

The Planning Commission met Monday, November 6, 2023, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas; Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Michelle Melton, Planner; Chris Williams, City Attorney; and Cindy Beaudreau, Planning Clerk.

Absent: Harry Kohler

Chairman Turner called the meeting to order at 5:00 PM.

Approval of the Minutes October 2, 2023:

John Worsham made a motion to approve the minutes from the October 2, 2023.

Hollie MacKellar seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Consideration of Agenda Items:

IR 23.03 Request of the Applicant, Jade Consulting, Inc. for an Informal Review of South Section Village. The property is approximately 57 acres and is located east of Section Street and across from the Hill Top PUD. **PPIN: 18518, 28640, 91082, 103446**

Summary: Hunter Simmons, Planning and Zoning Director, introduced the request for an Informal Review of a property that is outside the city limits. The discussion is to bring this project into the city as a PUD.

Trey Jinright, Jade Consulting, passed out a revised plan. Jason Tickle, 23389 Main Street, presented the request. The proposed plan is a pocket neighborhood design that prioritizes the people who will live there as opposed to the cars. The western third is heavily wooded and the project will preserve that area as much as possible. The project does not have a lot of frontage. There is a small area on Section Street that is next to the old VFW and the north side is across from the Fairhope Power Substation. To the east is Shellbrook Apartments and beyond that is the gas station and the high school. Mr. Tickle explained that the residential on the western side will be clusters of a dozen or so cottages at a time and have those clusters front on a common green space with shared driveways. He hopes to be able to meet or exceed the green space requirement and the quality of the green space will be superior to what is typical. Each of the cottages are designed with a front porch which will address green space, there will be pathways along the fronts of each of the cottages and each of those paths will tie into a central green space corridor with amenities. The hope is to encourage community. The central park area will have a pool, fitness, pickleball, playground, etc. In an effort to address another major concern that the city is grappling with, the size of the houses is smaller than a lot of the current offerings. They will range from 1,200 to 1,800 square feet to try to address affordability issues. There will be a diversity of home styles. Mr. Tickle shared a PowerPoint showing examples of the common areas and the home varieties. Paver bricks will

be added to give an impression of a pedestrian scale European village. An issue that jumped out when looking at the plan, has to do with conveyance. Lots of these cottages do not front on public roadways which could be addressed by using land condominiums meaning the common areas would be owned collectively and the individual lot owners will own units in the condominium.

John Worsham asked if the entrance would be on Section Street. Mr. Tickle replied that there is a bridge which comes out directly across from the Hill Top neighborhood.

Clarice Hall-Black asked how many homes are proposed. Mr. Tickle stated there are 241 on the drawing. He believes that is too many and he is looking to scale that back. When looking at neighborhoods within the area, 202 homes would be a reasonable goal.

Lee Turner asked which roads were planned to be private. Mr. Tickle answered that as a land condominium, he imagines that all the roads will be private. He has had conversations with staff that the main spine road may be turned over to the city. Mr. Turner stated that he believes that would be a good thing.

Erik Cortinas stated that the bridge on Section Street will require two points of entry and egress from a subdivision this big to accommodate fire apparatus. The bridge will need to be substantially constructed. Mr. Tickle stated that the bridge will be more of a culvert system. Mr. Cortinas asked about a blue line on the web soils and if that is a tributary to a state body. Mr. Jinright replied that the drainage way flows through Lakewood Golf Course and that the city has some definitions on drainageways that they will adhere to. Mr. Jinright stated that he would model the drainage for a hundred-year storm and would most likely design a bottomless culvert.

Rebecca Bryant asked about wetlands. Mr. Jinright stated that the County GIS shows the whole county as wetlands and that is not a good source to review. Mr. Jinright will review the Supreme Court ruling on wetlands.

Mr. Cortinas added that when he was looking at the web soils, he saw two spots there are alluvials with a grady pond. Mr. Jinright stated that the Supreme Court is in the process of reviewing wetlands.

Mr. Turner stated that he likes the way the project looks and asked Mr. Jinright and Mr. Tickle to look at how close the residences are to the property line and the buffering towards the neighboring properties. Mr. Turner suggested tweaking the connectivity on the north and south.

Ms. Bryant added that she has always liked neighborhoods that are designed around a common area. Mr. Bryant continued that a challenge may be that the citizens here like their cars in garages and asked how they would front the vibrant green space. Would the roads be treated like alleyways to service the cars, or would they be a second front? Ms. Bryant continued that, done right, this development could be emulated in other areas. She is interested in what is found out about the waterways.

Mr. Simmons added that staff received an older version than what the Planning Commission was given earlier with the clustered housing and larger green space. Staff had similar conversations with Mr. Jinright and Mr. Tickle on questions that the Planning Commission has. A PUD would be the only way to accommodate this project.

