

The Planning Commission met Monday, June 3, 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; Hollie MacKellar; Richard Peterson; Robert Brown; Buford King, Interim Planning Director; Nancy Milford, Planner; Mike Jeffries, Planning Technician; Emily Boyett, Secretary; and Ken Watson, City Attorney

Absent: Clarice Hall-Black, Harry Kohler, and Charles Johnson

Chairman Turner called the meeting to order at 5:03 PM and announced the meeting is being recorded.

Mr. Turner announced Mr. Johnson has submitted his resignation from the Commission due to his wife's health.

**ZC 19.07 Public hearing to consider the request of Mullins, LLC to rezone property from RA Residential Agriculture to PUD (Planned Unit Development), to be known as Live Oak Estates, Joe Rector.** The property is located on the southwest corner of the intersection of St. Hwy. 181 and Bay Meadows Avenue, at 19401 St. Hwy. 181. Mr. Jeffries gave the staff report saying the applicant is proposing to rezone approximately 38 acres to allow 107 single family dwelling units and a future commercial portion. Staff recommendation is to **APPROVE** with the following conditions:

1. The commercial parcel uses are the same as the uses listed in Table 3-1 of the Zoning Ordinance for B-4 Business and Professional District.
2. The Accessory Dwelling setbacks shall be: Front – Behind the rear building line of the principal structure, Rear – 5', Side – 5', Street side – No nearer than the principal structure, Maximum total lot coverage by accessory structure – 25% of required rear yard, Maximum height – 30' but no taller than the principal structure, and Minimum structure separation from the principal structure – 10'.
3. Development on the commercial parcel shall go through stand-alone Site Plan Review.
4. Reflect 12' Drainage/Utility Easements instead of 10'.

Mr. Dyas said a PUD is supposed to be innovative and not just to get higher density. Mr. Jeffries explained the applicant is requesting a PUD to allow for residential and commercial uses. Mr. Dyas asked if the widening of St. Hwy. 181 will impact the proposed commercial area and the detention pond and Mr. Jeffries responded no, the applicant has met with ALDOT and the additional right-of-way acquisition will be on the east side of the highway. Mrs. Bryant said it is hard to compare the existing density in the area with what is proposed. Mr. Jeffries said the design was based on Twin Beech Estates, which received final approval in March. Mr. Turner said he saw this area as a transition from Twin Beech Estates' high density to a lower density like the existing properties on Bay Meadows.

Mr. Rector addressed the Commission saying the site was designed to mirror Twin Beech Estates and save the large oak trees on Bay Meadows. It also provides a central greenspace and detention area to be usable. He said the pond will be an amenity.

Mrs. MacKellar asked how the commercial will benefit the residents of the development and Mr. Rector stated the specific use has not been determined at this time, but the

applicant has mentioned personal storage. Mr. Brown asked the density of Twin Beech Estates and Mr. King responded it is 3.18 units per acre which is the same as the proposed development.

Mr. Turner opened the public hearing.

Mark Roshetko of 9727 Derby Lane – He gave a brief history of the site. He explained the residents in the area do not want this development to change the character of Bay Meadows. He noted it does not have street lights or sidewalks, nor do they want them. He stated a similar request was denied in 1999 and he wants this request to be denied.

Elliot Sylvester of 9849 Bay Meadows Avenue – He said his family just moved to Bay Meadows Avenue for the quietness of the street. He stated his opposition for the proposal.

Martha and Gloria Monckton of 9571 Bay Meadows Avenue – She stated the previous owner did not want this type development on the property. She said the Mayor ran her campaign on keeping Fairhope the same and she has failed. She stated the entrance should be on St. Hwy. 181 and not on Bay Meadows Avenue.

Doug Wright of 9763 Bay Meadows Avenue – He stated Bay Meadows Avenue is a small two lane street and he had concerns with traffic and tree preservation. He said he is not in favor of the request and these developments are destroying what makes Fairhope desirable.

Joy Willer of 19316 St. Hwy. 181 – She stated she is not against progress but has concerns with congestion.

Julie Comer of 9551 Bay Meadows Avenue – She noted the City installed two speed bumps on Bay Meadows Avenue a year ago to cut down on the cut-through traffic and this development will increase the traffic. She stated she did not like the commercial aspect of the project and does not want a traffic signal at Bay Meadows Avenue and St. Hwy. 181.

