

The Planning Commission met Monday, May 2, 2011 at 5:00 PM at the City Administration Building, 161 N. Section Street in the Council Chambers.

Present: Jean Wilson, Chairperson; Dick Charles, Vice-Chair; Bob Clark; Tim Kant; Lee Turner; Jennifer Fidler; George Roberds and Rick Kingrea. Jonathan Smith, Planning and Building Director; Nancy Milford, Planner; Emily Boyett, Secretary
Absent: Gary Moore

Chairperson Jean Wilson called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the April 4, 2011 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Rick Kingrea. Motion carried with one abstention by Lee Turner. The minutes of the April 4, 2011 Public Input meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Jennifer Fidler. Motion carried with one abstention by Lee Turner.

SD 11.03 Request of HMR, LLC for Final Plat approval of Magnolia Commons, Chris Baker. The property is located on the east side of County Road 13 between County Road 48 (Fairhope Avenue) and County Road 30 (Gayfer Road Extension). Nancy Milford gave the staff report saying the property is in the City of Fairhope and zoned R-1 and there are 52 lots proposed. The subdivision was originally approved as a Village Subdivision on May 1, 2006 and the property was annexed as R-1 zoning in October 2006. The Planning Commission granted Preliminary Plat approval on October 23, 2006 and Final Plat approval on August 6, 2007. The infrastructure was constructed; however, the Final Plat was never recorded and the punch list items were not completed. Staff recommendation is to approve contingent upon the following eight conditions: 1) All final inspection items shall be completed or bonded prior to the issuance of any building permits. All bonds and bond agreements shall be submitted. The applicant shall submit signed and sealed cost estimates with the bonds and bond agreements. All financial guaranties (performance and maintenance bonds and agreements) shall meet the approval of the City of Fairhope legal representative. Legal Counsel approval of these bonds shall be obtained prior to the issuance of any building permits; 2) All applicable outside agency permits shall be obtained; 3) A note shall be labeled on the plat stating that the alleys are private and not the responsibility of the City of Fairhope; 4) Wetland buffer signage shall be installed along the wetland areas taking into consideration the maximum distance possible along the delineated wetland, prior to the issuance of any building permits; 5) The applicant shall submit a storm water video prior to the acceptance of the infrastructure by the City of Fairhope City Council. The results of the video and any necessary repairs shall be approved by City Staff prior to acceptance of the infrastructure by the City Council; 6) The submittal of an Operations and Maintenance Plan that meets the City of Fairhope Operations and Maintenance requirements; 7) The applicant should submit a letter, signed and sealed by the engineer of record, addressing adjacent property owner storm water concerns; 8) The submittal of a Final Plat addressing staff concerns and including the appropriated signature blocks. Chris Baker of HMR, LLC addressed the Commission saying this subdivision has been approved by the Commission multiple times but was never recorded. The previous owners could not

