

The Planning Commission met Monday, June 1, 2015 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; Bernie Fogarty; Bob Clark; Tim Kant; Dick Charles; Jennifer Fidler; Councilmember Mike Ford; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: none

Chairman Lee Turner called the meeting to order at 5:03 PM and announced the meeting is being recorded. The minutes of the May 4, 2015 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Bernie Fogarty. The motion carried with one abstention by Jennifer Fidler.

Mr. Turner announced case SD 15.14 Old Bay Estates has been pulled by the applicant.

Dick Charles made a motion for a consent agenda for case UR 15.05 and UR 15.06. Bernie Fogarty 2nd the motion and the motion carried unanimously.

UR 15.05 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 922 linear feet of fiber optic cable, Jeff Hadley. The project will run throughout Stone Creek Villas subdivision. Mr. Smith gave the staff report saying the project will be converting an old network to new fiber optic system. The method of installation will be directional boring for the entire distance of the project. Staff recommendation is to approve conditional upon the general comments related to utility work as stated in the staff report.

UR 15.06 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 2,700 linear feet of fiber optic cable, Jeff Hadley. The project will run throughout Saddlewood, Phase 2 subdivision. Mr. Smith gave the staff report saying the project will be a new fiber optic system. The method of installation will be trenching inside the subdivision and boring the road crossings and along Manley Road. Staff recommendation is to approve conditional upon the general comments related to utility work as stated in the staff report.

Mr. Turner opened the floor for comments and no one was present to speak. Jennifer Fidler made a motion to accept the staff recommendation to approve conditional upon the general comments related to utility work as stated in the staff report and that both projects are bored. Dick Charles 2nd the motion and the motion carried unanimously.

SD 15.13 Public hearing to consider the request of JADE Consulting, LLC for Final Plat approval of Pointe Place, a 14-lot subdivision, Trey Jinright. The property is located on the north side of Battles Road (a.k.a. County Road 44) just east of Point Clear Court. Mr. Smith gave the staff report saying the property is approximately 4.82 acres located in the City of Fairhope and is zoned PUD. Staff recommendation is to approve contingent upon the following conditions:

1. All final inspection punch list items shall be completed.

2. GIS as-built data shall meet the approval of the City of Fairhope Water and Sewer Superintendent, Dan McCrory.
3. Note 1 on the final plat shall be revised to include Lot 4 due to the location of pond 5 being situated on Lots 3 and 4.
4. The applicant shall submit an executed maintenance agreement with the maintenance bond.
5. The applicant shall sign the certification statement of the as-built drawings.
6. The applicant shall revise the maintenance note on the as-built drawings to reflect the most current conditions.
7. A new set of revised as-built drawings shall be submitted.
8. The applicant shall have the Operations and Maintenance Plan and Agreement recorded at the time of final plat recording.
9. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval per the City of Fairhope Subdivision Regulations.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Mr. Jinright addressed the Commission saying the conditions have been completed and submitted to staff. Mr. Turner stated the bio-swales look great and Mr. Roberds agreed. George Roberds made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. All final inspection punch list items shall be completed.
2. GIS as-built data shall meet the approval of the City of Fairhope Water and Sewer Superintendent, Dan McCrory.
3. Note 1 on the final plat shall be revised to include Lot 4 due to the location of pond 5 being situated on Lots 3 and 4.
4. The applicant shall submit an executed maintenance agreement with the maintenance bond.
5. The applicant shall sign the certification statement of the as-built drawings.
6. The applicant shall revise the maintenance note on the as-built drawings to reflect the most current conditions.
7. A new set of revised as-built drawings shall be submitted.
8. The applicant shall have the Operations and Maintenance Plan and Agreement recorded at the time of final plat recording.
9. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval per the City of Fairhope Subdivision Regulations.

Hollie MacKellar 2nd the motion and the motion carried unanimously.

SD 15.15 Public hearing to consider the request of HMR, LLC for plat approval of the Replat of Lot 8 & 9 of East Division of Block 47 of Magnolia Beach Addition, a 2-lot minor division, Scott Hutchinson. The property is located on the northwest corner of Fig Avenue and Dyson Street. Mr. Smith gave the staff report saying the property is approximately .54 acres located in the City of Fairhope and is zoned R-2. Staff recommendation is to approve contingent upon the following conditions:

1. The accessory structures on Lot 8 shall be removed prior to issuance of a building permit.
2. A flow model meeting the approval of the City of Fairhope Water and Sewer Superintendent shall be submitted. Any conditions of approval/recommendations

or conclusions from the Engineer of Record on the flow model shall be added as a note on the plat prior to recording the plat.

