

The Planning Commission met Tuesday, September 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; Tim Kant; Bernie Fogarty; Bob Clark; Jennifer Fidler; Dick Charles; 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 August 4, 2014 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Bernie Fogarty. Motion carried with abstentions by Tim Kant and Jack Burrell.

UR 14.07 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 5,340 linear feet of underground fiber optic cable, Jeff Hadley. The project will run along Fairhope Avenue from County Road 13 to State Hwy. 181. Mr. Smith gave the staff report saying report the method of installation will directional boring with four new handholes. Staff recommendation is to approve conditional upon the applicant following the general comments related to utility work as stated in the staff report. Tim Kant made a motion to accept the staff recommendation to approve conditional upon the applicant following the general comments related to utility work as stated in the staff report. Mrs. Fidler asked if the applicant is aware Fairhope Avenue is being widened and Mr. Burrell asked if the installation would interfere with the sidewalk projects. Mr. Smith responded the applicant has been made aware of the widening and the sidewalk project. Bob Clark 2nd the motion and the motion carried unanimously.

ZC 14.09 Public hearing to consider the request of Julius Wall to rezone property from R-4 Low Density Multi-Family Residential District to R-2 Medium Density Single Family Residential District. The property is located at the northwest corner of Grand Avenue and Bon Secour Avenue. Mr. Smith gave the staff report saying the subject property is approximately 0.9 acres. He explained the R-4 zoning district allows approximately 7 units per acre, whereas R-2 allows one single family dwelling per lot. The property is surrounded by R-2 properties to the north, east and south and R-4 to the west. The applicant also owns the property to the north which is zoned R-2. The applicant would like to move a common property line and this change will allow the movement to be more consistent in terms of zoning. The property is near a floodway and is in a major drainage area. Mrs. Fidler has commented that any construction that takes place on the property must not negatively impact drainage or create erosion. Dan McCrory, Water and Sewer Superintendent, has commented that sewer line easements may be needed for surrounding homes. Mr. McCrory has a sewer line in the existing drainage way which the applicant is aware of. Staff recommendation is to approve as requested, contingent upon the sewer line easements being mutually agreed upon by Dan McCrory, Water and Sewer Superintendent, and Julius Wall. Ed Wall was present for the applicant and stated his son owns the property and could not attend due to his work schedule. He explained his son wants to build approximately a 1400 square foot house and he does not want the property zoned for multi-family.

Mr. Turner opened the public hearing.

Barry Corona of 411 Pensacola Avenue – He asked how many houses could be built and where they will be on the property. Mr. Turner stated this hearing is only for the rezoning and not the location of the structures. He explained the current zoning allows approximately 7 apartments and the proposed zoning will only allow single family dwellings but there are 2 lots so the most that could be built is 2 homes.

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

Dick Charles made a motion to accept the staff recommendation to approve as requested, contingent upon the sewer line easements being mutually agreed upon by Dan McCrory, Water and Sewer Superintendent, and Julius Wall. Mayor Kant stated this is a low area and he doubts the whole area is buildable. Mr. Smith stated the applicant will be required to meet all of the City's construction standards and regulations. Bob Clark 2nd the motion and the motion carried unanimously.

SD 14.11 Public hearing to consider the request of David Richards for Preliminary and Final plat approval of Liberty Way, a 2-lot minor subdivision. The property is located on the west side of Liberty Street, just north of Pier Avenue. Mr. Smith gave the staff report saying the property is zoned R-2 and is approximately 0.64 acres with 2 lots proposed. He explained the subject plat was previously approved in 2009 but was not recorded, thus the approval has expired. Mr. Smith stated there is currently a structure on the property which will cause an encroachment with the proposed lots and it will need to be removed prior to staff signing the plat. Staff recommendation is to approve as requested, contingent upon the following conditions:

