

The Planning Commission met virtually Monday, January 4, 2021 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; Hollie MacKellar; Jason Langley; Jimmy Conyers, Council Liaison; Buford King, Development Services Manager; Hunter Simmons, Planning and Zoning Manager; Emily Boyett, Secretary; and Chris Williams, City Attorney
Absent: Lee Turner and Clarice Hall-Black

Vice-Chair Bryant called the meeting to order at 5:11 PM and explained the procedures of the meeting. Mrs. Bryant took a roll call of those present.

The minutes of the November 5, 2020 Planning Commission meeting were considered. Jimmy Conyers made a motion to accept the minutes as written. Hollie MacKellar 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

The minutes of the December 7, 2020 Planning Commission meeting were considered. Jimmy Conyers made a motion to accept the minutes as written. Hollie MacKellar 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

Mrs. Bryant announced Item G. ZC 21.05 and Old/New Business SD 20.45 have been withdrawn by the applicants and will not be heard.

Storm Water Management Program Plan (SWMPP) Review and Approval, Kim Burmeister. Mrs. Burmeister stated the City operates under Municipal Separate Storm Sewer System (MS4) Phase II General Permit Number ALR040040. The SWMPP is submitted yearly and is a permit requirement. Assessment and public review of this plan is also a requirement and is specified in the current plan as being evaluated by the Planning Commission. The Commission watched a MS4 video. Mrs. Burmeister stated the video is on the City's website as well as the SWMPP plan.

Art Dyas made a motion to approve the Storm Water Management Program Plan as presented. Jimmy Conyers 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

SD 20.54 Public hearing to consider the request of The Verandas, LLC for Preliminary plat approval of The Estates at the Verandas, Phase 1, a 15-lot subdivision, Trey Corte. The property is approximately 178.5 acres and is located on the south side of St. Hwy. 104 just west of Lawrence Road. Mr. King gave the staff report saying Mr. Albert Trae Corte of Corte Development, Inc. and Mr. Bruce A. Bigler of Bay Area Developers, LLC are requesting preliminary plat approval of The Estates at The Verandas, Phase One, a 14-lot village subdivision. The village subdivision approval preceding preliminary plat approval was Case number SD 20.48, and was approved by

the City of Fairhope Planning Commission on November 5, 2020. The subject property is located on the south side of State Highway 104 approximately 3/8 mile east of the SR 104 / SR 181 intersection. Subject property is within the extraterritorial jurisdiction of the City of Fairhope in unzoned Baldwin County, County Planning District 14. Subject property is adjacent to properties within the City of Fairhope to the south and east and is thus eligible for annexation into the city, though annexation is not requested at this time. The exiting Three Circle Church campus is immediately adjacent to subject property on the west and phases 2 and 4 of the existing Verandas village subdivision are located east of subject property. A wavier from Article V, Section D.3.f "Streetlights" to accept the requested streetlight exceeding 15'-0" tall from finished grade, not to exceed 17'-0" above finished grade. A wavier from Article V, Section F.b.5. to accept the requested unpaved roadside ditch side slope of 25% or as approved by the Baldwin County Highway Department and reflected on the as-built drawings submitted with the final plat application. Staff recommends APPROVAL of case number SD. 20.54 The Estates at the Verandas Village Subdivision Phase One. The recommendation of approval includes the following assumptions and conditions: conditions:

ASSUMPTIONS

1. An ingress/egress easement is reflected between lots 11 and 12 as required by Village Subdivision approval SD 20.48 and a gate is proposed across this entrance.
 - a. The gate has been approved by the City of Fairhope Building Official and a drawing of the gate with the Building Official's remarks is included as Appendix "A".
2. Retention Pond
 - a. Retention pond side slopes appear to comply with Ordinance 1444 which requires 4:1 slope or less.
 - b. Retention pond discharges to a natural conveyance system that is connected to a public conveyance system along SR104.
 - c. Staff memorializes the hold harmless provisions of Article VI, Section E.1-2 for the City of Fairhope and its staff.
3. This recommendation of approval assumes approval by Baldwin County shall be reflected on the final plat and as-built drawings regarding the following:
 - a. Acceptance of proposed building setbacks
 - b. Acceptance of the 50' ROW with no curb and gutter
4. Memorialize no greenspace is required by the Village Subdivision approval SD 20.48
5. The City of Fairhope Sign Ordinance approval process shall be followed as required by Ordinance number 1537.
6. Red Oak street trees are accepted by the City of Fairhope Horticulturalist.
7. Fairhope Public Utilities (FPU) advises that if natural gas service is desired, gas mains shall be installed by the developer by qualified personnel.

CONDITIONS OF APPROVAL

- 1) Right and left turns shall be installed along SR104 during Phase One of the development and shall be complete prior to final plat approval.
- 2) Acceptance by the City of Fairhope Planning Commission of the applicant's request for wavier from Article V, Section D.3.f "Streetlights" to accept the

