

The Planning Commission met Monday, April 4, 2022, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Rebecca Bryant, Vice-Chair; Art Dyas; Harry Kohler; John Worsham; Jason Langley, Water and Sewer Director; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Development Services Manager; Casey Potts, City Planner; Allie Knutson, Secretary; and Chris Williams, City Attorney.

Absent: Lee Turner, Chairman; Clarice Hall-Black; Hollie MacKellar; and Corey Martin, City Council Liaison.

Rebecca Bryant called the meeting to order at 5:01 PM.

**Approval of the Minutes from March 7, 2022, Meeting:**

Allie Knutson, Secretary, stated that the minutes had been amended regarding Case SR 22.02, Fairhope Urology, since Planning Commission packets went out as one of the staff recommendations for approval had been removed due to the parking being satisfied. The amended conditions of approval were read to the Commissioners.

Art Dyas made a motion to accept the minutes with no further changes.

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

AYE: Art Dyas, Harry Kohler, John Worsham, and Jason Langley.

NAY: None.

Abstain: Rebecca Bryant.

**UR 22.05 Request of Point Broadband for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 14,449 linear foot of fiber optic conduit and appurtenances within the right of way of Spring Run Place, The Brennity Senior Living, Autumn Place, Spring Lake, Eastern Shore Mobile Home Village, and along Twin Beech Road, east of Greeno Road.**

**Summary:**

Mike Jeffries, Development Services Manager, presented the case summary and showed the installation route on the map.

**Recommendation:**

Staff recommends approval of UR 22.05, subject to the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. 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.
3. 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.

4. 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.
5. Provide draft door hanger for approval at time of pre-construction.
6. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
7. Ensure enough space for proposed work is available within existing easement, if not applicant is responsible for either expanding existing easement or acquiring an additional easement.
8. Applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).
9. Utilities boxes shall be concentrated near existing boxes.

**Motion:**

John Worsham made a motion to approve Case UR 22.05, subject to staff recommendations.

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

AYE: Rebecca Bryant, Art Dyas, Harry Kohler, John Worsham, and Jason Langley.

NAY: None.

**SR 22.04 Request of the Applicant, SE Civil, LLC, on behalf of the Owner, FST 412 Fairhope, LLC, for Site Plan Approval of 412 Fairhope Avenue. The property is approximately 0.07 acres and is located on the south side of Fairhope Avenue between S. Section Street and Bancroft Street S. PPIN #: 15148**

**Summary:**

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

Later, on the agenda there is a corresponding Multiple Occupancy Project to this Site Plan Review. Setback requirements are met, and the building meets the 40' height restriction of B-2 within the CBD. However, the balcony design conflicts with an existing 9" tree. A Permit will not be issued to alter, trim, or relocate the tree. As an alternative to altering the balcony design, the applicant submitted two plans. Plan A proposed removing the tree and planting a new tree 5' east of the existing location while Plan B proposed removing the tree and installing a planting island with a new tree. The floor plans were shown, there are two residential tenants and one commercial tenant.

**Recommendation:**

Staff recommends conditional approval of Case SR 22.04 with the following condition:

1. Redesign of the balcony to resolve the conflict with the existing street tree.

Art Dyas asked what staff's recommendation would be for modifying the balcony and if there was a precedent for other buildings with balconies and conflicting trees.

Mr. Simmons gave the recommendations of bringing the balcony in on both sides to align with the doors, remove the balcony, do a Juliet balcony, or the building façade could be moved 8-feet in. A parking space could also be removed to create a tree well. During the time that Mr. Simmons has been with the City, there has only been one building on Church Street that had conflicts, but it wasn't just the balcony. However, Hampton Inn designed around a tree and Broken Egg saved an existing tree.

Larry Smith, SE Civil, stated that trimming the balcony's size down would change the frontal view of the building, all of the doors are operable so one would have to become non operable or removed. Mr. Smith stated that he would prefer that the condition be worded that they can work with staff, arborist, and ROW Inspector to come to a resolution and go before City Council.

Rebecca Bryant expressed that the tree is in the best spot it could be in right on the property line and was concerned that if the tree gets removed, others will want to remove trees as well and does not want to set a precedent. Ms. Bryant agreed that SE Civil should work with staff to find a solution. She also mentioned that the proposed site is historic building that is in bad shape but was the first African American owned business downtown.

