

The Planning Commission met Monday, June 6, 2016 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; Bernie Fogarty; Jay Robinson; Hollie MacKellar; Kevin Boone; Jonathan Smith, Planning Director; Nancy Milford, Planner; and Emily Boyett, Secretary
Absent: none

Chairman Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded.

The minutes of the May 2, 2016 meeting were considered and Bernie Fogarty moved to accept the minutes as written and was 2nd by Jay Robinson. The motion carried with one abstention by Tim Kant.

SD 16.11 Public hearing to consider the request Dewberry/Preble-Rish, LLC for Preliminary plat approval of Fox Hollow, a 109-lot subdivision, Steve Pumphrey.

The property is located on the south side of Morphy Avenue between Pecan Trace and Edington Place subdivisions. Mr. Smith gave the staff report saying the property is located inside the City of Fairhope and is zoned R-2 Medium Density Single Family Residential District. The total site area is approximately 62.68 acres and 109 lots are proposed. Goodwyn, Mills, and Cawood, Inc. performed a third party review of the drainage and several comments were made which the applicant has addressed. Staff recommendation is to approve the request contingent upon the following conditions:

1. A traffic study shall be required as per the traffic data requirements. The applicant's engineer shall also provide a conclusive written summary of the traffic data indicating the requirement for the traffic study.
2. The submittal of a landscape plan meeting approval of the Director of Public Works. Additional items were required and have been transmitted to the applicant for revision.
3. The applicant shall submit an existing tree survey.
4. The applicant shall remove the existing note regarding buffers and add a note to the plat referencing the stream buffer requirements and allowed uses as stated in Article V, Section F, 4., a-j.
5. The E&O Insurance certificate appears to be out of date. The applicant shall provide the City with an E&O certificate with the current expiration date.
6. The note regarding the fire training facility shall be placed on the plat, unless otherwise approved by the Fire Chief and Planning Commission. The note shall be worded as per the request of the Fire Chief and shall be placed prominently on the plat so that potential homeowners are aware of the location and issues associated with the adjacent fire training facility.
7. The applicant shall supply the additional information requested by the third party engineer. Approval shall be contingent upon the recommendation of the third party engineer. The applicant shall provide some affirmative assurance that there will be no adverse effect downstream as per the City of Fairhope Subdivision Regulations or provide a mitigation plan.
8. The applicant shall provide a utility letter from Baldwin EMC.

9. The applicant shall submit an Operations and Maintenance Plan signed and sealed by the engineer of record.
10. All conditions of preliminary plat approval shall be satisfied in a timely manner, prior to pre-construction. At the time of final plat, the applicant shall have all items completed so that the plat may be recorded with a 60 day time frame, per the City of Fairhope Subdivision Regulations.
11. A sidewalk shall be installed on the subject property along Morphy Avenue.

Mr. Smith stated condition numbers 3, 4, and 8 have been completely addressed since the staff report was written. Mr. Clark questioned Baldwin EMC as the electric provider and Mr. Pumphrey stated the site is served by both Baldwin EMC and Riviera Utilities. Mr. Pumphrey stated the traffic study will be conducted once the detour for the roundabout is removed. He explained if it is conducted now it will not be accurate. He noted the applicant has plans to connect Fox Hollow west to County Road 13, along the south of Edington Place, which will allow another access point. Mr. Pumphrey stated the applicant is requesting not to put the note regarding the fire training facility on the plat. He said typically notes are not put on plats regarding the use of adjacent properties. Mr. Turner opened the public hearing.

Robert Stankoski, attorney for and resident of Edington Place – He stated this area is already very congested and this development will only add to the congestion. He cited multiple sections of the Comprehensive Plan to support his request to deny connectivity of Fox Hollow to Edington Place. He said only pedestrian and bicycle connections would be optimal. He requested traffic calming devices be added to all of the connecting through streets if the Commission approves the connections.

Chief Ellis of the Fairhope Volunteer Fire Department – He stated the Department is not against this development. He requested the following statement be added to the plat: “It needs to be noted that this plat is adjacent to the Fairhope Volunteer Fire Department Live Fire Training Center. There will be no notice of when this training occurs. Fire Department training could last as late as 10 PM. It also needs to be noted that there is a fireworks storage bunker on the west side of the fire department property that is adjacent to the plat.” He requested the plat be denied if the note is not added to the plat.

Jeff Kennedy of 506 Cromwell Avenue – He requested a traffic calming device be added on Cromwell Avenue.

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

Mr. Pumphrey addressed the concerns from the public hearing. He explained the Comprehensive Plan states non-cul-de-sac developments are preferred. He said Edington Place has existing stub-outs with “Future Through Street” signs posted so obviously there has always been a plan to connect them to the adjacent property. Mr. Pumphrey stated the applicant should be agreeable to adding a traffic calming device on Cromwell Avenue.