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

Mr. Turner stated there is not much he likes about the proposal. He said the PUD district is to be something special, not just about getting higher density. He suggested larger lots to allow a transition from Twin Beech Estates to Bay Meadows Avenue. Mrs. Bryant stated she would like to see serviceable uses in the commercial portion to support the residential density. She added the protection of the trees along Bay Meadows Avenue, the central green, and the useable pond were favorable attributes. Richard Johnson, Public Works Director, clarified a traffic signal will be installed at Bay Meadows Avenue and St. Hwy. 181 regardless of this development. He explained ALDOT has required it as part of Firethorne PUD and ALDOT will not allow this property ingress/egress to St. Hwy. 181. Mr. Turner stated the property will be developed at some point, but he would like to see larger lots. Mr. Brown said he agreed with the Commissioner's comments. Mr. Rector asked for specific items to address so they can come back with another design and Mr. Turner stated larger lots and Mrs. Bryant said a more innovative design with diverse lots.

Art Dyas made a motion to **TABLE** the application as per the applicant's request.

Rebecca Bryant 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.



**ZC 19.08 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for an amendment to Article V. Special Districts and Uses in the Zoning Ordinance to establish a Greeno Road Corridor Overlay District.** Mr. King gave the staff report saying the proposed document will establish an overlay district for Greeno Road. He explained the amendment will establish the following five districts to regulate development along Greeno Road: Northern Edge District, North Village Center/Parker Road Village Center, Gateway District, Fairhope Avenue Village District, and Southern Edge District. He stated staff is not requesting the Commission act on the amendment tonight, only review it and give feedback.

Mr. Turner opened the public hearing.

Bobby Green of 415 Maple Street – He submitted a letter of his comments to the Commission. He stated the proposed amendment was poorly written and rushed without affected property owners or citizen input. He said it severely restricts development and pushes developers to the unzoned county. Mr. Turner suggested marking up the proposed amendment and submitting it to staff for consideration.

Anna Miller of 257 Wesley Street – She asked why residents were not notified and Mr. Turner explained this is not a zoning change and individual property owners are not notified for ordinance amendments. She was in favor of the lighting, drive-through limits, and buffers between residential and commercial uses. She had concerns with residential roads becoming access roads.

Ron Ross of 811 Gayfer Avenue – He had concerns with buffering incompatible uses from noise and light pollution.

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

Mr. Turner stated he would like to see the ordinance simplified to be easier to interpret and enforce and Mr. Dyas agreed. Mr. King stated staff will work to simplify the amendment and will bring it back at the July 1<sup>st</sup> meeting.

**SD 19.19 Public hearing to consider the request of Martinet Family Trust for plat approval of Martinet Subdivision, a 2-lot minor division, Seth Moore.** The property is located on the south side of the intersection of Cains Lane and Laraway Lane. Ms. Milford gave the staff report saying the site is approximately 1.99 acres with 2 lots proposed. The applicant has submitted a waiver to the sidewalk requirements. Staff recommendation is to **APPROVE** contingent upon the following conditions:

1. Removal of the existing shop building on Lot 1.
2. Granting a waiver for the sidewalk exemption and adding a pedestrian easement if the Planning Commission desires this for future residents.

Mr. Moore was present and stated the note has been added to the plat.

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. Removal of the existing shop building on Lot 1.
2. Granting a waiver for the sidewalk exemption and adding a pedestrian easement.

Rebecca Bryant 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**SD 19.23 Public hearing to consider the request of Rivers and Mandy Calvert for Preliminary and Final Plat approval of Calvert Family Subdivision, a 4-lot subdivision, Stewart Smith.** The property is located at the southwest corner of the intersection of River Park Road and Meadow Road. Mr. Jeffries gave the staff report saying the property is approximately 10 acres with 4 lots proposed. The project was approved by Baldwin County as a family subdivision. The applicant is requesting a waiver to the street frontage requirements. Staff recommendation is to **APPROVE** conditional upon the following:

1. Approval of the waiver request from the Subdivision Regulations Article V, Section E.3.a. "all lots shall front upon a paved, publicly maintained street."

Mr. Smith was present to answer any questions.

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** conditional upon the following:

1. Approval of the waiver request from the Subdivision Regulations Article V, Section E.3.a. "all lots shall front upon a paved, publicly maintained street."

Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**SD 19.25 Public hearing to consider the request of Riverwood Estates, LLC for Preliminary plat approval of River Place, a 23-lot subdivision, Chris Lieb.** The property is located on the west side of River Park Road just south of County Road 32. Mr. Jeffries gave the staff report saying the property is approximately 24.2 acres with 23 lots proposed. The staff recommendation is to **APPROVE** conditional upon the following:

1. Add note on plat that the detention/common areas shall be maintained by the property owner's association and not by Baldwin County or the state of Alabama. (As noted on sheet 6 of the drawings.)
2. Add curve and line data to the plat.
3. Provide a copy of the County's review and the County's Engineers Certificate of Review.
4. Closeout testing reports shall include mandrel tests on all HDPE storm water drainage pipes.

Mr. Turner opened the public hearing.

