

The Planning Commission met Monday, February 3, 2020 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Hollie MacKellar; Clarice Hall-Black; Richard Peterson; Robert Brown, Council Liaison; Buford King, Development Services Manager; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Planner; Carla Davis, Planner; Samara Walley, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney

Absent: Rebecca Bryant and Harry Kohler

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

Mr. Turner announced agenda items D. and E. will be heard first.

**UR 20.01 Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 1,106 linear foot of fiber optic cable and CATV cable.** The project will run along Morphy Avenue from Edington Street east to Hollow Haven Street. Mrs. Walley gave the staff report saying the applicant proposes utilizing directional boring. No open trenches shall be allowed. Staff recommendation is to APPROVE with the following conditions:

1. Submission of plans and profiles (drawn to scale) verifying the new conduit has the required 36" separation prior to the issuance of a Right-of-Way permit; and
2. Consultation with the City's horticulturist, Paul Merchant, to determine the required depth of bore so that no trees are impacted by the project, and reflect this depth on the plans and profiles.

Mr. Dyas asked if performance deposits are required to cover expenses if there is damage to city utilities and Mr. Peterson responded no, if there is damage the contractor is billed for the cost of the repair.

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

1. Submission of plans and profiles (drawn to scale) verifying the new conduit has the required 36" separation prior to the issuance of a Right-of-Way permit; and
2. Consultation with the City's horticulturist, Paul Merchant, to determine the required depth of bore so that no trees are impacted by the project, and reflect this depth on the plans and profiles.

Art Dyas 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Kevin Boone. NAY – none.

**UR 20.02 Request of Southern Light, LLC for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 991 linear foot of fiber optic cable.** The project will run along Morphy Avenue, Young Street, and Horns Lane. Ms. Davis gave the staff report saying the applicant proposes utilizing directional boring. No open trenches shall be allowed. 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 and Permitting and Work Procedures* document provided by the Building Official.

Mr. Boone asked how As-Builts are provided for this type of job and Mr. King stated he would have to confer with the Building Department for an answer.

Richard Peterson 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 and Permitting and Work Procedures* document provided by the Building Official.

Art Dyas 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Kevin Boone. NAY – none.

**SD 20.04 Public hearing to consider the request of Wise Properties TN, LLC for plat approval of Bancroft and Pine Subdivision, a 2-lot minor division, Larry Smith.**

The property is approximately .4 acres and is located at the northeast corner of the intersection of Bancroft Street and Pine Street. Mr. Jeffries gave the staff report saying the property is zoned B-4 Business and Professional District and is also located in the Central Business District (CBD). He noted the existing building on proposed Lot 2 will be located within 5' of the new property line and will need to meet fire rating and building code. Staff recommendation is to APPROVE with the following conditions:

1. The building on proposed Lot 2 shall meet the fire rating and all current building codes.
2. Add signature block for Fairhope Gas.
3. Amend the first note with one asterisk under Building Setbacks to read as follows: "Non-Residential buildings in the CBD shall be built at the right-of-way line, unless a courtyard, plaza or other public open space is proposed."

Larry Smith addressed the Commission saying the plat has been revised to move the lot line further from the existing building to bring it into conformance.

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 with the following conditions:

1. The building on proposed Lot 2 shall meet the fire rating and all current building codes.
2. Add signature block for Fairhope Gas.
3. Amend the first note with one asterisk under Building Setbacks to read as follows: "Non-Residential buildings in the CBD shall be built at the right-of-way line, unless a courtyard, plaza or other public open space is proposed."

Hollie MacKellar 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Kevin Boone. NAY – none.

**SD 20.05 Public hearing to consider the request of Provision Investments, LLC for Multiple Occupancy Project approval of Thompson Hall Quadplexes, a 16-unit development, Larry Smith.** The project approximately 1.98 acres and is located at the northeast corner of the intersection of County Road 44 and Thompson Hall Road. Mr. King gave the staff report saying the property is unzoned in Baldwin County but falls within Fairhope's Extraterritorial Jurisdiction. He noted concerns with the proposed design regarding greenspace. Staff recommendation is to TABLE to allow greenspace revisions as described in the staff report.

