

**City of Fairhope Planning Commission Minutes
May 3, 2021**

The Planning Commission met Monday, May 3, 2021 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, John Worsham; Rebecca Bryant; Jason Langley, Water and Sewer Director; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Planner; Carla Davis, Planner; Jimmy Conyers, Samara Walley, Planner
Absent: Hollie MacKellar; Clarice Hall

Chairman Turner called the meeting to order at 5:02 PM and announced the meeting is being recorded.

1. Call to Order

2. Approval of Minutes

- March 1, 2021

One change, per Hunter: Mayfield subdivision: David Diehl is with S. E. Civil not Dewberry. Approved as amended:

Vote:

Lee Turner: Aye

Art Dyas: Aye

Harry Kohler: Aye

John Worsham: 2nd: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Motion to approve: Aye

- April 5, 2021

Approved as presented:

Vote:

Lee Turner: Aye

Art Dyas: Aye

Harry Kohler: Aye

John Worsham: 2nd: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Motion to approve: Aye

3. Consideration of Agenda Items:

Lee moved ZC 21.08 to the beginning of the agenda because there was a large number of people in attendance to speak on this proposed project.

- ZC 21.08 Public Hearing to consider the request of Carolyn Gill Koch, as Trustee to establish an initial zoning of PUD (Planned Unit Development) concurrent with conditional annexation into the City of Fairhope. This project is known as Baytown PUD. It is 16.56 acres located on the SW corner of Dyer Road and Bishop Road. PPIN# 24268 and 271784

Hunter: This property is currently un-zoned. Applicant is seeking to develop 162 townhomes with a proposed density of 9.78 units per acre. The property is surrounded by zoned and un-zoned property, R-2 and R-4. Auburn Extension is to the north of the property. Current use is for a single-family home. Each proposed townhome would be an individual lot. One entrance would be on Dyer and one would be on Bishop Road. 4.67 acres of green space (28%) is proposed which exceeds the requirements. Sidewalks are shown on the site plan on Dyer and on Bishop. Sidewalks are also shown through the common area/green space.

Staff comments:

- RT3H (guidelines for townhomes). Required and proposed: 2400 s. f. / 1400 proposed; minimum lot width 24/20; Front set back 20'/20'; Rear set back 35'/0'; Maximum lot coverage 45%/70%; maximum height 30'/30'
- Density analysis shows a suggested density of 5.52 units/acre. 9.78 units/acre is proposed.
- Rear loading parking and rear yard screening are a requirement, not met by this proposal
- Architectural plans are provided
- Anything above 4 units must have undulations on side of building, this requirement is met. But rear does not provide those details.

Hunter is concerned about the lack of rear yard screening (opens to greenspace) and the concept of the development appears drab in his opinion.

Staff recommends denial based on clear guidance from RT3H.

Lee restated the Zoning Ordinance RT3H is clear. This is a conceptual review, does not include drainage standards, which would come under a subdivision review. Lee opened the floor up for comments from the developer.

David Diehl, S. E. Civil, spoke on behalf of the developer. He said the project was innovative and has a good use of open space. The townhomes open up to the common area. There is a 5' sidewalk in the common area, and there is a dog park. Trees are planted every 30' for buffering to enhance the existing natural buffer that will remain. Understory trees will be added. There are a number of multi-occupancy projects in the area. Arbor Gates, Graceway, range from 6 units per acre to 20 units per area. There are fourplexes in Meadowbrook, a subdivision right down the road. There are also business uses around this development.

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Development will also have a lake. He feels the spirit of the PUD ordinance is being utilized with this concept.

Rebecca asked what was driving this development? David said walkability and common areas which can be used for walking and dog walking.

Lee: What age group was being targeted with this development. David said all ages but anticipate retirees.

Lee asked about parking. David said 2 cars can park at each unit if one car is in the garage.

Rebecca: Concerned about differences between front and back facades. Rear yard entry into common area seems stark. Would covered porches be considered to soften it up? David said he will mention it to the property owner.