Mr. Bryant asked that, when submitting for this PUD, to clearly characterize the green space and how it corresponds to the Zoning Ordinance.

Ms. MacKellar loves the creativity, and it is nice to see something that is different and not the average.

Mr. Simmons asked about the frontage on Twin Beech. The plan shows commercial and there is not commercial on Twin Beech until you get to the Cefco. Mr. Simmons asked the Planning Commission how they felt about commercial being there. Mr. Turner stated that the developer should propose their plan and not get caught up on residential and commercial. Mr. Turner noted other areas in the country that have mixed commercial and residential that work well. With the amount of density proposed in this project, it may work well to have some commercial within where the residents do not have to get out on the road. Ms. Bryant stated that there could be an indoor/outdoor café could be compatible with the residential across the street.

Jay Robinson stated that he appreciates the creativity, but what concerns him is the large single home lots around it with the open green space and 240 homes. Mr. Robinson is picturing 240 new gas, water, etc. customers. He continued that there are only so many developments that can be added before there is a problem with utilities.

Ms. Hall-Black added that this seems like a good plan but stated that area was zoned (by Baldwin County) the way it was to keep the commercial towards 98 and residential in this area. Mr. Tickle replied that his first instinct was not to put commercial there. The landowner requested that commercial be included because their vision was to have a place where other neighborhoods would feel welcome in this neighborhood. Ms. Hall-Black stated that she did not want this to become a precedent for other commercial businesses to move to that area. Mr. Simmons agreed that was a concern for staff also that the area would not become a new expanding area for commercial.

Mr. Simmons addressed Mr. Robinson's concern stating that this is not the only project that staff is seeing and having conversations about and there are several large projects that are still forthcoming. Mr. Simmons suggesting looking at construction schedules so the projects can grow as the city systems grow to keep up with the growth.

UR 23.14 Request of Mediacom 11.52.11 Utility Review and approval of the proposed installation of aerial fiber and buried coaxial cable for a total of approximately 4,832 LF in the City ROW of the Parkstone subdivision.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of Mediacom for installation of approximately 4,832 linear feet of aerial fiber and buried coaxial cable in the Parkstone subdivision. Mr. Simmons shared the aerial pictures of the area. Mr. Simmons proposed an additional condition to the standard conditions of adding hang tags at least seven days prior to construction along with a live phone line where someone will answer 24 hours a day, 7 days a week. Recently, hang tags have been placed in the evening and digging began the next morning.

Staff recommends approval of UR 23.14 subject to the following conditions with the additional condition of hang tags being placed at least 7 days prior to beginning construction with a live phone line:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. Consultation with the City's horticulturalist, to determine if the required depth of bore must be increased so that no trees are impacted by the project. **The contractor is responsible for any damaged trees.**
3. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and GPS coordinates of the pothole locations on a set of as-built drawings.
4. An additional right-of-way permit may be required for the potholing procedures.
5. Follow-up activities below required by staff and the applicant:
6. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the mapping technician for inclusion in GIS utility maps as needed.
7. Provide draft door hanger for approval at time of pre-construction.
8. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
9. Ensure enough space for proposed work is available within existing easement, if not applicant is responsible for either expanding existing easement or acquiring an additional easement.
10. Applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).
11. Utilities boxes shall be concentrated near existing boxes.
12. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

Brandon Johanson, 1613 Nantahala Beach Road, Gulf Breeze, FL, stated that the hang tags are required from their contractors. He stated that hanging them 7 days before construction should not be a problem.

John Worsham made a motion to approve US 23.14 subject to staff recommendations including the additional hang tag recommendation.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

UR 23.15 Request of Mediacom 11.52.11 Utility Review and approval of the proposed installation of 2,303 LF of buried coaxial cable in the City ROW of the Overland subdivision.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of Mediacom for installation of approximately 2,303 linear feet of buried coaxial cable in the Overland subdivision. Mr. Simmons shared the aerial picture of the area.

Staff recommends approval of UR 23.15 subject to the following conditions with the addition of the hang tag condition:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. Consultation with the City's horticulturalist, to determine if the required depth of bore must be increased so that no trees are impacted by the project. **The contractor is responsible for any damaged trees.**
3. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and GPS coordinates of the pothole locations on a set of as-built drawings.
4. An additional right-of-way permit may be required for the potholing procedures.
5. Follow-up activities below required by staff and the applicant:
6. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the mapping technician for inclusion in GIS utility maps as needed.
7. Provide draft door hanger for approval at time of pre-construction.
8. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
9. Ensure enough space for proposed work is available within existing easement, if not applicant is responsible for either expanding existing easement or acquiring an additional easement.
10. Applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).
11. Utilities boxes shall be concentrated near existing boxes.
12. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

Erik Cortinas asked if Mediacom was planning on boring both projects. Mr. Johanson stated that they will be boring both projects.