Crandall Langley of 16885 River Park Road – He stated concerns with light pollution, trespassing, and traffic. He requested a fence be built along his property line that abuts the subject property. Mr. Turner stated the Commission cannot require a fence be constructed.

Helen Horton of 16720 River Park Road – She had concerns with headlight shining into her house from the proposed entrance, additional traffic, and property values. Mrs. Bryant noted the entrance seems to be situated between the property lines across the street.

Jo Owens of 16772 River Park Road – She noted concerns with increased traffic and asked if a turn lane could be constructed. Mr. King explained the property is unzoned county land and the Commission can only review the application against the Subdivision



Regulations. Mr. King suggest she speak with the Baldwin County Highway Department.

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

Mr. Lieb stated he would pass the fence request to the developer.

Richard Peterson made a motion to accept the staff recommendation to **APPROVE** conditional upon the following:

1. Add note on plat that the detention/common areas shall be maintained by the property owner's association and not by Baldwin County or the state of Alabama. (As noted on sheet 6 of the drawings.)
2. Add curve and line data to the plat.
3. Provide a copy of the County's review and the County's Engineers Certificate of Review.
4. Closeout testing reports shall include mandrel tests on all HDPE storm water drainage pipes.

Robert Brown 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**SD 19.26 Public hearing to consider the request of Taylor D. Wilkins, III, for plat approval of Gayfer and Bishop subdivision, a 3-lot minor division, Larry Smith.**

The property is located on the northwest corner of the intersection of Gayfer Road and Bishop Road. Mr. King gave the staff report saying the property is approximately 1.79 acres with 3 lots proposed. Staff recommendation is to **APPROVE** with the following condition:

1. A note shall be added to the plat stating an aid-to-construction fee may be required to provide sewer to one or two of the lots.

Mr. Smith stated he is agreeable to the condition.

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** with the following conditions:

1. A note shall be added to the plat stating an aid-to-construction fee may be required to provide sewer to one or two of the lots.
2. A 10' sidewalk easement shall be added to the plat.

Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**SD 19.27 Public hearing to consider the request of TH Fairhope Falls 2018, LLC for Final plat approval of Fairhope Falls, Phase Two, a 34-lot subdivision, Steve Pumphrey.**

The property is located on the south side of County Road 48 and west of Fish River. Ms. Milford gave the staff report saying the property is approximately 27.05 acres in unzoned Baldwin County and 34 lots are proposed. Staff recommendation is to **APPROVE** contingent upon the following conditions:

1. The applicant shall complete the final punch list (including the incomplete landscaping) to the approval of the City of Fairhope Supervisors.

2. The Planning Commission approval of the waiver request asking for approval to not submit the sanitary sewer video for the Baldwin County Sewer System or the applicant shall supply the sanitary sewer video.
3. The surveyor shall sign the plat.
4. The applicant's representative shall provide planning staff a copy of the final inspection approval by Baldwin County of the proposed subdivision and the storm sewer video.
5. Submit a copy of the storm sewer videos for Fairhope files.

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

Robert Brown made a motion to accept the staff recommendation to **APPROVE** contingent upon the following conditions:

1. The applicant shall complete the final punch list (including the incomplete landscaping) to the approval of the City of Fairhope Supervisors.
2. The Planning Commission approval of the waiver request asking for approval to not submit the sanitary sewer video for the Baldwin County Sewer System or the applicant shall supply the sanitary sewer video.
3. The surveyor shall sign the plat.
4. The applicant's representative shall provide planning staff a copy of the final inspection approval by Baldwin County of the proposed subdivision and the storm sewer video.
5. Submit a copy of the storm sewer videos for Fairhope files.

Hollie MacKellar 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**SD 19.28 Public hearing to consider the request of The Verandas, LLC for Final plat approval of The Verandas, Phase 4, a 32-lot subdivision, Steve Pumphrey.** The property is located on the southwest corner of the intersection of State Hwy. 104 and Lawrence Road. Ms. Milford gave the staff report saying the property is approximately 57.64 acres in unzoned Baldwin County and 32 lots are proposed. Staff recommendation is to **APPROVE** contingent upon the following conditions:

1. The applicant shall complete the final punch list (including incomplete landscaping) to the approval of the City of Fairhope Department Heads.
2. Planning Commission approval of the waiver request asking for approval to not submit the sanitary sewer video for the Baldwin County Sewer System or the applicant shall submit the sanitary sewer video.
3. The surveyor shall sign the plat.
4. The applicant's representative shall provide planning staff a copy of the final inspection approval by Baldwin County of the proposed subdivision and storm sewer video.
5. The required completed subdivision bond package shall be provided.
6. Submit a copy of the storm sewer videos for Fairhope files.