secure the bond for the City Council to accept the infrastructure. The property has been foreclosed on and D. R. Horton is in the process of purchasing it from Compass Bank. D. R. Horton has submitted all of the bonds and is asking for Final Plat approval so they can move forward with the project. Mrs. Wilson opened the public hearing, having no one present to speak, she closed the public hearing. Mr. Charles asked if the storm water videos were to have a record of what corrective actions are needed and Mr. Smith stated they are used to see any deficiencies in the existing storm water infrastructure. Mr. Smith said it will be used to generate a punch list. Mr. Charles asked for clarification of the 10% rule. Mr. Smith said he is not an engineer but it has to do with the upstream and downstream effects. Mrs. Wilson asked Scott Hutchinson if he would explain it. Mr. Hutchinson said the 10% rule looks at a site and the total drainage area that site is part of and if the site constitutes 10% or more of the drainage for the entire area, then downstream structures are looked at to see if the site is causing drainage issues and if improvements need to be made. Mr. Kant asked what the time period is on the bonds. Ms. Milford responded that the Maintenance Bond is for two years once the City accepts the subdivision. Theodore Gail, property owner to north and south, stated prior to the subdivision, the water ran through the subject property to his property to the south and on to Fairhope Avenue. He said now the water is impounded on his property to the north and he has spoken with Ms. Milford, Mr. Baker and Mr. Ferrari and has been told that this issue will be rectified. He wanted it noted that this is a serious issue and concern and wants it to be addressed if there problems in the future. Jack Powell of 20950 County Road 13 asked if there are any proposed changes to the existing greenspace and Mrs. Wilson responded no, it will remain the same. Mr. Powell asked if the mound of dirt will go away and Mr. Smith answered no, it is a berm that was required to screen the lots from County Road 13 and prevent double frontage lots. Mr. Powell said the City made him plant trees on his site and he recommends they add trees to this site because he has customers complain about the way it looks and he also wants it on record that something needs to be done with the water coming on his property. Mrs. Fidler said she remembered trees being on the plans but Ms. Milford said there are no trees on the berm. Mr. Baker stated there is a big berm on the property and previously it has not been taken care of; however, D. R. Horton has invested a lot of money in the project to bring it up to code and in order to sell homes in the subdivision it would be in their best interest to make the entrance attractive. Mrs. Fidler asked what was going to be done regarding the water issues that were mentioned by the adjacent property owners. Ms. Milford stated the City has received a letter from the engineer and there are three things that can be done to clean out the ditch on the north side of the property to address the runoff issues. Mr. Charles asked why an easement is needed through the wetlands on the northeast corner of the property. Mr. Smith stated staff has some concerns with the easement in the wetlands but the City's Wetland Ordinance does allow pavement in a wetland buffer area and it is to access the two lots in the northeast corner of the property. Mr. Baker stated that is not included in this phase of the subdivision and will not be eligible for building permits. Mr. Turner stated he did not see anything relating to cleaning the ditch along the north property line in the conditions. Ms. Milford responded it would be included in the Final Inspection. Lee Turner moved to accept the staff recommendation to approve the Final Plat contingent upon the following eight conditions: 1) All final inspection items shall be completed or bonded prior to the issuance of any building permits. All bonds and bond

agreements shall be submitted. The applicant shall submit signed and sealed cost estimates with the bonds and bond agreements. All financial guaranties (performance and maintenance bonds and agreements) shall meet the approval of the City of Fairhope legal representative. Legal Counsel approval of these bonds shall be obtained prior to the issuance of any building permits; 2) All applicable outside agency permits shall be obtained; 3) A note shall be labeled on the plat stating that the alleys are private and not the responsibility of the City of Fairhope; 4) Wetland buffer signage shall be installed along the wetland areas taking into consideration the maximum distance possible along the delineated wetland, prior to the issuance of any building permits; 5) The applicant shall submit a storm water video prior to the acceptance of the infrastructure by the City of Fairhope City Council. The results of the video and any necessary repairs shall be approved by City Staff prior to acceptance of the infrastructure by the City Council; 6) The submittal of an Operations and Maintenance Plan that meets the City of Fairhope Operations and Maintenance requirements; 7) The applicant should submit a letter, signed and sealed by the engineer of record, addressing adjacent property owner storm water concerns; 8) The submittal of a Final Plat addressing staff concerns and including the appropriated signature blocks. Tim Kant 2nd the motion and the motion carried unanimously.