- requested streetlight exceeding 15'-0" tall from finished grade, not to exceed 17'-0" above finished grade.
- 3) Acceptance by the City of Fairhope Planning Commission of the applicant's request for waiver from Article V, Section F.b.5. to accept the requested unpaved roadside ditch side slope of 25% or as approved by the Baldwin County Highway Department and reflected on the as-built drawings submitted with the final plat application.
 - 4) Wetland crossings proposed for lots 5 and 6
 - a. No land disturbance activities for the wetland crossings shall commence until the design of each wetland crossing is approved by the City of Fairhope Building Official and compliance with Wetland Ordinance 1370 has been verified.
 - b. Though a wetland permit application to the USACE has been submitted, applicant is advised an impact to Waters of the State of Alabama may occur as the wetland crossings appear to occur over a "blue line" stream
 - 5) The landscape buffer around the retention pond shall be installed prior to final plat approval of Phase One.
 - 6) A note shall be included on the final plat restricting further re-subdivision of the lots as required by Village Subdivision approval SD 20.48.
 - 7) The entrance sign feature shall match that of The Verandas Phases 3 and 4.
 - 8) Sidewalks to be installed along SR104 within common area 1 and 2 as well as connecting to The Verandas Phase 3 and 4 as required by the Village Subdivision approval SD 20.48.
 - a. All sidewalks shall be installed prior to final plat approval of The Estates at the Verandas Phase One.
 - b. The footbridge at the wetland crossing between proposed development and Phases 2 and 4 of The Verandas shall be installed prior to final plat approval of The Estates at the Verandas Phase One.
 - 9) Landscaping / Trees
 - a. Street trees may be planted at 100' intervals as allowed by Village Subdivision approval SD 20.48.
 - b. All street trees shall be installed prior to final plat approval as required by Article VI Section "J" of the City of Fairhope Subdivision Regulations.

Mr. Dyas and Mrs. Bryant questioned the type of light fixtures and protection from light pollution.

Trae Corte was present. He requested Planning Commission not require the wetland permit prior to land disturbance for construction of the subdivision infrastructure. Mr. King explained that was not the intent of the condition but to only prohibit land disturbance of the individual lots where the wetlands are present.

Mrs. Bryant opened the public hearing. Having no one present to speak, she closed the public hearing.

Art Dyas made a motion to accept the staff recommendation for **APPROVAL** of case number SD. 20.54 The Estates at the Verandas, Phase One. The recommendation of approval includes the following assumptions and conditions: conditions:

ASSUMPTIONS

- 1) An ingress/egress easement is reflected between lots 11 and 12 as required by Village Subdivision approval SD 20.48 and a gate is proposed across this entrance.
 - a. The gate has been approved by the City of Fairhope Building Official and a drawing of the gate with the Building Official's remarks is included as Appendix "A".
- 2) Retention Pond
 - a. Retention pond side slopes appear to comply with Ordinance 1444 which requires 4:1 slope or less.
 - b. Retention pond discharges to a natural conveyance system that is connected to a public conveyance system along SR104.
 - c. Staff memorializes the hold harmless provisions of Article VI, Section E.1-2 for the City of Fairhope and its staff.
- 3) This recommendation of approval assumes approval by Baldwin County shall be reflected on the final plat and as-built drawings regarding the following:
 - a. Acceptance of proposed building setbacks
 - b. Acceptance of the 50' ROW with no curb and gutter
- 4) Memorialize no greenspace is required by the Village Subdivision approval SD 20.48
- 5) The City of Fairhope Sign Ordinance approval process shall be followed as required by Ordinance number 1537.
- 6) Red Oak street trees are accepted by the City of Fairhope Horticulturalist.
- 7) Fairhope Public Utilities (FPU) advises that if natural gas service is desired, gas mains shall be installed by the developer by qualified personnel.

CONDITIONS OF APPROVAL

- 1) Right and left turns shall be installed along SR104 during Phase One of the development and shall be complete prior to final plat approval.
- 2) Acceptance by the City of Fairhope Planning Commission of the applicant's request for waiver from Article V, Section D.3.f "Streetlights" to accept the requested streetlight exceeding 15'-0" tall from finished grade, not to exceed 17'-0" above finished grade.
- 3) Acceptance by the City of Fairhope Planning Commission of the applicant's request for waiver from Article V, Section F.b.5. to accept the requested unpaved roadside ditch side slope of 25% or as approved by the Baldwin County Highway Department and reflected on the as-built drawings submitted with the final plat application.
- 4) Wetland crossings proposed for lots 5 and 6
 - a. No land disturbance activities for the wetland crossings shall commence until the design of each wetland crossing is approved by the City of Fairhope Building Official and compliance with Wetland Ordinance 1370 has been verified.
 - b. Though a wetland permit application to the USACE has been submitted, applicant is advised an impact to Waters of the State of Alabama may occur as the wetland crossings appear to occur over a "blue line" stream
- 5) The landscape buffer around the retention pond shall be installed prior to final plat approval of Phase One.

- 6) A note shall be included on the final plat restricting further re-subdivision of the lots as required by Village Subdivision approval SD 20.48.
- 7) The entrance sign feature shall match that of The Verandas Phases 3 and 4.
- 8) Sidewalks to be installed along SR104 within common area 1 and 2 as well as connecting to The Verandas Phase 3 and 4 as required by the Village Subdivision approval SD 20.48.
 - c. All sidewalks shall be installed prior to final plat approval of The Estates at the Verandas Phase One.
 - d. The footbridge at the wetland crossing between proposed development and Phases 2 and 4 of The Verandas shall be installed prior to final plat approval of The Estates at the Verandas Phase One.
- 9) Landscaping / Trees
 - c. Street trees may be planted at 100' intervals as allowed by Village Subdivision approval SD 20.48.
 - d. All street trees shall be installed prior to final plat approval as required by Article VI Section "J" of the City of Fairhope Subdivision Regulations.

John Worsham 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

ZC 20.10 Public hearing to consider the request of Gayfer Village Partners, LLC for an amendment to the Klumpp PUD (Planned Unit Development), Scott Hutchinson.

