

The Planning Commission met Monday, March 6, 2023, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairman; Rebecca Bryant, Vice-Chair; Harry Kohler; John Worsham; Hollie MacKellar; Clarice Hall-Black; Erik Cortinas, Building Official; Jack Burrell, City Council Liaison; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Development Services Manager; Michelle Melton, City Planner; Casey Potts, City Planner; Chris Williams, City Attorney; and Cindy Beaudreau, Planning Clerk

Absent: Art Dyas

Chairman Turner called the meeting to order at 5:02 PM.

Hunter Simmons, Planning and Zoning Director, introduced the new Planning Clerk.

Approval of the Minutes February 6, 2023:

Councilman Burrell made a motion to approve the minutes as presented from the February 6, 2023, meeting.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

Consideration of Agenda Items:

UR 23.03 Request of C-Spire on an 11.52.11 Utility Review and approval of the proposed installation of approximately 9896 LF of buried cable in the ROW starting near Twin Beech Rd. and continuing through the Summer Lake Subdivision.

Summary:

Hunter Simmons, Planning and Zoning Director, presented the Utility Review for the Summer Lake Subdivision, Phases 1 and 2. The locates are limited to 750' per day. The plan is to save as many of the large trees as possible and the contractor is responsible for any damage to the trees. Staff recommends approval 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.
4. An additional right-of-way permit may be required for the potholing procedures.
5. Follow-up activities below required by staff and the applicant:

6. 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.
7. Provide draft door hanger for approval at time of pre-construction.
8. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
9. 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.
10. Applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).
11. Utilities boxes shall be concentrated near existing boxes.
12. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

Motion:

John Worsham made a motion to approve the installation of buried cable in the ROW starting near Twin Beech Rd. and continuing through the Summer Lake Subdivision subject to staff conditions.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

SD 23.01 Public hearing to consider the request of the Applicant, Robert J. and Renee A. Witt, for approval of North Lot Subdivision, a 2-lot minor subdivision. The property is approximately .59 acres and is located on the northeast corner of N. Bayview St. and Blakeney Ave. PPIN #14416

Summary:

Mike Jeffries, Development Services Manager, presented the development of a 2-lot minor subdivision located on the northeast corner of N. Bayview St. and Blakeney Ave. The property is zoned R-2. The house has been removed. All the proposed lots front on a publicly maintained road and meet the lot size requirements. The property is vacant and existing drainage flow patterns are not being changed. Electric, Water, Sewer and Gas are provided by the City of Fairhope and AT&T provides the telephone. The applicant's engineer stated that installing an automatic fire sprinkler system would meet the current ISO Fire Suppression Rating, but the city requires that the fire flow meet the International Fire Code (IFC), and this does not.

No sidewalks exist along either of the roads adjacent to this subdivision. The Subdivision Regulations allow for the Planning Commission to allow a 10' sidewalk easement in lieu of installing sidewalks due to the absence of other sidewalks in proximity to the subdivision. The applicant is requesting a waiver from installing sidewalks or a sidewalk easement. Staff does not support the waiver request. The applicant is also requesting a waiver from providing the 15' required drainage and utilities easements along the property lines. Staff does not support this waiver request.

Additionally, an accessory structure exists on the easterly side of the lot. The structure is currently non-conforming. Staff recommends that the structure be removed in order to bring the lot into compliance. The structure is also inside the drainage and utility easement and should have been removed at the same time as the house was removed. Mr. Jeffries explained all the applicant's waiver requests and how the waiver standards are not applicable to this situation.

Staff recommends that the waiver requests be denied. Staff also recommends approval of the subdivision subject to the following conditions:

1. The accessory structure is removed.
2. The easements for utilities, drainage and sidewalk are added to the plat.
3. A solution to the fire flow is reached between the City and owner.

Mr. Robert J. Writt distributed his presentation packet to the Planning Commission. Mr. Writt explained that the Bluff area and the adjoining plats do not have sidewalks and the existing rights-of-way are adequately designed to accommodate future sidewalks. Mr. Writt requests that the Planning Commission waive the requirement to construct sidewalks. Mr. Writt also explained that there are utilities available along the Blakeney and N. Bayview right-of-ways that could service the two lots and requested that the Planning Commission waive the requirement for utility and drainage easements due to the utilities being able to be serviced in the right-of-ways. Mr. Writt then explained that he had a fire hydrant flow test performed which did meet the ISO Fire Suppression Rating and agreed to work with the City to ensure that the home meets the applicable laws and regulations. Mr. Writt admits that the garage is a legal non-conforming structure but requested that the garage structure remain due to it meeting the requirements of the Fairhope Zoning Ordinance.

