

The Planning Commission met Thursday, July 8, 2021, 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; Jimmy Conyers; Harry Kohler; John Worsham; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Planner; Samara Walley, Planner; Allie Knutson, Secretary; and Chris Williams, City Attorney.

Absent: Rebecca Bryant; Clarice Hall; Jason Langley, Water and Sewer Director.

Chairman Turner called the meeting to order at 5:03 PM.

Minutes from June 7, 2021, meeting:

Art Dyas made a motion to approve the minutes as submitted.

Harry Kohler seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, and Jimmy Conyers.

NAY: None.

UR 21.02 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation

Summary:

Planning and Zoning Manager, Hunter Simmons, presented case summary:

The proposed installation would be approximately 7,137 linear foot of Buried Cable and Conduit, as well as 3,219 linear foot of Over Lashed Aerial Cable. The project will run primarily through N. Summit Street between Fairhope Avenue and North Avenue, falling within the City's Corporate Limits. The project is to be phased at a maximum 750 linear foot per phase and applicant must contact Alabama One to locate all existing utilities. Line locates will be called in no less than 72 hours prior to commencing work and no new road cuts will be allowed unless coordinated with Public Works and subject to additional permit costs. No work shall begin until a right-of-way permit is issued. The site shall comply with all State, Federal, and local requirements as well as City of Fairhope Ordinances (Wetland Ordinance, Red Soil and Clay Ordinance, and Erosion and Sediment Ordinance).

Recommendation:

Staff recommends **APPROVAL** of UR 21.02, **subject to the following conditions:**

1. Consultation with the City's horticulturalist, to determine if the required depth of bore must be increased so that no trees are impacted by the project. The contractor is responsible for any damaged trees.
2. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and GPS coordinates of the pothole locations on a set of as-built drawings.

- a. An additional right-of-way permit may be required for the potholing procedures.
3. Follow-up activities below required by staff and the applicant:
 - a. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the mapping technician for inclusion in GIS utility maps as needed.
4. Provide draft door hanger for approval at time of pre-construction.

An AT&T Representative was not present, and no further comments were made.

Motion:

Jimmy Conyers made a motion to **approve** Case UR 21.02, subject to staff recommendations.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, Jason Langley, Rebecca Bryant, Clarice Hall, and Jimmy Conyers.

NAY: None.

SD 21.29 Public hearing to consider the request for plat approval of Windmill Professional Park.

Property Owner/Applicant: FST Provision Investments, LLC

General Location: Northwest corner of the intersection of State Highway 181 and Windmill Road

Project Type: 2-lot minor subdivision

Project Acreage: 1.48 acres

Zoning District: B-4 Business and Professional District

PPIN Number: 77607

Engineer of record: S.E Civil

School District: Fairhope Elementary, Fairhope Middle, and Fairhope High School

Report prepared by: Samara Walley (City Planner)

Recommendation: Approval

Summary:

City Planner, Samara Walley, presented case summary:

The Planning Commission voted to approve a Multiple Occupancy Project (MOP) at this location at the June 7, 2021, Planning Commission meeting. The MOP will include four office buildings and a parking lot. Water, sewer, and gas will be provided by the City of Fairhope, electrical service shall be provided by Baldwin EMC. A fire hydrant is located at the corner of Windmill Road and Highway 181. A 5-foot sidewalk has been illustrated along both street frontages.

Recommendation:

Staff recommends **APPROVAL** of SD 21.29, Windmill Professional Park Subdivision, **subject to the following conditions:**

1. The lot access note shall be revised to state the following: *“Access for lots shall be restricted to Windmill Road or a private easement to Windmill Road. There shall be no ingress/egress to Highway 181.”*

There were no additional questions from the Commissioners, and no one was present on behalf of the developer.

Chairman Turner opened the public hearing, no one spoke, the public hearing was closed.

Motion:

Art Dyas made a motion to **approve** Case SD 21.29 Windmill Professional Park, subject to staff recommendations.

Jimmy Conyers seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, and Jimmy Conyers.
NAY: None.

SD 21.31 Public hearing to consider the request of FST Ron and Melanie Johnson for plat approval of Melanies Place.

Property Owner/Applicant: Ron and Melanie Johnson

General Location: Southwest corner of the intersection of Fairhope Avenue and Mershon Street

Project Type: 4-lot minor subdivision

Project Acreage: 1.07 acres

Zoning District: R-2

PPIN Number: 15312

Surveyor of record: Seth Moore

School District: Fairhope West Elementary, Middle and High Schools

Report prepared by: Mike Jeffries (City Planner)

Recommendation: Approval

Summary:

City Planner, Mike Jeffries presented the case summary:

Existing drainage flow patterns will not change, a traffic study was not triggered, and the subdivision does not include installation of infrastructure or any improvements, so a street plan, landscape plan, and tree protection plan are not required. Fairhope Avenue has a streetside setback of 20-feet so Lot 1 could have a driveway on either Mershon or Johnson, Fairhope Avenue will not be another access point. Sidewalks are required to be built along Mershon Street and Johnson Avenue. Water, Sewer, Gas, and Electrical Utilities are provided by the City of Fairhope.

Recommendation:

Staff recommends **APPROVAL** of SD 21.31, Melanies Place, **subject to the following conditions:**

1. Inspection and approval of completed sidewalks along Mershon St. and Johnson Ave by City of Fairhope Building Department.

2. Extension of recording the Final Plat from 60 days to 180 days to allow for completion of sidewalk.

Surveyor, Seth Moore, spoke and stated that they have received approval from the Right of Way Inspector, Fairhope Avenue is too steep for an access point. They will also be adding street trees.