The property is approximately 75.93 acres and is located on the west side of State Hwy. 181 between Fairhope Avenue and Gayfer Road. Mr. Simmons gave the staff report saying The applicant is seeking amendment of PUD ordinance number 1664 related to the Klumpp Planned Unit Development adopted November 25, 2019. The subject property is located at the northwest intersection of State Highway 181 and Fairhope Avenue/County Road 48 and extends north to the southwest corner of State Highway 181 and Gayfer Avenue/County Road 30. At the request of the applicant, Case ZC 20.10 was tabled at the December 7, 2020 Planning Commission meeting. The revised plan more clearly states the applicant's objectives. Unit 1 still consists of 13 B-2 lots. Unit 2 and 3 are based on R-3 zoning. Pedestrian connectivity was added throughout the site and along the perimeter. The buffer along the westernmost perimeter was increased from 30' to 45' and now includes a screen, as well as a walking trail/sidewalk.

Staff recommends Case # ZC 20.10 Klumpp Planned Unit Development (PUD) amendment for PPIN's 236701, 24160, 316793 be APPROVED subject to the following conditions:

1. A master drainage plan shall be prepared for the entire site and included with the initial subdivision application creating units 1-3
2. City of Fairhope site plan review (Zoning Ordinance Article II, Section C.2.) shall be mandatory for each lot within units 1-3.
3. City of Fairhope subdivision regulations (including multiple occupancy project provisions as applicable) shall be required for the creation of all lots and units within the Klumpp PUD.
4. A 20' greenspace and tree preservation strip shall be provided along Hwy 181.
5. Unit 2 will require 20% greenspace as shown. Provided retention/detention shall not encroach into required greenspace other than those methods approved within

the City of Fairhope Subdivision Regulations and/or as approve during MOP/Site Plan Review.

Mr. Dyas asked if the widening of St. Hwy. 181 has been taken into consideration. He also questioned the allowable uses of B-2 on this site. Mr. Simmons explained each lot will be required to have a site plan review or multiple occupancy project review. He said the number of drive-thrus could be limited or required to have Board of Adjustment approval. Mr. Dyas and Mrs. Bryant stated concerns with visual consistency, aesthetics, character, uses, and screening from St. Hwy. 181. Mr. Dyas suggested tabling the request to get more information and details. Mr. Hutchinson said the applicant does not want to table the request and explained the control is being given to the Commission by requiring a site plan for each lot. Mr. Worsham stated a restaurant could be allowed only on appeal and subject to special conditions. Mr. Simmons stated each lot could require a PUD amendment to allow discussion of uses but site plan review cannot. Mr. Conyers said a site plan cannot restrict uses but can evaluate traffic. Mr. Williams stated a traffic evaluation could provide justification for denial of a site plan. Mrs. Bryant questioned the location and schedule of sidewalk installation and Mr. Hutchinson explained sidewalks will be constructed along St. Hwy. 181 and internally as part of Unit 2. Mrs. MacKellar stated more sidewalks means less cars. Mrs. Bryant said she would like to see sidewalks on both sides of the internal roads or street crossing added. Mr. Simmons stated sidewalks can be clarified at the time of subdivision approval.

Mrs. Bryant opened the public hearing.

Jeremy Sasser of 438 Swaying Willow Avenue – He stated concerns with the number of access points to St. Hwy. 181, Fairhope Avenue, and Gayfer Road Extension. He suggested the uses be limited on the corner lots, limiting the number of drive-thrus, and asked about screening of the parking and dumpsters.

Having no one else present to speak, Mrs. Bryant closed the public hearing.

Mrs. Bryant stated she liked the increased buffer and the sidewalks but would like to have them installed on the front end.

Jimmy Conyers made a motion to accept the staff recommendation to APPROVE subject to the following conditions:

1. A master drainage plan shall be prepared for the entire site and included with the initial subdivision application creating units 1-3
2. City of Fairhope site plan review (Zoning Ordinance Article II, Section C.2.) shall be mandatory for each lot within units 1-3.
3. City of Fairhope subdivision regulations (including multiple occupancy project provisions as applicable) shall be required for the creation of all lots and units within the Klumpp PUD.
4. A 20' greenspace and tree preservation strip shall be provided along Hwy 181.
5. Unit 2 will require 20% greenspace as shown. Provided retention/detention shall not encroach into required greenspace other than those methods approved within the City of Fairhope Subdivision Regulations and/or as approve during MOP/Site Plan Review.
6. Construction of sidewalks shall be done at the time of development of the internal roadways.

Hollie MacKellar 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

SD 21.02 Public hearing to consider the request of 9650 Dove Run, LLC for Preliminary approval of Dove Run East, a 22-unit multiple occupancy project, David Shumer. The property is approximately 9 acres and is located on the south side of US Hwy. 98 approximately ¼ mile west of Mary Ann Beach Road. Mr. King gave the staff report saying The subject property is located on the south side of US HWY 98 approximately 1/4 mile east of the CR 98 / US 98 intersection. Subject property is within the extraterritorial jurisdiction of the City of Fairhope in unzoned Baldwin County, within County Planning District 14. A waiver is requested from Article IV, Section C.1.b.(12) “street lighting plan” and a waiver is requested from Article VI, Section D. “Sidewalks.”