Public Hearing:

Art: Important that everyone has a chance to speak and be heard.

Smith Prestwood, 17 South Rolling Oaks Drive: introduced Jason, has a petition and handed out pictures:

Jason Roberts, 8610 Dyer Road; Petition is not to stop development but to encourage better stewardship of the land. He would like a lower impact development, drainage concerns and traffic concerns. Most neighbors are against the zoning change as indicated on the petition.

Lee said only the zoning is being addressed today, the drainage will be addressed at time of subdivision submittal. He will give David an opportunity to address drainage, if David (engineer) is prepared to do that.

Rose Riles, 21307 Rolling Oaks Drive; Concerned about the impact on schools (overcrowded as it is). She would like to see a lower density proposal to limit the impact on area schools. She speaks for other school staff as well.

BJ Eringman, 21311 Rolling Oaks Drive; He has a background in engineering and works for the City of Daphne. Concerns over density, parking, and public works difficulties with garbage service. There is no connectivity with sidewalks offsite, this is a safety concern. The layout of the townhomes is not targeting retirees, as living rooms are upstairs.

Brent Riles, 21307 Rolling Oaks Drive: Phone number on zoning change request signs questions is not being answered, 251 990-0214. He had to call general number to get Planning staff. Auburn Extension property was not included in the analysis. Density concerns. Comprehensive plan is not supported with this development. This development will challenge the physical character of Fairhope.

Ann Blower, 21312 Rolling Oaks Drive; 33-year resident. Concerns over drainage and traffic. Requests a traffic study during the school hours.

Patrick Collins, 29 South Rolling Oaks; Concerns over the number of units. He wants the city to remain constant with the comprehensive plan. Protect our investments.

Public Hearing Closed.

Lee asked Larry Smith, S. E. Civil, to come up to address connectivity and parking.

Larry: The client wanted to do this a city annexed PUD property as opposed to a Multi-Occupancy Project (MOP). The impact fees will be significant. He has designed several projects in this area, and he is aware Dyer Road @ Rolling Oaks floods. He did a downstream analysis and plans to reduce the downstream impacts. Most of the drainage issues stem from Auburn property. He plans to actually improve the drainage in this area. Traffic study was done about a month ago with right turn required for Dyer Road at 98 heading south. He will review the parking concerns. There are no connectivity issues with sidewalks because all proposed sidewalks are on private property. He requests this be tabled.

Art: Concerned that there was no signal required through the traffic study for 98 & Dyer, extreme traffic issues.

Lee: asked about drainage issue at Rolling issues.

Larry said these concerns have been forwarded to the County but have not been addressed. Culverts need to be redone; road elevation needs to be raised.

Art reminded everyone of the economic peak and crash of 2006/2007. That could happen again. Land prices are high now. Comprehensive Plan changes are coming soon, but it is only a guide. It is not the law. Encouraged everyone to stay involved.

Lee encouraged everyone to be involved in regulation changes (subdivision and zoning).

Rebecca: Rear facades are very visible and common areas need more attention. She agrees with Hunters perspective.

Art: PUD is intended to be unique. There is nothing unique about this development. Rework this and make it unique, go towards townhome development standards. It is imperative for residents to stay involved. Recent

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4 lane project (Overlay district, proposal from Planning Commission) was not approved because no one stood up to support it.

Hunter: Regarding tabling request, to meet Planning Department deadlines revisions need to be received no later than May 17th in order to be on June's PC meeting agenda.

TABLED (no motion required)

- SD 21.21 Public Hearing to consider the request of Johnson Fairhope Properties, LLC for plat approval of Adcock Subdivision, a 2-lot minor division. The property is approximately 8.9 acres, located at the NW corner of US Hwy. 98 & Mary Ann Beach Road, PPIN# 213465

Hunter presented: Lot 1 is 4.49 acres; Lot 2 is 3.88. Lot has an existing one-story brick building. Lot 2 is vacant. Un-zoned. Scott Hutchinson is here with GMC as the site engineer. Fire protection was the issue here. Hydrant is being installed as indicated on site plan.