Mr. Smith asked if there was a plan in place to replace the tree in the near future, but Mr. Simmons stated there was not.

Rebecca Bryant and Mr. Simmons discussed implanting ROW standards, including street trees, to help with development.

**Motion:**

Art Dyas made a motion to recommend approval of Case SR 22.04, 412 Fairhope Avenue, to City Council, subject to staff recommendations.

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

AYE: Rebecca Bryant, Art Dyas, Harry Kohler, John Worsham, and Jason Langley.

NAY: None.

**ZC 22.03 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for an amendment to Article III, Section B, Table 3-1: Use Table, in the City of Fairhope's Zoning Ordinance.**

**Summary:**

Hunter Simmons, Planning and Zoning Manager, presented the summary of the amendment.

Currently, a Bed and Breakfast is allowed "by-right" in B-3a and prohibited in B-3b. Hotels are allowed 'by-right' in both B-3a and B-3b. The proposed amendment would make three changes to the use table:

A Bed & Breakfast in B-3b would be permitted only on appeal and subject to special conditions, a Hotel in B-3a would be permitted only on appeal and subject to special conditions, and a Hotel in B-3b would be permitted only on appeal and subject to special conditions.

**Recommendation:**

Staff recommends approval and adoption of the amendment.

Rebecca Bryant opened the Public Hearing. Having no one present to speak, the Public Hearing was closed.

**Motion:**

John Worsham made a motion to recommend approval of Case ZC 22.03, an amendment to Table 3-1: Use Table, to City Council.

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

AYE: Rebecca Bryant, Art Dyas, Harry Kohler, John Worsham, and Jason Langley.

NAY: None.

**SD 22.03 Public hearing to consider the request of the Applicant, SE Civil, LLC, on behalf of the Owner, Koch, Carolyn Gill as Trustee, for Preliminary Plat Approval of Skyline Village, a 114-unit Multiple Occupancy Project. The property is approximately 16.56 acres and is located on the south side of Dyer Road, west of Bishop Road. PPIN #: 24268, 271784**

**Summary:**

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

The proposed 114 units are intended as rentals that are owned and operated by a single entity with streets and utilities intended to be private.

Comments that came in were forwarded to the Commissioners; drainage was a concern. Per the Subdivision Regulations, 46,870 cubic feet of storage is required, the proposed design provides 204,913 cubic feet. The City also contracted John Cameron with Neel-Schaffer to perform a third-party review of the drainage.

In the latest submittal of Skyline Village, units were rearranged/removed to create a park greenspace type of 3.96 acres for a total of 5.02 acres of greenspace, including the pond, dog park, and butterfly garden. Although not required, the applicant included trees along the entire outer perimeter of the site.

Land uses with similar densities exist nearby, including some with Fairhope Zoning such as R-3, R-4, R-5, and PUD that are comprised of apartments. Considering that this is unzoned property, staff cannot recommend denial based solely on location of the proposed development.

Three intersections were studied during the traffic study: Highway 98/Dyer Road, Dyer Road/Bishop Road, Bishop Road/Gayfer Road Extension, concluding that all intersections would operate at an acceptable level of service. Planning Commission requested that Bishop Road/Fairhope Avenue be studied as well and was found to have a projected Level-of-Service of E with or without this development but did not recommend any improvements.

**Recommendation:**

Staff recommends approval of Case SD 22.03 Skyline Village MOP with the following conditions:

1. Final utility plans, any required easements, scheduling, fees and aid to construction costs shall be approved by the respective Superintendent before a building permit is released for installation of infrastructure.
2. The following note shall be added to the plan for recording: "The internal rights-of-way, roads, drainage facilities, and utilities outside of required easements are private and will be maintained by

the developer/owner. The internal rights-of-way, roads, private utilities, and drainage facilities will not be maintained by the City of Fairhope.”

3. A public access easement shall be provided for the sidewalk traversing private property and connecting public sidewalks on Bishop Rd and Dyer Rd (NE of the pond). Sidewalks within this easement shall be maintained by the developer/owner and shall remain ADA compliant.

Larry Smith with SE Civil also gave a project summary showing project and unit data, amenities, and economic impact data.

Rebecca Bryant opened the Public Hearing.

Art Dyas clarified that the Comprehensive Plan is a guiding principle and that this property had been available for zoning since 1990.