Staff recommends **PRELIMINARY APPROVAL** of case number SD. 21.02 Dove Run East Multiple Occupancy Project. The recommendation of approval includes the following assumptions and conditions:

ASSUMPTIONS

- 1) Subject application is an MOP and not a traditional subdivision application though a final approval process similar to that of a subdivision final “plat” approval shall be required. All utilities shall be installed to the satisfaction of the City of Fairhope Water and Sewer Superintendent, with as-built drawings, Stormwater O&M Plan and Agreement and all bonds shall be submitted with the final approval request as would be submitted with a traditional subdivision final plat application.
- 2) A copy of the recorded plat related to the replat of PPIN 234524 and 31753 shall be included in the final approval application to provide clarity of the PPINs on which Dove Run West and Dove Run East are located. Utility easements for the utilities to be dedicated to the City of Fairhope shall be clearly identified through either a recorded plat or other appropriate instrument to be referenced in the resolution of dedication.
- 3) Staff expressed concerned that three turning movement conditions in close proximity along US 98 that will be created by Dove Run East. The engineer of record (EOR) provided correspondence indicating a traffic impact study (TIS) is not warranted by the proposed development’s trip generation. The addition of Dove Run east will place three (3) turning movements, each with more than 20 units each within a 550’ span along US 98. Staff requested ALDOT approval of this additional turning movement condition that adds 22 units to the existing turning movement, which includes an existing driveway with a culvert pipe in place.
 - a. Correspondence from ALDOT is included as Appendix “A.” Staff assumes this correspondence from ALDOT approves the additional traffic loading created by adding 22 units to an additional turnout.
- 4) The two greenspace areas are proposed for a total of 603,243sf and appears to satisfy the 15% greenspace required for the development. The applicant has chosen a playground and community garden for greenspace 1, and a playground and athletic field for greenspace 2 in an effort to satisfy the greenspace requirements of table 4-1. Staff believes the design may be acceptable to the Planning Commission in terms of contextual sensitivity, however no drawings were furnished by the applicant with a layout or description of the playground equipment. The applicant was instructed to provide drawings of the playground

layout and cut sheets of the equipment proposed for installation. The applicant did not provide this information as instructed. See Condition of approval number 1 for Planning Commission consideration as well as Appendix "B."

- 5) Staff expressed concerns about the onsite sewage system (OSS, or septic systems) proposed for subject development which installs twenty two (22) septic systems on 9.12 acres. Article V, Section E.2.b.(2) requires lot sizes of 20,000sf where neither public water nor public sewage is available. Subject property far exceeds 20,000sf but utilizes public water, and public sewer is available at the adjacent Key Allegro development, which contains an existing Fairhope Public Utilities lift station (#66 Key Allegro). Each mobile home space is approximately 10,000sf in size, but each space is not a *lot of record*. The City of Fairhope Subdivision Regulations do not appear to prohibit the scenario presented by subject application. Article VI, Section H.3. Sanitary Sewerage indicates "Individual septic tank systems that have been approved by the Baldwin County Health Department and the Fairhope Public Utilities Sewer Department may be utilized. Copies of approved permits for septic systems for spaces 2-22 by the Baldwin County Health Department are included as Appendix "C". The City of Fairhope Water and Sewer Superintendent defers approval recommendation to the Baldwin County Health Department because the existing Dove Run West utilizes onsite sewage treatment. Staff memorializes here its concern that available sanitary sewer is not utilized for the project.
- 6) The proposed stormwater drainage system does not connect to a public stormwater drainage system as contemplated by Article V, Section F.5.c-d. The drainage narrative and correspondence provided by the EOR indicates the following:
 - a. Downstream adverse effects are not expected.
 - b. The drainage system complies with the 10% rule. A drawing indicated downstream flows was provided.
 - c. Two LID techniques are furnished which provide 80% TSS removal.
 - d. Post-development flows are less than or equal to pre-development flows and the drainage system is designed for 2,5,10,25,50 and 100 year storm events.
 - e. Staff memorializes the hold harmless provisions of Article VI, Section E.1-2.
- 7) Subject property lies within the Police Jurisdiction of the City of Fairhope and thus The City of Fairhope Sign Ordinance approval process shall be followed as required by Ordinance number 1537 for any signage to be installed by the development.
- 8) Subject property lies within the Police Jurisdiction of the City of Fairhope and thus The City of Fairhope Tree Ordinance approval process shall be followed as required by Ordinance number 1444 for the removal of any trees as the proposed development is not a single-family residential development.
- 9) An NPDES permit shall be obtained from ADEM prior to any land disturbing activities. A copy of the NPDES permit shall be included in the final approval application.
- 10) Fairhope Public Utilities (FPU) advises that if natural gas service is desired, gas mains shall be installed by the developer by qualified personnel.

- 11) The street within Dove Run East is not proposed for dedication to the City of Fairhope or Baldwin County and is not designed to a public standard. Waivers have been requested for both the installation of internal streetlights and internal sidewalks.
- 12) Subject property is located in unzoned Baldwin County and thus regulations governing use are not applicable and not available. Staff is in receipt of multiple complaints from nearby residents that oppose Case number 21.02, however the majority of the complaints appear to object to the use of the property as a mobile home park, or other issues related to noise, trash, abandoned vehicles, or issues that must be addressed by law enforcement or various agencies of Baldwin County. These issues are above and beyond the scope of the City of Fairhope Subdivision regulations related to MOP approval.