Staff comments:

1. Subject property is located within the Fairhope Planning Jurisdiction and has been reviewed according to the Fairhope Sub Regs.
2. Sub Regs Article VI Section D requires the provision of sidewalks along all streets in the Planning Jurisdiction of Fairhope.
3. The plat does not depict sidewalks; however, the plat depicts a 10' utility easement along US Highway 98 and a 15' drainage and utility easement along Mary Ann Beach Road extension.
4. The preliminary plat should be revised to include the word "sidewalk easement" to all easements that abut road frontage to allow for future construction of a sidewalk, if needed.
5. Article VI, Section G requires the provision of fire hydrants to be installed along each street at a maximum interval of four hundred fifty (450) feet, or at the ends and center of each block, or as otherwise required by the fire authority having jurisdiction.
6. The newly proposed hydrant and the existing hydrant must meet the water pressure flow requirements of the International Fire Code.
7. A certified engineer will need to confirm the water pressure flow meets the IFC and receive approval from the city's water and sewer superintendent.
8. It should also be pointed out that the new installation of the fire hydrant will trigger a major subdivision and thus preliminary approval as well as final plat approval will be required.
9. The proposed subdivision did not trigger a traffic study and no existing runoff flow patterns will be changed by this subdivision.
10. Water services will be provided by the City of Fairhope. Power is supplied by Baldwin EMC. There will be individual septic systems for sewer and the telephone service will be provide by AT&T.

Staff recommends preliminary approval of SD 21.21 with the following conditions:

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1. A certified engineer will need to confirm the water pressure flow meets the International fire code and receives approval from the city's water and sewer superintendent prior to final plat approval.
2. Revision of plat to include sidewalks to the utility and/or drainage easements where the site abuts road frontage.

Lee opened Public Hearing:
No one present to speak.

Motion to approve as per staff recommendations with comments: Art

2nd: Conyers

Vote:

Lee Turner: Aye
Art Dyas: Motion: Aye
Harry Kohler: Aye
John Worsham: Aye
Rebecca Bryant: Aye
Jason Langley: Aye
Jimmy Conyers: 2nd: Aye

Unanimously passed

SD 21.22 Public Hearing to consider the request of Roberta U. Harris, etal and Stephen Urbanek for Preliminary Plat approval of Overland Subdivision, Phase 1, a 32-lot subdivision. The property is approximately 15.8 acres and is located at the SE corner of CR 48 and Blueberry Lane. PPIN# 43640

Hunter presented.

Staff comments:

1. The site was approved by Planning Commission at the Feb. 1, 2021 PC meeting for zoning of a PUD conditional upon annexation into the City of Fairhope.
2. The application included a 61 single-family lot development and a 16 unit townhome apartment development.
3. The applicant is requesting preliminary plat approval in two separate phases: Phase 1 (SD 21.22) and Phase II (SD 21.23)
4. SD 21.22 (this case) is 32 of the 61 single family lots
5. Applicant submitted covenants in the previous PUD regarding sidewalks which state all sidewalks are to be built by each owner of their lot.
6. Sub regs require sidewalks and street trees to be installed prior to applying for Final Plat approval.

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7. Covenants do not override zoning code or sub regs, but in an effort to avoid confusion, staff is memorializing when sidewalks and street shall be installed via a condition of approval.

Floodway and wetlands indicated on site on west side of the property. Sidewalk is shown on Fairhope Avenue. Right of way is Baldwin County and City has not heard confirmation from Baldwin County Highway Department that the sidewalk will be allowed in that location (near a large box culvert). Alternate plan submitted in case sidewalk is not allowed on County right of way. Site (Phase 1) appears to otherwise conform with PUD ordinance.

Staff recommends approval subject to the following conditions:

1. All sidewalks and streets shall be installed prior to submission of Final Plat Approval, including sidewalk along Fairhope.
2. Approval of ZC 21.01 by City Council without substantial changes to current proposed site plan.
3. Approval from the County Highway Department regarding the sidewalk layout in the right of way along Fairhope Avenue (Hwy. 48) or the depiction of an easement for the sidewalk along Fairhope Avenue at the final plat stage for sidewalks in the right of way.
4. Note: Walkway and bridge in the common area built during Phase 1 requirement has been retracted.