Smith Prestwood, 17 S. Rolling Oaks Drive, handed out a petition against Skyline Village along with a drainage report conducted by Kenneth Underwood, P.E. Mr. Prestwood gave a history of the property; March of 2021 it was submitted for a Zoning Change to be known as Baytown PUD, it was heard at the May 2021 Planning Commission Meeting with opposition from the neighborhood, but a decision was not made. He stated that the project was sold, but the land was not. In November of 2021, the land was sold to the applicant who had purchased the project, and submittal was made for the Multiple Occupancy Project while knowing the opposition that came with it. The project was tabled in February of 2022 after staff recommended denial and is now being heard for approval with minimal changes and with the total of discharge not being analyzed.

Linda Price, 21318 Rolling Oaks Drive, stated that her home is the lowest point of the neighborhood. Fly Creek has expanded into her yard and in previous years, would dry up in between storms. Ms. Price's property is experiencing erosion issues.

Kendall Eringman, 21311 Rolling Oaks Drive, stated that rentals do not always mean “affordable housing” and that development needs to be done responsibly to build a sense of community. Building homes instead would allow the neighbors to retain their property values. Regarding petitioning to get the proposed property zoned prior to this, Mrs. Eringman stated that there was an attempt to zone it ten years ago.

Brent Wiles, 21307 Rolling Oaks Drive, spoke about traffic issues on Highway 98, Bishop Road, Dyer Road, around Fairhope East Elementary, and soon to be The Reserve at Fairhope once building is complete. Mr. Wiles stated that the traffic study was outdated and not made available to citizens, thus more time is needed to request records. He also mentioned that high-density development needs to be controlled.

William Eringman, 21311 Rolling Oaks Drive, passed out a document titled, Skyline Village Review and Commentary, stating drainage, traffic, and density concerns. Mr. Eringman also brought a Transportation Engineering textbook, defining Levels-of-Service as the studied intersections currently lie at “D” and “E”. He suggested lowering the density. Mr. Eringman also quoted from the City of Fairhope's Subdivision Regulations regarding drainage, misinterpretation of the 10% rule, and exasperating flooding downstream.

Patrick Collins, 29 S. Rolling Oaks Drive, passed out a packet referring to a similar project in Montgomery that received opposition for traffic concerns. Mr. Collins stated that the Commissioners can consider the public health and welfare of the citizens. Mr. Collins referred to the Subdivision Regulations regarding traffic and congestion.

Gerald Moore, 19905 Lawrence Road, stated that he represents citizens of Lawrence Road for a similar proposed project (The Gables on Lawrence, MOP) and that Skyline Village was last recommended for denial by staff, but a butterfly garden was added in addition to there being four less units. Mr. Moore discussed lawsuits for the City's lift stations being out of compliance, issues with the traffic study, and a conflict of interest with Neel Schaffer.

Lisa LaTourette, 4 Porch Place Way, her residence was one of the first in the neighborhood when the Auburn farm stretched to Gayfer Avenue. They were promised that there would be no water problems once the assisted living facility was built on Gayfer, but the water gets closer to her house every year.

Jean Blake, 25 S. Rolling Oaks Drive, stated that they cannot get out of their neighborhood when there is heavy rain and that she had sent in photos of the flooding.

Rebecca Bryant closed the Public Hearing.

Chris Williams, City Attorney, stated for the record that two attorneys had spoken, the phrase "negligence of the Planning Commission" was used, case law and legal issues were referenced, and that the result of whatever the Planning Commission decides would be imminently likely for litigation. Therefore, if there are any questions regarding legal issues or legal consequences of action, it would be his recommendation that the Planning Commission move to Executive Session pursuant to Alabama Law.

Art Dyas stated that the flooding is a problem to the point that a bridge may be needed and asked whose responsibility it is to solve the current drainage problems. He also spoke regarding traffic on Dyer, Bishop, Gayfer, and Fairhope Avenue and traffic improvements that are needed before anything else can be done.

Larry Smith, SE Civil, addressed some of the public's comments stating that the drainage did not meet the threshold of exceeding the 10% rule, so they only focused on the rate of runoff. The previous owners were not considering annexation to avoid downstream constraints. They met the greenspace requirements at both levels, Baldwin County and City of Fairhope. The sewer is gravity, they have been working with Jason Langley, and will make any necessary improvements, if needed. He also mentioned that SE Civil did not pay for the Traffic Impact Study.

Art Dyas asked if they had looked at the culvert on Rolling Oaks.

