

Planning Commission 3/1/21

The Planning Commission met Monday, March 1, 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 (via virtual attendance), John Worsham (via virtual attendance); Clarice Hall (via virtual attendance); Rebecca Bryant (via virtual attendance); Jason Langley, Water and Sewer Director (via virtual attendance); Hollie Mackellar (via virtual) Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Planner; Jimmy Conyers, Emily Boyett; Buford King; and Chris Williams, City Attorney (via virtual attendance)

Absent: None (Hollie came in late)

Chairman Turner called the meeting to order at 5:05 PM and announced the meeting is being recorded.

Approval of Minutes

- January 4, 2021

MOTION: Art made a motion to approve the minutes;

2nd: Harry 2nd the motion.

Lee abstained since he was not at the Jan. meeting.

Vote:

Lee Turner: Abstained

Art Dyas: Aye

Hollie Mackellar: Absent

Rebecca Bryant: Aye

Clarice Hall: Aye

Harry Kohler: Aye

John Worsham: Aye

Jimmy Conyers: Aye

January 4, 2021 minutes were unanimously approved.

- February 1, 2021

MOTION: Harry made a motion to accept the minutes;

2nd: John 2nd the motion. Art abstained since he was absent in Feb. Minutes passed unanimously.

Vote:

Lee Turner: Aye

Art Dyas: Abstained

Hollie Mackellar: Absent

Rebecca Bryant: Aye

Clarice Hall: Aye

Harry Kohler: Aye

John Worsham: Aye

Jimmy Conyers: Aye

February 1, 2021 minutes were unanimously approved.

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Consideration of Agenda Items:

Executive Session- Lee discussed rules of executive sessions. PC can only discuss legal issues. PC must state length of time they will be in the session. Lee asked if anyone would like to make a motion to open the executive session.

Chris Williams said this would qualify to rules of an open meeting act. He discussed the legal code to discuss pending or potential litigation pursuant to Alabama Code Section 36-25A-7(a)(3).

MOTION: John made a motion to go into executive session.

2nd: Rebecca seconded the motion to go into executive session for 15 minutes per Lee.

Motion passed unanimously to go into executive session for 15 minutes:

Vote:

Lee Turner: Aye

Art Dyas: Aye

Hollie Mackellar: Absent

Rebecca Bryant: Aye

Clarice Hall: Aye

Harry Kohler: Aye

John Worsham: Aye

Jimmy Conyers: Aye

Lee asked for a motion to reconvene.

MOTION: John made a motion.

2nd: Art 2nd the motion to reconvene.

Vote:

Lee Turner: Aye

Art Dyas: Aye

Hollie Mackellar: Absent

Rebecca Bryant: Aye

Clarice Hall: Aye

Harry Kohler: Aye

John Worsham: Aye

Jimmy Conyers: Aye

Emily asked Lee to do a roll call. Everyone was in attendance (except for Hollie) as stated at the beginning. Regular meeting resumed.

SD 21.03 Request of 68V Pay Dirt, LLC on behalf of FST Matthew D. Malone, for Preliminary approval of Carmel Park Flats, a 242-unit multiple occupancy project. The property is approximately 20.24 acres and is located at the southwest corner of the intersection of County Road 44 (a.k.a. Twin Beech Road) and Thompson Hall Road, to be known as Carmel Park Flats. PPIN #: 14962 and 254668

Mike Jeffries presented: This project was tabled from last month. Un-zoned Baldwin County. Final plat approval will be required to close out the property if it is developed. Traffic improvements are shown for a left and right-hand side of the road. Drainage on site discharges into two ponds: Wet pond is shown for the site, as well as a dry pond, with dog park on south end of the site. Height conforms to 35' for un-zoned property.

Sewer will be private and not maintained by the city. 7.5 acres of green space is shown, with 5 acres being required. Split entry meets fire code. Traffic study showed a left turn lane at 44 and Boothe Road. Applicant also proposes a right-hand turn lane. Traffic study as requested in more detail at last meeting was performed by third party with Neil Schaffer to review the traffic study. Conclusion was that proposed construction would not have significant roadway network if built as proposed with traffic improvements. Full report is in the packet materials.