Art asked when ZC 21.01 was heard by Planning Commission and why it hasn't been approved by Council as of yet. Hunter said it was heard in January and staff changes caused a delay on getting the advertisements out. Otherwise preliminary plat would not be up for approval prior to PUD approval.

Rebecca: Why did you (Hunter) change your mind on condition #4 (walkway and bridge)?

Hunter: Staff felt comfortable with the proposal without this requirement, enough greenspace as is

Larry: County has approved sidewalk on County right of way including across the box culverts.

Public Hearing:
No one spoke.

Public Hearing Closed.

Motion to approve SD 21.22 as per staff recommendations with conditions as stated # 1-3:
Art

2nd: Rebecca

Vote:

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Lee Turner: Aye
Art Dyas: Aye
Harry Kohler: Aye
John Worsham: Aye
Rebecca Bryant: Aye
Jason Langley: Aye
Jimmy Conyers: Aye

SD 21.23 Public Hearing to consider the request of Roberta U. Harris, etal and Stephen Urbanek for Preliminary Plat approval of Overland Subdivision, Phase 2, a 29-lot subdivision. The property is approximately 12.48 acres and is located at the SE corner of CR 48 and Blueberry Lane. PPIN# 43640

Hunter presented.

Comments on SD 21-22 are relevant to this case as well (same parcel). This proposal meets the PUD ordinance.

Staff recommends approval subject to the following conditions:

1. Note: Sidewalks / streets will be installed in Phase 1
2. Approval of ZC 21.01 by City Council without substantial changes to current proposed site plan.
3. A No-Rise certification in coordination with the City of Fairhope Building Dept. will be required when beginning construction of Phase II

Larry Smith had nothing to add.

Public Hearing: No one spoke

Public Hearing closed.

Lee: Fairhope Single Tax has plans to level out the open overgrown area to the west of the Rivermill subdivision entrance, making this into a park to be dedicated to the City of Fairhope. There are also connectivity plans for sidewalks here extending to Blueberry Lane and Walmart.

Rebecca: Likes the greenspace proposal, treating wetlands/floodways as an amenity instead of a forgotten or problem area.

Motion to approve SD 21.23 as per staff recommendations with conditions as amended: John

2nd: Jimmy

Vote:

Lee Turner: Aye

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Art Dyas: Aye
Harry Kohler: Aye
John Worsham: Aye
Rebecca Bryant: Aye
Jason Langley: Aye
Jimmy Conyers: Aye

Unanimously approved.

SD 21.25 Public Hearing to request of FST, Provision Investments, LLC for plat approval for Fairhope Landing, Subdivision, a 2-lot subdivision located at State Highway 181 ¼ mile south of State Highway 104. The site is 12.44 acres. PPIN# 15491

Mike presented: No infrastructure or change of drainage patterns. Staff required correspondence with AL-DOT but traffic study was not required. This site meets approval standards with a condition of approval.

Staff recommends approval of SD 21.25 with the following conditions:

1. Add a note indicating a 10' sidewalk easement along the front lot lines of lot 1 and 2 abutting State Highway 181.

Art: If sidewalk is installed at lot 1 and lot 2, who builds the sidewalk in the middle of these two lots?

Lee: It would be built when the property owner of the middle property developed their property. This is common around Fairhope. There have different approaches to this as administration has changed over the years. This is a fast growing area and is likely to be developed in the near future.

Public Hearing:

Jerry McManus, 14747 Underwood Road, Summerdale: Baldwin County Sewer: Provided supporting documents regarding sewer providers for this area. He would like these documents to be part of the record for this subdivision.

Lee confirmed the letter from Baldwin County Sewer has been received and is in the file.

Public Hearing Closed.