CONDITIONS OF APPROVAL

- 1) Acceptance of the proposed greenspace amenities based upon the applicant's description of the amenities in Appendix "B" that does not include drawings or cut sheets of the playground area or equipment
 - a. All playground equipment, fencing, picnic tables, and other accessories and equipment included within the greenspace areas shall be installed prior to submission of the final approval application.
- 2) The applicant has submitted a waiver request from Article IV, Section C.1.b.(12) "street lighting plan." **Staff does not support this waiver** request based upon the comments regarding Dove Run West submitted during the community meeting as well as by correspondence from adjoining property owners, noted in Appendix "D." Staff believes streetlighting will possibly alleviate the "problems with drugs and thefts" experienced by Dove Run West.
- 3) The applicant has submitted a waiver request from Article VI, Section D. "Sidewalks." The subdivision regulations do not distinguish between public and private streets when contemplating sidewalks and desires the installation of 5' sidewalks on both sides of the street. **Staff does not support this waiver** request based upon the comments regarding Dove Run West submitted during the community meeting as well as by correspondence from an adjoining property owner, noted in Appendix "D." Staff believes the creation of a walkable community by constructing sidewalks within the development connecting to the existing Eastern Shore Trail will possibly alleviate the "problems with drugs and thefts" experienced by Dove Run West.
- 4) Tree protection details were added to drawing 3 of 7 as required by staff, however the detail is not in compliance with Tree Ordinance 1444 and shall be revised and re-submitted for review and approval prior to land disturbance. The DBH of each tree is not indicated, though the EOR notes each tree is "mature fruit producing."
- 5) The landscape buffer around the retention pond required by Ordinance 1444 and installed in compliance with ordinance 1444 shall be installed prior to final approval submission.
- 6) The construction entrance detail on drawing 6 of 7 shall be revised and re-submitted prior to land disturbance to indicate an entrance width of 20'.
- 7) A current certificate of insurance shall be submitted for the engineer of record.

Mr. Kohler questioned fire protection and Mr. King stated the applicant is installing three fire hydrants. Mrs. Boyett noted this project is not in the City of Fairhope Permit Jurisdiction.

Mr. Shumer addressed the Commission saying none of the trees are being removed and the applicant is requesting a waiver to the street standards due to the proposed low volume of traffic. He noted there will be a community garden, picnic tables, and a big open field for play but no playground equipment due to liability. Mr. Dyas said an open field is great but a playground would be nice for younger children. Mr. Dyas noted this property is in unzoned Baldwin County and zoning has been available since 1981 but without it there is nothing to protect you from what might be next door.

Mrs. Bryant opened the public hearing.

Gloria Young of 9797 Lari-Bel Drive – She stated concerns with unpaved roads, no street lights, junk and trash accumulation, and no playground for the existing phase of this development. She requested a privacy fence be installed along the property lines.

Wayne Grover of 9807 Lari-Bel Drive – He stated concerns with trespassing and suggested a fence to protect the children.

Having no one else present to speak, Mrs. Bryant closed the public hearing.

Art Dyas made a motion to accept the staff recommendation for PRELIMINARY APPROVAL of case number SD. 21.02 Dove Run East Multiple Occupancy Project. The recommendation of approval includes the following assumptions and conditions:

ASSUMPTIONS

- 1) Subject application is an MOP and not a traditional subdivision application though a final approval process similar to that of a subdivision final “plat” approval shall be required. All utilities shall be installed to the satisfaction of the City of Fairhope Water and Sewer Superintendent, with as-built drawings, Stormwater O&M Plan and Agreement and all bonds shall be submitted with the final approval request as would be submitted with a traditional subdivision final plat application.
- 2) A copy of the recorded plat related to the replat of PPIN 234524 and 31753 shall be included in the final approval application to provide clarity of the PPINs on which Dove Run West and Dove Run East are located. Utility easements for the utilities to be dedicated to the City of Fairhope shall be clearly identified through either a recorded plat or other appropriate instrument to be referenced in the resolution of dedication.
- 3) Staff expressed concern that three turning movement conditions in close proximity along US 98 that will be created by Dove Run East. The engineer of record (EOR) provided correspondence indicating a traffic impact study (TIS) is not warranted by the proposed development’s trip generation. The addition of Dove Run east will place three (3) turning movements, each with more than 20 units each within a 550’ span along US 98. Staff requested ALDOT approval of this additional turning movement condition that adds 22 units to the existing turning movement, which includes an existing driveway with a culvert pipe in place.
 - a. Correspondence from ALDOT is included as Appendix “A.” Staff assumes this correspondence from ALDOT approves the additional traffic loading created by adding 22 units to an additional turnout.

- 4) The two greenspace areas are proposed for a total of 603,243sf and appears to satisfy the 15% greenspace required for the development. The applicant has chosen a playground and community garden for greenspace 1, and a playground and athletic field for greenspace 2 in an effort to satisfy the greenspace requirements of table 4-1. Staff believes the design may be acceptable to the Planning Commission in terms of contextual sensitivity, however no drawings were furnished by the applicant with a layout or description of the playground equipment. The applicant was instructed to provide drawings of the playground layout and cut sheets of the equipment proposed for installation. The applicant did not provide this information as instructed. See Condition of approval number 1 for Planning Commission consideration as well as Appendix "B."
- 5) Staff expressed concerns about the onsite sewage system (OSS, or septic systems) proposed for subject development which installs twenty two (22) septic systems on 9.12 acres. Article V, Section E.2.b.(2) requires lot sizes of 20,000sf where neither public water nor public sewage is available. Subject property far exceeds 20,000sf but utilizes public water, and public sewer is available at the adjacent Key Allegro development, which contains an existing Fairhope Public Utilities lift station (#66 Key Allegro). Each mobile home space is approximately 10,000sf in size, but each space is not a lot of record. The City of Fairhope Subdivision Regulations do not appear to prohibit the scenario presented by subject application. Article VI, Section H.3. Sanitary Sewerage indicates "Individual septic tank systems that have been approved by the Baldwin County Health Department and the Fairhope Public Utilities Sewer Department may be utilized. Copies of approved permits for septic systems for spaces 2-22 by the Baldwin County Health Department are included as Appendix "C". The City of Fairhope Water and Sewer Superintendent defers approval recommendation to the Baldwin County Health Department because the existing Dove Run West utilizes onsite sewage treatment. Staff memorializes here its concern that available sanitary sewer is not utilized for the project.
- 6) The proposed stormwater drainage system does not connect to a public stormwater drainage system as contemplated by Article V, Section F.5.c-d. The drainage narrative and correspondence provided by the EOR indicates the following:
 - a. Downstream adverse effects are not expected.
 - b. The drainage system complies with the 10% rule. A drawing indicated downstream flows was provided.
 - c. Two LID techniques are furnished which provide 80% TSS removal.
 - d. Post-development flows are less than or equal to pre-development flows and the drainage system is designed for 2,5,10,25,50 and 100 year storm events.
 - e. Staff memorializes the hold harmless provisions of Article VI, Section E.1-2.
- 7) Subject property lies within the Police Jurisdiction of the City of Fairhope and thus The City of Fairhope Sign Ordinance approval process shall be followed as required by Ordinance number 1537 for any signage to be installed by the development.

