

The Planning Commission met Monday, September 8, 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; Tim Kant; Jennifer Fidler; Bob Clark; Dick Charles; Hollie MacKellar; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: Bernie Fogarty and Councilmember Mike Ford

Chairman Lee Turner called the meeting to order at 5:02 PM and announced the meeting is being recorded.

Mayor Kant recognized Dick Charles for his 20 years of service on the Planning Commission and announced tonight will be his last meeting. Mayor Kant thanked Mr. Charles and presented him with a plaque.

The minutes of the August 3, 2015 meeting were considered and Dick Charles moved to accept the minutes as written and was 2nd by Bob Clark. The motion carried with one abstention by Lee Turner.

ZC 15.09 Public hearing to consider the request of JADE Consulting, LLC to establish initial zoning of PUD (Planned Unit Development) conditional upon annexation into the City of Fairhope for Pointe Place, Phase II, Trey Jinright. The property is located on the northwest corner of the intersection of Twin Beech Road and Battles Road. Mr. Smith gave the staff report saying the applicant is proposing 18 lots on approximately 9.08 acres. Staff recommendation is to approve contingent upon the following conditions:

1. The Public Works Director shall approve any proposed construction material regarding the streets.
2. The PUD plan shall be revised to reflect that greenspace excludes detention.
3. Fences shall not impede the flow of drainage throughout the site.
4. Building height shall be measured per the City of Fairhope Zoning Ordinance.
5. The applicant shall clearly note on the PUD plan the proposed responsibilities of maintenance for streets, drainage, street trees, utilities, etc., so that the obligations will be clear to all parties involved.
6. All drainage shall meet the requirements of the City of Fairhope Subdivision Regulations. The maintenance of the drainage facilities, even those in the right-of-way, shall be the responsibility of the developer/HOA.

Mr. Jinright was present and explained this phase will be a continuation of phase I. He stated they are planning to use the same LID techniques and design concepts.

Mr. Turner opened the public hearing.

Andy Lipps of 6240 and 6210 Battles Road – He asked if there will be any commercial in this development and Mr. Turner responded no.

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

Mrs. Fidler said the bio-retention areas in Phase I look good and $\frac{3}{4}$ of the areas are on private property and that is what she likes to see. She stated this phase looks like more of the bio-retention is on public property and we have had our attorney look at it since the maintenance will be the responsibility of the developer and homeowners association.

Hollie MacKellar made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The Public Works Director shall approve any proposed construction material regarding the streets.
2. The PUD plan shall be revised to reflect that greenspace excludes detention.
3. Fences shall not impede the flow of drainage throughout the site.
4. Building height shall be measured per the City of Fairhope Zoning Ordinance.
5. The applicant shall clearly note on the PUD plan the proposed responsibilities of maintenance for streets, drainage, street trees, utilities, etc., so that the obligations will be clear to all parties involved.
6. All drainage shall meet the requirements of the City of Fairhope Subdivision Regulations. The maintenance of the drainage facilities, even those in the right-of-way, shall be the responsibility of the developer/HOA.

Dick Charles 2nd the motion.

Mayor Kant asked if the detention pond will be wet and Mr. Jinright responded it will be a dry pond that will hold for 72 hours and discharge. Mayor Kant stated the area is very wooded and he would not like to see it cut. Mr. Jinright responded the applicant wants to leave the site as natural as possible. Mrs. MacKellar asked if he knew what LID techniques will be used and Mr. Jinright said he is still working on the drainage but most will be bio-retention. The motion carried unanimously.

SD 15.18 Public hearing to consider the request of HMR, LLC for Final plat approval of Saddlewood, Phase II, a 50-lot subdivision, Tim Lawley. The property is located on the south side of Manley Road, just east of Southland Place Subdivision. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned R-1 Low Density Single Family Residential District. The property consists of 15.75 acres and 50 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. A final inspection that is satisfactory to all applicable City department supervisors and all pending final punch list items being completed.
2. The submittal of a financial guaranty(s) and subdivision agreement for any work not completed at the time of the Planning Commission meeting. The financial guaranty packet shall include the subdivision agreement, the letter of credit(s) and the engineer's cost estimate(s) for pending work to be complete.
3. The Operations and Maintenance plan shall be revised to include a narrative for the legal description and it shall also be re-recorded.
4. The GIS data shall meet the approval of Dan McCrory, Water and Sewer Superintendent.
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. The Public Works Director's review and approval of the pending subdivision items shall be obtained.
7. The current zoning shall be reflected on the plat.