Mr. Smith stated that they had and that it does have flooding issues, but he was not sure whose road it was as County said it wasn't theirs, but the City said it was.

Shane Bergin, Neel Schaffer, stated that he completed the traffic analysis. The boundaries were determined by Baldwin County. The intersection of Bishop and Fairhope Avenue's existing rating is "D" in the morning and "E" in the afternoon. Adding in the growth and development, that intersection

would be “E”. That intersection was rated “E” and “F” in 2006 and 2017 so traffic patterns have changed a little bit. He looked at the three original intersections in October of 2021 and the last intersection in February after it was asked by staff to be evaluated, other developments were not asked to be looked at.

Rebecca Bryant asked for clarification on why staff’s recommendation changed.

Mr. Simmons stated that a lot of it had to do with green space not meeting requirements and the access drive. He also mentioned that staff had been working with Neel Schaffer well before the application for Skyline Village was made.

Mr. Williams stated voting options for the Commissioners; approve the MOP, approve the MOP with conditions, deny the MOP with stated reasons for denial, or to table the application for further study and additional information.

**Motion:**

Art Dyas made a motion to deny Case SD 22.03, Skyline Village, for the specific reason that there are drainage issues and concerns about the impact of traffic, congestion, and safety as well as the health, safety, and welfare of the public.

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

AYE: Rebecca Bryant, Art Dyas, Harry Kohler, John Worsham, and Jason Langley.

NAY: None.

**An intermission was taken.**

**SD 22.05 Public hearing to consider the request of the Applicant, Goodwyn, Mills, Cawood, LLC, on behalf of the Owner, The Teachers’ RSA, for Preliminary Plat Approval of Battles Trace Phase 8, a 51-lot Major Subdivision. The property is approximately 28.53 acres and is located on the north side of Battles Road, on the east and west sides of Colony Drive. PPIN #: 29244, 372296**

**Summary:**

Mike Jeffries, Development Services Manager, presented the case summary and showed the proposed subdivision on the map.

The water main is being relocated along Colony Drive and sewer upgrades will be required for the existing lift station. Gas will be installed in the utility easement furthest from the ROW. West side drainage will flow through a series of pipes, to a proposed pond, and eventually to Sweet Water Lake. East side drainage will flow through a series of pipes into an existing pond.

If approved, the TR District requires that the overall gross density for residential areas be no greater than 3.5 units per gross area and shall provide at least 20% of open/green space. Both conditions are met.

A remnant parcel was left over on the west side and is being proposed as a recreation area for pickle ball or croquet courts as an addition to the club house. The pickle ball courts could be removing more trees than shown with the original design.

**Recommendation:**

Staff recommends approval SD 22.05 Battles Trace Phase 8 preliminary plat with the following conditions:

1. Provide a Schedule of Values Exhibit A of the Maintenance Agreement.
2. Provide revised O&M agreement that includes phases 1-8 and updated Stormwater Facility Maintenance Agreement.
3. All utility locations and improvements shall be coordinated with the respective utility department.
4. Provide revised drainage narrative including the drainage for the area currently labeled “remnant parcel” to be approved by the Public Works Director, Richard Johnson, P.E.
5. Revise plat to include the “remnant parcel” as Lot #, Reserved for Future Recreation.
6. Provide tree removal and landscape plan to be reviewed and approved by Planning and Zoning Director for proposed future recreation area.

Art Dyas asked if this was the last phase of Battles Trace. Mr. Jeffries stated it was not and showed a conceptual plan for future development.

Mr. Simmons also stated that this could be two-story townhome type buildings, but the developer wanted to match density of the surrounding homes.

Jeremy Sasser with GMC stated that the recreational area layout was not finalized yet.

Rebecca Bryant opened the Public Hearing.

Debbie Manning, 934 Hibiscus Way, requested that Battles Trace, Phase 8, be tabled in order to have questions answered by RSA and Stuart Construction. The development has had a detrimental effect on Battles Trace and the amenities that homeowners pay for. To construct the road, many trees would have to be removed and there is a silt problem in the lake and retention pond, both of which would affect the bird population. The residents would like to see a silt mitigation plan and environmental impact study completed. Ms. Manning also mentioned that Lakewood cannot handle the number of memberships that Phase 8 would bring. The residents would like RSA and Stuart Construction to be held accountable by the Planning Commission and responsible for maintaining the beauty of The Colony.