1. A flow model meeting the approval of the Water and Sewer Superintendent shall be submitted;
2. The drainage requirements for the site shall be as per the previous drainage submittal; and
3. The encroachment on the property shall be removed prior to staff signing the plat.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing. Mr. Charles asked if the previous drainage calculations are still valid and Mr. Smith answered yes. Mr. Burrell asked what has changed in the regulations regarding drainage since 2009 and Mr. Smith responded no changes have been made since 2009. Mayor Kant stated the Commission is getting more and more requests like this to split these lots in established neighborhoods and it is allowing more houses which is adding to the already overloaded drainage. Mr. Turner agreed and stated the water and drainage needs to be looked at and addressed. Mr. Smith stated the only way to prevent these types of subdivisions is to amend the minimum requirements for the R-2 zoning district. Tim Kant made a motion to accept the staff recommendation to approve as requested, contingent upon the following conditions:

1. A flow model meeting the approval of the Water and Sewer Superintendent shall be submitted;
2. The drainage requirements for the site shall be as per the previous drainage submittal; and
3. The encroachment on the property shall be removed prior to staff signing the plat.

Dick Charles 2nd the motion and the motion carried unanimously.

SD 14.12 Public hearing to consider the request of Preble-Rish, LLC for Final plat approval of Stone Creek, Phase 2, a 13-lot subdivision, Steven Pumphrey. The property is located on the northwest corner of the intersection of Wentworth Street and Stone Creek Boulevard. Mr. Smith gave the staff report saying the subject property is zoned PUD and is approximately 4.54 acres. He stated the applicant has installed a landscape buffer along Lot 79 and Mrs. Fidler stated she has been out to the site and the buffer looks good. Staff recommendation is to approve contingent upon the following conditions:

1. The applicant shall provide appropriate written documentation, signed and sealed by the engineer of record that the pond has been updated to meet the current City of Fairhope Subdivision Storm Water Regulations;
2. A heavily landscaped buffer in the vicinity of Lot 79 shall be installed and approved by the City of Fairhope Horticulturist, Jennifer Fidler;
3. A performance agreement and financial guaranty shall be provided for street trees and sidewalks;
4. A copy of the Operations and Maintenance Plan with all appropriate signatures, seals and certificates shall be recorded and provided to the City of Fairhope Planning Office; and
5. The completion of a satisfactory subdivision final inspection meeting the approval of the various appropriate City of Fairhope Department Heads.

Andy Bobe was present for the applicant to answer any questions.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing. Mr. Charles asked if staff is satisfied with the issues and Mr. Smith responded yes. Tim Kant made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The applicant shall provide appropriate written documentation, signed and sealed by the engineer of record that the pond has been updated to meet the current City of Fairhope Subdivision Storm Water Regulations;
2. A heavily landscaped buffer in the vicinity of Lot 79 shall be installed and approved by the City of Fairhope Horticulturist, Jennifer Fidler;
3. A performance agreement and financial guaranty shall be provided for street trees and sidewalks;
4. A copy of the Operations and Maintenance Plan with all appropriate signatures, seals and certificates shall be recorded and provided to the City of Fairhope Planning Office; and
5. The completion of a satisfactory subdivision final inspection meeting the approval of the various appropriate City of Fairhope Department Heads.

Dick Charles 2nd the motion and the motion carried unanimously.

SD 12.05 Public hearing to consider the request of HMR, LLC for a 1-year extension of the Preliminary Plat approval of Battles Trace at the Colony, Phase II, a 24-lot subdivision, Tim Lawley. The project is located on the northeast side of Battles Road (a.k.a. County Road 34) where Battles Road turns to the north. Mr. Smith gave the staff report saying the property is zoned TR and the preliminary plat was originally approved on September 4, 2012 and only Phase I has been completed and recorded. Mr. Smith stated construction has begun on Phase II; however, the applicant wants to make sure they have plenty of time to finish. Staff recommendation is to approve a 1-year extension of the preliminary plat approval.

Mr. Turner opened the public hearing. Having no one present to speak he closed the public hearing. Bob Clark made a motion to accept the staff recommendation to approve a 1-year extension of the preliminary plat approval. Bernie Fogarty 2nd the motion and the motion and the motion carried unanimously.

Old/New Business

Comprehensive Plan Update – Mr. Smith stated the top three consulting firms will be giving presentations on Thursday, September 4, 2014 in the Council Chamber beginning at 1:00 PM.

Bernie Fogarty made a motion to adjourn and was 2nd by Dick Charles.

Having no further business, the meeting was over at 5:30 PM.



Lee Turner, Chairman



Emily Boyett, Secretary