Tim Lawley was present to answer any questions.

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

Dick Charles made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. A final inspection that is satisfactory to all applicable City department supervisors and all pending final punch list items being completed.
2. The submittal of a financial guaranty(s) and subdivision agreement for any work not completed at the time of the Planning Commission meeting. The financial guaranty packet shall include the subdivision agreement, the letter of credit(s) and the engineer's cost estimate(s) for pending work to be complete.
3. The Operations and Maintenance plan shall be revised to include a narrative for the legal description and it shall also be re-recorded.
4. The GIS data shall meet the approval of Dan McCrory, Water and Sewer Superintendent.
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. The Public Works Director's review and approval of the pending subdivision items shall be obtained.
7. The current zoning shall be reflected on the plat.

George Roberds 2nd the motion and the motion carried unanimously.

ZC 15.10 Public hearing to consider the request of Preble-Rish, LLC to rezone property from R-6 Mobile Home Park District to R-2 Medium Density Single Family Residential District, to be known at Winterhaven Estates, Steve Pumphrey.

The property is located on the southeast corner of the intersection of Ertle Street and Cain Lane. Mr. Smith gave the staff report saying the property is approximately .91 acres and is part of the Winterhaven Mobile Home Park. He explained the applicant is proposing the zoning change in order to build two single family homes on two lots that are proposed for subdivision, if this zoning change is approved. Staff recommendation is to approve the proposed rezoning from R-6 to R-2.

Steve Pumphrey was present to answer any questions.

Mr. Turner opened the public hearing.

Harry Dodich of 309 S. School Street – He asked if this is part of a larger development and he stated he would like to see Fels extended to Nichols to help with drainage issues.

Lawrence McIntosh of 307 S. School Street – He asked if this request will affect his taxes. Mr. Turner stated it should not affect his taxes but that is a County issue. Mr. Pumphrey explained they are only removing five mobile homes to build two single family homes and one house is for the applicant.

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

George Roberds made a motion to accept the staff recommendation to approve the proposed rezoning from R-6 to R-2. Bob Clark 2nd the motion and the motion carried unanimously.

SD 15.19 Public hearing to consider the request of Preble-Rish, LLC for Preliminary and Final Plat approval of Winterhaven Estates, a 3-lot minor subdivision, Steve Pumphrey. The property is located on the southeast corner of the intersection of Ertle Street and Cain Lane. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned R-6 Mobile Home Park District with two lots proposed. The applicant has submitted a simultaneous application to rezone

the property to R-2 Medium Density Single Family Residential District. Staff recommendation is to approve contingent upon the property being rezoned to R-2 by the City Council.

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

Mrs. Fidler stated there is a lot of water coming through Fels and it will be on Lot 2. She said access is possible and the City won't have to open Fels.

George Roberts made a motion to accept the staff recommendation to approve contingent upon the property being rezoned to R-2 by the City Council. Jennifer Fidler 2nd the motion and the motion carried unanimously.

SD 15.20 Public hearing to consider the request of Preble-Rish, LLC for Final Plat approval of Planters Plaza, a 2-lot minor division, Steve Pumphrey. The property is located on the northwest corner of the intersection of Fairhope Avenue and Courthouse Drive. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned B-2 General Business District. The site contains approximately 10.58 acres and two lots are proposed. He stated this will be the site for the USA Cancer Institute which will come for 11.52.11 review next month. Staff recommendation is to approve contingent upon the following condition:

1. Finished floor elevations shall be labeled on the plat.

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 condition:

1. Finished floor elevations shall be labeled on the plat.

Dick Charles 2nd the motion.

