

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

Present: Lee Turner, Chairman; Clarice Hall-Black; Harry Kohler; Hollie MacKellar; Erik Cortinas, Building Official; Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Development Services Manager; Michelle Melton, City Planner; Chris Williams, City Attorney; and Cindy Beaudreau, Planning Clerk.

Absent: Jack Burrell, John Worsham, Rebecca Bryant

Chairman Turner called the meeting to order at 5:01 PM.

Approval of the Minutes June 5, 2023:

Hunter Simmons, Planning and Zoning Director, stated that a correction had been made to the minutes. On page 7, for SD 23.19, Belle Vie, the minutes stated that Staff recommends denial of preliminary and final approval of Belle Vie MOP SD 23.19, based on the following conditions. Mr. Simmons stated that the list was not conditions, it was reasons for denial. That has been changed.

Erik Cortinas made a motion to approve the minutes from the June 5, 2023, meeting as amended.

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

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

NAY: None.

Old/New Business:

- **SD 21.37** The Reserve at Fairhope – Request of the Applicant, Jade Consulting LLC, for an extension of one year for preliminary plat approval.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request for a one-year extension for preliminary plat approval of The Reserve at Fairhope. The project is located on Volanta and Greeno Road. It is fully underway, and staff supports this request.

Trey Jinright, Jade Consulting, LLC, stated that he expects to bring the final approval to the Planning Commission in the next month or two.

Motion:

Eric Cortinas made a motion to approval of SD 21.37, a one-year extension for preliminary plat approval of The Reserve at Fairhope.

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

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

NAY: None.

- **SD 23.11** Myrick Place – To discuss installation of sidewalks.

Summary: Hunter Simmons, Planning and Zoning Director, stated that there is not a plan for the sidewalks yet reminding the Planning Commission that this project is on Estella where the sidewalks were discussed to be placed on the other side of the road as a City project. This project is a request for simultaneous preliminary and final approval of a minor subdivision. Mr. Simmons is requesting an extension from the City's perspective to grant time to work on the sidewalk plan and instead of the typical 120 days, Mr. Simmons is requesting 180 days.

Chairman Turner asked Chris Williams, City Attorney, if the Applicant needed to request this extension. Mr. Williams stated that it is ok for staff to request the extension after consulting with the Applicant but stated that the question may be whether the request is for six months or an additional six months. Mr. Simmons stated that Seth Moore has been working with staff and that the project is still within the time frame.

Erik Cortinas asked whether this extension would be six months from the June 2023 meeting. Mr. Simmons stated that the request would be 120 days plus six months.

Motion:

Erik Cortinas made a motion to approve the extension for final plat by 180 days for SD 23.11, Myrick Place.

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

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

NAY: None.

- **SD 23.17** Laurelbrooke - Final plat discussion

Summary: Mike Jeffries, Development Services Manager, presented Laurelbrooke, a subdivision off Highway 181 north of County Road 24. Mr. Jeffries showed the aerial of the project stating that the site is not completely stabilized, and the Developer requested that the project be moved to old/new business to discuss the few items that staff has concerns over. Mr. Jeffries showed an aerial from the afternoon of the meeting showing the walking path to the north of the property which is part of Phase II. Staff is concerned with the western portion of the property; Phase I. Mr. Jeffries spoke about the walking trail around the pond. Showing the difference between the two aerials, some of the walking path is no longer there as of the afternoon of the meeting. Mr. Jeffries listed the areas that have been installed so far on the project. One of the common areas that was originally proposed to be undisturbed, was cleared. The Developer proposed adding an additional 4 Crape Myrtles and 128 Loblolly Pine trees for that area. A picture taken this afternoon shows the additional trees installed. Another concern is the detention pond which does not show any additional landscaping. The sod has been washed out from that area. The fire pit area shows areas where the walking trail has been washed out. There are additional trails connecting the pier to the tree house which have also been washed out. The mulch was placed on top of the ground with no channel or edging to help hold the mulch in place. Mr. Jeffries showed a picture of the 10" Live Oak mitigation of removal of the 75" Live Oak with the decking around it, though the slide is missing. Mr. Jeffries discussed the Maintenance Summary that was received from the Landscape Architect,

which states the maintenance required for a Mulch Trail System. Mr. Jeffries continued discussing the common areas and the need for those areas to be sodded and shared an aerial stating that staff is not as concerned with sodding the areas where the lots are located. Mr. Jeffries stated that staff's main concern is the center area of the project that was to be left undisturbed and how to keep that area from washing out. Representatives from D.R. Horton and Dewberry are present for guidance from the Planning Commission on moving forward.

Jason Estes, Dewberry, stated that the contractor was responsible for clearing out the area that should have been undisturbed. Mr. Estes believes that the pines that were planted will make a difference as they grow and that adding seeds should help stabilize the area until construction begins. He believes the area around the pond needs to be put back together but does not believe that sod will hold it. They are looking for another remedy to stabilize that area.

