

The Planning Commission met Monday, April 3, 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; Erik Cortinas, Building Official; Hunter Simmons, Planning and Zoning Manager; Michelle Melton, City Planner; and Cindy Beaudreau, Planning Clerk

Absent: Art Dyas, Jack Burrell

Chairman Turner called the meeting to order at 5:00 PM.

Approval of the Minutes March 6, 2023:

John Worsham made a motion to approve the minutes as presented from the March 6, 2023, meeting.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.
NAY: None.

Appointment of Planning Commission Secretary:

Erik Cortinas made a motion to appoint Cindy Beaudreau as the Planning Commission Secretary.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.
NAY: None.

Consideration of Agenda Items:

UR 23.04 Request of C-Spire on an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,013 LF of buried fiber cable in the ROW starting at Fairhope Ave. and continuing to Bankplus.

Summary:

Hunter Simmons, Planning and Zoning Director, presented the Utility Review. 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:

Erik Cortinas made a motion to approve the installation of buried cable in the ROW starting at Fairhope Ave. and continuing to Bankplus subject to staff conditions.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.
NAY: None.

UR 23.05 Request of C-Spire on an 11.52.11 Utility Review and approval of the proposed installation of approximately 1,217 LF of buried fiber cable in the ROW along Magnolia Ave., crossing N. Church St. and continuing to N. Summit St.

Summary:

Hunter Simmons, Planning and Zoning Director, presented the Utility Review. 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.

Rebecca Bryant voiced concerns about the heritage trees on Church and Magnolia.

Motion:

John Worsham made a motion to recommend approval of UR 23.05 subject to staff recommendations.

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

AYE: Lee Turner, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.

NAY: None.

SD 23.10 Public hearing to consider the request of the Applicant, Seth Moore, acting on behalf of the owners, FST and Charles B. Davison, for approval of Domes Place, a 2-lot minor subdivision. The property is approximately 1.68 acres and is located north of Morphy Ave. and east of Bishop Rd. PPIN #: 14481

Summary:

Hunter Simmons, Planning and Zoning Director, presented Domes Place, a 2-lot minor subdivision located north of Morphy Ave. and east of Bishop Rd. Property is zoned R-1. Staff recommends approval of SD 23.10 with no conditions.

Chairman Turner opened the public hearing at 5:09pm. Having no one present to speak, the public hearing was closed at 5:09pm.

Hollie MacKellar asked about the single tax having a sidewalk down Morphy Ave. Chairman Turner explained that the next phase is to connect to Bishop Rd. and then to County Road 13 on the south side but nothing on the north side.

Motion:

Rebecca Bryant made a motion to approve Case SD 23.10 with no conditions.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.

NAY: None.

SD 23.11 Public hearing to consider the request of the Applicant, Seth Moore, acting on behalf of the owners, FST and Myrick Enterprises, LLC, for approval of Myrick Place, a 3-lot minor subdivision. The property is approximately 1.26 acres and is located on the north side of Estella St. just west of N. Greeno Rd. PPIN #: 77843

Summary:

Michelle Melton, Planner, presented Myrick Place, a 3-lot minor subdivision located on the north side of Estella St. just west of N. Greeno Rd. Property is zoned B-4. Staff recommends approval of SD 23.11 Myrick Place Subdivision with no conditions.

Seth Moore spoke about the issue regarding adding sidewalks and how the sidewalks would touch the road and how there are numerous trees. Hollie MacKellar stated that the sidewalk near Gambino's is the busiest sidewalk in town and it touches the road. Hunter Simmons stated that the sidewalk could meander around the trees.

Chairman Turner opened the public hearing at 5:21pm. Having no one present to speak, the public hearing was closed at 5:21pm.

Motion:

John Worsham made a motion to approve Case SD 23.11 subject to the following condition:

1. Sidewalks to be installed along Estella St.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.
NAY: None.

SD 23.12 Public hearing to consider the request of the Applicant, S.E. Civil, LLC on behalf of the owners, FST and Washington Square, an 8-unit Multiple Occupancy Project. The property is approximately 1.74 acres and is located on the west side of Bishop Rd. just north of Morphy Ave. PPIN #: 108443

Summary:

Hunter Simmons, Planning and Zoning Director, presented Washington Square, an 8-unit Multiple Occupancy Project located on the west side of Bishop Rd. just north of Morphy Ave. Property is zoned R-5. Staff recommends approval of SD 23.12 with the following condition:

1. Certificates of Occupancy for residential shall not be obtained until the final MOP plat has been approved.

Larry Smith, S.E. Civil, LLC spoke about the sidewalks along Bishop Rd and requested not to install sidewalks within the private development. A conversation followed regarding the private drive and the ability to install a drivable surface near the existing transformer. Erik Cortinas suggested the honeycomb pavers that the City uses, as an example. The City of Fairhope will not be providing the pavers.

Chairman Turner opened the public hearing at 5:27pm. Mike Baugh, 56 Hoffren Dr., was concerned about the need for a barrier between his home and the back of the building. The public hearing was closed at 5:30pm.

Chairman Turner asked Larry Smith, S.E. Civil, LLC to address the landscape plan. Larry Smith stated that landscape plan meets the minimum requirement but does not include a visual barrier and that the greenspace will stay the same as today. Erik Cortinas asked if the landscape plan had been reviewed. Rebecca Bryant asked if the MOP had a landscape plan back then. Hunter Simmons explained that there was no MOP back then.

Motion:

Hollie MacKellar made a motion to approve Case SD 23.12 subject to staff condition.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.
NAY: None.

