

The Planning Commission met Monday, March 4, 2024, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Holly MacKellar, Harry Kohler, 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: Lee Turner, Rebecca Bryant, and John Worsham

Due to the absence of the Chairman, the Planning Secretary called the meeting to order at 5:00 PM.

Hunter Simmons, Planning and Zoning Director, explained that the Planning Commission would need to select a Chairman for this meeting.

A motion was made by Hollie MacKellar to select Jay Robinson as the Chairman for this meeting.

Harry Kohler seconded the motion and the motion carried unanimously with the following vote:

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Approval of the Minutes February 5, 2024:

Erik Cortinas made a motion to approve the minutes from the February 5, 2024.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Old/New Business

- **SD 22.05** Battles Trace Ph. 8 – Request of Applicant, Goodwyn Mills Cawood, LLC, for an extension of six months for preliminary plat approval.

Hunter Simmons, Planning and Zoning Director, explained that this is a standard request, and the project is close to completion.

Erik Cortinas made a motion to approve the six-month extension for SD 22.05.

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

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

- Discussion of Medical Uses will be moved to the April 1, 2024, meeting

Consideration of Agenda Items:

A. SD 24.01 Public hearing to consider the request of the Applicant, Jade Consulting on behalf of the Owner, Dominion Senior Living of Fairhope, LLC for final plat approval of The Reserve at Fairhope, a 169-unit multiple occupancy project. The property is approximately 16.62 acres and is located on the west side of US Hwy 98 between Volanta Avenue and Dyer Road. **PPINS #386193, 386197**

Summary: Mike Jeffries, Development Services Manager, presented the request of the Applicant, Jade Consulting on behalf of the Owner, Dominion Senior Living of Fairhope, LLC for final plat approval of The Reserve at Fairhope, a 169-unit multiple occupancy project. Mr. Jeffries shared the zoning map and aerial. The site is finished and stabilized. The applicant has proposed an alternative to a recreational area that was originally a pickleball court which now will be a bocce ball court and a pavilion to provide shade.

Follow-Up Activities Required by the Applicant:

- Copy of the recorded MOP Plan
- Copy of the recorded O&M Agreement
- Maintenance and Guaranty (M&G) Agreement executed by the developer – this document is not considered fully executed until the Mayor signs said agreement.
 - Remember to include the instrument # from the recorded plat
 - Please include 30 days in paragraph 3
 - Subdivision Performance Bond and Agreement executed by the developer

Staff recommends approval of SD 24.01 subject to the following conditions:

1. Completion of the follow up activities
2. A replat is completed creating one lot

Chairman Robinson opened the public hearing at 5:08pm.

Trey Jinright, Jade Consulting, stated that he agrees with the staff conditions and appreciates the consideration of the alternate recreational area.

Mr. Simmons stated that staff needs approval of the alternative recreational area.

Planning Commission had no objections to altered recreational area.

The public hearing was closed at 5:09pm.

Hollie MacKellar made a motion to approve SD 24.01 with staff recommendations.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

B. SD 24.04 Public hearing to consider the request of the Applicant, The Woodlands Group, LLC, acting on behalf of the Owner, FST Oden Property Management and Investments LLC, for Preliminary and Final Plat approval for The Poidevant Subdivision, a 2-lot minor subdivision of Lot Two, Pecan Orchard, Unit One. The property is approximately 0.60 acres and is zoned R-2 – Medium Density Single-Family. The property is located at the southeast corner of Morphy Avenue and County Road 13. **PPIN #15191**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, The Woodlands Group, LLC, acting on behalf of the Owner, FST Oden Property Management and Investments LLC, for Preliminary and Final Plat approval for The Poidevant Subdivision, a 2-lot minor subdivision of Lot Two, Pecan Orchard, Unit One. Mr. Jeffries shared the zoning and aerial maps. There is a residence located on what is the proposed lot 2. The subdivision does not create any nonconformities with the subdivision. Mr. Jeffries showed a temporary utility easement running through the middle of lot 1, which will expire once the utilities are relocated. The applicant is aware that a sidewalk will be required on the County Road 13 side as part of the conditions for approval.

Staff recommends approval of SD 24.04 subject to the following condition:

1. Installation of sidewalk along County Road 13 the length of the property.

Chairman Robinson opened the public hearing at 5:13pm. Having no one present to speak, the public hearing was closed at 5:13pm.

Clarice Hall-Black made a motion to approve SD 24.04 with staff recommendations.