Cliff Pitman addressed the Commission regarding the Fire Department’s request for a note on the plat. He stated he has owned this property prior to the Fire Station being there. He explained in 2007 there were 8 lots developed on Thompson Hall Road and no note was required for that plat. He said adjacent property uses have never been required on a plat and the Fire Station may not always be used in the current capacity but the note will always be on the plat. He requested no note be required for the plat.

Mrs. Fidler stated the garbage and trash trucks do not have a place to turn around in Edington Place and have to back up the entire length of the street. She said “Future Through Street” signs were installed because of the future development of this property.

She stated she is in favor of the vehicular connectivity and adding a traffic calming device on Cromwell Avenue if the residents want it. She thanked the developer for saving the trees and staff for the sidewalk condition. She suggested possibly installing signs regarding the fireworks bunker.

Mayor Kant agreed with the sidewalk on Morphy Avenue but stated it should not be installed until after the traffic study is completed due to any improvements that may be required. He questioned the drainage review and the changes that need to be made to the layout. He agreed with Mrs. Fidler regarding adding a traffic calming device on Cromwell Avenue and requested as many trees be saved as possible.

John Avent of Preble-Rish, LLC stated they have already addressed the drainage comments and questions from the third party review. Mayor Kant asked about a drainage pipe and where it discharges from Edington Place. Jason Estes with Preble-Rish, LLC responded it will be picked up and handled with this development.

Mr. Roberds suggested making the connection to Cromwell Avenue a cul-de-sac and eliminating some of the stub-outs in the southwest corner of the property.

Mr. Clark stated the Comprehensive Plan calls for connectivity and that is what the developer has given us. The residents stated they would prefer a pedestrian connection only for Cromwell Avenue.

Mrs. MacKellar stated she likes the pedestrian connection.

Mr. Avent explained when Edington Place was designed they were told not to use cul-de-sacs due to the City's connectivity requirements and the future development of the subject property.

Mr. Boone asked if waiting on the traffic study will cause the project to be delayed and Mr. Smith responded no. Mr. Boone stated the City should not be putting site and use specific notes on plats. He said it is opening us for lawsuits when something gets left off of a plat. Mayor Kant asked what wording was on the previous plat and Mr. Smith responded "City of Fairhope Volunteer Fire Department Training Facility." Mr. Smith stated the City's Subdivision Regulation require adjacent property owners be listed and that is sufficient.

Jennifer Fidler made a motion to accept the staff recommendation to approve the request contingent upon the following conditions:

1. A traffic study shall be required as per the traffic data requirements. The applicant's engineer shall also provide a conclusive written summary of the traffic data indicating the requirement for the traffic study.
2. The submittal of a landscape plan meeting approval of the Director of Public Works. Additional items were required and have been transmitted to the applicant for revision.
3. The applicant shall submit an existing tree survey.
4. The applicant shall remove the existing note regarding buffers and add a note to the plat referencing the stream buffer requirements and allowed uses as stated in Article V, Section F, 4., a-j.
5. The E&O Insurance certificate appears to be out of date. The applicant shall provide the City with an E&O certificate with the current expiration date.
6. The property of the Fairhope Volunteer Fire Department shall be listed on the plat as "City of Fairhope Volunteer Fire Department Training Facility."
7. The applicant shall supply the additional information requested by the third party engineer. Approval shall be contingent upon the recommendation of the third party engineer. The applicant shall provide some affirmative assurance that there

- will be no adverse effect downstream as per the City of Fairhope Subdivision Regulations or provide a mitigation plan.
8. The applicant shall provide a utility letter from Baldwin EMC.
 9. The applicant shall submit an Operations and Maintenance Plan signed and sealed by the engineer of record.
 10. All conditions of preliminary plat approval shall be satisfied in a timely manner, prior to pre-construction. At the time of final plat, the applicant shall have all items completed so that the plat may be recorded with a 60 day time frame, per the City of Fairhope Subdivision Regulations.
 11. A sidewalk shall be installed on the subject property along Morphy Avenue.
 12. A traffic calming device shall be added on Cromwell Avenue.
- Bernie Fogarty 2nd the motion and the motion carried unanimously.

SD 16.12 Public hearing to consider the request of Moore Surveying, Inc. for plat approval of Johnson Place, a 2-lot minor subdivision, Seth Moore. The property is located on the southeast corner of the intersection of Main Street and Sibley Street in Montrose. 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 total site area is approximately 1.189 acres and two lots are proposed. The adjacent properties are zoned RSF-2 in Baldwin County. The proposed lots exceed the RSF-2 lot standards as well as the City's R-1 lot standards. Staff recommendation is to approve as requested, contingent upon the following conditions:

1. Utility letters shall be provided for outside agency utilities.
2. All conditions of approval shall be satisfied in a timely manner, so that final plat shall be recorded within a 60 day time frame, per the City of Fairhope Subdivision Regulations.
3. The applicant shall provide a certificate and note that sewer shall be City of Fairhope.