Hollie MacKellar wanted to revisit the sidewalk discussion to ensure that a sidewalk would be installed since it was not included in the staff recommendations. Hunter Simmons explained that this is a private road with no address, but the trash will be picked up. Erik Cortinas and Hollie MacKellar suggested that a paver or gravel sidewalk could be swung around.

George Roberds, applicant, agreed to build an ADA sidewalk on the south side of the development connected to Bishop Rd. by final plat.

Chairman Turner reopened the public hearing at 5:57pm. Having no one present to speak, the public hearing was closed at 5:58pm.

Motion:

Hollie MacKellar revised her motion to approve Case SD 23.12 subject to the following conditions:

1. The CO for residential shall not be obtained until the final MOP plat has been approved.
2. Sidewalks to be built on the south side of the development connected to Bishop Rd. by final plat.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.
NAY: None.

SD 23.14 Public hearing to consider the request of the Applicant, Jade Consulting, on behalf of the owner, Encounter Development, LLC., for preliminary plat approval of Commercial Retail Center, a 13-lot subdivision. The property is approximately 35.16 acres and is located on the Northeast corner of State Highway 181 and State Highway 104. PPIN #: 108453

Summary:

Michelle Melton, Planner, presented Encounter Development, LLC, for preliminary plat approval of Commercial Retail Center, a 13-lot subdivision located on the northeast corner of State Highway 181 and State Highway 104. The property is zoned B-2. Michelle Melton and Hunter Simmons discussed the extensive traffic study and whether the area requires a traffic signal. The City may choose to limit building permits and/or Certificates of Occupancy until the signal has been installed, or a Concurrence Letter from ALDOT has been received. Staff recommends approval of SD 23.14 with the following conditions:

1. Revised utility plans shall be approved by the City of Fairhope Water/Sewer Superintendent prior to issuance of a construction permit.
2. Revised drainage plans shall be approved by the City of Fairhope Public Works Director prior to issuance of a construction permit.
3. Provide the required buffer strip adjacent to the north property.
4. Each lot shall require a mandatory Site Plan Review. Projected trip generation shall be provided for each use with the Site Plan Review Application to be calculated cumulatively.

Hunter Simmons stated that the revised utility and drainage plans had already been received. Harry Kohler asked who would review the mandatory site plan. Hunter Simmons stated that ultimately the City Council will approve the mandatory site plan, but the Planning Commission will approve it first and make the recommendation to the City Council.

Trey Jinright, Jade Consulting, spoke on behalf of the applicant and stated that they agree with the staff conditions. Chairman Turner confirmed that the water would be going to the Pensacola Branch. Harry Kohler asked what was going on Lot 1. Trey Jinright stated that a WAWA would be on Lot 1. Rebecca Bryant asked for confirmation that all the infrastructure including the drainage would be completed with this project with the exception of additional drainage on Lot 13. Rebecca Bryant continued the drainage conversation asking if there was an outfall structure on the northeast corner. There will be. There will also be a 12' multi-use trail where golf carts could go travel on. Hunter Simmons asked Trey Jinright to speak on ingress/egress. Trey Jinright stated that they would try to limit the curb cuts by developing shared parking areas.

Chairman Turner opened the public hearing at 5:50pm. Having no one present to speak, the public hearing was closed at 5:50pm.

Motion:

Hollie MacKellar made a motion to recommend approval of SD 23.14 with staff recommendations.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.
NAY: None.

Old/New Business:

SD 21.18 – Estates at the Verandas, Phase 3 – Request of the applicant, Dewberry, for an extension of two years for preliminary plat approval.

Summary:

Hunter Simmons, Planning and Zoning Director, presented the request for an extension for Estates at the Verandas, Phase 3. Chairman Turner recommended approving a one-year extension.

Motion:

Erik Cortinas made a motion to grant a one-year extension for final plat approval of SD 21.18 Estates at the Verandas, Phase 3.

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

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.

NAY: None.

SD 23.04 – Klumpp PUD discussion

Summary:

Hunter Simmons, Planning and Zoning Director, presented staff concerns related to the constructed wetlands and a detention pond used interchangeably. It is recommended to provide an area to get the sediment out of the way. Staff has not received that type of plan yet. A maintenance plan will also be needed. Scott Hutchinson was present for the applicant.

Harvest Green amenity discussion

Summary:

Hunter Simmons, Planning and Zoning Director, brought this item to the Planning Commission based on concerns previously made regarding the timing of amenities being constructed.

Larry Smith, S.E. Civil, LLC presented a list of amenities for Harvest Green West and East and the timeline. Larry Smith requested approval to have the amenities completed within 12 months after the final plat of Phase I.

Max Dearing, Terracore, stated that they are actively installing the amenities now and reiterated that he did not want to be held up at final plat due to the amenities not being completed.

Erik Cortinas stated that permits had been issued in January 2023, for the structures in Harvest Green West and that all permits could be pulled at final plat and that the amenities could be tracked through individual permits.

John Worsham suggested that the horizontal amenities could be constructed prior to the first CO being issued. Chairman Turner recommended that the final plat includes notes stating that the plat is approved subject to the amenities being completed prior to the first house being constructed.

Terracore and S.E. Civil agreed to prioritize amenity construction.

Adjournment

Erik Cortinas made a motion to adjourn. Motion passed unanimously with the following vote:

AYE: Lee Turner, Rebecca Bryant, John Worsham, Harry Kohler, Hollie MacKellar, and Erik Cortinas.

NAY: None.

Adjourned at 6:29pm.



Lee Turner, Chairman



Cindy Beaudreau, Secretary