3. The applicant shall revise the certificates to address the single tax ownership.
4. A note shall be placed on the plat regarding the setback requirement for driveways alongside of the house.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Tim Kant made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The accessory structures on Lot 8 shall be removed prior to recording the plat.
2. A flow model meeting the approval of the City of Fairhope Water and Sewer Superintendent shall be submitted. Any conditions of approval/recommendations or conclusions from the Engineer of Record on the flow model shall be added as a note on the plat prior to recording the plat.
3. The applicant shall revise the certificates to address the single tax ownership.
4. A note shall be placed on the plat regarding the setback requirement for driveways alongside of the house.

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

SD 15.16 Public hearing to consider the request of Sawgrass Consulting, LLC for Preliminary plat approval of The Highlands at Point Clear, a 6-lot subdivision, Ercil Godwin. The property is located on the east side of Scenic Highway 98, just south of Confederate Drive. Mr. Smith gave the staff report saying the property is approximately 26.33 acres located in Baldwin County and zoned RSF-1. He stated this property has overlapping jurisdictions. Staff recommendation is to approve contingent upon the following conditions:

1. The adjacent property owners shall be added to the plat.
2. A maintenance bond and associated documents shall be provided.
3. The applicant shall submit a letter from the Baldwin County Planning and Zoning Department approving the site as designed.
4. The applicant shall provide a letter from the Baldwin County Highway Department approving the site as proposed.
5. All conditions of approval shall be satisfied in a timely manner. The final plat shall be recorded within 60 days from Planning Commission approval per the City of Fairhope Subdivision Regulations.
6. All City of Fairhope drainage requirements shall be met and an Operations and Maintenance Plan shall be submitted if applicable.

Mr. Godwin addressed the Commission saying the subdivision will consist of 6 lots on Scenic 98 with Lots 1-5 sharing a common drive and a single entrance for Lot 6. He stated the lots meet the setbacks of the City and the County. He added Lots 1-5 will be sold for single family residences and Lot 6 will be for the developer.

Mr. Turner opened the public hearing.

John Carden – President of the Point Clear Property Owners Association – He stated concerns with the drainage and would like a 2nd opinion because this is a sensitive drainage area.

Howard Shram, Jr. – 17249 Scenic 98 – He stated concerns with stormwater and the run-off. He added he had an engineer look at the site years ago and the wetlands look different from what the developer has shown.

Daniel Reimer – 17215 Scenic 98 – He stated concerns with drainage and run-off. He explained the surface run-off has washed out and eroded his property. He said the drainage information provided needs to be verified. He also asked if Lot 6 could be resubdivided. Mr. Turner responded yes, if it meets the requirements.

Albert Key – 16903 Scenic 98 – He stated concerns with water run-off and drainage on Scenic 98. He said the Commission needs to be careful with drainage because there are no developments on the east side of Scenic 98. He was also concerned with the conflicting wetland reports.

Austin Waldrup – 6056 Ponder Road – He stated the drainage concerns have been noted and he thinks this will improve Point Clear. He asked if a privacy fence can be built and if he could have any dirt they are digging out. Mr. Turner stated there is no requirement for a fence but he can contact the developer for the dirt.

