

The Planning Commission met Monday, December 4, 2023, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner; Rebecca Bryant; 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, John Worsham

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

Approval of the Minutes November 6, 2023:

Erik Cortinas made a motion to approve the minutes from the November 6, 2023.

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

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

Consideration of Agenda Items:

UR 23.16 Request of C-Spire for an 11.52.11 Utility Review and approval of the proposed installation of approximately 38,563 LF of buried fiber cable in the City ROW on Blue Island Street.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of C-Spire for an 11.52.11 Utility Review and approval of the proposed installation of approximately 38,563 LF of buried fiber cable in the City ROW on Blue Island Street.

Brett Boling, 302 Bristlecone Court, Flowood, MS, spoke about a sidewalk project along Gayfer and requested the drawings for that project. Mr. Simmons stated that he would make sure he received the drawings.

Staff recommends approval of UR 23.16 subject to the following conditions:

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. Approved door hangers shall be in place no later than **7 days** prior to construction.
9. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
10. 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.
11. Applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).
12. Utilities boxes shall be concentrated near existing boxes.
13. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

Erik Cortinas made a motion to approve UR 23.16 with staff recommendations.

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

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

SD 23.32 Public hearing to consider the request of the Applicant/Owner, Corte Cave/Mitchell 1, LLC, for Final Plat Approval of Planters Pointe, a Re-Sub of Lot 2, NW Corner Hwy 181-Hwy 104 Subdivision, a 9-lot subdivision. The property is approximately 21.24 acres and is located on the northwest corner of State Highway 181 and State Highway 104. **PPIN #: 388078**

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant/Owner, Corte Cave/Mitchell 1, LLC, for Final Plat Approval of Planters Pointe, a Re-Sub of Lot 2, NW Corner Hwy 181-Hwy 104 Subdivision, a 9-lot subdivision. Mr. Simmons shared the zoning and aerial maps along with an aerial of the project from this morning. The date that Publix will open is December 13, 2023. The conditions of the MOP will allow the inline tenants to open as well. Staff received a plan for the multimodal trail along State Road 181 which will connect to the north and south ends of the property.

Staff recommends approval of SD 23.32 subject to the following conditions:

1. The final plat for this subdivision satisfies the final MOP procedures for SD 20.34.
2. Completion of the Punch List items.
3. Completion of the Follow-Up Activities.
4. Add fifteen feet (15') pedestrian access easement adjacent to Highway 181.

Rebecca Bryant asked about tree maintenance and how long will the trees be monitored. What is the process and how do we require them to change out the trees? Mr. Simmons stated that since everything is in, the City does not need a performance bond. The requirements come from the Tree and Landscape Ordinances which are in perpetuity. Ms. Bryant asked what happens if at any time someone cuts down the parking lot screening? Mr. Simmons stated that on private property screening is required but the City is accepting the trees in the right-of-way, but because we will accept the maintenance, the City may require bonds. Ms. Bryant asked if, in that case, does staff circle around through projects to check out the trees. Mr. Simmons stated yes.

Chairman Turner opened the public hearing at 5:12pm with no one present to speak, the public hearing was closed at 5:12pm.

Hollie MacKellar asked what the pedestrian easement is made of. Mr. Simmons stated that it most likely will be a pervious surface.

Hollie MacKellar made a motion to approve SD 23.32 subject to staff recommendations.

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

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

ZC 23.07 Public hearing to consider the request of the Owners, Ryan Creel and Vincent Boothe, for conditional annexation to PUD to be known as The Tin Tops at Gayfer. The property is approximately 5.33 acres and is located at 8437 Gayfer Road Extension. **PPIN #77258**

Chairman Turner reminded all that approval of this case will be a recommendation to the City Council for approval.

Summary: Michelle Melton, City Planner, presented the request of the Owners, Ryan Creel and Vincent Boothe, for conditional annexation to PUD to be known as The Tin Tops at Gayfer. Ms. Melton stated that the applicants anticipate renting some units and having the option to sell individual units. She shared the zoning and aerial maps. The plat was shared which shows ten duplexes.