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 complete the final punch list (including incomplete landscaping) to the approval of the City of Fairhope Department Heads.
2. Planning Commission approval of the waiver request asking for approval to not submit the sanitary sewer video for the Baldwin County Sewer System or the applicant shall submit the sanitary sewer video.
3. The surveyor shall sign the plat.
4. The applicant's representative shall provide planning staff a copy of the final inspection approval by Baldwin County of the proposed subdivision and storm sewer video.
5. The required completed subdivision bond package shall be provided.
6. Submit a copy of the storm sewer videos for Fairhope files.

Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**UR 19.15 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,932 linear foot of underground fiber optic cable, Wade Mitchell.** The project will run along Fairhope Avenue, N. School Street, Equality Street, N. Bancroft Street, Pine Street and N. Section Street. Mr. Jeffries gave the staff report saying the project consists of the proposed underground installation of approximately 1932 linear feet of fiber optic cable and overlash of approximately 900' of aerial fiber optic cable to existing copper cable within the City of Fairhope's ROW's. The installation will be a directional bore or aerial where indicated on drawings along Fairhope Ave to N. School St. to Equality Ave. to N. Bancroft St. to Pine St. to N. Section St. The project will require the installation of 3 flush to grade handholes and 2 pedestals as indicated on the drawings provided. The proposed utility construction falls within the Corporate limits of Fairhope. 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. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.
3. A tree is proposed to be trimmed on the south side of Fairhope Ave. to the west of Ace Hardware. Paul Merchant the City's Horticulturalist shall be contacted to oversee the trimming of the tree.

Mrs. Bryant stated the referenced tree is very significant and wants to make sure the work does not damage it. Mrs. Boyett stated the City has a new right-of-way inspector to monitor the work and pre-construction meetings are held to make sure everyone is on the same page.

Rebecca Bryant made a motion to accept the 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. Applicant and applicant's contractor shall follow the *Right of Way Installation Permitting and Work Procedures* document provided by the Building Official.

3. A tree is proposed to be trimmed on the south side of Fairhope Ave. to the west of Ace Hardware. Paul Merchant the City's Horticulturalist shall be contacted to oversee the trimming of the tree.

Robert Brown 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**UR 19.16 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 636 linear foot of underground fiber optic cable, Wade Mitchell.** The project will run along S. Summit Street, St. James Street, and S. Bayview Street to service Knoll Flats at 72 Fairhope Avenue. Mr. Jeffries gave the staff report saying the project consists of the proposed underground installation of approximately 636 linear feet of fiber optic cable and 1.5" HDPE conduit within the City of Fairhope's ROW's. The installation will be a directional bore where indicated on drawings along S. Summit St. to St. James Ave.

to S. Bayview St. Not all work is continuous. Some areas of work are only under roads. The project will require the installation of 6 flush to grade handholes as indicated on the drawings provided.

The proposed utility construction falls within the Corporate limits of Fairhope.

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. 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** conditional upon the following:

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.

Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**UR 19.17 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,231 linear foot of underground cable and conduit, Wade Mitchell.** The project will run from 8 S. Summit Street to 50 S. Bayview Street, via St. James Street. Mr. Jeffries gave the staff report saying the project consist of the proposed underground installation of approximately 1231 linear feet of copper communications cable and 1.5" HDPE conduit within the City of Fairhope's ROW's. The installation will be a directional bore where indicated on drawings along St. James Ave. to S. Bayview St. The project will require the installation of 4 flush to grade handholes and 2 pedestals as indicated on the drawings provided. Also, this project is the removal of associated aerial facilities for the removal of Fairhope Utility poles.

The proposed utility construction falls within the Corporate limits of Fairhope.

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. 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** conditional upon the following:

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.

Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE –Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

**UR 19.18 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 630 linear foot of underground fiber optic cable road crossings, Wade Mitchell.** The project will run throughout Fox Hollow, Phase 2. Mr. Jeffries gave the staff report saying the project will consist of the proposed underground installation of approximately 630 linear feet of fiber optic cable and 1.5” HDPE conduit within the City of Fairhope’s ROW’s. The installation will be a directional bore where indicated on drawings in the Fox Hollow Phase II Subdivision. The project will require the boring under the road in this new phase of Fox Hollow in various locations as indicated on the drawings provided to provide service.

The proposed utility construction falls within the Corporate limits of Fairhope.

Staff recommendation to **APPROVE** conditional upon the following:

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

Robert Brown made a motion to accept the staff recommendation to **APPROVE** conditional upon the following:

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

Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE –Art Dyas, Rebecca Bryant, Lee Turner, Hollie MacKellar, Richard Peterson, and Robert Brown. NAY – none.

Having no further business, Robert Brown made a motion to adjourn. Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously. The meeting was adjourned at 8:05 PM.



Lee Turner, Chairman



Emily Boyett, Secretary