Larry Smith addressed the Commission saying the County's highway construction setback took a half acre of the subject property because County Road 44 is designated as a "collector." He stated he disagrees with staff regarding what can be counted and calculated as greenspace. Mr. Turner asked how the proposed design meets the spirit of the regulations and provide a play area for future residents of this development and Mr. Smith stated the proposed grass swale is 6" and 20' long and two-thirds of the property is landscaped. Mr. Dyas asked if the swale is calculated in the drainage and Mr. Smith responded no. Mr. Smith asked for clarification as to the way greenspace is to be calculated. Mrs. MacKellar stated she wants to be consistent in how the calculations are done and said more review is needed. Mr. Turner suggested holding the case over until the March meeting to allow clarification. Mr. Smith requested to hold the case over to the March meeting.

**SD 20.08 Public hearing to consider the request of 24 7 Development Partners of Alabama, LLC for Preliminary plat approval of Summer Lane, a 15-lot subdivision, Casey Hill.** The property is approximately 5.22 acres and 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 zoned PUD (Planned Unit Development) and has an approved site plan. Staff recommendation is to APPROVE with the following conditions:

1. Add note on the plat to reflect fence restrictions per the approved PUD Ordinance #1661.
2. Add lot coverage for principle structure and accessory structure per the approved PUD Ordinance #1661.
3. Add maximum building height per the approved PUD Ordinance #1661.
4. Add minimum structure separation between primary and accessory structure per the approved PUD Ordinance #1661.
5. Add note that states "All lots shall be accessed from the rear alley."
6. Add Finished Floor Elevations to the plat for each lot.

Mr. Turner opened the public hearing.

Juanie Noland of 11 Pope Court – She stated concerns with the proximity of the alley to her property.

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

Ms. Hill stated the alley is 15' from the property line at the closest point.

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

1. Add note on the plat to reflect fence restrictions per the approved PUD Ordinance #1661.

2. Add lot coverage for principle structure and accessory structure per the approved PUD Ordinance #1661.
3. Add maximum building height per the approved PUD Ordinance #1661.
4. Add minimum structure separation between primary and accessory structure per the approved PUD Ordinance #1661.
5. Add note that states "All lots shall be accessed from the rear alley."
6. Add Finished Floor Elevations to the plat for each lot.

Kevin Boone 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Kevin Boone. NAY – none.

### **Old/New Business**

**2020 Agenda Schedule Amendment, Emily Boyett** - Mrs. Boyett stated the November meeting date needs to be rescheduled to Thursday, November 5<sup>th</sup> due to a conflict with the City Council's Organizational meeting.

Art Dyas made a motion to move the November meeting date to Thursday, November 5, 2020.

Richard Peterson 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Kevin Boone. NAY – none.


**Family Subdivisions, Buford King** – Mr. King explained the city cannot use the term "family" subdivision and staff is looking to possibly revise Article V, Section D.c. Rural Subdivision to address the concerns with these subdivisions.

**Incomplete Submittals, Buford King** – Mr. King stated staff enforces the posted and approved deadlines as well as the required documentation for submittals. He stated late or incomplete submittals will not be accepted.

**ZC 19.08 Greeno Road Corridor (GRC) Overlay District, Hunter Simmons** – Mr. Simmons explained the schedule of dates for the proposed amendment. Mr. Turner announced the next public input meeting for the GRC Overlay District will be Tuesday, February 18, 2020 at 5:00PM and will be a roundtable discussion. He said the location is still to be determined but all legal notice requirements will be met.

Having no further business, Hollie MacKellar made a motion to adjourn. Art Dyas 2<sup>nd</sup> the motion and the meeting was adjourned at 6:45 PM.

  
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Lee Turner, Chairman

  
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Emily Boyett, Secretary