Charles Runnels, 6840 Battles Road and 16 Lupine, stated that he enjoys the woods behind his home and that it is important for children to grow up in nature, the woods also provide privacy. He suggested increasing the lot size by 50%.

Laura Elliot, 910 Hibiscus Way, stated that she had originally lived at 428 Colony Drive and had been through a lot of the development stage of Battles Trace. She stated that she has sent photos to the City of the runoff and that she does not want trees to be cut down.

Carolyn Huff, 436 Colony Drive, previously resided at 114 Mulberry Lane. Ms. Huff mentioned that the silt fences do not help as they do not get replaced. She also stated that the berm is not safe, and the environment is not being protected.

Eric Smith, 18629 Colony Drive, Unit 704, stated that he lives in the tower and has safety concerns regarding being blocked in with homes. He also mentioned the clear-cutting of trees that occurred during the last three phases.



Ken Roozen, 838 Apricot Lane, stated that he likes the trees in the main entrance, and he would like a better landscape plan. He also thought that a high-rise was intended to the right of Colony Drive and wanted to know when that plan changed.

Rebecca Bryant closed the Public Hearing.

Mr. Simmons stated that a lot of items that were listed in the petition such as the way things were marketed, sold, access to facilities, and overcrowding of amenities, are more related to civil issues and RSA's marketing, not the Zoning Ordinance. There is an O&M Plan to maintain drainage facilities and with each phase added, the O&M Plan is amended, and inspections are done every 3-5 years depending on how it is written.

Rebecca Bryant stated that the proposed plan is less dense than it could be and that the tree removal plan didn't show that many trees being removed.

Mr. Jeffries stated that the tree removal plan only shows what will be removed to install utilities, not will be removed on individual lots.

Rebecca Bryant asked for clarification for the Commissioners approving SD 22.05 without seeing the final plan for the recreation area.

Mr. Simmons stated that they could revise what had been proposed.

Art Dyas clarified that staff's conditions stated that the recreation area would be reviewed and approved by the Planning and Zoning Director.

Chris Williams stated voting options for the Commissioners; approve the preliminary plat, deny with stated reasons, approve with conditions, or table the application for further study.

**Motion:**

John Worsham made a motion to approve Case SD 22.05, Battles Trace Phase 8, subject to staff recommendations.

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

AYE: Rebecca Bryant, Art Dyas, Harry Kohler, and John Worsham.

NAY: None.

ABSTAIN: Jason Langley.

**SD 22.12 Public hearing to consider the request of the Applicant, Goodwyn, Mills, and Cawood, LLC, on behalf of the Owner, Eastpark, LLC, for Preliminary Plat Approval of South Section Townhouse Condominium, a 3-unit Multiple Occupancy Project. The property is approximately 0.40 acres and is located on the east side of S. Section Street at the eastern terminus of Gaston Avenue. PPIN #: 41038**

**Summary:**

Art Dyas recused himself.

Mike Jeffries, Development Services Manager, presented the case summary.

This property was recommended for approval to City Council for a zoning change to R-3TH in September of 2021. There is an existing structure on the site that will be modified, and two townhomes will be added to the property, all buildings will be rear loaded. The landscape and drainage plans were shown. Drainage has been reviewed and approved by the Public Works Director, Richard Johnson, the site will utilize a pervious drive. Street trees and sidewalk will be installed along Section Street and there will be landscaping along the east and south property lines.

**Recommendation:**

Staff recommends approval of Case SD 22.12, with the following conditions.

1. Provide flow model for fire hydrant in front of property to ensure water and supply and pressure is adequate to provide fire protection for the proposed development.
2. Provide a signed O&M agreement before a building permit for the project will be issued.
3. Sidewalk and landscaping shall be installed before issuance of C/O.

Scott Hutchinson with GMC was present.

Rebecca Bryant opened the Public Hearing.

Justin Reinhart, 251 S. Section Street, stated that he and his family would prefer to have no side lighting facing their property to the south and requested amber LEDs to protect against cancer risk.

Michael Reinhart, 251 S. Section Street, stated that water currently flows under their home when it rains and wanted to know if Richard Johnson, Public Works Director, approved the drainage plan.

Rebecca Bryant closed the Public Hearing.

Mr. Hutchinson showed that the drainage flows through the pervious paver driveway, resulting in the water retention.

Rebecca Bryant asked about buffers and lighting restrictions.

Mr. Simmons stated that he thought that could be done and asked Craig Dyas if he would accommodate the lighting and could make it a condition of approval.

