

The Planning Commission met Monday, August 5, 2019 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Harry Kohler; Richard Peterson; Clarice Hall-Black; Robert Brown, Council Liaison; Buford King, Development Services Manager; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Planning Technician; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Rebecca Bryant and Hollie MacKellar

Chairman Turner called the meeting to order at 5:08 PM and announced the meeting is being recorded.

Mr. King introduced Hunter Simmons as the new Planning and Zoning Manager and welcomed him to the City.

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 the Greeno Road Corridor (GRC) Overlay Districts, Buford King. Mr. King gave a timeline for this proposed amendment and went over the frequently asked questions that are listed in the document on the Planning Department's webpage.

Mr. Turner opened the public participation.

Larry Stejskal of 60 N. Ingleside Street – He said he is glad that the city has recognized that Greeno Road is not residential, but the city has not engaged any of the property owners along Greeno Road before putting this proposal together. He asked the Commission to listen to the property owners and get their input on how their property will be affected.

Mr. Turner stated this amendment is based off citizen input from the Visual Preference Survey (VPS) results. Mr. Turner said this amendment has been discussed at multiple meetings and if people want to give their input then they need to attend the meetings. Bobby Green of 415 Maple Street – He stated Greeno Road is an automobile-oriented roadway and the amendment is restricting automobile uses. He said CR 13 and US Hwy. 181 will become overwhelmed with development if this overlay is created because it is restricting the development of Greeno Road. He said he likes the changes to the lighting, buffers and landscaping requirements but those changes can be done without taking private property. He asked what has been developed on Greeno Road within the last 7 years that has been undesirable.

Debra Green of 415 Maple Street – She stated a legal notice should have been sent out to every property owner as per legal counsel. She said the VPS was setup with good versus bad images to get what the results the city wanted. She said the overlay is restricting property owners by not allowing certain uses in certain districts and it is punishing the people on Greeno Road.

Mr. King stated the Commission is not taking action so the trigger for notices was not met. He also commented the Landscape Ordinance already requires a 20' landscaped buffer along Greeno Road and the GRC reduces it in some areas. Mr. Turner said there has to be a balance and it is to make Fairhope better, but attacking the process does not help. He said staff and the Commission is looking for constructive feedback.

Richard Thompson of 26 N. Bayview Avenue – He stated his property on Greeno Road is unzoned and has unlimited uses. He said offices are not allowed in the southern district and it will restrict possible tenants. Mr. Turner stated this amendment does not apply to unzoned property. Mr. King explained if property is annexed any district can be requested for the use wanted.

Claude Puckett of 406 Maple Street – He said the people affected need to be notified. He also stated that no Comprehensive Plan has ever been gone by in Alabama.

ZC 19.07 Public hearing to consider the request of Mullins, LLC to rezone property from RA Residential/Agriculture to PUD (Planned Unit Development), 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. Jeffries gave the staff report saying the site is approximately 38 total acres and 99 single family lots are proposed on 33.66 acres with 4.30 acres reserved for a future commercial parcel. Mr. Dyas stated he would like to see a connection between the residential area and the commercial parcel. Mrs. Hall-Black asked if there are any improvement needed for Bay Meadows and Mr. Jeffries stated not at this time, but they may be required at the time of subdivision if the request is approved. Staff recommendation is to **APPROVE** with the following conditions:

1. The site plan shall reflect the same setbacks as in Table 3-3: Dimensions Table as the “all other residential districts” found in Fairhope’s Zoning Ordinance for accessory structures.

All other residential districts	Behind rear building line of principle structure	5'	5'	no nearer than principle structure	25% of required rear yard	30' but no taller than the principle structure	10'
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2. The site plan shall reflect the setbacks for a 30’ maximum building height and 37% maximum lot coverage by principle structure.
3. The commercial parcel shall have a stand-alone Site Plan review.

Mr. Rector addressed the Commission saying they have reduced the density of the site and removed one access point to Bay Meadows Avenue. He noted they have increased the greenspace and are willing to add a connection to the commercial parcel. He also stated they are self-imposing site plan review for the commercial parcel and restricting the uses to B-4.

Mr. Turner opened the public hearing.

Mark Roshetko of 9727 Derby Lane – He sated he is opposed to the request and has a petition from the surrounding neighbors. He said this is spot zoning for the commercial parcel. He said the site should not access Bay Meadows Avenue at all and should be via St. Hwy 181.

Douglas Ray of 9763 Bay Meadows Avenue – He said Bay Meadows Avenue is a mere pig trail and cannot handle 99 houses and 200 cars. He stated access should be from St. Hwy. 181 and no commercial use in needed this close to Walmart.

Mr. Turner explained the access to St. Hwy. 181 is an ALDOT issue and Mr. Richard Johnson, Public Works Director, agreed.