Seth Moore was present to answer any questions.

Mr. Turner opened the public hearing.

Marty Walsh of 23529 Main Street – He stated he is opposed to this subdivision. He explained the lots in this area were meant to be extremely large and re-subdividing to smaller lots is becoming more frequent.

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

Mrs. Fidler asked about ordinances regarding lot size requirements and Mr. Smith responded the Commission and Council increased the lot size requirements for unzoned land in the extra-territorial jurisdiction several years ago. He also noted there was a much older ordinance regarding lots in Montrose which designated lots as R-1a, R-1b, and R-1c but he has not dealt with that ordinance in the 10 years he has worked for the City.

Mr. Turner stated the Commission cannot legally deny the request if it meets all of the Subdivision Regulations' requirements. Mayor Kant said staff needs to look into the repercussions of all of the infill and possibly amending the regulations to help govern this areas so the City does have some control.

Tim Kant made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. Utility letters shall be provided for outside agency utilities.

2. All conditions of approval shall be satisfied in a timely manner, so that final plat shall be recorded within a 60 day time frame, per the City of Fairhope Subdivision Regulations.
3. The applicant shall provide a certificate and note that sewer shall be City of Fairhope.

Bernie Fogarty 2nd the motion.

Mr. Roberds asked if the plat meets the County's highway setback requirements and Mr. Moore responded yes.

The motion carried unanimously.

SD 16.13 Public hearing to consider the request of JADE Consulting, LLC for Final plat approval of 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 property is located in the City of Fairhope and is zoned PUD (Planned Unit Development). The property is approximately 9.08 acres and 18 lots are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The landscape drawings shall be approved by the City of Fairhope Horticulturist.
2. The pond shall not hold water over 72 hours, if it does, then an aerator shall be required at the time of final plat.
3. The applicant shall submit GIS As-Builts that meets the approval of the City of Fairhope Water and Sewer Superintendent.
4. The applicant shall execute and record the Operations and Maintenance Plan.
5. The applicant shall submit a subdivision bond for proposed landscaping (street trees and the bio-retention pond vegetation) and building Certificate of Occupancy will not be issued until the landscaping is installed in the bio-retention ponds.
6. The final inspection results are not completed at this time. The applicant shall complete all final inspection items.
7. All conditions of approval shall be satisfied in a timely manner, the final plat shall be recorded within a 60 day time frame, per the City of Fairhope Subdivision Regulations.

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

Mr. Turner asked if the pine straw will prohibit the pond from draining and Mr. Jinright responded no. Mr. Turner and Mr. Roberds stated the site looks excellent. Mr. Jinright stated all of the conditions have been addressed with the exception of numbers 4 and 7 which cannot be completed until after the Commission's approval. Mr. Smith stated for the first time since he has worked with the City, there were no comments from the superintendents for the final walk-through.

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

1. The landscape drawings shall be approved by the City of Fairhope Horticulturist.
2. The pond shall not hold water over 72 hours, if it does, then an aerator shall be required at the time of final plat.
3. The applicant shall submit GIS As-Builts that meets the approval of the City of Fairhope Water and Sewer Superintendent.
4. The applicant shall execute and record the Operations and Maintenance Plan.

5. The applicant shall submit a subdivision bond for proposed landscaping (street trees and the bio-retention pond vegetation) and building Certificate of Occupancy will not be issued until the landscaping is installed in the bio-retention ponds.
6. The final inspection results are not completed at this time. The applicant shall complete all final inspection items.
7. All conditions of approval shall be satisfied in a timely manner, the final plat shall be recorded within a 60 day time frame, per the City of Fairhope Subdivision Regulations.

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

SR 16.02 Request of Hutchinson, Moore, and Rauch, LLC for Site Plan approval of the Thomas Hospital Parking Lot Addition, Phase 1 South, Robert Cummings. The property is located at the east end of Northrop Avenue on the north side of the road. Mr. Smith gave the staff report saying the property is located in the City of Fairhope and is zoned R-4 Low Density Multi-Family Residential District and within the Medical Overlay District (MOD). A parking lot is a customary incidental use supporting the hospital needs and is listed as a permitted use in the MOD regulations. The property contains approximately .845 acres and 60 parking spaces are proposed. Staff recommendation is to approve contingent upon the following conditions:

1. The landscape plan shall meet the approval of the City of Fairhope Horticulturist prior to the issuance of a building permit.
2. A fence shall be erected with additional plantings to screen the parking lot from the adjacent neighborhood.