Motion to approve as per staff recommendations with condition of approval: Art

2nd: Conyers

Vote:

Lee Turner: Aye
Art Dyas: Aye
Harry Kohler: Aye

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John Worsham: Aye
Rebecca Bryant: Aye
Jason Langley: Aye
Jimmy Conyers: Aye

Unanimously approved.

SD 21.26 Public Hearing to request of FST, Provision Investments, LLC for plat approval for Fairhope Landing, Subdivision, a 76-unit multi-occupancy project – RV Park. State Highway 181 ¼ mile south of State Highway 104. The site is 11.16 acres. PPIN# 15491

Mike presented.

This case is related to case SD 21.25 (same parcel). Un-zoned Baldwin County. Final MOP approval will be a requirement prior to construction. Site plan was shown.

Staff comments:

1. Full traffic study was not warranted due to the number of average daily traffic counts and a letter supplied by engineer of record. However, staff did require correspondence from AL-DOT verifying allowed access for the development on State Highway 181 AL-DOT confirmed a restricted access would be granted and after the widening of 181 a permanent access could be permitted and installed.
2. Neel-Schaffer reviewed drainage as third-party review. The review comments provided were addressed by the applicant and determined to follow Fairhope Sub Regs. Water will collect at a series of inlets, underground pipes and ditches. The underground drainage will discharge into the proposed wet pond on the NE portion of the property.
3. 25% greenspace is required resulting in 2.79 acres; +/- 2.8 acres is being provided.
4. Wetland report provided verification there are no wetlands or streams on site.
5. Any desire to subdivide or sell lots in the future will require the entire property to be brought into compliance with the regulations of the authority having jurisdiction.

Staff recommends approval with the following conditions:

1. Club house, pool and all amenities shall be installed in conformance with the submitted landscape plans.
2. Clubhouse, pool and all amenities shall be installed prior to acceptance of an application for final MOP.

Art: There appear to be wetlands in the upper corner of the lot.

Larry: Wetland delineation said this was not a wetland, but it is recognized as a drainage area.

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Public Hearing:

Andrea Sherry, 21684B State Highway 181; concerned over traffic, especially with trucks pulling large RVs. This will be a overnight place for RVs, there will be a lot of incoming and outgoing traffic. RV parks have a lot of dogs. There is a concern from dog waste.

Rebecca: Did the applicant do a delineation in the field? She wanted to make sure this determination is not based on maps.

Larry: Confirmed full wetland delineation was done, including field assessment. Incoming traffic will be coming from the south and outgoing will be directed north.

Public Hearing closed.

Motion to approve SD 21.26 as per staff recommendations with conditions of approval: Jimmy

2nd: Worsham

Vote:

Lee Turner: Aye

Art Dyas: Aye

Harry Kohler: Aye

John Worsham: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Aye

Unanimously passed.

SD 21-27: Public Hearing to consider the request of FST 68V Longbranch 2019, LLC for Preliminary Plat approval of Longbranch Subdivision, a 28-lot division @ Twin Beech Road (north side) between CR 13 and Thompson Hall Road. 18.71 Acres. PPIN# 77788

Hunter presented: The application has expired- a week before meeting. It was approved 2 years ago, April 1, 2019. This is the same subdivision that was approved 2 years ago with minor changes (sewer upgrades).

Staff comments:

1. Zoned R-2 Medium Density Single-Family
2. Applicant failed to begin construction within the two-year time period and therefore the application expired, rationale for resubmission.
3. Wetlands are indicated on the plan (Twin Beech side)
4. Largest lot size depicted is 15,027 s. f. Smallest is 12,195 s. f. (.28 acres).