John Worsham made a motion to approve UR 23.15 with staff recommendations including the hang tag recommendation.

Rebecca Bryant seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas
NAY: None.

SD 23.28 Public hearing to consider the request of the Applicant, Forrest Daniell & Associates on behalf of the Owner, KWH Properties, LLC for final plat approval of Polo Crossing, a 5-unit Multiple Occupancy Project. The property is approximately 1.77 acres and is located north of Autumn Drive and east of Greeno Road. **PPIN #21517**

Summary: Michelle Melton, Planner, presented the request of Applicant, Forrest Daniell & Associates on behalf of the Owner, KWH Properties, LLC for final plat approval of Polo Crossing, a 5-unit Multiple Occupancy Project. Ms. Melton shared the zoning and aerial maps along with building elevations. The site plan shows that the bike racks and outdoor seating has not been installed. The approved landscape plan from SD 22.10 has not been completed. A new tree was planted but is showing signs of distress. The city horticulturist believes that the tree should be replaced.

Lee Turner asked if Chicken Salad Chick was open. Ms. Melton replied yes. Ms. Melton shared the Temporary Certificate of Occupancy which will expire on December 25, 2023. Mr. Simmons added that an MOP is required for 3 or more units. An interpretation was made that without a third unit, they can operate under a Temporary Certificate of Occupancy. MOPs overall may need to be reconsidered due to questions that arose with the two-part process. The close out procedures may need to be revisited. Staff expects this to be complete by December 25, 2023. A permanent Certificate of Occupancy along with any building permits for the other three units will be on hold until this is complete.

Rebecca Bryant asked what stick we have if they do not abide by the requirements. Ms. Melton stated that they would not be able to get building permits for the other units and the open units would have to shut down. Ms. Bryant asked when did the original big oak tree become in poor health. Mr. Simmons stated that the tree was saved during the initial phases of construction, but as construction progressed, arborists began looking into it. Ms. Bryant stated that construction was designed around it and that trenching around the roots may have caused the tree to go into distress. Mr. Simmons stated this was done prior to that work being started.

Hollie MacKellar stated that a larger tree could have been placed there than what is there.

Ms. Bryant asked about what the number of acceptable conditions would be and what if the request was denied until the conditions are met. Mr. Simmons stated that is in the purview of the Planning Commission. Mr. Simmons added that when it comes to landscaping, if the site is stable, staff will recommend approval.

Staff recommends approval of SD 23.28 with the following conditions:

1. Signage shall conform to the Fairhope Sign Ordinance. Developer to provide conforming signage.
2. The tree planted in the roundabout needs to be replaced if it does not survive and the City requires a written commitment from the Applicant stating the same.
3. Additional limestone will be added to the impervious parking area. Staff will approve prior to issuance of final Certificate of Occupancy.
4. An updated O&M Plan shall be provided with updated language regarding parking areas inspections and maintenance.
5. Landscape shall be installed as shown on approved landscape plans prior to issuance of final Certificate of Occupancy.
6. Add seating to the outdoor picnic area and bike rack(s) to the bicycle parking area.

Michael Triplett – 8007 American Way, Daphne, spoke regarding the signage at Chicken Salad Chick which will be installed as soon as it is received and agreed to replace the tree.

Chairman Turner opened the public hearing at 5:48pm with no one present to speak, the public hearing was closed at 5:48pm.

Rebecca Bryant suggested that the tree be replaced.

Rebecca Bryant made a motion to approve SD 23.28 subject to staff recommendations along with changing #2 to read that the tree needs to be replaced and #3 to read pervious.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

SD 23.29 Public hearing to consider the request of the Applicant, S.E. Civil, LLC on behalf of the Owner, FST Windmill Holdings, LLC for final plat approval of Windmill Business Park, a 4-unit Multiple Occupancy Project. The property is approximately 1.48 acres and is located at 9969 Windmill Road. **PPIN #77607, #396213**

Summary: Michelle Melton, Planner, presented the request of the Applicant, S.E. Civil, LLC on behalf of the Owner, FST Windmill Holdings, LLC for final plat approval of Windmill Business Park, a 4-unit Multiple Occupancy Project. Ms. Melton shared the zoning and aerial maps. Ms. Melton stated that all conditions for preliminary plat have been met.

Staff recommends approval of SD 23.29 with no conditions.

