

The Planning Commission met Monday, June 2, 2014 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; George Roberds, Vice-Chair; Bob Clark; Jennifer Fidler; Tim Kant; Dick Charles; Bernie Fogarty; Councilmember Diana Brewer; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary  
Absent: None

Chairman Lee Turner called the meeting to order at 5:02 PM and announced the meeting is being recorded. The minutes of the May 5, 2014 meeting were considered and Bernie Fogarty moved to accept the minutes as written and was 2<sup>nd</sup> by Dick Charles. Motion carried with two abstentions by Mayor Kant and Jennifer Fidler.

**ZC 14.06 Public hearing to consider the request of Jade Consulting, LLC to rezone Point Place Subdivision from R-1 Low Density Single Family Residential District to PUD(Planned Unit Development), Trey Jinright.** The property is located on the north side of County Road 44 (a.k.a. Twin Beech Road) just west of Battles Road. Mr. Smith gave the staff report saying the applicant is proposing 14 lots on approximately 4.84 acres. The applicant is proposing to incorporate LID techniques in the development including bio-retention ponds and a pervious street. The applicant is proposing the street to be public which will require the City to accept maintenance. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall firm their commitment regarding the type of street being proposed and shall work with the Public Works Director to determine if the type of street is adequate. The Public Works Director shall approval any proposal regarding the streets.
2. The right-of-way shall be private and it shall be noted that the City of Fairhope is not responsible for the maintenance of the street or bio-retention pond.
3. Staff recommends no less than a 20 foot rear setback on all lots and all lots shall show setbacks. Under no circumstance shall a setback line be less than a utility easement line.
4. The PUD plan shall meet all required City of Fairhope regulations and approval of the Utility Superintendents and Building Official.
5. The details of the accessory structures shall be worked out in terms of setbacks and the location of utility and drainage easements. The applicant shall provide accessory structure setbacks that do not overlap drainage and utility easements.
6. The maximum allowable lot coverage of 50% shall include the accessory structures.
7. Any and all buffers shall be labeled clearly on the PUD plan.
8. Fences shall not impede the flow of drainage throughout the site.
9. Proposed lighting shall meet the requirements of the City of Fairhope. Lighting shall not spill onto adjacent properties.
10. The square footage of each lot shall be shown on the PUD plan.
11. Building height shall be measured as per the City of Fairhope Zoning Ordinance. The applicant shall remove the "FFG" designation from the building height.
12. The utility superintendents have indicated that utilities may need to be relocated and the plan may not be achievable if some of the utility details are not worked

out in advance. The location of the utilities and the details for the swales all need to be confirmed and meet the approval of the City of Fairhope Utilities Superintendent and the Building Official prior to the City Council approving the PUD.

Trey Jinright addressed the Commission saying the developer wants to use alternative storm water management for this development but he did not want to design it at this point without an approval for the development. He stated they want the street to be public and maintained by the City.

Pat Achee, the applicant, addressed the Commission saying they are proposing a 10' side and rear setback for the accessory structure and they are fine with a 25' setback for the principal structure. He stated LID is a new process for him but he is willing to do it. He said the street will be pervious and he is requesting it to be public unless the Commission will allow it to be gated.

Mr. Turner opened the public hearing.

James Morgan of 18459 Point Clear Court said the detention pond for his subdivision is behind his house and wanted to know where the water will go if this property is developed. He stated after the recent rains the property drained for two weeks through Point Clear Court.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mayor Kant stated he would like to keep the street public. He explained the City would be encouraging the use of LID techniques and will help by taking it over. Mrs. Brewer asked what is proposed for the area in the back and Mr. Jinright responded it is an area that can be used for conventional drainage if it is needed. Mrs. Fidler asked about the street construction and maintenance. Mr. Jinright stated they are looking at pervious asphalt and said the maintenance would require a vacuum truck. He suggested looking at the Publix parking lot and their pervious pavement. Mrs. Fidler questioned the feasibility of maintaining the swales and bio-retention areas. Mayor Kant stated it is the best way to encourage the use of LID and all of the maintenance agreements would have to be in place and clearly outline what would be required before the City would approve it. Mr. Jinright asked the City to consider accepting the maintenance of the bio-retention and allow him to do further design. He stated this is the first of its kind and he knows the City will have to weigh the options. Dick Charles made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall firm their commitment regarding the type of street being proposed and shall work with the Public Works Director to determine if the type of street is adequate. The Public Works Director shall approval any proposal regarding the streets.
2. The right-of-way shall be public and accepted by the City of Fairhope and City staff shall determine the acceptance of maintenance of the bio-retention pond at a later date.
3. Rear setback for principal structures shall be 25' and 10' for accessory structures. Under no circumstance shall a setback line be less than a utility easement line.
4. The PUD plan shall meet all required City of Fairhope regulations and approval of the Utility Superintendents and Building Official.
5. The maximum allowable lot coverage of 50% shall include the accessory structures.
6. Any and all buffers shall be labeled clearly on the PUD plan.
7. Fences shall not impede the flow of drainage throughout the site.

