

The Planning Commission met Monday, July 1, 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; Harry Kohler, Hollie MacKellar; Richard Peterson; Clarice Hall-Black; Robert Brown, Council Liaison; Buford King, Interim Planning Director; Nancy Milford, Planner; Mike Jeffries, Planning Technician; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: none

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

The minutes of the June 3, 2019 meeting were considered, and Robert Brown made a motion to accept the minutes as written. Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Robert Brown. NAY – none.

ZC 19.09 has been withdrawn by the applicant and will be heard at the August 5, 2019 meeting.

ZC 19.08 Public meeting 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, Buford King. Mr. King stated he is not asking the Commission to vote tonight on the proposed amendment. He stated staff wanted the Commission to have the document to review. He explained the August 5th worksession will allow staff to give a presentation of the professional drawings for the overlay. Mr. Turner asked if a public hearing will be held at the August meeting and Mr. Watson responded yes. Mrs. Bryant said she has not had a chance to work on the overlay and give comments. Mr. Dyas said he would like to see the property lines and overlay on an aerial to see if any properties are being cut in half. Mr. King responded if the overlay touches any portion of a parcel then the entire parcel is included in the overlay. Mr. Dyas asked if all of the properties in the overlay are inside city limits and Mr. King answered no.

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

ZC 19.10 Public hearing to consider the request of Provision Investments, LLC to rezone property from R-2 Medium Density Single Family Residential District to B-4 Business and Professional District, David Diehl. The property is located on the northwest corner of the intersection of Windmill Road and St. Hwy. 181, at 9979 Windmill Road. Mr. Jeffries gave the staff report saying the property is approximately 1.48 acres and the applicant is currently vacant. Staff recommendation is to APPROVE as requested.

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. Richard Peterson 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Robert Brown. NAY – none.

ZC 19.13 Public hearing to consider the request of Gayfer Village Partners, LLC to establish an initial zoning of PUD (Planned Unit Development) conditional upon annexation into the City of Fairhope, Scott Hutchinson. The property is located on the west side of State Highway 181 between Fairhope Avenue and Gayfer Avenue. Mr. King gave the staff report saying the site is approximately 75.93 acres and is currently unzoned in Baldwin County. He explained the site is broken into three units for development. Unit 1 is approximately 28.79 acres containing 16 commercial lots with B-2 General Business District uses proposed. Unit 2 is approximately 23.20 acres for 232 multifamily units compatible with the R-5 High Density Single Family Residential District. Unit 3 is approximately 14.11 acres containing 77 residential lots comparable to the R-3 High Density Single Family Residential District. Staff recommendation is to APPROVE with the following conditions:

1. A master drainage plan shall be prepared for the entire site and included with the initial subdivision application creating Units 1-3.
2. Side setbacks for Unit 3 shall be 7.5 feet.
3. A 10' wide landscape buffer shall be required on the west side of the subject property.
4. Site Plan Review shall be mandatory for Unit 1 and Unit 2.
5. The City of Fairhope Subdivision Regulations and Multiple Occupancy requirements shall be met for all units of the PUD.

Mr. Hutchinson of GMC, LLC was present to answer questions.

Mr. Peterson asked if this development will help to address the drainage concerns of the adjacent White Grove subdivision and if there will be a new lift station installed. Mr. Hutchinson responded yes to both. Mr. Dyas asked if a traffic study has been done and said major improvements will have to be made to Fairhope Avenue. He also stated there must be common area for the children to use in this large of a development. Mr. Hutchinson explained Unit 1 will not have any common area for the commercial lots but Unit 2 and 3 will for the multifamily and single family units but there is room to rearrange some of the buildings to allow for more greenspace. Mr. Turner suggested swapping the residential lots 1-4 and 35-38 in Unit 3 with commercial lot 16 in Unit 1. He said it is more appropriate to have the commercial on Fairhope Avenue and not on Gayfer Avenue.

Mr. Turner opened the public hearing.

Joshua Gammon of 20545 Lowry Drive – He stated concerns with traffic, the proposed density, and buffers along White Grove subdivision.

Matthew Jones of 20505 Lowry Drive – He requested the access to Gayfer Avenue be removed and stated property values will decrease and crime will increase with this development.

Lindy Peters of 11391 Caye Falls Street – She stated there are too many access points on Fairhope Avenue and St. Hwy. 181. and traffic will be even worse.