Robert Cummings addressed the Commission saying the hospital is in desperate need of additional parking. He stated they are aware of the conditions and do not have any objections. Mrs. Fidler stated a 10' greenspace buffer will be required along the property line and that could be an issue. Mayor Kant and Mr. Clark said the MOD ordinance may supersede the Tree Ordinance.

Bernie Fogarty made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The landscape plan shall meet the approval of the City of Fairhope Horticulturist prior to the issuance of a building permit.
2. A fence shall be erected with additional plantings to screen the parking lot from the adjacent neighborhood.

Bob Clark 2nd the motion and the motion carried unanimously.

SR 16.03 Request of S.E. Civil Engineering for Site Plan approval of 108 N. Section Street, Larry Smith. The property is located on the southeast corner of the intersection of Section Street and Pine Street. Mr. Smith gave the staff report saying the property is in the City of Fairhope and is zoned B-2 General Business District in the Central Business District (CBD). The applicant is proposing a mixed use, 2 ½ story building with 7 possible commercial tenants and 7 residential units. Mr. Smith noted garbage/trash pick-up is proposed on private property. Staff recommendation is to approve contingent upon the following condition:

1. The parking proposed along N. Section Street shall be evaluated and approved by the Public Works Director. If angled parking is found to be a hazard, parallel parking spaces shall be required.

2. Garbage/trash shall be picked up off of Pine Street, or an agreement between adjacent property owners shall be submitted to staff for pickup on private property.

Mayor Kant stated we pick up garbage on private property all over the City and he does not see where this will be an issue. Mr. Fidler said the alley is private but the wording staff has proposed should be fine to address the issue.

Larry Smith with S.E. Civil Engineering was present to answer any questions. Mr. Turner stated he owns the alley and he does not have any issue with the proposal. Mrs. MacKellar stated she is glad to see the mixed-use. Mr. Boone stated there is a note in the construction drawings which states "angular stone" will be used as the backfill in the PVC water bedding and Mr. Larry Smith stated it should reference sand.

George Roberds made a motion to accept the staff recommendation to approve contingent upon the following condition:

1. The parking proposed along N. Section Street shall be evaluated and approved by the Public Works Director. If angled parking is found to be a hazard, parallel parking spaces shall be required.
2. Garbage/trash shall be picked up off of Pine Street, or an agreement between adjacent property owners shall be submitted to staff for pickup on private property.

Bob Clark 2nd the motion and the motion carried unanimously.

UR 16.07 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,450 linear feet of conduit in the City of Fairhope right-of-way, Jeff Hadley. The project will run throughout Magnolia Commons, Carya Pointe, The Magnolias, Falls Creek, Gayfer Estates Plantation, Arlington Farms, Edington Place, and Idlewild subdivisions. The method of installation will be directional boring and trenching with a vibratory plow. No open trenches shall be allowed. Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment shall be painted munsell green.

Jennifer Fidler made a motion to accept the staff recommendation to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment shall be painted munsell green.

Bernie Fogarty 2nd the motion and the motion carried unanimously.

UR 16.05 Request of AT&T for 11.52.11 Utility Review and approval of the proposed installation of approximately 936 linear feet of underground cable, Jeff Hadley. The project will run along Washington Drive and Concord Drive in Colonial Acres. Mr. Smith gave the staff report saying the method of installation will be directional boring and manual digging. Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment shall be painted munsell green.

Jennifer Fidler made a motion to accept the staff recommendation to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work, as stated in the Staff Report.
2. Any mechanical equipment shall be painted munsell green.

Bob Clark 2nd the motion and the motion carried unanimously.

Old / New Business

SD 15.28 Resubdivision of Lot 6, Phase 2 of Fairhope Village – Request for 108 day extension of plat recording, Arthur Corte. Mr. Smith stated the City of Fairhope Subdivision Regulations require a plat shall be recorded within 60 days of the Planning Commission approval. Due to the pending litigation regarding the subject development, the applicant is requesting an additional 180 day extension be granted from June 6, 2016, for filing the resubdivision plat. Staff recommendation is to approve as requested. Bernie Fogarty made a motion to accept the staff recommendation to approve a 180 day extension to record the plat for SD 15.28 Resubdivision for Lot 6, Phase 2 of Fairhope Village. Kevin Boone 2nd the motion and the motion carried unanimously.

Continuing Education Classes and Training – Mr. Smith stated the University of North Alabama is offering Certified Alabama Planning and Zoning Official on July 13th-15th in Gulf Shores. He asked the Commissioners to let him know if they are interested in attending any of the classes.

Having no further business, Jennifer made a motion to adjourn. Bernie Fogarty 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:40 PM.

Lee Turner, Chairman

Emily Boyett, Secretary