8. Proposed lighting shall meet the requirements of the City of Fairhope. Lighting shall not spill onto adjacent properties.
9. The square footage of each lot shall be shown on the PUD plan.
10. Building height shall be 35' for principal structures and 30' for accessory structures and shall be measured as per the City of Fairhope Zoning Ordinance. The applicant shall remove the "FFG" designation from the building height note on the plat.
11. The utility superintendents have indicated that utilities may need to be relocated and the plan may not be achievable if some of the utility details are not worked out in advance. The location of the utilities and the details for the swales all need to be confirmed and meet the approval of the City of Fairhope Utilities Superintendent and the Building Official prior to the City Council approving the PUD.

Bob Clark 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 14.05 Public hearing to consider the request of Preble-Rish, LLC for Final plat approval of the Villas at Point Clear, a 25-lot subdivision, Steve Pumphrey.** The property is located on the south side of Battles Road just west of the intersection of Section Street and Battles Road. Mr. Smith gave the staff report saying the property is approximately 10.63 acres and 25 lots are proposed. He stated the infrastructure has already been installed except for the sidewalks and some of the landscaping. Mr. Smith stated the applicant has requested the case be held over until next month. He explained staff would like to go ahead and hold the public hearing tonight so if someone came to speak they would be allowed, but staff recommends holding the final decision over until next month to allow the applicant to complete construction. Mayor Kant asked if the 30 day rule would be a problem and Mr. Smith stated it would not be since the applicant has requested the application be held over. Mr. Pumphrey addressed the Commission saying he was the one to request the case be held over until the July meeting so the construction can be completed. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Bernie Fogarty made a motion to postpone the case until the next meeting. Dick Charles 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 14.06 Public hearing to consider the request of Hutchinson, Moore, & Rauch, LLC for Final plat approval of Watershed South, a 10-lot subdivision, Scott Hutchinson.** The property is located on the west side of Battles Road (a.k.a. County Road 34) just south of County Road 44. Mr. Smith gave the staff report saying the property is zoned TR Tourist Resort District and is approximately 4.38 acres with 10 lots proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall submit a subdivision bond agreement and financial guarantee for street trees and sidewalks.
2. A fully executed maintenance bond agreement and maintenance bond shall be submitted.
3. A copy of the Covenants and Restrictions shall be submitted to the City of Fairhope Planning Department.
4. The submitted landscape plan shall meet the approval of the City of Fairhope Horticulturist.
5. The Operations and Maintenance Plan shall be recorded.

6. A satisfactory final inspection shall be required and any final inspection punch list items shall be completed prior to signing the plat.

Scott Hutchinson was present to answer any questions. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Mrs. Fidler stated she has looked at the landscaping and it looks good. Dick Charles made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall submit a subdivision bond agreement and financial guarantee for street trees and sidewalks.
2. A fully executed maintenance bond agreement and maintenance bond shall be submitted.
3. A copy of the Covenants and Restrictions shall be submitted to the City of Fairhope Planning Department.
4. The submitted landscape plan shall meet the approval of the City of Fairhope Horticulturist.
5. The Operations and Maintenance Plan shall be recorded.
6. A satisfactory final inspection shall be required and any final inspection punch list items shall be completed prior to signing the plat.

Jennifer Fidler 2<sup>nd</sup> the motion and the motion carried unanimously.

**SD 14.07 Public hearing to consider the request of Moore Engineering for Preliminary and Final plat approval of Richards Homestead, a 2-lot minor subdivision, David Richards.**

The property is located on the southeast corner of the intersection of Third Street and Summer Lane. Mr. Smith gave the staff report saying the property is zoned R-2 Medium Density Single Family Residential District and is approximately 0.56 acres with 2 lots proposed. He stated there is an existing house on the lot and its garage is over the proposed lot line but the applicant has stated the garage will be removed. Mr. Smith stated staff will not sign the plat until the garage and driveway have been removed and it must be done within 60 days of the approval, if granted. Staff recommendation is to approve contingent upon the following conditions:

1. The City of Fairhope approval certificate shall reflect the City of Fairhope Planning Commission, not the Planning Director.
2. A flow model meeting the approval of the Water and Sewer Superintendent shall be submitted.