- 8) Subject property lies within the Police Jurisdiction of the City of Fairhope and thus The City of Fairhope Tree Ordinance approval process shall be followed as required by Ordinance number 1444 for the removal of any trees as the proposed development is not a single-family residential development.
- 9) An NPDES permit shall be obtained from ADEM prior to any land disturbing activities. A copy of the NPDES permit shall be included in the final approval application.
- 10) Fairhope Public Utilities (FPU) advises that if natural gas service is desired, gas mains shall be installed by the developer by qualified personnel.
- 11) The street within Dove Run East is not proposed for dedication to the City of Fairhope or Baldwin County and is not designed to a public standard. Waivers have been requested for both the installation of internal streetlights and internal sidewalks.
- 12) Subject property is located in unzoned Baldwin County and thus regulations governing use are not applicable and not available. Staff is in receipt of multiple complaints from nearby residents that oppose Case number 21.02, however the majority of the complaints appear to object to the use of the property as a mobile home park, or other issues related to noise, trash, abandoned vehicles, or issues that must be addressed by law enforcement or various agencies of Baldwin County. These issues are above and beyond the scope of the City of Fairhope Subdivision regulations related to MOP approval.

CONDITIONS OF APPROVAL

- 1) Acceptance of the proposed greenspace amenities based upon the applicant's description of the amenities in Appendix "B" that does not include drawings or cut sheets of the playground area or equipment
 - a. All playground equipment, fencing, picnic tables, and other accessories and equipment included within the greenspace areas shall be installed prior to submission of the final approval application.
- 2) Denial of the waiver request from Article IV, Section C.1.b.(12) "street lighting plan." **Staff does not support this waiver** request based upon the comments regarding Dove Run West submitted during the community meeting as well as by correspondence from adjoining property owners, noted in Appendix "D." Staff believes streetlighting will possibly alleviate the "problems with drugs and thefts" experienced by Dove Run West.
- 3) Denial of the waiver request from Article VI, Section D. "Sidewalks." The subdivision regulations do not distinguish between public and private streets when contemplating sidewalks and desires the installation of 5' sidewalks on both sides of the street. **Staff does not support this waiver** request based upon the comments regarding Dove Run West submitted during the community meeting as well as by correspondence from an adjoining property owner, noted in Appendix "D." Staff believes the creation of a walkable community by constructing sidewalks within the development connecting to the existing Eastern Shore Trail will possibly alleviate the "problems with drugs and thefts" experienced by Dove Run West.
- 4) Tree protection details were added to drawing 3 of 7 as required by staff, however the detail is not in compliance with Tree Ordinance 1444 and shall be revised and re-submitted for review and approval prior to land disturbance. The DBH of

each tree is not indicated, though the EOR notes each tree is “mature fruit producing.”

- 5) The landscape buffer around the retention pond required by Ordinance 1444 and installed in compliance with ordinance 1444 shall be installed prior to final approval submission.
 - 6) The construction entrance detail on drawing 6 of 7 shall be revised and re-submitted prior to land disturbance to indicate an entrance width of 20’.
 - 7) A current certificate of insurance shall be submitted for the engineer of record.
- Jimmy Conyers 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

SD 21.04 Public hearing to consider the request of Riverwood Estates, LLC for Final plat approval of River Place, a 23-lot subdivision, Chris Lieb. The property is approximately 24.2 acres and is located on the west side of County Road 33 just south of the intersection of Old Timmney Lane. Mr. King gave the staff report saying The property is located approximately ¼ mile south of County Road (CR) 32 on the west side of CR33 (AKA River Park Road). The preliminary plat was approved at the June 3, 2019 Planning Commission meeting (Case number SD 19.25). Staff recommends **APPROVAL SD 21.04 River Place final plat with the following assumptions and conditions:**

APPROVAL ASSUMPTIONS

1. The setbacks reflected on the plat (40’ front, 30’ rear, and 10’ each side) are as approved by Baldwin County or shall be reflected as-approved by Baldwin County on the plat to be recorded.
2. The roadways within subject development will not be dedicated to the City of Fairhope. This approval recommendation assumes the roadway design and drainage system design is satisfactory to Baldwin County and any revisions will be reflected on the recorded plat and/or as-built drawings. Any amendments to the as-built drawings required by County approval will be furnished to The City of Fairhope for file purposes.

CONDITIONS OF APPROVAL

1. Memorialize the follow-up activities required by staff and the applicant more fully described in the staff report.
2. The water service and fire hydrant related to lot 23 are not installed at the time of writing of this staff report. Installation of the fire hydrant and water service to the satisfaction of the City of Fairhope Water and Sewer Superintendent shall be completed prior to application of signatures to the final plat.
3. Video inspection of the drainage system shall be submitted to The City of Fairhope for file purposes. Please include the video inspection on a compact disc and submit with the City’s copy of the recorded plat.
4. The Fairhope Public Utilities GIS technician indicates only a single GIS shapefile was furnished for the watermains that did not include the required GIS supporting files. The watermain shapefile and all supporting files shall be submitted prior to signatures applied to the final plat.