Megan Talbert of 10440 Gayfer Road Ext. – She stated concerns with traffic, drainage, and the commercial area along Gayfer Avenue.

Frank Connell of 20605 Lowry Drive – He stated concerns with drainage and buffers along White Grove subdivision.

Ben Pace of 20585 Lowry Drive – He stated there is approximately 20-30' of wooded buffer along White Grove subdivision now and the proposed 10' is not enough. He also had concerns with the proposed 50' lot width for Unit 3.

Donna Weaver of 19919 River Mill Drive – She stated concerns with drainage and asked what the buildings will look like.

Mike Moore of 10930 Grant Road – He stated concerns with traffic and density.

Richard Johnson, Public Works Director, addresses some of the public comments saying this request is just for land use and annexation. He explained the planning process will address the concerns of traffic, drainage, and buffers. He stated the requirements will be met and all interested agencies will have their say as to what must be done.

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

Mr. Hutchinson addressed the comments saying the lot widths in Unit 3 can be increased the number of multifamily units is limited to 232. He said a traffic study will be done and any improvements will be constructed. He also stated the drainage will be designed to meet the city's requirements. Mr. Turner stated he would like to see the parking in the rear for the commercial unit and the buildings be double-sided. He noted the Comprehensive Plan calls for this type of development at this location and Mr. Dyas agreed. Mrs. MacKellar said she would rather see the site all residential and asked if Fairhope needs more apartments. Mr. King said staff cannot review applications for economic impacts. Mr. Dyas stated the site is currently outside city limits and is unzoned so it could be anything. Mr. Peterson stated staff can address issues that will affect our citizens. Mrs. Bryant asked if the buffer along White Grove subdivision can be addressed at an additional stage of the review and Mr. King explained the tree ordinance offers multiple options for the buffer and the buffer can be required at the time of land disturbance.

Richard Peterson made a motion to accept the staff recommendation to APPROVE with the following conditions:

1. A master drainage plan shall be prepared for the entire site and included with the initial subdivision application creating Units 1-3.
2. Side setbacks for Unit 3 shall be 7.5 feet.
3. A 10' wide landscape buffer shall be required on the west side of the subject property.
4. Site Plan Review shall be mandatory for Unit 1 and Unit 2.
5. The City of Fairhope Subdivision Regulations and Multiple Occupancy requirements shall be met for all units of the PUD.
6. A portion of residential lots adjacent Fairhope Avenue shall be swapped with a portion of the commercial area along Gayfer Avenue.

Art Dyas 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, Lee Turner, Clarice Hall-Black, Richard Peterson and Robert Brown. NAY – Hollie MacKellar.

SD 19.09 Public hearing to consider the request of Wise Properties, LLC for site plan approval of Pier Street Marketplace, a 3-unit multiple occupancy project, Larry Smith. The property is located on the northeast corner of the intersection of Pier Street and S. Mobile Street. Mr. King gave the staff report saying the property is approximately

0.20 acres and is zoned B-3b Tourist Resort Commercial Service District. The applicant is proposing 3 units. Staff recommendation is to APPROVE with the following conditions:

1. The sidewalk waiver is recommended for denial by staff, though final approval is to be considered by the Planning Commission.
 - a. Should the sidewalk waiver not be approved by the Planning Commission the EOR shall provide revised drawings and include them in the “for permit” plans depicting sidewalks in compliance with Article VI, Section D. to be approved by the Public Works Director and/or the Development Services Manager.
2. Ordinance 1444; Tree and Landscape Ordinance: A revised landscape plan reflecting the approved modifications to Ordinance 1444 per Municipal Court case number MC19-166 as well as the conditions of approval of case number SD 19.09 shall be submitted for final approval. Final approval shall be granted by the City Horticulturalist and/or the Development Services Manager as component of the review of the “for permit” plans.
3. 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. 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.
 - b. One copy of the as-built site/civil construction drawings as required by *Article IV, Section.D.1.b.(18)* at a time to be determined by Building Official and Development Services Manager when a Certificate of Occupancy (CO) request appears to be imminent.
4. Zoning Ordinance Article IV, Section E.1-4., 5, and 7.: The three parallel parking spaces proposed along S. Mobile St. shall be located on-site to relieve a potential traffic hazard. Relief granted by the municipal court judge from the Landscape and Tree Ordinance created space on-site for additional on-site parking.
5. Article IV, Section E.5.7.: One parking space shown within the proposed structure that appears to accommodate a golf cart or similar vehicle shall be revised to denote five (5) bicycle spaces to receive credit for one full parking space.
6. The EOR shall reflect any additions or revisions to the plans as prescribed by the various Fairhope Public Utilities departments as needed on the “for permit” plans.
7. Revise the 45’ building height depicted in the site data table to 30’ or 35’ as applicable and as allowable by the Zoning Ordinance Article III Section C. Dimensions Table 3-2 for mixed use developments. The applicant is advised a site plan review may be required if a 35’ building height is requested, as required by Zoning Ordinance Article II, Section C.2.a.(4).