Mr. Turner said he would like to see a sidewalk on Fairhope Avenue from the Courthouse to Greeno Road and Mayor Kant responded there is a sidewalk on the south side of the road. Mayor Kant stated he feels like the applicant will want one on the north side as well and he knows USA will work with the City. Mrs. Fidler stated water is an issue in this area and the courthouse has almost had water in it during large rain events. The motion carried unanimously.

SD 15.21 Public hearing to consider the request of Preble-Rish, LLC for Final Plat approval of Phase 1A of Greenbrier and Phase 1B of Silverleaf at Firethorne, a 79-lot subdivision, Steve Pumphrey. The property is located on the east side of State Hwy. 181 across from Bay Meadows Avenue. Mr. Smith gave the staff report saying the property is zoned PUD in the City of Fairhope. Phase 1A of Greenbrier at Firethorne consists of 34.78 acres with 41 lots, a clubhouse, pool, playground area, and one pigeonier proposed. Phase 1B of Silverleaf at Firethorne is approximately 19.68 acres and 38 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The Operations and Maintenance Plan shall be corrected to provide instruction of the forms for the 3 ponds in Phase 1, then fully executed and recorded at the time of final plat. The O&M plan shall reflect the number of ponds and the process for inspecting each pond. Also, the current plan does not address the ponds in additional phases. The applicant will have to adapt the O&M plan to include all

phases or update and re-record the plan as the new phases are submitted for application.

2. All final punch list items shall be completed.
3. All sidewalks and street trees in the common area shall be installed.
4. Aerator details shall be provided for inclusion in the as-built drawings.
5. The applicant shall berm and heavily landscape the development along Quail Creek Drive during the first phase of the development or shall submit a performance guaranty for the uncompleted work prior to the City signing the plat.
6. 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.
7. The GIS data shall meet the approval of the City of Fairhope Water and Sewer Superintendent, Dan McCrory.
8. All appropriate bonds and related documents shall be submitted.

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

Mrs. Fidler said there weren't any street signs when she was out there and Mr. Pumphrey responded they have been installed. Mayor Kant noted several issues with the site including the berm along Quail Creek Drive not being landscaped and the roadways not paved. Mr. Smith stated the landscaping is planned for this phase but has not been started yet. John Avent addressed the Commission saying there were issues with the turnout permit from ALDOT but they have been working together and the turn lane will be completed within 60 days and the paving within the subdivision should be finished within the week. He explained the landscape plans for the berm have been completed by the architect and work on it will begin soon. Mrs. Fidler noted there were lots of comments during the final inspection regarding unfinished work. Mr. Smith stated a reinspection has been scheduled. Tim Kant made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The Operations and Maintenance Plan shall be corrected to provide instruction of the forms for the 3 ponds in Phase 1, then fully executed and recorded at the time of final plat. The O&M plan shall reflect the number of ponds and the process for inspecting each pond. Also, the current plan does not address the ponds in additional phases. The applicant will have to adapt the O&M plan to include all phases or update and re-record the plan as the new phases are submitted for application.
2. All final punch list items shall be completed.
3. All sidewalks and street trees in the common area shall be installed.
4. Aerator details shall be provided for inclusion in the as-built drawings.
5. The applicant shall berm and heavily landscape the development along Quail Creek Drive during the first phase of the development or shall submit a performance guaranty for the uncompleted work prior to the City signing the plat.
6. 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.
7. The GIS data shall meet the approval of the City of Fairhope Water and Sewer Superintendent, Dan McCrory.
8. All appropriate bonds and related documents shall be submitted.

