

The Planning Commission met Monday, July 6, 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; Tim Kant; Dick Charles; Councilmember Mike Ford; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: Jennifer Fidler and Bob Clark

Chairman Lee Turner called the meeting to order at 5:03 PM and announced the meeting is being recorded. The minutes of the June 1, 2015 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Bernie Fogarty. The motion carried unanimously.

Mr. Turner announced case SD 15.12 Twin Beech Estates has been pulled by the applicant.

SD 15.16 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 this case was heard at the June 1st meeting and was tabled due to drainage concerns. He stated the City hired Goodwyn, Mills, and Cawood, Inc. (GMC) for a third party drainage review. GMC provided a letter with minor concerns to which the applicant addressed. Mr. Smith noted the Point Clear POA also hired an independent engineer to review the drainage and their issues have also been addressed. 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 Departments approving the site as designed.
4. All conditions of approval shall be satisfied in a timely manner prior to any land disturbing activities.
5. The applicant shall provide GIS As-Built data on State Plane Coordinates for the Water and Sewer Superintendent.
6. An executed Storm Water facility agreement shall be submitted.

Mr. Smith stated the conditions have already been satisfied or will be at the time of final plat. Mr. Turner stated the public hearing was held last month. Mayor Kant asked if the Point Clear POA is satisfied with the revisions and John Carden, President of the Point Clear Property Owners Association, responded yes they feel the drainage will be handled adequately with the design. Tim Kant made a motion to accept the staff recommendation to approve contingent upon the following conditions:

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2. A maintenance bond and associated documents shall be provided.
3. The applicant shall submit a letter from the Baldwin County Planning and Zoning Departments approving the site as designed.
4. All conditions of approval shall be satisfied in a timely manner prior to any land disturbing activities.

5. The applicant shall provide GIS As-Built data on State Plane Coordinates for the Water and Sewer Superintendent.
6. An executed Storm Water facility agreement shall be submitted.

Dick Charles 2nd the motion and the motion carried with the following vote: AYE – Tim Kant, Bernie Fogarty, Lee Turner, Dick Charles, Hollie MacKellar, and Mike Ford.
NAY – George Roberds.

UR 15.07 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,800 linear feet of fiber optic cable, Jeff Hadley. The project will run along Thompson Hall Road from Windmill Road to Sedgefield Avenue and throughout the Natures Trail subdivision. Mr. Smith gave the staff report saying AT&T is converting an old network to a new fiber optic network. The method of installation will be directional boring for the entire distance of the project. 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 make 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 and working with Jennifer Fidler regarding depth and location prior to beginning work. Mr. Smith stated the applicant has proposed a 5' bore depth. Bernie Fogarty 2nd the motion and the motion carried unanimously.

IR 15.02 Request of Coldwell Banker Reehl Propeties for an Informal Review to rezone property located at 20040 State Highway 181 from R-2 Medium Density Single Family Residential District to B-4 Business and Professional District, Shannon McWhorter. The property is located on the northeast corner of the intersection of State Hwy. 181 and Windmill Drive. Mr. Smith gave the staff report saying the property is approximately 1.35 acres and is located in the City of Fairhope. He stated a single family home currently exists on the site. The property is bordered to the north by City zoned R-2 property, to the south by un-zoned county property, to the east by City zoned R-2 property and to the west by City zoned R-2 and PUD property. There is a mixture of commercial and residential uses such as a photography studio, offices, and single family residences near the subject property. Mr. Smith mentioned concerns that rezoning this property will have an effect on the future trend of development in this area and along 181. Recently, property six parcels north was rezoned from R-A Residential / Agriculture to B-4. Staff recommendation is to provide insight and comments regarding the proposed zoning change. Ms. McWhorter addressed the Commission saying the trends in the area are commercial and an 8 to 5 office is what the owner is envisioning. Mayor Kant stated the 181 Access Management Plan needs to be looked at with ALDOT. He mentioned a traffic signal and the setbacks need to be looked at. He added there is a Comprehensive Plan 2015 Update public meeting on August 13 and he would like to hear what the citizens want for 181. Mr. Fogarty did not have any comments. Mr. Turner said he would like a PUD but they require 3 acres or more which this site does not have. He explained 181 is a commercial corridor by nature but he wants to hear from the Comp. Plan consultants and see the overall plans first. Mr. Charles did not have any comments. Mrs. MacKellar stated the Comp. Plan 2015 Update is trying to fix land use mistakes and she wants to hear from the citizens in the area. She noted traffic concerns and the future road widening. Mr. Roberds did not have any comments. Mr. Ford said 181 will be commercial sooner or later and the City should control it while we can.