Mr. Dyas asked why make the applicant install a sidewalk and Mr. King stated to be in full compliance with the requirements. Mrs. Bryant asked what the decision was for the relief to the landscape requirements and Mr. Smith explained a 20’ landscape buffer is required along S. Mobile Street but there was not enough room to provide parking for 4 cars with all the buffers and setbacks. He noted they are proposing a gravel drive to protect the existing trees. Mr. Dyas asked how many parking spaces are needed and Mr. Smith answered 8 total.

Mr. Turner opened the public hearing.

Rodney Gains of 22 Pier Avenue – He stated concerns with public safety due to the lack of sidewalks along Pier Avenue.

Mr. Johnson, Public Works Director, stated there is not currently parallel parking on S. Mobile Street and he requested the Commission grant relief to the parking requirements rather than approve parallel parking. He added if a sidewalk is required then the city can look at installing a crosswalk at the intersection of S. Mobile Street and Pier Avenue.

Mr. Peterson asked if traffic calming devices have been looked at for this location and Mr. Johnson responded yes, but no plan has been developed.

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

Mrs. Bryant asked if the use of bicycle parking could gain additional spaces and Mr. King explained the Board of Adjustments (BOA) would have to grant a waiver for the parking requirements. Mr. Smith said they are relocating the fire hydrant and adding a sidewalk along Pier Avenue. He said compact parking is also proposed on Pier Avenue but not all parking can be compact. He agreed to adding a bicycle rack and said he is in favor of traffic calming. Mrs. Hall-Black asked if the public parking across the street could be used if a crosswalk is installed. Mr. Watson stated the BOA would have to approve any waiver to the parking requirements. There were suggestions to create pull-through parking under the building, allow parallel spaces on S. Mobile Street, and adding bicycle parking. Sandy Wise addressed the Commission saying on-street parallel parking is allowed on Fairhope Avenue, Magnolia Avenue, and Cliff Drive which have the same speed limit. He said if speeding is an issue then it needs to be addressed by the police department.

Rebecca Bryant made a motion to accept to APPROVE with the following conditions:

1. A sidewalk shall be installed along Pier Avenue and connected to S. Mobile Street. The EOR shall provide revised drawings and include them in the “for permit” plans depicting sidewalks in compliance with Article VI, Section D. to be approved by the Public Works Director and/or the Development Services Manager.
2. Ordinance 1444; Tree and Landscape Ordinance: A revised landscape plan reflecting the approved modifications to Ordinance 1444 per Municipal Court case number MC19-166 as well as the conditions of approval of case number SD 19.09 shall be submitted for final approval. Final approval shall be granted by the City Horticulturalist and/or the Development Services Manager as component of the review of the “for permit” plans.
3. 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. 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.
 - b. One copy of the as-built site/civil construction drawings as required by *Article IV, Section.D.1.b.(18)* at a time to be determined by Building Official and Development Services Manager when a Certificate of Occupancy (CO) request appears to be imminent.
4. Two parallel parking spaces shall be allowed along S. Mobile Street with landscaping installed between the spaces and 5 bicycle spaces shall be added.

5. The EOR shall reflect any additions or revisions to the plans as prescribed by the various Fairhope Public Utilities departments as needed on the “for permit” plans.
6. Revise the 45’ building height depicted in the site data table to 30’ or 35’ as applicable and as allowable by the Zoning Ordinance Article III Section C. Dimensions Table 3-2 for mixed use developments. The applicant is advised a site plan review may be required if a 35’ building height is requested, as required by Zoning Ordinance Article II, Section C.2.a.(4).

Richard Peterson 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Robert Brown. NAY – none.