Chairman Turner opened the public hearing at 5:22pm. Bob Comstock, 114 N. Bayview Street, spoke in support of Mr. Writt's proposal. The public hearing was closed at 5:24pm.

Chairman Turner requested an explanation on the accessory structure. Mr. Simmons explained that an accessory structure can only exist if there is a primary structure. Chris Williams, City Attorney, explained that the Planning Commission is not able to allow a waiver for the accessory structure due to it falling under the Zoning Ordinance which requires City Council approval. Mr. Jeffries explained that the utility and drainage easements are necessary for future development. Councilman Burrell and Erik Cortinas spoke in favor of the utility and drainage easements.

Mr. Simmons explained that the sidewalk easements are necessary for flexibility to avoid mature trees. Mr. Cortinas stated that the sidewalk easement is preferred to using the right-of-ways due to cables taking up a lot of the right-of-ways.

Mr. Cortinas explained the difference between ISO and IFC for fire suppression.

Motion for Sidewalk Waiver Request:

John Worsham made a motion to grant a waiver from installing the sidewalk but to require a sidewalk easement.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

ABSTAIN: Rebecca Bryant

Motion for Utility and Drainage Easement Waiver Request:

Erik Cortinas made a motion to deny a waiver from requiring a utility and drainage easements.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

ABSTAIN: Rebecca Bryant

Recommendation:

Staff recommends approval of the minor subdivision with the following conditions.

1. The accessory structure is removed.
2. Easements are granted for the sidewalk, utilities and drainage.
3. A solution to the fire flow is reached between the City and owner.

Motion:

John Worsham made a motion to recommend approval of SD 23.01 subject to staff recommendations.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

ABSTAIN: Rebecca Bryant

SD 23.07 Public hearing to consider the request of the Applicant, S.E. Civil, LLC., acting on behalf of the owner, Olde Towne Investments, LLC, for preliminary approval of Dragonfly Commons, a 7-unit multiple occupancy project. The property is approximately 1.09 acres and is located on the west side of Bishop Rd. just north of Gayfer Ave. PPIN #: 383706

Summary:

Michelle Melton, Planner, gave presentation for Dragonfly Commons located on the west side of Bishop Rd. just north of Gayfer Ave. Property is currently zoned R-4. A quadplex and triplex are proposed with 22 parking spaces. Each unit will have a single car garage along with an uncovered driveway. There are an additional 15 outside parking spaces which surpass the parking requirements. Utilities are provided by Fairhope but will be privately maintained. Two detention ponds are being created. The owner will be responsible for routine inspections and maintenance. A 20" pine tree will need to be removed which will require a tree removal permit and a sidewalk is planned along Bishop Rd. This project surpasses the greenspace requirement. Staff recommends approval of the Preliminary Plat for SD 23.07 with no conditions.

Chairman Turner opened the public hearing at 5:53pm. Having no one present to speak, the public hearing was closed at 5:53pm.

Mr. Cortinas clarified the firewall requirements for the buildings.

Motion:

John Worsham made a motion to approve Case SD 23.07.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

SD 23.08 Public hearing to consider the request of Dewberry Engineers, on behalf of the Owner, Live Oak Properties, LLC, for approval of Parker Place Subdivision, a 4-lot minor subdivision. The property is approximately 3.80 acres and is located on the Southeast corner of Parker Rd. and Main St. PPIN #: 11947

Summary:

Mike Jeffries, Development Services Manager, presented Parker Place, a 4-lot minor subdivision located on the Southeast corner of Parker Rd. and Main St. Applicant provided a tree survey which will allow the trees to be saved. Access for Lot 1 and Lot 4 is via a shared common drive easement. All lots are within 450' of a fire hydrant, front on a publicly maintained road, and meet the lot size requirements. Sidewalks exist along Main St. but will need to be installed along Parker Rd. to connect to the existing sidewalk and extend east to the end of the property line. Electric is provided by Riviera Utilities, Water is provided by Daphne Utilities, Gas and sewer are provided by Fairhope and AT&T provides the telephone.