Elliot Sylvester of 9849 Bay Meadows Avenue – He stated concerns with traffic and said we are over building too fast.

Gary Gover of 300 Lincoln Street – He said the City should use the Weeks Bay Watershed Management Plan in development concepts.

Julie Comer of 9551 Bay Meadows Avenue – She stated concerns with traffic on Bay Meadows Avenue and the significant difference of the proposed lot sizes and the existing surrounding neighborhood.

Candi Robertson of 9731 Bay Meadows Avenue – She stated concerns with the City’s existing infrastructure and said water pressure is already an issue and 99 more homes will only compound the problem. She requested the construction entrance be from Twin Beech Road.

Lewis Ivers of 19422 Steeple Chase – He stated the existing residents will be affected by the new development and should get something for it. He said the property values will be reduced.

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

Mr. Rector responded to the comments saying a traffic study has been done and the required improvements will be made at the time of subdivision. He added the property values will go up because the existing houses in the area are old. Mr. Kohler asked if access to Bay Meadows can be removed completely and Mr. Jeffries responded no, due to connectivity requirements and life safety. Mr. Turner asked if the PUD zoning is just to get more density and Mr. Rector responded no, it is the only option in order to have a commercial aspect as well. He explained they are saving the existing trees by designating a buffer along Bay Meadows Avenue and along the western property line. Mr. Turner stated he likes the buffers and setbacks from Bay Meadows Avenue.

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

1. The site plan shall reflect the same setbacks as in Table 3-3: Dimensions Table as the “all other residential districts” found in Fairhope’s Zoning Ordinance for accessory structures.

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2. The site plan shall reflect the setbacks for a 30’ maximum building height and 37% maximum lot coverage by principle structure.
3. The commercial parcel shall have a stand-alone Site Plan review.
4. A right-of-way shall be added to allow connectivity between the residential and commercial portions of the site.
5. The commercial uses shall be limited to those allowed in the B-4 Business and Professional District.

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

Mr. Turner stated he had a conflict with case ZC 19.09 and recused himself but due to the absence of the vice-chair he will still lead the meeting.

ZC 19.09 Public hearing to consider the request of Anil Vira to rezone property from R-2 Medium Density Single Family Residential District to B-1 Local Shopping District. The property is located on the north side of Fels Avenue between Church Street and S. Section Street, at 303 Fels Avenue. Mr. Jeffries gave the staff report saying the property is approximately 0.4 acres and the applicant is proposing to convert the existing

residence to a real estate office. The property is also located in the Central Business District (CBD). Staff recommendation is to **APPROVE**. Mr. Kohler asked how the applicant will address parking concerns and Mr. Jeffries stated parking is not required for commercial uses in the CBD. Mr. Vira was present to answer any questions. 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**. Harry Kohler 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas; Harry Kohler; Richard Peterson; Clarice Hall-Black; Robert Brown. NAY – none. ABSTAIN – Lee Turner.

ZC 19.12 Public hearing to consider the request of Myrtle F. Bung to rezone property from M-1 Light Industrial District to PUD (Planned Unit Development), Steve Pumphrey. The property is located at the east terminus of Summer Lane and on the west side of S. Section Street. Mr. Jeffries gave the staff report saying the property is approximately 5.2 acres with 15 single family lots proposed. Staff recommendation is to DENY due to the waivers that would be required at the time of subdivision. Mr. Dyas asked how many waivers are requested and Mr. Jeffries responded 4 or 5. Mr. Dyas stated he liked the concept of the development. Mr. Turner stated he likes the design but not the gated streets or the proposed pavers. Mr. Watson said the waiver requests are sufficient grounds to deny the request. Mr. Pumphrey addressed the Commission saying the request is a unique design and is what a PUD is supposed to be. He said the gate is not a deal breaker and can be removed, as well as the request for private streets and pavers. He explained there is a conflict with FEMA mapping, but the layout has been revised to eliminate the encroachment.

Mr. Turner opened the public hearing.

Harvey Joanning of 559 Southern Run – He stated concerns with drainage in Big Head Gulley.

Hank Mullins of 8 Summer Lane – He said this development is different, but he is in favor of the request. He said M-1 could allow something much more intrusive and this is single family residences.

Mary Lu Duffy of 9 Summer Lane – She stated she is in favor of the request.

Kay Slaughter of 505 Third Street – She asked the Commission to approve the request. Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Dyas asked if the waivers are an issue since this is a PUD and Mr. Watson explained the waivers are not on the table, but the Commission knows they are coming. He said the Commission has the flexibility to allow the requests. Mr. Brown asked why private streets are allowed in the TR District and Mr. Turner explained the TR District is the result of a lawsuit. Mr. Peterson asked if the pavers are pervious and Mr. Pumphrey responded no. Mr. Turner asked what staff would recommend if the waivers were not in question and Mr. Jeffries said staff would be in favor of the request. Mr. Pumphrey stated he would like to remove the requests for private streets, use of pavers, and the gated access. Mr. Jeffries said staff amends their recommendation to **APPROVE** the request without any waivers.