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

Mr. Godwin addressed the public hearing comments saying the property has three high points which will cause the water to break to different sides of the property and the engineer's report states the drainage is not going to increase. He stated the wetlands were delineated by an outside source and verified by the Corp. of Engineers. Mayor Kant asked if the lots meet the County requirements and Mr. Godwin responded yes. Mayor Kant stated he does not know how a pond could be built on the site for drainage due to the water. He asked if the 30 day rule could be met if the project is tabled and why Lot 6 is 66' wide if it is only for a driveway. He stated he wants to make sure we don't make the drainage issues worse. Scott Shamburger stated the driveways will be pervious materials and they are also only having two curb cuts instead of five. He added there is a conflict on the deeds and with the property line between the property to the south which they are trying to remedy. Mrs. Fidler stated it appears most of the water will drain to the road and she asked if a drainage area could be under the shared drive. Mr. Shamburger stated the run-off will be minimal and the engineer's report states drainage is not needed. Mr. Smith explained the applicant has certified the drainage meets the City of Fairhope requirements for a 100 year storm and the County has agreed. Mr. Roberds asked what dictates what a 100 year flood is and Mr. Smith responded the regulations dictate what calculations to use. Mr. Clark suggested tabling the application to have a third party review. Mr. Smith stated 30 days will pass before the next meeting. Mr. Shamburger requested the application not be tabled. He stated two engineers have already looked at the drainage. Mr. Roberds reiterated that the Corp. of Engineers has look at the wetlands and verified it. Mr. Smith stated the applicant had a delineation done in 2014 and the other one mentioned was from 1997. Mayor Kant said if a third party review is done the Point Clear Property Owners Association needs to be notified of the results. Mr. Shamburger asked who will decide if the drainage meets the City's requirements and who will hire the engineer and Mayor Kant responded the City will. Mr. Turner stated he would be fine with having another meeting but it could be a condition of approval. Mayor Kant stated that normally if an application meets all of the requirements then the Commission has to approve it but the Commission has turned down subdivisions due to drainage and he just wants to do what is right. Mr. Roberds stated the Commission can deny a subdivision based on the health, safety, and welfare of the citizens. Mr. Turner said the applicant can present their drainage report and calculations and the City will hire a third party to review it. Mr. Godwin asked if the case could be tabled until the next meeting. Tim Kant made a motion to table the request until the next regularly scheduled

meeting to allow the City to hire a third party engineer to review the drainage. Bob Clark 2nd the motion and the motion carried unanimously.

IR 15.01 Request of JADE Consulting, LLC for an Informal Review of Pointe Place, Phase Two, an 18-lot subdivision, Trey Jinright. The property is located on the northwest corner of Battles Road and Twin Beech Road. Mr. Smith gave the staff report saying the property is approximately 8.89 acres of unzoned property in Baldwin County. The applicant is considering applying for PUD zoning and proposes a similar development to Pointe Place, Phase One in that it will utilize similar LID technologies such as localized bio-retention ponds in front of some of the lots. Staff recommendation is to provide insight and comments regarding the proposed 18-lot PUD. Mr. Jinright addressed the Commission saying they would like to use the same LID techniques and want to get ideas from the Commissioners of what they would like to see. Mr. Turner said he loves Phase One and has no issue with a Phase Two. He suggested eliminating the cul-de-sac and adding an entrance on Twin Beech. Mr. Jinright said the applicant really doesn't want a third entrance and Mr. Turner responded he thinks it is needed and it would add to the area. Mayor Kant asked what is on the property to the north, behind Lots 7-11 and Mr. Jinright responded it is the Twin Beech Cemetery. Mayor Kant said he does not want drainage behind lots or a detention pond and Mr. Jinright responded the pond is not a typical detention pond but a water feature. Mr. Roberds agreed that a water feature would be better than a detention pond. Mrs. MacKellar said she would like to see pervious materials used and she likes that they are doing something different. Mrs. Fidler asked what the soils are for the site and Mr. Jinright responded they have not been tested yet. Mrs. Fidler asked if there will be an alley between the phases and Mr. Jinright responded no, it is a buffer that won't be cleared so they won't need fences. Mrs. Fidler added she would like to see the same bio-retention techniques used. Mr. Roberds stated he doesn't like the idea of an entrance to Twin Beech. Mayor Kant said there is a land locked piece of property to the north and he would like to see them work with it. Chris Achee stated they are working to vacate the ingress/egress easement on the north side of the property.

Old / New Business

Bernie Fogarty made a motion to hear the next items as a consent agenda. George Roberds 2nd the motion and the motion carried unanimously.

Request for a 60 day extension period for recording the following plats starting from June 1, 2015:

SD 13.05 Corte Subdivision

SD 14.22 Isloe Place

SD 15.04 Fairhope Micro Cottages

SD 15.09 Sam's Hill Top

Mr. Smith stated the applicants were unaware of the 60 day recording requirement in the regulations. He added staff will now include the requirement as a condition of approval. Tim Kant made a motion to accept the staff recommendation to approve a 60 day extension period for recording starting from June 1, 2015. Bernie Fogarty 2nd the motion and the motion carried unanimously.

Traffic Operations & Planning Report, Shane Bergin – Mr. Bergin of Neel-Shaffer gave a PowerPoint presentation of the Traffic Operations & Planning Report. He outlined the existing conditions and procedures for data collection. He explained the recommended improvements for each site based on the data collection and the projected growth.

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

Having no further business, the meeting was over at 7:04 PM.



Lee Turner, Chairman



Emily Boyett, Secretary