Recommendation:

Staff recommends approval with these conditions;

1. Letter confirming all on-site sewer will remain privately maintained and will not be the responsibility of the City of Fairhope or Baldwin County
2. A note added to the site plan that the sewer infrastructure within the property will remain private and will not be the responsibility of the City of Fairhope or Baldwin County.
3. Traffic improvements included west bound and east bound turn lanes into the development from CR 44 shall be installed before final MOP approval.
4. Replat combining two lots
5. Sidewalks added along the property along CR 44
6. No certificates of occupancy or COs shall be issued for the Carmel Flats property until such time substantial completion is issued for the following projects:
 - a. ALDOT city project turn lanes at 44 and 98 and upgrading traffic signal at 44 and 98
 - b. Baldwin Co. project number improvements at round about at 13 and 44

Mike opened the floor for questions. Larry Smith, PE, is on hand for questions as well.

Public Hearing:

Larry confirmed he is here for questions.

Lee said comments from the public were heard at previous meeting. He asked if Richard Johnson would add to the meeting your opinion of traffic study.

Richard explained the review process on his part. We have development standards, according to what type of development it is. Our duty is to look at the data and confirm that that the applicant has met the standards, including drainage and traffic. We have two traffic engineers on this case. City and County are aware of existing challenges on Twin Beech Road. A-trip grant is being proposed. County is considering adding a round-about at Twin Beech and CR 13. City has already made small pedestrian improvements and are considering other options. The 4-way stop is not a good option. How can the developer mitigate their best efforts with traffic safety? Community events affect traffic as well as development. The conclusion, in his opinion, is that the developer has done all he can to mitigate the traffic if proceeding with this development. Developer is using some conceptual city / county improvements to confirm their traffic study mitigation. This means the developer cannot move forward until these improvements are made. His complaint is that applicant should have sat down with staff before moving forward with the development. He is not considering this development likely, but he must consider his conclusion. It is not feasible to tell the applicant he cannot develop the property if applicant has proved that he has done all he can to mitigate the traffic.

No one had any questions for Richard.

Traffic engineers (2) were in attendance for questions, none were asked.

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(Resident?) Richard Johnson: Last meeting, PC asked for new engineer to do a new study. City instead hired Neill Schaffer to review same study. He requested that new data be collected while school was in session. Study was done two days before Christmas which might not have accurately reflected the traffic status. It was not done during peak hours. Two hours of data was collected. He asked that city require collection of data during peak hours. He said applicant didn't comply with commission's request.

Lee: Asked if Neel-Schaffer engineer was present. Lee said a motion was previously passed for the review. Full traffic study was not approved.

Hunter: He confirmed review is what was approved, not a full traffic study. Full traffic study would have required a larger budget that was not approved. It would not have been able to be approved and done within 30 days which was the timeline.

John? (did not identify himself, via virtual): Motion has been reviewed and the review is what was approved.

Lee: asked Shane Bergin with Neel-Schaffer to go over the traffic study and include comments on the traffic circle on CR 13.

Shane: He looked at background and existing conditions. He said peak hours could be off. AL-DOT shows peak hours in morning 7 to 8 a.m. There date is on the hour, no quarter increments. If you double the volume of what was studied (8 to 9 a.m.) you still have acceptable levels of traffic. Trip generation and trip distribution: overall only changes by a vehicle or two. Considered site related impacts. Report didn't have review of driveway connection to Twin Beech. Driveway has acceptable function as a B and a C road. Conclusion: 2019 AL-DOT counted Twin Beech, 4400 cars / day. Two-lane roadway capacity is 14,000 vehicles per day. There is a lot of growth left on Twin Beech. Especially with inclusion of round-about, which can handle 25,000 per day (13 & Twin Beech) there is a lot of growth capacity left. 181 & Twin Beech is at capacity unless either is widened. All the improvements add 1,000s of car capacity per day.

Lee asked about the round-about and how it impacted Twin Beech's rating if not built.

Shane said without the round-about the rating would probably be level of service C.

Jimmy asked about other nearby intersections and their levels of service. Shane was only referring to Twin Beech and 13.

Shane recommended City look at possible issues at nearby intersections (Boothe and Twin Beech) and suggested 4 way stops from study. He is not aware of crash history.

Rebecca: She said it appears the intersection of Twin Beech and 98 is being degraded. West bound and north bound concerns.

Samantha: Instead of 4 way stop they are proposing signal (latest report). Some of the level of services have changed in new report. Asked Rebecca to look at table 8, updated.

Hunter said even without Carmel Park that intersection is a level d. West bound is d, with or without Carmel Park. Same with north bound.

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Mike: City has received a traffic report, had a review of the initial, and now has received a revised traffic report, not included in the packet.

Larry said there was a new revision because city wanted applicant to include new developments.