Chairman Turner opened the public hearing at 5:52pm with no one present to speak, the public hearing was closed at 5:52pm.

Hollie MacKellar made a motion to approve SD 23.29.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

SD 23.30 Public hearing to consider the request of the Applicant, Dewberry on behalf of the Owner, DR Horton, Inc. - Birmingham for final plat approval of Laurelbrooke Ph. 2, a 50-lot subdivision. The property is approximately 59.13 acres and is located on the east side of State Highway 181 and north of County Road 24. **PPIN #34129**

Chris Williams, City Attorney, excused himself from this presentation.

Summary: Mike Jeffries, Development Services Manager, presented the request of the Applicant, Dewberry on behalf of the Owner, DR Horton, Inc. - Birmingham for final plat approval of Laurelbrooke Ph. 2, a 50-lot subdivision. Mr. Jeffries shared the zoning and aerial maps along with the plat. Phase 1 was approved at the September 7, 2023, Planning Commission meeting and the plat is currently being circulated for signatures. The site is 90% vegetated and the invoices have been provided for the streetlights.

Follow-Up activities required by staff and applicant:

1. Copy of the recorded plat. Final plat must be recorded within 120 days after the date of approval.
2. Copy of the recorded O&M Agreement.

3. Maintenance and Guaranty (M&G) Agreement executed by the developer – the mayor signs this agreement to fully execute it.
- Remember to include the instrument # from the recorded plat
 - Please include 30 days in paragraph 3

Staff recommends conditional approval of SD 23.30 subject to the following conditions:

1. Completion of Follow-Up Activities listed above.
2. The Plat for Laurelbrooke Phase 1 is record.

Cathy Barnett, Dewberry, stated that they had provided some of the follow-up activities already and that Phase 2 should be smoother than Phase 1.

Chairman Turner opened the public hearing at 5:56pm with no one present to speak, the public hearing was closed at 5:56pm.

Motion:

John Worsham made a motion to approve SD 23.30, with staff recommendations.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Mr. Simmons asked Ms. Barnett if she was aware of the bonds, and she stated yes.

SD 23.31 Public hearing to consider the request of the Applicant, Sawgrass Consulting, LLC on behalf of the Owner, FST Rockwell, LLC for final plat approval of Rockwell Place, a 2-lot major subdivision. The property is approximately 36 acres and is located on the east side of State Highway 181, south of the Harvest Green East Subdivision and across from The Waters Subdivision. **PPIN #14535**

Summary: Hunter Simmons, Planning and Zoning Director, introduced the request of the Applicant, Sawgrass Consulting, LLC on behalf of the Owner, FST Rockwell, LLC for final plat approval of Rockwell Place, a 2-lot major subdivision. Mr. Simmons stated that typically everything would be wrapped up, but with ALDOT permitting along with jurisdictional changes with preliminary and final approvals with the city and county, there is a separate agreement in draft form about finalizing the roadways. Those portions that would normally be addressed by the Planning Commission will be handled by that agreement, otherwise this is a standard final plat approval.

Mike Jeffries, Development Services Manager, shared the zoning and aerial maps along with the site plan, landscape plan and an updated aerial of the site. The site is 90% stabilized. There will be a future traffic light and mixed-use trail installed.

Follow-Up activities required by staff and applicant:

1. Copy of the recorded plat. Final plat must be recorded within 120 days after the date of approval.
Note: the Completion and Maintenance Agreement shall be executed within 120 days.
2. Copy of the recorded O&M Agreement.

Staff recommends conditional approval of SD 23.31 subject to the following conditions:

1. Completion of Follow-Up Activities listed above.
2. Public Infrastructure installed as part of this project requires final inspections pursuant to the Completion and Maintenance Agreement. Punch list items known now, or discovered in the future, shall be resolved prior to acceptance. Nothing within this Final Plant approval shall be construed to mean the City of Fairhope has performed final inspections on infrastructure intended by the dedicated to the City.
3. All governing bodies must approve of the terms set forth in the Completion and Maintenance Agreement related to the rights-of-way, public infrastructure, and connection to Highway 181, including ALDOT and Baldwin County, and the Completion and Maintenance Agreement must be executed by all parties to the Agreement prior to execution of the final plat for recording by the City and/or a representative of the Planning Commission.

Chairman Turner opened the public hearing at 6:02pm with no one present to speak, the public hearing was closed at 6:02pm.

Motion:

Erik Cortinas made a motion to approve SD 23.31 with staff recommendations.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Adjournment

John Worsham made a motion to adjourn.

AYE: Lee Turner; Rebecca Bryant; John Worsham; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Adjourned at 6:04pm.



Lee Turner, Chairman



Cindy Beaudreau, Secretary