one new anchor and guy line. Staff recommendation is to **APPROVE** with the following condition:

1. The applicant shall follow the general comments related to utility work, as stated in the staff report.

Art Dyas made a motion to accept the staff recommendation to **APPROVE** with the following condition:

1. The applicant shall follow the general comments related to utility work, as stated in the staff report.

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

UR 19.04 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 4,101 linear foot of underground fiber optic cable, Wade Mitchell. The project will run along the south side of Spring Run Dr. from

Boothe Rd. to S. Greeno Rd., the south side of Middle St. from S. Greeno Rd. to S. Ingleside St., and the east side of S. Ingleside St. Mr. Jeffries gave the staff report saying the project will consist of installing approximately 4,101 linear feet of fiber optic cable and 3 handholes. All work will be done by directional bore. Staff recommendation is to **APPROVE** with the following conditions:

1. The applicant shall follow the general comments related to utility work, as stated in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

Art Dyas 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 in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

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

UR 19.05 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 2,746 linear foot of underground fiber optic cable, Wade Mitchell. The project will run along the east side of N. Ingleside St. from Fairhope Ave. to Gayfer Ave. Mr. Jeffries gave the staff report saying the project will consist of installing 2,746 linear feet of fiber optic cable by directional bore. Staff recommendation is to **APPROVE** with the following conditions:

1. The applicant shall follow the general comments related to utility work, as stated in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

Art Dyas 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 in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

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

UR 19.06 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 5,769 linear foot of underground and 9,117 linear foot of aerial fiber optic cable, Wade Mitchell. The project will run along Blue Island St., Marca Ct., Gayfer Ave., Myrtle St., Youpon Ave., Jasmine Ave., Olive Ave., Cedar Ave., Greenwood Ave., Audubon Pl., N. Ingleside St., Evergreen St., and Lillian Circle. Mr. Jeffries gave the staff report saying the project will consist of installing 5,769 linear foot of underground fiber optic cable by directional bore, 9,117 linear foot of aerial

fiber optic cable, and 24 handholes. Staff recommendation is to **APPROVE** with the following conditions:

1. The applicant shall follow the general comments related to utility work, as stated in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

Art Dyas 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 in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

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

UR 19.07 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 9,300 linear foot of underground fiber optic cable, Wade Mitchell. The project will run along portions of Fels Avenue, Liberty Street, Orange Avenue, and S. Mobile Street. Mr. Jeffries gave the staff report saying the project will consist of installing 9,300 linear foot of fiber optic cable and one handhole by directional bore. Staff recommendation is to **APPROVE** with the following conditions:

1. The applicant shall follow the general comments related to utility work, as stated in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

Art Dyas 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 in the staff report.
2. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

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

IR 19.01 Request of Chason & Earl Real Estate, on behalf of Glenda Gravlee, for an Informal Review of a proposed 3-lot division of Lot 4, Bay Echo subdivision, Larry Chason. The property is located at the south end of N. Mobile Street and Davis Drive. Mrs. Boyett introduced the case. Mr. Chason stated the lot has been for sale but everyone interested has wanted smaller lots. He said there was a similar division on Lot 1, Bay Echo. He explained a waiver would be required for the lots to front on N. Mobile Street because it is a gravel road and Davis Lane is not public or paved. Mr. Chason said a formal application has been submitted for the April 1st meeting. He said drainage is also a concern. Mr. Dyas said he did not want to set a precedent for waivers. Mr. Chason stated the residents on N. Mobile do not want the road paved and said the concern is more with Davis Lane not N. Mobile.

Old / New Business

M-1 Light Industrial District Amendment, Wayne Dyess – Mr. Dyess stated staff met with the Industrial Development Board (IDB) and they are not in favor of rezoning any M-1 property. Mr. Dyess explained staff would like to propose an amendment to the allowable uses for the M-1 zoning district to allow restaurants. Mr. Turner suggested restaurant be permitted only on appeal and subject to special conditions by the Board of Adjustment (BOA). Mr. Dyess said staff has no objections to the requirement for BOA approval. Mrs. Bryant suggested a production component also be a requirement.

Waterfront lots and lot definitions, Mike Jeffries – Mr. Jeffries stated this proposal is an effort to “clean up” the ordinance and clarify definitions so they don’t contradict each other. He explained that currently bay lots are required to construct accessory structures on the bayside based on the different definitions for lots. Mr. Dyas said requiring accessory structures to be built on the bayside would block the views of neighbors. Mr. Turner suggested including all navigable waters.

Having no further business, Richard Peterson made a motion to adjourn. Clarice Hall-Black 2nd the motion and the motion carried unanimously. The meeting was adjourned at 7:37 PM.



Lee Turner, Chairman



Emily Boyett, Secretary