Dr. Islam got counts during peak hours 7:30 - 8:30 a.m. Started counting at 7:15 a.m. to 8:30 and picked highest hour count. Highest count was from 7:30 to 8:30 a.m. (second report)

There were no other questions.

MOTION:

John made a motion to accept staff recommendation for approval with these conditions: .

1. Letter confirming all on-site sewer will remain privately maintained and will not be the responsibility of the City of Fairhope or Baldwin County
2. A note added to the site plan that the sewer infrastructure within the property will remain private and will not be the responsibility of the City of Fairhope or Baldwin County.
3. Traffic improvements included west bound and east bound turn lanes into the development from CR 44 shall be installed before final MOP approval.
4. Replat combining two lots
5. Sidewalks added along the property along CR 44
6. No certificates of occupancy or COs shall be issued for the Carmel Flats property until such time substantial completion is issued for the following projects:
 - a. ALDOT city project turn lanes at 44 and 98 and upgrading traffic signal at 44 and 98
 - b. Baldwin Co. project number improvements at round about at 13 and 44

2nd: Art

Vote to approve SD 21.03 Preliminary Plat approval for Carmel Park Flats:

Lee Turner: Aye
Art Dyas: Aye
Hollie Mackellar: Absent
Rebecca Bryant: Aye
Clarice Hall: Aye
Harry Kohler: Aye
John Worsham: Aye
Jimmy Conyers: Aye

Carmel Park Flats preliminary plat was unanimously approved.

SD 21.06 *Public hearing to consider the request of TH Fairhope Falls 2018, LLC for Final plat approval of Fairhope Falls, Phase 3, a 33-lot subdivision.* The property is approximately 16.19 acres and is located on the south side of State Hwy. 104 and west of Yosemite Blvd. PPIN #: 286553

Mike: This will connect to existing phase 1 and 2. Currently un-zoned. Baldwin County said there are no deficiencies. Final plat must be recorded within 60 days within date of final plat. Staff delayed final plat approval to give time for stormwater facility to be assessed. Stormwater systems for phase 3 is designed to work with phase 1 and 2. Staff asked for a confirmation that storm water system is operating as designed.

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There are minor maintenance needs, but overall operating as designed. Maintenance agreements, O&M, is included to help them in the future.

Recommendation:

Staff recommends approval with these conditions:

1. Maintenance needs of stormwater facility must be corrected and approved by Public Works director before city will sign final plat. Dewberry said most deficiencies have been corrected, all except removal of sediment in one of the ponds. Andy Bobe is here to answer questions (virtual).

John: Asked about the O&M is it 3 or 5 year?

Mike said 5 years is correct.

Andy said hopefully final inspection will be conducted this week. The O&M will be recorded and submitted with plat.

There were no questions for Andy.

Public Hearing:

Lee opened the Public Hearing.

Emily said there have been calls but staff has answered concerns.

Lee closed public hearing. He asked Mike to mention to developers. They have 2 years to come back for preliminary plat approval. Two one-year extensions is allowed. If no work is done for 5 or 6 years, developer would have to come back for another final plat approval. He was speaking generally, not to any specific phase.

Art: if PC gives two one-year extensions, developer could come across a change of subdivision regulations and could be required to conform to new subdivision regulations. This could cause a problem.

Hunter: This development is built.

MOTION:

Art made a motion to follow staff recommendations for approval of final plat with this condition:

1. Maintenance needs of stormwater facility must be corrected and approved by Public Works director before city will sign final plat. Dewberry said most deficiencies have been corrected, all except removal of sediment in one of the ponds

2nd:

Jimmy 2nd.

Vote to approval Fairhope Falls 2018, LLC for Final plat approval of Fairhope Falls, Phase 3.

Lee Turner: Aye

Art Dyas: Aye

Hollie Mackellar: Absent

Rebecca Bryant: Aye

Clarice Hall: Aye

Harry Kohler: Aye

John Worsham: Aye

Jimmy Conyers: Aye

Unanimously approved

SD 21.12 Public hearing to consider the request of Leonard and Sharon Smart; TH Fairhope Falls 2018, LLC; and Fairhope Falls Owners Association, Inc. for Preliminary plat approval of Fairhope Falls, Phase 6, a 70-lot subdivision. The property is approximately 29.59 acres and is located on the east side of Langford Road just north of Dressage Way. PPIN #: 310029, 350184, 350639, and 382511

Mike: Preliminary plats for phase 4 and 5 were approved at last PC meeting. Phase 6 connects to a stub out. Village plat connects to what will be phase 4 and Langford Road. Same set backs as 4 and 5. No comments from Baldwin County. Public Works Director (City) has approved the drainage. Stilling basin will sheet flow into wetlands. 80% TSS removal required. The proposed lot sizes conform with Village subdivision regulations with minimum lot size of 8,400 sf. Traffic study was provided for preliminary approval of phases 4 - 9 encompassing 391 lots. Phasing schedule was presented. Note that street tree and sidewalk installation is required prior to final plat. Preliminary plats expire after two years. Approved pre-construction meeting is required prior to land disturbance permitting.