Mrs. Bryant opened the public hearing.

Helen Horton of 16720 River Park Road – She stated concerns with the streetlights shining in her windows. She asked if a traffic signal will be installed at CR 33 and CR 32 and if gas will be installed in the subdivision.

Mr. King stated the development did not request improvements to CR 32 or CR 33. The gas will be up to the developer.

Having no one else present to speak, Mrs. Bryant closed the public hearing.

Jimmy Conyers made a motion to accept the staff recommendation for APPROVAL of SD 21.04 River Place final plat with the following assumptions and conditions:

APPROVAL ASSUMPTIONS

1. The setbacks reflected on the plat (40' front, 30' rear, and 10' each side) are as approved by Baldwin County or shall be reflected as-approved by Baldwin County on the plat to be recorded.
2. The roadways within subject development will not be dedicated to the City of Fairhope. This approval recommendation assumes the roadway design and drainage system design is satisfactory to Baldwin County and any revisions will be reflected on the recorded plat and/or as-built drawings. Any amendments to the as-built drawings required by County approval will be furnished to The City of Fairhope for file purposes.

CONDITIONS OF APPROVAL

1. Memorialize the follow-up activities required by staff and the applicant more fully described in the staff report.
2. The water service and fire hydrant related to lot 23 are not installed at the time of writing of this staff report. Installation of the fire hydrant and water service to the satisfaction of the City of Fairhope Water and Sewer Superintendent shall be completed prior to application of signatures to the final plat.
3. Video inspection of the drainage system shall be submitted to The City of Fairhope for file purposes. Please include the video inspection on a compact disc and submit with the City's copy of the recorded plat.
4. The Fairhope Public Utilities GIS technician indicates only a single GIS shapefile was furnished for the watermain that did not include the required GIS supporting files. The watermain shapefile and all supporting files shall be submitted prior to signatures applied to the final plat.

John Worsham 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

ZC 21.02 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for an amendment to Article III. Zoning Districts and Article V. Special Uses and Districts to establish a new zoning district in the Zoning Ordinance, Hunter Simmons. Mr. Simmons gave the staff report saying this request to create a new zoning district to be known as Highway Transitional District and to establish regulations for said district. Article V of the Fairhope Zoning Ordinance shall be amended to include the following:

I. HTD - Highway Transitional District

1. ***Intent - The special standards listed in this section for the highway transitional district are intended to:***

- *Provide an alternative to properties along state highways within the City of Fairhope that are beyond the area of influence of the Village Nodes and Commercial Nodes as contemplated by the City of Fairhope Comprehensive Plan.*
 - *Provide development opportunities consistent with the City's vision for commercial corridors to better serve community needs.*
 - *Unlike other districts within this section, the HTD is not an overlay district and does not affect any property owners, other than those who voluntarily apply for rezoning to this district.*
2. **Size** – *Lots shall be a minimum of 20,000 s.f. and under 3 acres.*
 3. **Use** – *Uses for the HTD are listed in Table 3-1: Use Table. Rezoning to HTD may be conditioned so that uses permitted on appeal require a site plan.*
 4. **Location** – *Eligible lots must have minimum of 100 feet on one side fronting the rights-of-way of U.S Highway 98, Alabama Highway 104, or Alabama Highway 181 and lie within the Corporate Jurisdiction of the City of Fairhope.*
 5. **Dimension Standards** –
 - a. *Lot frontage shall be adjacent to the highway.*
 - b. **Setbacks**
 - a. *Front Setback shall be 20'*
 - b. *Rear Setback shall be 20'*
 - c. *Side setbacks shall be 10'*
 - c. **Building Height**
 - a. *Maximum Height is 30'*
 - b. *A mixed-use building may have a height of 35' if it contains both residential and commercial space. The residential use must make up at least 33% of the total area of the building and be located on the second and/or third floor, and retail or office space must make up at least 50% of the total area of the building and be located on ground and/or second floor.*
 - d. **Parking**
 - a. *Parking shall be located behind the front building line.*
 - e. *Any freestanding single-use or tenant retail building shall not have a building footprint larger than 8,000 square feet.*
 - f. *All lands within twenty (20) feet of the boundaries of U.S. Highway 98, Alabama Highway 104, and Alabama Highway 181 within the corporate limits of the City of Fairhope are required to be reserved by owners or developers of such lands as greenspace and tree protection zones. The required greenspace may include land as required by the front setback.*
 - a. *Where no vegetation, other than grass exists, new landscaping and plantings shall be installed at time of development within the 20-foot strip that meet the requirements of the City of Fairhope Tree Ordinance and receives approval by the City Horticulturist; otherwise the land may be left in its natural state and enhanced with the addition of trees and shrubs.*
 - g. *Any future rezoning to HTD may be conditioned so that the goals and intent of the Comprehensive Plan and Article V., Section I.1. of the Zoning Ordinance are achieved.*

- h. For the purposes of Article IV, Section B.2.b. and the screening requirements of the City of Fairhope Tree Ordinance, the Highway Transitional District shall be considered commercial/business regardless of use.*

Staff recommends to approve as requested.

Mrs. Bryant opened the public hearing. Having no one present to speak, she closed the public hearing.

Mr. Simmons said this will be a voluntary request and will not affect anyone without them requesting it. He said it will provide an alternative for zoned areas along state highways. Mr. Dyas asked about RA properties or lots under 10,000 square foot. Mr. Conyers said he liked the option for down-zoning.