Staff recommends approval of ZC 23.07 subject to the following condition:

1. If approved by the City Council, two (2) printed and bound copies of the Master Development Plan for the Tin Tops @ Gayfer, PUD shall be provided to the City.

Ms. Bryant asked if the building plans have been received. Erik Cortinas stated that the building permits have been issued. The project was originally permitted in the County before the City withdrew its jurisdiction. Since it was underway, the permit stayed with the City and now the project is coming back for annexation. Mr. Simmons added that this was approved by the City as unzoned property in the County. The County then reviewed it along with zoning this area. Ryan Creel, who could not make it to the meeting, met with staff and asked about exploring the possibility of turning these into condos instead of renting them all out. Staff worked with the County to determine what the process would look like, with multiple approvals, and the County stated it would be a quicker process through them but more cumbersome. The City would take a little longer but would be easier since the City is familiar with the project. Mr. Simmons wanted to make it clear that the City is not creating a development pattern in this area. A master development plan will stay with this project as it was approved. Ms. Bryant asked about the trigger for a photometric site plan to show compliance with lighting. Mr. Simmons stated that staff has received the lighting plan. They are not planning on installing street lighting. It is a private drive. The concern is if they put lighting on any building close to the property line, but that would be addressed during the permit phase. Ms. Bryant asked about the tree protection plan. Mr. Simmons stated that the landscape permit is currently with Baldwin County. A condition of the MOP was that a tree protection plan would be submitted with the land disturbance permit, but it has not been received yet. Baldwin County has already released that permit. Ms. Bryant stated that there is no construction entrance and asked if that was up to Baldwin County. Mr. Simmons stated that he was unsure of the details of the

Baldwin County permit. Mr. Cortinas stated that once the project is annexed into the City, he can enforce the construction entrance.

Chairman Turner opened the public hearing at 5:23pm.

Gary Gover, 300 Lincoln Street spoke about the absence of any visible provisions for bicyclists or pedestrians and no connections to facilities along the Gayfer Extension.

The public hearing was closed at 5:24pm.

Mr. Cortinas stated that there are different building code requirements for a rental versus a condo. He has had those discussions with the builder and believes that the builder will make the provisions to do the two-hour wall. The buildings will be built in a manner where they can do that. Mr. Simmons continued that the way the PUD is written, they have the option to condo this, but if they do that, it will come back to the Planning Commission for a condominium plat to show where the common areas are.

Erik Cortinas made a motion to recommend approval of ZC 23.07 to the City Council subject to the staff recommendation.

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

During further discussion, Chairman Turner suggested that staff should consider requiring sidewalks, if there are not elevation or ADA issues, in lieu of easements in the rural areas due to how fast the City is growing. Mr. Simmons stated that staff did review this project for compliance with City connectivity goals. There are wetlands all through the front of the property. When you get to the sidewalk on Bishop, that sidewalk is on the east side of the road and connecting there would be a problem due to the drainage problems along Gayfer. Ms. MacKellar asked where the nearest fire hydrant was. Mr. Simmons stated it was within 450 feet of the project. Ms. Bryant asked if anything could be done about the dumpster. Mr. Simmons stated that it will need to be screened.

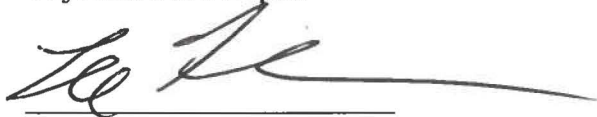
AYE: Lee Turner; Rebecca Bryant; Hollie MacKellar; Clarice Hall-Black; Jay Robinson; Erik Cortinas
NAY: None.

Adjournment

Rebecca Bryant made a motion to adjourn.

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

Adjourned at 5:28pm.



Lee Turner, Chairman

Cindy Beaudreau, Secretary