Robert Brown made a motion to accept the staff recommendation to **APPROVE** the request without any waivers. Richard Peterson 2nd the motion and the motion carried

unanimously with the following vote: AYE - Lee Turner; Art Dyas; Harry Kohler; Richard Peterson; Clarice Hall-Black; Robert Brown. NAY – none.

SD 19.31 Public hearing to consider the request of Wayne and Betty Hoffren for plat approval of Hoffren Subdivision, a 2-lot minor division, Steve Pumphrey. The property is located on the west side of Troyer Road between Morphy Avenue and Nichols Avenue. Mr. King gave the staff report saying the property is approximately 8.45 acres zoned R-3PGH High Density Single Family Patio/Garden Home Residential District and 2 lots are proposed. The applicant is requesting waivers for a tree survey, wetland survey and installation of wetland buffer signs, greenspace requirements, and sidewalks. Staff recommendation is to **APPROVE** with the following conditions:

1. Correct the error to the drainage easements described in the staff report (a routine edit of the plat).
2. The applicant shall submit a verification letter regarding the need (or lack thereof) of a traffic study.
3. The applicant has submitted the following waivers for consideration:
 - Tree Survey (location of heritage trees).
 - Staff is not in support of this waiver and recommends **disapproval**. The applicant may contact the City of Fairhope Horticulturalist as noted in the staff report for an inquiry regarding heritage trees on the subject property.
 - Wetland survey and installation of wetland buffer signs.
 - Staff is not in support of this waiver and recommends **disapproval**.
 - Green space requirements.
 - Staff supports this waiver as stated in the staff report due to the incidental greenspace created by the lot sizes of the development, and staff recommends **approval** of this waiver.
 - Sidewalks (or sidewalk easement) along Morphy Avenue and Nichols Avenue.
 - Staff does not support this waiver and defers to the desire of the planning commission as the planning commission has in recent history required sidewalks and/or sidewalk easements for minor subdivisions.
4. A certificate for the Baldwin County Health Department shall be added to the plat.

Mr. Pumphrey addressed the Commission saying the applicant is not requesting to develop the second lot but just cut the existing house out for himself and his wife. He said the requirements for a tree survey, wetland delineation and signs, and sidewalks will just cost the applicant more money. Mr. Turner said he would like more right-of-way on Morphy for sidewalks. Mr. King explained staff is looking at procedures for family divisions, but they are not in place at this time, so the current regulations must be enforced. Mr. Dyas said what is required for one is required for all. Mr. Hoffren asked if the requirements can be waived until the property is further developed and Mr. Dyas said no, these are the requirements and they must be met.

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. Correct the error to the drainage easements described in the staff report (a routine edit of the plat).
2. The applicant shall submit a verification letter regarding the need (or lack thereof) of a traffic study.
3. A waiver to the green space requirements due to the incidental greenspace created by the lot sizes of the development shall be granted.
4. A sidewalk easement along Morphy Avenue and Nichols Avenue shall be required.
5. A certificate for the Baldwin County Health Department shall be added to the plat.

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

IR 19.06 Request to consider an Informal Review of Matt Sankey for an amendment to the East Park PUD, Tom Granger. The property is located on the north side of Parker Road just east of US Hwy. 98. Mr. Granger addressed the Commission saying the property is currently a PUD and the applicant would like to amend the PUD to allow 43 single family residential lots and one commercial lot. He stated the site was previously a 90 unit mobile home park and the existing lift station will be able to handle the proposed amendment. Mr. Dyas asked if there will be access from US Hwy. 98 and Mr. Granger responded yes. Mr. Jeffries added the proposal will reduce the current density, reduce the asphalt, and the site will have to meet the greenspace requirements. Mr. Granger stated they are also proposing to add walking trails throughout the site.

Old/New Business

Special Meeting for Greeno Road Corridor Overlay Districts – Mr. Dyas made a motion to have a special Planning Commission meeting for public participation regarding the Greeno Road Corridor Overlay Districts on Tuesday, September 10, 2019 at 5:00 until 6:30PM in the Council Chambers located at 161 N. Section Street, Fairhope, Alabama, and every property owner within the proposed overlay shall be notified by 1st Class mail. Robert Brown 2nd the motion and the motion carried unanimously with the following vote: AYE - Lee Turner; Art Dyas; Harry Kohler; Richard Peterson; Clarice Hall-Black; Robert Brown. NAY – none.

Having no further business, Art Dyas made a motion to adjourn. The meeting was adjourned at 8:27 PM.



Lee Turner, Chairman



Emily Boyett, Secretary