Recommendation:

Staff recommends approval with these conditions:

1. Replat satisfying condition 1 of approval for SD 20.47 Fairhope Falls West Village Subdivision
2. Recommended traffic improvements as stated in staff report are installed prior to acceptance of application for final plat. Any deviation will require reapply from Planning Commission.
3. Amenities are installed prior to acceptance of final plat application
4. Add City of Fairhope Gas signature block to the plat
5. Add 15' utility easement along front lot lines per Riviera Utilities to general notes on the plat

Casey Hill with Dewberry is available (via virtual) for questions. She said phase 6 and 7 are in compliance with village subdivision regulations.

Public Hearing:

Lee opened public hearing.

John Avent with TerraCore / Developer: he said applicant is submitting all of these plats though work may not begin within 2 years. Applicant may have to reapply. Applicant is trying to get property in title and that requires preliminary plat.

MOTION:

Art made a motion to follow staff recommendations and approve subject to approve subject to conditions:

1. Replat satisfying condition 1 of approval for SD 20.47 Fairhope Falls West Village Subdivision
2. Recommended traffic improvements as stated in staff report are installed prior to acceptance of application for final plat. Any deviation will require reapply from Planning Commission.
3. Amenities are installed prior to acceptance of final plat application

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4. Add City of Fairhope Gas signature block to the plat
5. Add 15' utility easement along front lot lines per Riviera Utilities to general notes on the plat

2nd: John.

Vote to approve SD 21.12 for Preliminary plat approval of Fairhope Falls, Phase 6:

Lee Turner: Aye
Art Dyas: Aye
Hollie Mackellar: Absent
Rebecca Bryant: Aye
Clarice Hall: Aye
Harry Kohler: Aye
John Worsham: Aye
Jimmy Conyers: Aye

Final Plat for Fairhope Falls Phase 6 was unanimously approved.

*SD 21.13 Public hearing to consider the request of Leonard and Sharon Smart; TH Fairhope Falls 2018, LLC; and Fairhope Falls Owners Association, Inc. for Preliminary plat approval of Fairhope Falls, Phase 7, a 60-lot subdivision. The property is approximately 34.43 acres and is located on the east side of Langford Road just north of Dressage Way.
PPIN #: 310029 and 350639*

Mike: this phase is same as phase 6, same conditions etc. Amenities are different.

Recommendation:

Staff recommends approval with same condition as Phase 6.

Casey Hill, Dewberry; in compliance.

Public Hearing:

Lee opened Public Hearing. No one spoke.

MOTION:

Jimmy made a motion to follow staff's recommendation for approval with these conditions:

1. Replat satisfying condition 1 of approval for SD 20.47 Fairhope Falls West Village Subdivision
2. Recommended traffic improvements as stated in staff report are installed prior to acceptance of application for final plat. Any deviation will require reapply from Planning Commission.
3. Amenities are installed prior to acceptance of final plat application
4. Add City of Fairhope Gas signature block to the plat
5. Add 15' utility easement along front lot lines per Riviera Utilities to general notes on the plat

2nd: Harry

Vote:

Lee Turner: Aye
Art Dyas: Aye
Hollie Mackellar: Absent

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Rebecca Bryant: Aye
Clarice Hall: Aye
Harry Kohler: Aye
John Worsham: Aye
Jimmy Conyers: Aye

Unanimously approved.

SD 21.14 Discussion regarding the request of the City of Fairhope Planning and Zoning Department to accept Resolution 2021-02 for a proposed amendment to Article IV Procedure for Plat Approval and Article V Planning Design Standards to establish specifications for estate subdivisions in the City of Fairhope Subdivision Regulations.

Hunter: Staff has been discussing for about a year. This is similar to a family subdivision. He would like to clear up misinformation. There are exemptions. He showed a table to clarify (Fairhope vs. other cities/counties).