IR 15.03 Request of Point South for an Informal Review to rezone property located at 861 Edwards Avenue from R-1 Low Density Single Family Residential District to B-4 Business and Professional District, Scott Marks. The property is located on the northwest corner of the intersection of Edwards Avenue and Greeno Road. Mr. Smith gave the staff report saying the property is approximately 39,000 square feet and is located in the City of Fairhope. He stated a single family home currently exists on the site. The subject property is bordered to the north by City zoned R-1 property, to the south by City zoned B-4 property, to the east by City zoned PUD property (Dyas Professional Park) and to the west by City zoned R-1 property. Mr. Smith stated the southwest corner of Greeno Road and Gayfer Avenue was rezoned from R-1 to PUD (Greeno/Gayfer Medical Park/Bones and Babies, a.k.a. Bayside Orthopedic) in 2006. At the time of the proposed rezoning there was discussion regarding the parcels south of the aforementioned property that front Greeno Road, on the same side of the road. It was mentioned by City officials that the parcels fronting Greeno, from Gayfer going south, have potential for being zoned commercial. It was expressed that PUD zoning is desirable, due to the requirement of a site plan at the time of rezoning. Staff recommendation is to provide insight and comments regarding the proposed zoning change. Mr. Marks addressed the Commission saying the owner wants a commercial zoning for the site because residential is not desirable in this location. Mayor Kant stated the City has to be cautious with rezoning Greeno Road because commercial has been gradually moving north. He said he would like to see the properties combined and do something similar to the park across the street. Mr. Fogarty did not have any comments. Mr. Turner said he recommends a PUD and not a straight zoning change. Mr. Charles asked what the applicant wants to do with the property and Mr. Marks responded the property owner lives in Florida and he wants to sell but the property is worth more commercial. Mrs. MacKellar said the property would be a hard sell as residential on Greeno Road. Mayor Kant stated it will be a domino effect for rezonings if this is approved. He said he wants to see a plan.

ZC 15.07 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to the Zoning Ordinance establishing Low Impact Development (LID) regulations, Jonathan Smith.

SD 15.17 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to the Subdivision Regulations establishing Low Impact Development (LID) regulations, Jonathan Smith.

Mr. Smith gave the staff report saying the City began this process in 2012 when we accepted a grant from the Alabama Department of Conservation and Natural Resources (ADCNR) to develop LID design guidelines and regulations. Since that time, the City has hired Thompson Engineering, performed a cost comparison, held public meetings, and incorporated comments from the public and our attorneys. He stated the proposed amendments are a culmination of 2 ½ years of work. He explained the regulations are innovative and a major step forward in lowering potential negative environmental impacts that may come with development. Mr. Smith stated Fairhope will be the first to require, not just recommend, LID in the state. Staff recommendation is to approve as requested.

Mr. Turner opened the public hearing for ZC 15.07.

Mike Shelton of the Fairhope Environmental Advisory Board – He commended the City for these amendments and he asked the Commission to move forward and approve them. Having no one else present to speak, Mr. Turner closed the public hearing. Mr. Smith stated staff notified the engineering and development community of this meeting. Mayor Kant thanked staff for their work on these amendments. Mr. Ford expressed concerns with maintenance costs and enforcement issues. Tim Kant made a motion to accept the staff recommendation to approve as requested. Hollie MacKellar 2nd the motion and the motion carried with the following vote: AYE – Tim Kant, Bernie Fogarty, Lee Turner, Dick Charles, Hollie MacKellar, and George Roberds. NAY – Mike Ford.

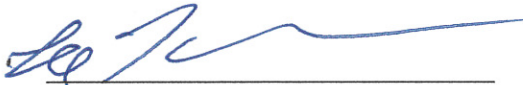
Mr. Turner opened the public hearing for SD 15.17. Having no one present to speak he closed the public hearing. Mr. Charles stated Rock Creek spends 95% of the POA fees on their ponds. Mayor Kant stated these regulations will reduce ponds and the City needs to move forward. Mr. Smith explained the maintenance will be covered by the Operation and Maintenance Plan which will detail what to do and how to do it with required inspections every 3 years. Mrs. MacKellar stated the developers and engineers were in favor of these recommendations and were very positive at the public meeting. Tim Kant made a motion to accept the staff recommendation to approve as requested. Dick Charles 2nd the motion and the motion carried with the following vote: AYE – Tim Kant, Bernie Fogarty, Lee Turner, Dick Charles, Hollie MacKellar, and George Roberds. NAY – Mike Ford.

Old / New Business

Comprehensive Plan 2015 Update – Mr. Smith stated there will be a public meeting on August 13, 2015 at 6:00 PM at the Civic Center to review the proposed alternatives.

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

Having no further business, the meeting was over at 5:57 PM.



Lee Turner, Chairman



Emily Boyett, Secretary