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5. Minimum allowed lot sizer is 10,500 s. f. Setbacks listed are 35' front and rear with a 10' side and 20' side street setback.
6. Per "General Notes" on drawings, there is a 15' utility easement on all lot lines and common areas adjacent to the right of way, 7.5 on each side of all rear lot lines, and a 5' utility easement on each side of lot lines, unless otherwise noted.
7. 8.21 acres of common area is proposed with 4.85 acres as greenspace (26%). Wet pond is included in the 4.85 acres of green space. If pond was deducted, there would still be 3.35 acres, or 18% of greenspace.
8. It should be noted all greenspace, tree and landscaping shall be in compliance with the City of Fairhope regulations.
9. Citizens have reported gopher tortoises being seen on this property.
10. Survey dated 1/24/21 (Senior Environmental Scientist) states there were no burrows found onsite.
11. Sidewalks and lighting must be in compliance with Article VI, Section D, Section D.7.4 and Article V Section D3.
12. Riviera Utilities and/or Baldwin EMC will be the electrical providers. Water, sewer and gas will be provided by Fairhope Utilities. AT&T will be the telephone provider.
13. Drainage has been reviewed and approved by the City of Fairhope Public Works Director. Any additional requirements will need to be coordinated with the Public Works Department.
14. Applicant previously provided a traffic verification letter that no traffic study was required.
15. Traffic count and justification regarding the requirement for a traffic study was review and approved by the Public Works Director.
16. Director recommended a traffic calming device. Applicant at that time included a speed hump. Conformation of the traffic calming device will still need the approval of the Public Works Director.
17. City's water/sewer superintendent stated that new development will need to coordinate with Fairhope Utilities Water / Sewer Superintendent on sewer upgrades.

Staff recommends approval of SD 21.27 subject to the following conditions:

1. Coordinate with Fairhope Utilities Water/Wastewater Superintendent on sewer upgrades
2. Receive approval from Public Works Director regarding traffic calming device
3. Revise plat to depict a sidewalk easement along common area 3 where no sidewalk is depicted.

Art: Gopher tortoises are not endangered or protected in Baldwin County.

Jimmy: Is this an extension or a new application? And what is the definition of commencing construction (pushing dirt around?). He is worried about application expiring again. Hunter: This is a new application. He didn't offer a firm definition of commencing construction.

John: What is a traffic calming device?

Hunter: There are different calming devices, including speed humps. This is between developer and Public Works Director.

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Rebecca: BMP plans shows gaps in silt fencing.

Hunter: Pre-construction meeting will address BMP confirmation. Code enforcement staff will ensure BMPs are adequate with frequent inspections.

Lee: Should PC require sidewalk to be built in future?

Hunter: Carmel Park Flats is an approved project in this vicinity, Twin Beech is active for construction. This needs to be researched (sidewalks).

Melissa Curry with Dewberry Engineers: Available for questions. Sidewalks will be built with each home. Regarding Twin Beech Road, wetland crossing may prevent sidewalks on this highway.

Lee & Hunter mentioned recent subdivisions with permitted wetland crossings for sidewalks.

John Avent, 68 Ventures: Blue line indicated on site plan is waters of the state (Cowpen Creek). It would be a very costly bridge / sidewalk if it was built over the wetlands/blue line stream along Twin Beech Road. Applicant is not prepared for this expense.

Lee: Sidewalk would allow kids to walk to school. Hopefully will happen in the future.

Public Hearing opened:

No one spoke.

Public hearing was closed.

Motion to approve SD 21.27 as per staff recommendations with condition of approval: Jimmy

2nd: John

Vote:

Lee Turner: Nay

Art Dyas: Nay

Harry Kohler: Aye

John Worsham: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Aye

Art is worried about setting a precedence. We will be allowing this development to proceed without installing sidewalks because of expense. Lee has similar concerns.

Motion passed 5 / 2.

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SD 21.28 Public Hearing to consider the request of Joey and Janet Langley for Final Plat approval of Dewberry Estates, a 2-lot minor division. The property is approximately 3.8 acres and is located on the north side of Dewberry Lane at 9781 Dewberry Lane.