Chairman Turner opened the public hearing.

Phillip Strniste, 570 Johnson Avenue, Fairhope, AL 36532:

Mr. Strniste stated that he lives across from the proposed subdivision and that traffic has increased significantly in the last few years. He did not think that an ingress on Mershon for Lot 4 made a lot of sense because of all of the traffic that is already on Mershon. Mr. Strniste also called the Planning Department prior to the July 8 Planning Commission meeting and stated that four additional driveways would impact traffic and suggested that a cul-de-sac be put in on the west side of the subdivision so traffic would divert to Johnson.

Karla Hardin, 563 Johnson Avenue, Fairhope, AL 36532:

Mrs. Hardin stated that she lives across from Mr. Strniste and adjacent to the proposed subdivision, three out of four of the lots will back up to her property. It is already difficult to turn on to Mershon from Fairhope Avenue and will be worse with driveways on Mershon. When she bought her home, she assumed that the property could not be turned into four lots unless originally platted that way because she has a friend who tried to subdivide a piece of property and was told that he could not do it. She also stated that the construction is going to interfere with the quiet enjoyment of the neighborhood and was concerned with a driveway potentially being placed directly across from Mr. Strniste's. Mrs. Hardin brought a letter with her as well that was signed by individuals that live in the neighborhood re-stated her concerns and a concern regarding decreased property values.

Chairman Turner stated that the Melanies Place lots meet the R-2 current setback requirements which is why the property was able to be divided into four lots.

Chairman Turner closed the public hearing.

Motion:

John Worsham made a motion to **approve** Case SD 21.31, Melanies Place, subject to staff recommendations.

Art Dyas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, and Jimmy Conyers.

NAY: None.

SD 21.36 Public hearing to consider the request of 68V OBV 2020, LLC for Preliminary plat approval of Old Battles Village, Phase 6.

Property Owner/Applicant: 68V OBV 2020, LLC

General Location: Northside of Phase 5 of the Hamlet at Old Battles Village

Project Type: 36-lot subdivision

Project Acreage: 12.37 acres

Zoning District: PUD
PPIN Number: 380062
Engineer of record: Dewberry
School District: Fairhope Elementary School, Fairhope Middle and High Schools
Report prepared by: Samara Walley (City Planner)
Recommendation: Approval

Summary:

Samara Walley presented case summary:

Phase 6 of the original PUD included 46 lots but was later amended and now includes 36 lots. All infrastructure, including roadways, drainage, and utilities, shall be constructed in accordance to the most restrictive standards of the County and the City of Fairhope and/ or the respective utility companies. Phase 6 of this development has gas, water, and sewer service availability through the City of Fairhope. Electrical service is available through Riviera Utilities. Interior sidewalks are illustrated on the preliminary plat for the subject property. Wetlands are located to the northeast corner of Phase 6 development. It was determined by Staff that a wetland delineation or wetland report was not required for this phase.

Recommendation:

Staff recommends **APPROVAL** SD 21.36, Old Battles Village, Phase 6 Preliminary Plat **subject to the following conditions:**

1. Updated O&M plan shall be required at Final Plat that considers phases 2-6.
2. All infrastructure, including roadways, drainage, and utilities, shall be constructed in accordance to City of Fairhope standards.
3. Prior to scheduling of a pre-construction meeting, construction documents shall be submitted to Fairhope Building Department along with permit application.
4. Clarification of side yard setback requirement for accessory structures within Phase 6.
5. Drainage report signed by engineer.

A representative on behalf of the developer spoke to clarify the 10-foot side accessory building setback. To her knowledge, there was not a request for a variance or amendment to the PUD and it is just a typo that they can fix.

Chairman Turner opened the public hearing, no one spoke, the public hearing was closed.

Motion:

Jimmy Conyers made a motion to **approve** Case SD 21.36, Old Battles Village, Phase 6, subject to staff recommendations.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, and Jimmy Conyers.
NAY: None.

Old/New Business

CBD Parking Committee Additions - Planning and Zoning Manager, Hunter Simmons, proposed the idea of adding members to the CBD Parking Committee as there have been requests from other committees in the city to have input. There is not anything stated in the bylaws about adding members. Art Dyas asked how many members there are currently. Hunter Simmons said there are currently four members now from the Planning Commission, Art Dyas wanted to make sure there were not going to be fifteen or twenty members.

Executive Session

City Attorney, Chris Williams, made a declaration and opinion pursuant to Alabama Law Code Section 36-25-A-7(a)(3) that the discussion that the Planning Commission is going to have is appropriate for Executive Session to discuss pending and potential litigation.

John Worsham made a motion to close the public meeting and enter Executive Session, for no business to be discussed after the Executive Session ends.

Jimmy Conyers seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, and Jimmy Conyers.
NAY: None.

Adjournment

Art Dyas made a motion to reconvene the public meeting at 6:33 p.m.

Jimmy Conyers seconded the motion and the motion carried unanimously with the following vote:


AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, and Jimmy Conyers.
NAY: None.

Having no further business, Art Dyas made a motion to adjourn.

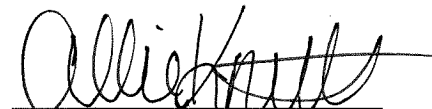
Jimmy Conyers seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Art Dyas, Hollie MacKellar, Harry Kohler, John Worsham, and Jimmy Conyers.
NAY: None.

Adjourned at 6:34 p.m.



Lee Turner, Chairman



Allie Knutson, Secretary