SD 21.15 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to accept Resolution 2021-03 for a proposed amendment to Article IV Procedure for Plat Approval specify digital file requirements in the City of Fairhope Subdivision Regulations.

Buford: Simple amendment, same as previous but in a different section of sub regs. Article IV Section C (preliminary) & D (final plat): We need entire package in digital form. Segway into adopting CitizenServe, which is being implemented in Building Dept. now. This will help staff. There were no questions for Buford.

Public Hearing:
No one spoke

MOTION:

Art made a motion to follow staff's recommendation for approval of SD 21.15 Resolution 2021-03 (amendment to Article IV Procedure for Plat Approval to specify digital files)

2nd: John

VOTE:

Lee Turner: Aye
Art Dyas: Aye
Hollie Mackellar: Aye
Rebecca Bryant: Aye
Clarice Hall: Aye
Harry Kohler: Aye
John Worsham: Aye
Jimmy Conyers: Aye

Unanimously approved.

Old/New Business

SD 21.04 River Place – Request a 60-day extension to record the plat.

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Buford: Jan. 2021: received final plat approval. Revisions were requested to comply with Baldwin County Highway Dept. Developer will not be able to record plat within the 60-day period.

No questions for staff.

Public Hearing: No one spoke

MOTION:

Jimmy made a motion to approve the request for a 60-day extension to record the plat for River Place SD 21.04

2nd: John

VOTE:

Lee Turner: Aye
Art Dyas: Aye
Hollie Mackellar: Aye
Rebecca Bryant: Aye
Clarice Hall: Aye
Harry Kohler: Aye
John Worsham: Aye
Jimmy Conyers: Aye

Unanimously approved.

SD 21.11 *Request of Amzi and Eileen Sherling for Informal Review approval of Fairhope Downs, a 56-lot subdivision.* The property is approximately 51.08 acres and is located on the east side of County Road 3 approximately ½ mile south of County Road 24. PPIN #: 41065, 41072, 41076, 41088, 51475, 71709, 115704, and 216891

Larry: initially submitted for a 56-lot subdivision which included a sewer line extension. Utilities requested a force main (1.7 miles of force main). New plan shows 64 lots using a lift station. Force main will help City with future developments. Green space has increased with new plan, around existing grady pond which will remain undisturbed. He would like design thoughts from the commission.

Lee asked about connectivity on Greeno. Seller retains Greeno Road 5-acre property. Lee asked about an easement for connectivity. Larry will ask.

Larry: stream on east side of site.

Developer: guy with blue shirt: didn't want to cross the blue line stream.

Jimmy: met with community and primary concern was septic tanks.

Lee said there were concerns with lot sizes. Neighbors may prefer ditch to a berm.

Larry: received same comments from community. Swales will be along the property perimeter. Detention pond will be a wet pond. Grady pond will be untouched and will remain wet.

Lee is concerned about ponding from swales, neighbors concern.

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Hunter: has not reviewed revised plan. Make sure staff has time for review. Asked applicant if his timeline was for May.

Lee said it would not be presented for May.

Art: other issues?

Lee: traffic, septic, run off (neighbor's concerns)

Art: un-zoned property. Why is the grady pond not being utilized?

Lee: course was unclear as to development of grady ponds.

Hunter: non-jurisdictional wetlands are regulated by the City wetland ordinance and a buffer is required. City is trying to be consistent.

Other business:

Hunter: Received applications for April meeting.

1. Estates at Verandas - village subdivision. Phase 1 has been approved. applications for phase 2 and 3 received. Technically we need to revise village subdivision before phase 3 is considered (since original only had 2 phases). If PC is okay with it, staff will have it all considered together on same agenda to show the correct up to date phasing. Jimmy thought it sounded okay.

2. Application for extension of Long Branch preliminary plat, has not begun construction yet.

Lee: we have made a policy if infrastructure has started, we will allow an extension. If no improvements, then resubmit. Hunter said there are no infrastructure out there yet.

Hollie asked if developer has met with staff? Hunter said there was a pre-con, but permit app was withdrawn.

Hollie said there are deadlines for a reason.

Art agreed, said applicant for Long Branch needs to reapply. Discussion across the board. General consensus: we would be setting a precedence.

Art said this project is highly unlikely to be approved by the commission for the extension.

Lee asked for a motion to adjourn.

MOTION:


John made motion to adjourn

2nd: Art

Adjourned at 6:50 p.m.



Lee Turner, Chairman



Kim Burmeister, Planning and
Zoning