Mrs. Bryant opened the public hearing. Having no one present, she closed the public hearing.

Mr. Conyers said he likes the options for those who don't have enough property for a PUD.

Art Dyas made a motion to accept the staff recommendation to approve as requested.

Jimmy Conyers 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

ZC 21.03 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 regarding the percentage of commercial square footage required on the ground floor for mixed use buildings, Hunter Simmons. Mr. Simmons gave the staff report saying Staff request the passage of an amendment to the Fairhope Zoning Ordinance, Article V, Section B. CBD – Central Business District. Specifically, to require a minimum percentage of the ground floor square footage in mixed use buildings be commercial. Article V, Section B.4 of the Fairhope Zoning Ordinance shall be amended to include the following:

- f. A minimum of 50 percent of the gross floor area on the ground floor of a building in the CBD shall be dedicated to commercial uses. For the purposes of this calculation, gross floor area is defined as the total floor area contained on the ground floor within a building measured to the external face of external walls and shall include, but not be limited to, internal service areas, internal parking, internal stairwells, and internal common spaces. Retail and restaurants are encouraged on the ground floor adjacent to public streets.*

Mrs. Bryant opened the public hearing. Having no one present to speak, she closed the public hearing.

Art Dyas made a motion to accept the staff recommendation to approve as requested.

Jimmy Conyers 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

SD 21.05 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to accept Resolution 2021-01 for a proposed amendment to Article V., Section F.4.i to establish specifications for buffer signage, Buford King. Mr. King gave the staff report saying Staff request the passage of an amendment to the Fairhope Subdivision Regulations, Article V, Section F.4.i to read as follows:

i. *Stream boundaries including each buffer zone must be clearly delineated on all grading plans, subdivision plats, site plans and any other development plans.*

(1) The outside limit of the buffer must be clearly marked on-site with permanent signs placed every 100 feet prior to any land disturbing activities, or in the case of minor subdivisions, prior to approval of the minor subdivision plat.

Stream and buffer limits must also be specified on all surveys and recorded plats and noted on individual deeds. Buffer requirements must be referenced in property owner's association documents and shall be labeled on the plat.

(a) For major subdivisions, permanent wetland buffer signage shall be a minimum 1'-0" wide x 1'-6" tall 0.080" aluminum sign face, with black text over a white background reading "WETLAND BUFFER BOUNDARY" with text scaled to fit the sign face. Signpost shall be a 2" x 2" x 0.188" galvanized steel tube or galvanized u-channel.

Signpost shall be embedded in concrete a minimum of 2'-0" deep and 1'-0" in diameter with signpost centered in the concrete. Top of sign when attached to signpost shall be a minimum 6'-0" above grade.

Sign shall be attached to signpost with a minimum of two, 3/8" cadmium plated bolts with cadmium plated nuts and washers.

(b) For minor subdivisions, temporary wetland buffer signage shall be a minimum 1'-6" wide x 1'-0" tall 4mm thick plastic corrugated sign face, with black text over a white background reading "WETLAND BUFFER BOUNDARY" with text scaled to fit the sign face and applied to both sign faces. Signpost shall be 9 gauge wire 6.7" wide x 17.7" tall double "H" sign stakes installed as typical. The planning commission reserves the right to require permanent wetland buffer signage for minor subdivisions if the intensity of the development may affect wetlands during or after development.

Staff recommends to approve as requested. Mr. Dyas said it should be applicable across the board. He also noted a line of sight should be maintained between each sign so they can be seen from one to another and they should be made permanent. Mrs. Bryant said one should be on each lot. Mr. Conyers suggested the wording read "every 100' or every lot whichever is less."

John Worsham made a motion to TABLE the request.

Hollie MacKellar 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

Old/New Business

SD 20.47 Fairhope Falls West, Hunter Simmons – Public hearing to consider the request to amend the conditions of approval for Fairhope Falls West. Mr. Simmons gave the staff report to amend #3 of the conditions of approval for SD 20.47 Fairhope Falls West, a village subdivision, that was approved at the November 5, 2020 Planning Commission meeting. The approval had the following conditions:

1. The administrative replat is signed and recorded and a signed copy submitted to the Planning Department.

2. The next phase of construction is phase 4 connecting the existing development to Langford Road.
3. No subdivision applications shall be accepted until all conditions have been satisfied.

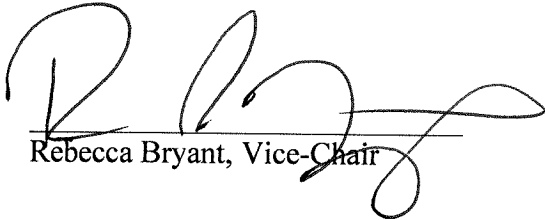
The applicant is requesting the third condition be amended to the following:
"Construction of any future phases shall not begin until the replat is recorded."

Staff recommends to approve as requested.

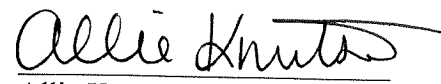
Mrs. Bryant opened the public hearing. Having no one present to speak, she closed the public hearing.

Art Dyas made a motion to accept the staff recommendation to APPROVE the request. Jimmy Conyers 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Harry Kohler, John Worsham, Hollie MacKellar, Jason Langley and Jimmy Conyers. NAY – none.

Having no further business, Jimmy Conyers made a motion to adjourn. John Worsham 2nd the motion and the meeting was adjourned at 8:11PM.



Rebecca Bryant, Vice-Chair



Allie Knutson, Secretary, on
behalf of Emily Boyett