Hunter presented. Public access issue has been resolved. Private access road has been improved, paved. This subdivision request was previously heard at the July 2020 Planning Commission meeting. Application was tabled in July to allow coordination with Fire Inspector on location of fire hydrant. There is an existing dwelling on the property on Lot 1 with an existing 15x12' shed on the proposed Lot 2. There are utility easements located along the perimeter of each lots. Proposed lots do not front a paved, publicly maintained road but rather a 30' ingress / egress easement. The applicant received a waiver for frontage on a public street, as well as a waiver for sidewalk installation. The applicant has submitted a waiver request for the installation of the fire hydrant. Originally City of Fairhope Fire Inspector was not in favor of the waiver approval for fire hydrant omission. However he amended his recommendation stating that the existing hydrant on Hwy. 181 is sufficient. Consequently, waiver has been granted, reference Article IV, Section G.

It is recommended the private road be improved Staff recommended roadway improvements that will support a 75,500 lb. SVWR vehicle The Planning Commission supported the requirement of a road that would support the same (SD 20.31) as a condition of approval. Consequently, because improvements were required, a final plat application is required. Performance or maintenance bonds are not required.

Staff recommends approval of SD 21.28 Dewberry Estates Subdivision for Final Plat Approval with no conditions of approval.

Public Hearing:
No one spoke.

Public Hearing Closed.

Motion to approve SD 21.28 as per staff recommendation with no conditions of approval: Art

2nd: Jimmy

Vote:

Lee Turner: Aye

Art Dyas: Aye

Harry Kohler: Aye

John Worsham: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Aye

Unanimously passed.

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SD 21.30 Public Hearing to consider the request of 68V OBV 2020, LLC for Final Plat approval of Old Battles Village Phase 4A, a 22-lot subdivision. The property is approximately 14.9 acres located on the north side of Phase 1 and 2 of Old Battles Village PUD. PPIN# 71702, 113064, an 41077

Mike presented.

Dewberry is the engineer of record. 4A must be built to substantial conformance with the currently zoned PUD ordinance for this property.

Staff comments:

1. Final plat must be recorded within 60 days of final plat approval
2. Stormwater system for phase 4A was designed to function with the existing stormwater system of phase 3.
3. Staff required a full inspection of stormwater system. Some concerns still need correction as condition of approval.
4. Aerator is not operational due to power not being connected at time of inspection.

Follow up activities required by staff and applicant:

1. Copy of recorded plat
2. Copy of recorded O&M agreement
3. Fully-executed copy of the Sub Perf Bond agreement (the mayor does not sign this document)
4. Fully executed performance bond
5. Maintenance and Guaranty (M&G) Agreement executed by the developer; the signs this agreement to fully execute it. Reminder to include the instrument number from the recorded plat. Include 30 days in paragraph 3
6. Draft copy of Maintenance bond

Staff recommends approval of SD 21.30 with the following conditions of approval:

1. Final stabilization of all disturbed areas with 90% growth verify by Planning Department
2. Remove sediment accumulation on sock pipes in drainage inlets
3. Reinstall "Future Thru Street" sign, knocked down
4. Remaining storm manhole inverts grouted and smoothed, to be verified by the Public Works Department.
5. Aerator must be operational.

Melissa Curry, Dewberry: Rain events have created stabilization challenges. All conditional items will be taken care of.

Public Hearing:

Tony Barnett, 115 Garrison Boulevard: Concerns over how these homes will value his home.

Lee: this is final plat approval; it is too late to change the scope of work.

Hunter: for future, community meetings (pre-development) will address these types of concerns for upcoming phases.

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Lee: Be on the lookout for the yellow "Subdivision Coming Soon" signs. Preliminary plat will be the time to review type of construction.

Art: Planning Commission meetings are first Monday of every month, agenda and video is posted on line, City website.

Public Hearing is closed.

Motion to approve SD 21.30 as per staff recommendation with conditions of approval: Art

2nd: John

Vote:

Lee Turner: Aye

Art Dyas: Aye

Harry Kohler: Aye

John Worsham: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Aye

Unanimously passed.

ZC 21.07 Public Hearing to consider the request of FST MPM Investments LLC to rezone property from R-A Residential / Agricultural District to B-4 Business and Professional District. The property is 2.22 acres, located on the west side of State Highway 181, 200' north of Windmill Road.