Staff recommends approval of SD 23.08 Parker Place Subdivision with the following condition:

1. Sidewalk be installed along Parker Rd. connecting to the sidewalk on Main St.

Commissioner Burrell mentioned that a sidewalk is being installed down Parker Road. He suggested a condition that the sidewalk match the width of said sidewalk installation.

Chairman Turner opened the public hearing at 6:02pm. David Dworek, 7314 JV Cummings Drive, expressed concerns over the elevations and water run off in this area as well as the area containing a blind driveway. He believes a keyhole would provide a safer turn in/off. The public hearing was closed at 6:06pm.

Motion:

Erik Cortinas made a motion to approve Case SD 23.08 subject to the following conditions:

1. Sidewalk be installed along Parker Rd. connecting to the sidewalk on Main St. to match existing sidewalk.
2. Engineer of Record will submit a drainage plan at time of building permit for Lot 4.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

SD 23.09 Public hearing to consider the request of the City of Fairhope's Planning and Zoning Department, to accept Resolution 2023-01 for proposed amendment changes to the City of Fairhope's Subdivision Regulations.

Summary:

Hunter Simmons, Planning and Zoning Director, presented the proposed amendment changes to the City of Fairhope's Subdivision Regulations Appendix I, Certificates of Approval, amended as shown on Exhibit A. Staff recommends approval of SD 23.09.

Chairman Turner opened the public hearing at 6:21pm. Having no one to speak, the public hearing was closed at 6:21pm.

Motion:

Councilman Burrell made a motion to approve the proposed Subdivision Regulations amendment.

Hollie MacKellar seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

ZC 23.02 Public hearing to consider the request of the Applicants, Shannon Hesse and Ron Norton, acting on behalf of the owners, Margaret and James Smith, to rezone property from R-2, Medium Density Single-Family Residential District to R-1, Low Density Single-Family Residential District. The property is approximately 5.19 acres and is located east on Onyx Lane and north of Longleaf Lane. PPIN #80716

Summary:

Casey Potts, Planner, presented the proposal to rezone property located east on Onyx Lane and north of Longleaf Lane from R-2 Medium Density Single-Family Residential District to R-1 Low Density Single-Family Residential District. Staff recommends approval of ZC 23.02.

Chairman Turner opened the public hearing at 6:25pm. Amy Poulson, 809 Darrah Street, spoke on behalf of her parents who live behind the property and asked for an explanation on the difference between R-1 and R-2 zoning. Shannon Hesse explained that the public will not notice any difference with the property. Connie Sperance, 612 Turquoise Drive, expressed concerns about another road being opened and additional traffic. The public hearing was closed at 6:33pm.

Motion:

John Worsham made a motion to recommend approval to the City Council to approve the rezoning of property from R-2, Medium Density Single-Family Residential District to R-1, Low Density Single-Family Residential District.

Rebecca Bryant seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

Old/New Business:

SD 21.23 – Overland PH II – Request of the applicant, S.E. Civil, LLC., for an extension of 1 year to submit for final plat approval.

Summary:

Hunter Simmons, Planning and Zoning Director, presented the request for an extension for Overland PH II. Larry Smith, engineer of record, continued the presentation stating that they recently received the Army Corps clearance and that construction on the boardwalk can begin. Staff recommends approval of extension.

Motion:

John Worsham made a motion to grant a one-year extension for final plat approval of SD 21.23 Overland PH II.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

SD 21.03 – The Flats at East Bay – Request of the applicant, S.E. Civil, LLC., for an extension of 1 year to submit for final MOP approval.

Summary:

Hunter Simmons, Planning and Zoning Director, presented the request for an extension for final MOP approval. Applicant requests removal of 13 trees and the installation of 35 trees. Staff recommends approval of the extension.

Motion:

Hollie MacKellar made a motion to grant a one-year extension of SD 21.03 – The Flats at East Bay subject to the City Horticulturist or other City Representative reviewing and approving horticulture issues, specifically which of the 13 trees can be removed in addition to the installation of 35 trees.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

Adjournment

Harry Kohler made a motion to adjourn. Motion passed unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Clarice Hall-Black, Hollie MacKellar, Councilman Burrell, and Erik Cortinas.

NAY: None.

Adjourned at 7:05pm.



Lee Turner, Chairman



Hunter Simmons, Interim Secretary