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

IR 15.04 Request of Jeremy Lee for an Informal Review to rezone property located at 206 S. Mobile Street from R-2 Medium Density Single Family Residential District to B-3a Tourist Resort Lodging District. The property is located on the west side of S. Mobile Street just south of Fels Avenue. Mr. Smith gave the staff report saying the property is currently zoned R-2 and is approximately 12,407 square feet in size. The applicant is considering applying for a zoning change to B-3a and is proposing three high-end micro-cottages with infinity pools for guest rental. The proposed micro-cottages will be approximately 750 square feet to 900 square feet with an outdoor porch. Staff recommendation is to provide insight and comments regarding the proposed rezoning. Mr. Lee addressed the Commission saying he is looking at short term rentals and this location is perfect for it. Mayor Kant had concerns with two driveway cuts on the lot because there are already so many in that area and due to the large number of pedestrians. Mr. Lee responded he has looked at using pedestrian crossing signs and low landscaping to help with visibility. Mr. Charles stated there needs to be lot protection on the bay side and Mr. Lee explained he is not actually on the bay and there is another lot between him and the bay. He added there are also very large trees on the property line that he wants to protect. Mr. Turner said it is very high density on a small lot and it is on the bluff and he wanted to know how the water will be addressed to prevent the bluff from eroding. Mr. Lee stated an engineer will look at the site and determine what needs to be done for stormwater management. Mr. Smith explained this project, if approved, will be required to go through multiple layers of review such as Planning Commission and City Council for rezoning, Board of Adjustments for a special exception, and Planning Commission for multiple occupancy. Mr. Clark said this is a small parcel to put 3 units on and have room for the 6 parking spaces on such a busy roadway. Mr. Lee responded he only anticipates one car per unit but 2 would be allowed a maximum. Mrs. Fidler expressed concerns with going to a higher density, erosion of the bluff, and stormwater. Mrs. MacKellar asked for the differences in lot coverage percentages allowable for the current zoning and the proposed B-3a. She stated she loved the concept and said it is the perfect location for the design. Mr. Smith said a rough calculation for a principal structure footprint would be approximately 4,000 square feet for the current zoning and Mr. Lee is proposing less than that with this preliminary design. Mr. Clark asked if this would be spot zoning and Mr. Smith responded not really. Mr. Turner said he likes the project would have additional layers of review. Mr. Roberds stated he likes the high density if is swapped with greenspace but he doesn't see the greenspace in this design. He also noted concerns with the traffic.

IR 15.05 Request of Starling King for an Informal Review of McDonald Estates, a 2-lot minor subdivision, Seth Moore. The property is located on the south side of McDonald Lane and west of S. Ingleside Street at the end of Worchester Lane. Mr. Smith gave the staff report saying the subject property is zoned R-2 Medium Density Single Family Residential District and located in the City of Fairhope. The applicant is proposing a 2-lot minor subdivision and is requesting a waiver to the minimum lot frontage requirement of frontage on a paved publicly maintained right-of-way. The applicant wishes to deed a lot to his daughter. Staff recommendation is to provide insight and comments regarding Mr. King's request to a waiver of the Subdivision Regulations to front a paved publicly maintained right-of-way. Mr. Moore addressed the Commission saying the lot Mr. King would like to deed to his daughter would be accessed from Worchester Lane which is currently being used by the


neighbor. Mr. King would like Worchester Lane's use be extended to the subject property. Mr. Turner asked what size lots these are and Mr. Smith responded one is 2.35 acres and one is 20,120 square feet. Mr. Turner said it's not fair to the owner with 3 acres when all the lots around him are much smaller. Mayor Kant said this area floods and the neighbors will not agree to maintain the driveway and this issue need to go to City Council. Mr. Moore stated Mr. King will sign an agreement to maintain the driveway. Mrs. Fidler asked what the county does in these situations and Mr. Moore responded a right-of-way is just that, the county gives permission to use it. Mrs. Fidler stated this is a good access for the property and the City should work with the applicant. Mr. Turner said he thinks it will improve the area.

Old / New Business

Comprehensive Plan 2015 Update – Mr. Smith stated the next deliverables are due October 20th. Mayor Kant thanked the Planning Staff for all of their work on the Comp. Plan. He said they did a great job with the Town Hall meeting which had one of the largest turnouts in attendance.

Tim Kant made a motion to adjourn and was 2nd by George Roberds.

Having no further business, the meeting was over at 6:17 PM.



Lee Turner, Chairman



Emily Boyett, Secretary