Patrick Resmondo, D.R. Horton, stated that they are looking at geosynthetic reinforcement mats with a spray on seed for the slope of the pond. Mr. Resmondo is working with a landscaper to border all the walking trails with sod, extending the sod up from the pond to the wooded areas to get more sod coverage in the areas where staff has concerns. Mr. Resmondo stated that they are just as concerned about those areas as staff is. Mr. Resmondo reached out to the landscape architect asking how to reforest the area and the Loblolly Pines were recommended. Mr. Simmons asked if there had been an evaluation of the 25 oak trees stating that some of them are lying down and asked the Planning Commission for their recommendations.

Chairman Turner suggested more native plants, like Swamp Hibiscus or Butterfly Weeds to mix in with the pines. Mr. Simmons stated that staff expects the areas to be stabilized prior to approval and seed takes time. Mr. Resmondo stated that he will ask his landscaper about this and stated the common areas will be sodded and the trails will be remulched. Hollie MacKellar asked for confirmation that there will be no border, that the grass will border the mulch. Mr. Resmondo stated yes that the trails are meant to become natural mowable trails. Mr. Jeffries stated that the maintenance plan shows the area needs to be weeded. Ms. MacKellar stated that she believes there needs to be an edge added to keep the grass from growing in the trails and that mulch gets washed away easier than pine straw. Ms. MacKellar also listed a couple of areas to look at for examples. Mr. Resmondo stated that the landscape plan became necessary when issues were found with the original trail design. He continued stating that the original design was for it not to look like a trail, just a designated walking path and the only area that would be contained was where the exercise equipment was. Ms. MacKellar suggested having grass everywhere and just mowing a trail into a walking path. Mr. Resmondo stated that when the mulch stays in the path, it looks very good and he has a 90-day plan where the path gets herbicided to keep the grass from growing into the path. Ms. MacKellar would like to see the original approved plan. Mr. Jeffries stated that there have been a few different attempts to make the walking path, but none match what was originally approved. Mr. Jeffries reminded the Applicant that staff would need a revised landscape plan to approve.

Planning Commission took a brief recess to allow Rebecca Bryant to attend for a quorum.

Erik Cortinas left meeting. Rebecca Bryant joined the meeting

Consideration of Agenda Items:

UR 23.08 Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,078 LF of coaxial cable in the City ROW in the Tracery subdivision.

Summary: Hunter Simmons, Planning and Zoning Director, explained that Mediacom is installing coaxial cable which is not able to be buried. Staff asked Mediacom if they could use fiber optic so that the cable could be buried. Mediacom replied that it was too expensive. Mr. Simmons shared a slide showing the pedestals that would be installed above ground for the coaxial cable.

Rebecca Bryant stated that she is not crazy about the big plastic green boxes littering the downtown. Chairman Turner agreed and stated if there was the option to go underground, they should.

Mr. Simmons stated that since Mediacom is not present at the meeting, UR 23.08 will be withheld until the August meeting.

UR 23.09 Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,601 LF of buried fiber cable in the City ROW in the River Mill subdivision.

Summary: Hunter Simmons, Planning and Zoning Director, stated that although this is a request from Mediacom, they are using buried fiber cable. Staff recommends approval with 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:

Clarice Hall-Black made a motion to recommend approval of UR 23.09, subject to staff recommendations.

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

AYE: Lee Turner, Clarice Hall-Black, Rebecca Bryant, Harry Kohler and Hollie MacKellar.

NAY: None.

UR 23.10 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 5,582 LF of buried fiber optic cable and 1.5" HDPE conduit in the City ROW and easements in the Live Oaks Estates Subdivision.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of AT&T for a utility review and approval of the proposed installation of approximately 15,391 LF of 1.5" conduit in the City ROW in the Live Oaks Estates Subdivision. Mr. Simmons showed an aerial of the proposed installation with the standard conditions. 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:

Hollie MacKellar made a motion to recommend approval of UR 23.10, subject to staff recommendations.

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

AYE: Lee Turner, Clarice Hall-Black, Rebecca Bryant, Harry Kohler and Hollie MacKellar.
NAY: None.

UR 23.11 Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,369 LF of buried coaxial cable in the City ROW in the Riverhorse Subdivision.

Summary: Hunter Simmons, Planning and Zoning Director, stated that UR 23.11 is being withheld until the August meeting.

UR 23.12 Request of Mediacom for an 11.52.11 Utility Review and approval of the proposed installation of approximately 4,495 LF of buried coaxial cable in the City ROW in the Trentino Subdivision.

Summary: Hunter Simmons, Planning and Zoning Director, stated that UR 23.12 is being withheld until the August meeting.