SR 11.01 Request of Patrick McDonald for Site Plan approval for Founders Square, Phase IV, Mike Bernhardt. The property is located on the west side of Section Street, just north of Morphy Avenue. Nancy Milford gave the staff report saying the property is zoned B-2 General Business District and is located in the Central Business District. The applicant is requesting approval for a mixed use building with commercial use and four residential units. The total lot area is approximately 11,250 sf., proposed lot coverage is 25%. The proposed building size is 16,000 sf. with approximately 3,500 sf. on the first floor and 6,300 sf. on the second and third floors. There are 23 proposed parking spaces. Staff recommendation is to approve contingent upon the following two conditions: 1) All of the Electrical Superintendents' comments shall be addressed at the time of building permit review if site plan is approved; 2) The required eight foot sidewalk will be shown on all future building permit submittals and shall be built in front of the proposed development along Section Street. Mike Bernhardt, applicant's representative, addressed the Commission saying they are proposing a hotel and library and will be a continuation of the building that is going to be built on the Founders Square site. Mrs. Fidler asked what will be done with the existing house on the site and Mr. Bernhardt responded they would love to use any of the lumber that is in it if possible or they will give it to anyone that is willing to move it. Mr. Clark asked about parking and Mr. Smith stated there are four proposed residential units proposed which only require four parking spaces; however, the applicant is proposing 23 parking spaces which are over and above what the Zoning Ordinance requires. Mrs. Wilson opened the public hearing, having no one present to speak, she closed the public hearing. Mrs. Fidler asked if there would be a designated drop-off area for the hotel and Mr. Bernhardt stated he would like to have one spot designated for 15 minutes parking only or for loading and unloading zone. He said the area in the front could be marked as such or the parking space against the building could be a 15 minute zone. Mr. Smith stated that staff would encourage an off-street loading and unloading area if this does become a hotel. Mr. Charles asked if the existing

house could be donated to Sister Julie with Eastern Shore Affordable Housing. Mr. Bernhardt said he is not sure of the structure so he does not know if it could be moved. Mrs. Fidler asked how many rooms a hotel would have and Mr. Bernhardt stated 15 to 18 but at the maximum 20. Mr. Bernhardt stated he would comply with the City's ordinances as they are written today and does not want to ask any favors and will do what is required. Lee Turner moved to accept the staff recommendation to approve contingent upon the following two conditions: 1) All of the Electrical Superintendents' comments shall be addressed at the time of building permit review if site plan is approved; 2) The required eight foot sidewalk will be shown on all future building permit submittals and shall be built in front of the proposed development along Section Street. Dick Charles 2nd the motion and the motion carried unanimously.

UR 11.02 Request of Southern Light for 11.52.11 Utility Review and Approval of the proposed installation of approximately 1,553 linear feet of fiber optic cable, Jennifer Johnson. The project will run along the south side of Morphy Avenue from South Section Street to Bancroft Avenue, then along the east side of Bancroft Avenue, north to an alley and along the south side of the alley to the Wilkins, Miller, Hieronymus Building at 35 South Section Street. Nancy Milford gave the staff report saying Southern Light plans to install approximately 1,331 linear feet of aerial fiber optic cable and 220 linear feet of underground fiber optic cable. Staff recommendation is to approve conditional upon the following: 1) The applicant shall comply with the minimum requirements as stated by the City of Fairhope Building Official, Code Enforcement officer, Electrical Superintendent, and Water & Sewer Superintendent as stated in the staff report. Andru Bramblett of Southern Light was present to answer any questions. Tim Kant moved to accept the staff recommendation to approve conditional upon the following: 1) The applicant shall comply with the minimum requirements as stated by the City of Fairhope Building Official, Code Enforcement officer, Electrical Superintendent, and Water & Sewer Superintendent as stated in the staff report. Jennifer Fidler 2nd the motion and the motion carried unanimously.

Old/New Business

Medical Overlay District – Mr. Smith stated staff will be scheduling a meeting with the Medical Overlay District Committee and the property owners within 300' of the proposed district within the next month. Mr. Clark requested that he be notified of the meeting. Mr. Smith said all of the Commissioners will be notified as well as the Council members.

Lee Turner recognized Cody Sharron of Troup 47 that was present getting his Communications Badge.

Having no further business, Dick Charles moved to adjourn and was 2nd by Jennifer Fidler. Motion passed unanimously and the meeting was duly adjourned at 5:36 pm.

Jean Wilson, Chairperson

Emily Boyett, Secretary