Mr. Dyas stated that he would accommodate the light pollution.

**Motion:**

John Worsham made a motion to approve Case SD 22.12, South Section Townhouse Condominium, subject to staff recommendations plus an added condition.

1. Provide flow model for fire hydrant in front of property to ensure water and supply and pressure is adequate to provide fire protection for the proposed development.
2. Provide a signed O&M agreement before a building permit for the project will be issued.
3. Sidewalk and landscaping shall be installed before issuance of C/O.
4. Developer shall provide light mitigation on southern property boundary to reduce the impact of light pollution on adjacent properties.

Jason Langley seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Harry Kohler, John Worsham, and Jason Langley.

NAY: None.

ABSTAIN: Art Dyas.

**SD 22.13 Public hearing to consider the request of the Applicant, SE Civil, LLC, on behalf of the Owner, FST 412 Fairhope, LLC, for Preliminary Plat Approval of 412 Fairhope Avenue, a 3-unit Multiple Occupancy Project. The property is approximately 0.07 acres and is located on the south side of Fairhope Avenue between S. Section Street and Bancroft Street S. PPIN #: 15148**

**Summary:**

Casey Potts, City Planner, presented the case summary.

This Multiple Occupancy Project corresponds with the Site Plan Review that was heard earlier, SR 22.04.

There are three water meters proposed at the rear of one of the parking spaces that staff recommends be relocated. Possible relocation of the sewer line at 410 Fairhope Avenue may be required and will be the responsibility of the applicant to move, if needed. Power will run underground to an existing line in the alley and gas will be utilized in all three units. An 8' HDPE roof drain will convey stormwater to the alley and the developer is proposing to modify the existing neighboring downspouts and adjacent neighbor's roof to convey stormwater to the existing system in the alley.

**Recommendation:**

Staff recommends approval of Case SD 22.13, with the following conditions.

1. Approval of SR 22.04, 412 Fairhope Avenue Site Plan.
2. The three water meter boxes are subject to relocation at the discretion of the Water Superintendent.
3. Fire protection line shall be run separately from and parallel to the water line.

There was going to be a fourth condition concerning the redesign of the balcony to resolve the conflict with the existing street tree, but Mr. Simmons stated that condition number four could be removed as it is a condition that will go to City Council with the Site Plan, SR 22.04.

Larry Smith, SE Civil, stated that he was also going to request that condition number four be removed. He also stated that garbage pickup is being provided by Fairhope, but they provided a nook to store the three cans.

Rebecca Bryant opened the Public Hearing. Having no one present to speak, the public hearing was closed.

**Motion:**

Art Dyas made a motion to approve Case SD 22.13, 412 Fairhope Avenue, subject to staff recommendations 1-3.

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

AYE: Rebecca Bryant, Art Dyas, Harry Kohler, John Worsham, and Jason Langley.  
NAY: None.

**Old/New Business**

**SD 20.11 Hill Top Subdivision, Phase II – Request of the Applicant, Jade Consulting, LLC, for an extension of one-year to submit for Final Plat Approval.**

Hunter Simmons, Planning and Zoning Manager, stated that they have begun construction for the eight lots, but requested an extension. Staff is in support of the request for a one-year extension as one of the reasons for delay was a rezoning request to annex the project into the City as a PUD, including the commercial use.

**Motion:**

Harry Kohler made a motion to approve staff's recommendation of a one-year extension for Jade Consulting, LLC, to submit for Final Plat Approval of SD 20.11, Hill Top Subdivision, Phase II.

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

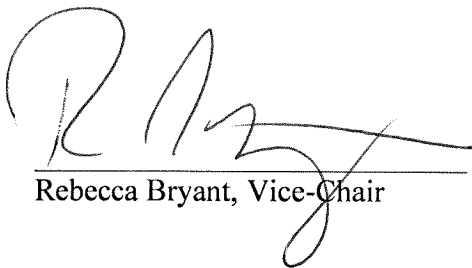
AYE: Rebecca Bryant, Art Dyas, Harry Kohler, John Worsham, and Jason Langley.  
NAY: None.

**Adjournment**

John Worsham made a motion to adjourn, and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Harry Kohler, John Worsham, and Jason Langley.  
NAY: None.

Adjourned at 8:35 p.m.

  
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Rebecca Bryant, Vice-Chair

  
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Allie Knutson, Secretary