SD 19.29 Public hearing to consider the request of Two Hands Design & Development, LLC for Preliminary plat approval of Hill Top Subdivision, a 29-lot division, Trey Jinright. The property is located on the west side of S. Section Street between Twin Beech Road and Battles Road. Ms. Milford gave the staff report saying the property is approximately 19.39 acres and is unzoned in Baldwin County. Staff recommendation is to APPROVE with the following condition:

1. The final Water and Sewer resolution shall be addressed to the satisfaction of the Operations Director and be reflected on the “For Construction Plans”.

Mr. Jinright was present to answer questions.

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

Mrs. Bryant asked how the LID technique will work along the stream and Mr. Jinright explained it is a level spreader that will be installed at the 50’ stream buffer to allow the discharge to be spread out and not have a single point outfall.

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

1. The final Water and Sewer resolution shall be addressed to the satisfaction of the Operations Director and be reflected on the “For Construction Plans”.

Hollie MacKellar 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Robert Brown. NAY – none.

SD 19.30 Public hearing to consider the request of Firethorne Development, LLC for Final plat approval of Phase 6 of Golden Oak at Firethorne, a 26-lot subdivision, Steve Pumphrey. The property is located on the east side of St. Hwy. 181 just south of Quail Creek subdivision. Ms. Milford gave the staff report saying the property is approximately 12.68 acres and is zoned PUD (Planned Unit Development). Staff recommendation is to APPROVE with the following conditions:

1. As a condition of approval, there is to be a six-inch water line tapped and stubbed out on the north end of this project. All agreed that it would be capped short of the berm at Quail Creek Drive, prior to signing the plat.
2. Two concrete monuments will be placed prior to recording the plat.
3. Final punch list being satisfied, prior to plats being signed.

Steve Pumphrey was present to answer questions.

Mr. Turner opened the public hearing.

Greg Bostic of 118 Club Drive – He asked what would happen if the homeowner cuts the trees in the “green buffer” along the rear of these lots.

Mr. Pumphrey stated the restriction is part of the covenants and would become an issue with the Property Owners Association.

Having no one else 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. As a condition of approval, there is to be a six-inch water line tapped and stubbed out on the north end of this project. All agreed that it would be capped short of the berm at Quail Creek Drive, prior to signing the plat.
2. Two concrete monuments will be placed prior to recording the plat.
3. Final punch list being satisfied, prior to plats being signed.

Robert Brown 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Robert Brown. NAY – none.

IR 19.04 Request of Mullins, LLC for an Informal Review to rezone property from RA Residential/Agriculture to R-2 Medium Density Single Family Residential District, Joe Rector. The property is located on the southwest corner of the intersection of State Hwy. 181 and Bay Meadows Avenue, at 19401 St. Hwy. 181, to be known as Live Oak Estates. Mr. Rector explained the case was tabled at the last meeting and they have amended the proposed drawings to address the comments that were given. He stated one access to Bay Meadows has been removed and the buffer along Bay Meadows has been increased. He showed a R-2 layout for the residential lots with the commercial lots removed as separate lots. He noted the number of lots would decrease from 107 to 79 lots but the greenspace would also be reduced. He said if the layouts are compared to one another the PUD is a better design. Mr. Turner said he likes this PUD drawing better than the first one presented. Mr. Dyas stated he likes the greenspace in the middle of the site and the reduction of access points to Bay Meadows.

Ms. Milford announced case **IR 19.05 Carrigan PUD** has been held over to next month’s meeting.

Old/New Business

SD 18.25 Request of S.E. Civil Engineering, LLC for a 180-day extension of the plat approval of Garner Subdivision, Larry Smith. Art Dyas made a motion to approve a 180-day extension of the plat approval for SD 18.25 Garner Subdivision. Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, Lee Turner, Hollie MacKellar, Clarice Hall-Black, Richard Peterson and Robert Brown. NAY – none.

Worksession for Greeno Road Corridor Overlay Districts, Buford King. Mr. King stated there will be a Planning Commission Worksession on August 5, 2019 at 4:00PM in the Council Chambers to discuss the proposed Greeno Road Corridor Overlay Districts. Mr. Dyas asked if the residents will be notified and Mr. King stated an Everbridge notice will be sent out.

Having no further business, Art Dyas made a motion to adjourn. The meeting was adjourned at 8:43 PM.



Lee Turner, Chairman



Emily Boyett, Secretary