Samara presented.

Staff comments:

1. There is frontage on Windmill and 181.
2. Applicant states commercial development is inevitable and there is no interest in the property with a R-A zoning. B-4 is more appropriate per applicant. B-4 definition was provided.
3. L-shaped lot with R-1, R-2, PUD and B-4 surrounding the property.
4. Since 2001, the comp plan supports the village concept. This site does not fall within the village core area (nearest one is Fairhope and 181).
5. Applicant will revise the setbacks contingent on rezoning approval to B-4.
6. Staff proposes these setbacks for B-4 as per Zoning Ordinance: 60' min along Hwy.181; 20' min along Windmill; 20' min along the northern and western property lines; 10' min along the interior property lines as shown on the drawings

Staff recommends approval for ZC 21.07 with the following condition:

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1. Submission of an administrative replat to record setbacks as proposed by staff.

Larry Smith, S. E. Civil: Comments on previous cases: Gopher tortoise sometimes take habitation with eastern indigo snake (previously protected). He agrees with Rebecca's object to sidewalks that end without continuation (even over wetlands). For ZC 21.07, he thinks B-4 is an appropriate use for this property.

Public Hearing:

Larry Henderson, did not state address: He is a resident and HOA president; He speaks for many in his neighborhood. His concern is that this property backs up to the detention pond in his subdivision. He would like to make sure there is a buffer established. He wants to make sure he is notified if construction is considered.

Lee: asked Hunter about setbacks from commercial to residential: Hunter said he thinks it's 20'. Hunter said buffer will be required, this is separate from the setback requirements. Fence will also be required as a buffer requirement.

Public Hearing closed.

Motion to approve ZC 21.07 as per staff recommendation with condition of approval: Art

2nd: John

Vote:

Lee Turner: Aye

Art Dyas: Aye

Harry Kohler: Aye

John Worsham: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Aye

Unanimously passed.

ZC 21.09 Public Hearing to consider the request of the City of Fairhope Planning and Zoning Department for an amendment to Article V, Section B. Central Business District in the Zoning Ordinance to allow short term rentals.

Hunter presented: This was discussed in the previous PC meeting. It is to allow for B-4 zoned properties to be allowed short term rentals.

Currently the zoning ordinance reads:
CBD-Central Business District Overlay

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Uses: All uses permitted in the underlying zoning district are allowed in the CBD Overlay, provided that uses of property shall meet the intent of the Comprehensive Plan and Section E. 1 of this article. Any future rezoning in the CBD overlay may be conditioned so that the goals and intent of the Comprehensive Plan and Article V, Section B.1. of the Zoning Ordinance are achieved.

Proposed change adds: "a. Short-term rentals shall be allowed within the CBD, regardless of the underlying zoning district".

Motion to approve ZC 21.09 as per staff recommendation with no conditions of approval: John

2nd: Rebecca

Vote:

Lee Turner: Aye

Art Dyas: Aye

Harry Kohler: Aye

John Worsham: Aye

Rebecca Bryant: Aye

Jason Langley: Aye

Jimmy Conyers: Aye

Unanimously passed.

Old/New Business:

Lee enjoyed the lunch meeting and thought it went well. He hopes the PC continues this every quarter. He would like to add engineers to attend as well.

Hunter, Art and Rebecca agreed. Art suggested the inclusion of a light agenda if engineers are invited.

Art: Would like a status update on the comprehensive plan and would like to know who is making the decisions on which group will be drafting the comp plan.

Hunter: There are two parts to the comp plan. GIS portion is approved. Staff is waiting for further direction from Council. There are five groups interested in assisting the City with drafting the comprehensive plan. Some were local. Restore Act money will be used for the comp plan project, so those guidelines are being followed. This has not been proposed for public comment yet. There is a selection committee involved.

Adjournment

Motion to adjourn by Art: Lee seconded motion to adjourn. Unanimous.

Adjourned at 7:42 p.m.

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Lee Turner, Chairman



Kim Burmeister, Planning and Zoning