SD 23.18 Public hearing to consider the request of the Applicant, Dewberry Engineers, Inc., acting on behalf of the Owner, FST and Dilworth Development, Inc., for Final Plat approval of Longbranch. The property is approximately 18.71 acres and is located on the north side of Twin Beech Rd., between County Road 13 and Thompson Hall Rd. **PPIN #77788**

Summary: Hunter Simmons, Planning and Zoning Director, presented the request for Longbranch final plat. Staff checked the project prior to the meeting and some of the mulch has washed away on the nature trail. Staff recommends approval with the following conditions:

1. Copy of recorded plat. Final plat must be recorded within 120 days after the date of final approval.
2. Copy of the recorded O&M Agreement.
3. Maintenance and Guaranty Agreement executed by the developer – the mayor signs this agreement to fully execute it.
 - o Remember to include the instrument # from the recorded plat.
 - o Please include 30 days in paragraph 3.
4. An Aerators invoice was submitted and will be installed. After final plat it will be connected once Baldwin EMC provides power.
5. The repairs for the nature trails will be replaced pursuant to the landscape architect.

Mr. Simmons shared a slide showing where several trees were removed with permission from the City's Arborist. Mr. Jeffries stated that the lots had been graded by this time which meant that the trees needed to be removed now rather than when homes were permitted. Mr. Jeffries addressed the e-mails that were received from the public.

Chairman Turner opened the public hearing at 5:45pm, having no one present to speak, the public hearing was closed at 5:45pm.

Motion:

Harry Kohler made a motion to recommend approval of SD 23.18, subject to staff recommendations and adding the repairs to the nature trails.

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

AYE: Lee Turner, Clarice Hall-Black, Rebecca Bryant, Harry Kohler and Hollie MacKellar.

NAY: None.

SD 23.22 Public hearing to consider the request of the Applicant, Lieb Engineering Company, acting on behalf of the Owner, Venner LLC, for Venner LLC, a Multiple Occupancy Project. The property is approximately .60 acres and is located west of S. Greeno Road and south of Spring Run Drive. **PPIN #91211**

Summary: Mike Jeffries, Development Services Manager, stated that this property was conditionally annexed in November 2022 and is zoned B-2. The proposed plan is two 1,732sf buildings with two units each. There are 18 spaces provided, which meets the ordinance requirements. An uncovered courtyard is between the buildings. The proposed use is "Clinic Use." BOA approval is necessary for "clinic use" in B-2 zoning. Mr. Jeffries showed the zoning and aerial of the vacant property. There is a verbal commitment from the owners to the north allowing ingress and egress and utility easement from the existing parking lot. The final recorded document will need to reflect that. The owner and Engineer are present. Mr. Simmons stated Mr. Cortinas and the applicant have been working on fire hydrant placement.

Noah Byrd, Lieb Engineering, stated that they are proposing the fire hydrant be placed along Spring Run Drive. Mr. Simmons stated that there is a fire code has the distance from the building and the Subdivision Regulations states the distance from the lot. Some clarification needs to be made, but that does not affect the approval of the project.

Chairman Turner asked if the fire hydrant needs to be a condition. Mr. Simmons replied no, they have agreed to install the fire hydrant. Mr. Jeffries stated that the fire hydrant would have to be installed to build the buildings.

Chairman Turner asked if access to the land needs to be a condition. Mr. Simmons replied no, staff is in possession of the easement documentation from the neighboring property. Lieb Engineering also stated that the neighboring property is 50% owners of the project property and requested a clarification from staff on what is considered clinic use. Was occupational therapy considered clinic use? Chairman Turner stated that he would consider that clinic use. Mr. Jeffries replied that if there are patients walking in and out, what the schedule was and how the business was set up, would all decide whether it would be a clinic use or an office use. Mr. Jeffries explained the next steps for Lieb Engineering following approval.

Ms. Bryant asked if the parking requirements were the same for a clinic as a business. Mr. Simmons replied that Venner LLC had enough parking for either.

Chairman Turner opened the public hearing at 5:54pm, having no one present to speak, the public hearing was closed at 5:54pm.

Motion:

Holly MacKellar made a motion to table SD 23.22.

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

AYE: Lee Turner, Clarice Hall-Black, Rebecca Bryant, Harry Kohler, and Hollie MacKellar.

NAY: None.

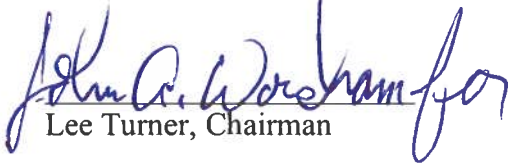
Adjournment

Harry Kohler made a motion to adjourn.

AYE: Lee Turner, Clarice Hall-Black, Rebecca Bryant, Harry Kohler and Hollie MacKellar.

NAY: None.

Adjourned at 5:55pm.


Lee Turner, Chairman


Cindy Beaudreau, Secretary