David Richards addressed the Commission saying he owns the property and he is requesting this subdivision to build a home for his mother. He said he would like to get a permit to do all of the work at one time so he may need longer than 60 days. Mr. Smith said the Commission can extend that deadline if there is a legitimate reason. Mr. Richards said he would like to have 90 days and Mr. Smith responded staff is agreeable to the extension. Mr. Turner opened the public hearing.

Howard Erwin of 4 Summer Lane asked why Mr. Richards has to do a subdivision and he had to get a building permit. Mr. Turner explained the property is currently one lot and in order to obtain a building permit for an additional house the property must be subdivided. Mr. Erwin also asked how the drainage will be addressed and Mr. Smith responded that storm water is not required for a minor subdivision but the Commission could place an additional condition if they desired. Mayor Kant stated Summer Lane is a private street and if the new lot plans to use it as an access then they may be required to assume some maintenance responsibility. Mr. Richards stated he is willing to pay whatever his share is for the maintenance of Summer Lane. Jennifer Fidler made a

motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The City of Fairhope approval certificate shall reflect the City of Fairhope Planning Commission, not the Planning Director.
2. A flow model meeting the approval of the Water and Sewer Superintendent shall be submitted.
3. The applicant shall have 90 days to record the plat.

Dick Charles 2<sup>nd</sup> the motion and the motion carried unanimously.

**SR 14.01 Request to consider Site Plan approval of Gambino's Italian Grill at 18 Laurel Avenue, Rick Gambino.** The property is located on the southeast corner of the intersection of S. Mobile Street and Laurel Avenue. Mr. Smith gave the staff report saying the property is zoned B-3a Tourist Resort Lodging District and the applicant is requesting approval for a mixed use development to put a residence above an existing restaurant. He explained the site is already exceeding the maximum lot coverage and no additional footprint or covered area shall be added. Staff recommendation is to approve contingent upon the following conditions:

1. The parking space shall be a minimum of 10' x 20' in size.
2. The site coverage shall not exceed the current existing footprint of the building.

A revised site plan shall be provided with corrected square footages.

Rick Gambino addressed the Commission saying he is doing this for his wife who has Parkinson's so she will be close to him while he is at the restaurant. He stated he wants the carport to keep her out of the weather. Mr. Turner explained he could request a variance from the Board of Adjustments and Mr. Smith stated a medical condition is not considered a hardship. Mr. Turner opened the floor for public comments. No one wished to speak. George Roberds made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The parking space shall be a minimum of 10' x 20' in size.
2. The site coverage shall not exceed the current existing footprint of the building.

A revised site plan shall be provided with corrected square footages.

Dick Charles 2<sup>nd</sup> the motion and the motion carried unanimously.

**UR 14.03 Request of AT&T for 11.52.11 review and approval of the proposed underground installation of approximately 506 linear feet of fiber optic cable, Terry Pratt.** The project will run along the north side of Fairhope Avenue, east from Hoffren Drive to Courthouse Drive. Mr. Smith gave the staff report saying the applicant is proposing to splice into the aerial cable and install approximately 506 linear feet of fiber optic cable underground by boring and trenching. Staff recommendation is to approve contingent upon the compliance with all applicable City regulations. Mrs. Fidler said there have been some issues with trenching and damaging the roots on the trees and with ditch elevations being altered after work has been done. Mayor Kant stated we should not allow trenching in existing neighborhoods. George Roberds made at motion to accept the staff recommendation to approve contingent upon the following conditions:

1. All applicable City regulations shall be met.
2. All underground installation shall be bored.
3. Existing ground elevations shall not be altered.

Dick Charles 2<sup>nd</sup> the motion and the motion carried unanimously.

**New / Old Business**

**Comprehensive Plan Update** – Mr. Smith stated staff is working on the RFP’s scope of work for the Comp. Plan and the City will be holding public input meetings soon.

**LID (Low Impact Developments)** – Mr. Smith stated staff is finishing up the guidelines and designs to be incorporated into the City regulations.

Having no further business, the regular meeting was over at 6:00 PM.



Lee Turner, Chairman



Emily Boyett, Secretary