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

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

C. SD 24.05 Public hearing to consider the request of the Applicant, Goodwyn Mills Cawood, acting on behalf of the Owner, Starlight Development, LLC, for Preliminary Plat approval for The Proper, a 10-unit multiple occupancy project. The property is approximately 1.68 acres and is zoned B-1 – Local Shopping District. The property is located at the southwest corner of Nichols Avenue and Young Street. **PPINS #9585, 9601, 121255, 9602, 361754**

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, Goodwyn Mills Cawood, acting on behalf of the Owner, Starlight Development, LLC, for Preliminary Plat approval for The Proper, a 10-unit multiple occupancy project. Mr. Simmons started with staff's recommendation of tabling this project due to an issue dating back to 1946. Mr. Simmons stated that there is time to open the public hearing and then table the project so that the applicant can receive feedback from the Planning Commission and the public. Mr. Simmons shared the zoning and aerial maps. Townhomes are allowed in the B-1 district as long as they meet the conditions of the Zoning Ordinance. Three of the units, on the south side, face Anderson Avenue. Applicant desires for Anderson Avenue to remain "as is" and not provide any improvements beyond clearing overgrowth and installing sidewalks to the units and states

that there is pedestrian access “via such frontage” on Anderson Avenue. Anderson Avenue is an unopened ROW with various documented widths (15’, 16’ and 20’). It currently provides access to a few residential lots. Neither the City nor the County recall ever maintaining Anderson Avenue, thus, is Anderson Avenue a “paved, publicly maintained street” per the Subdivision Regulations? Staff has been trying to find information on Anderson Avenue for the month this application was being reviewed with Public Works, Utilities, and the City Engineer. There are multiple lots on Anderson Avenue that have never been built upon that have access off the ROW. Many of them have been sold recently and staff anticipates activity happening in the future. A 20’ ROW is challenging as a single lane and adding utilities. The question is, as a subdivision, do we require additional ROW? Even if staff asked for 5’ additional ROW, that would affect the setbacks and applicability of the layout of the project. Staff is not comfortable with a recommendation for approval yet without a third-party title search to determine the exact width of the ROW. Staff may come back with some suggestions once the report is received. Mr. Simmons explained the waiver request from the applicant, along with the sidewalk requirements and landscaping requirements.

Staff recommends tabling SD 24.05 subject to a third-party title search being performed.

Ms. MacKellar asked if we had approved a project this close to a large utility easement and is concerned with the safety. Mr. Simmons stated that there was a recent BOA case with the Morphy Substation and stated that there will be noise and anyone moving in there will have to understand that the substation exists today and there are no plans to move it for a while.

Melissa Hadley, GMC, shared that there has been a lot of different options that were examined. A goal was to save almost all the mature trees, which the site plan shows. If Anderson Avenue would need to be widened, a lot of the trees would need to be removed. There are two existing roads along with the proposed road that would serve the property. Ms. Hadley continued that there is an allowance in the Subdivision Regulations that allows for a 20’ ROW. Given the fact that there are only a handful of lots that front Anderson Avenue, this could function in that width. The townhomes would not have any vehicular access to Anderson Avenue. There would be a sidewalk at the front of those townhomes. Ms. Hadley shared the unique design of the townhomes with a courtyard in the backyard. There is ample room behind each garage for parking so there will not be parking on the access drive. The proposed inside road was designed to save the mature trees. They are proposing an additional sidewalk on Nichols. Ms. Hadley believes there is enough positives to the design and orientation to justify the waiver request to allow Anderson Avenue to remain a 20’ wide lane.

Ms. Hall-Black asked if this will be gated. Ms. Hadley stated that it will not be gated.

Mr. Simmons stated that the Planning Commission can table a project for one month. After that, the applicant must be in agreement. Mr. Simmons explained that he is not sure how long a title search will take and if it can be completed in 30 days. Ms. Hadley agreed to table the project so that the public hearing could be opened. She feels confident in the survey that was submitted and believes that the 20’ ROW will hold. Ms. Hadley reiterated that Anderson Avenue is not being planned for vehicular access for this development. She also pointed out that there is an existing home south of Anderson Avenue and widening the ROW would potentially disrupt this home.

Chairman Robinson restated that if he opens the public hearing, there is a 30-day option for this to be tabled and after that, if she does not agree, it will have to move forward within 30 days. Chris Williams, City Attorney, stated that the options are either: 1) the applicant agrees to table the project now until the title search comes back, or 2) do not open the public hearing, and come back next month, but if the title search is not complete next month, the project would be tabled for another 30 days. Ms. Hadley agreed to table the project until the title search comes back so that the public hearing can be opened.

Chairman Robinson opened the public hearing at 5:31pm. Having no one present to speak, the public hearing was closed at 5:31pm.

Mr. Williams suggested that the motion state to table the item based on the consent of the applicant until the title search can be completed and that the item will be placed on the next available meeting following receipt of the title search.

Erik Cortinas made a motion with the agreement of the applicant to table SD 24.05, for the amount of time it takes for the title search to come back, in accordance with staff recommendations.

Harry Kohler seconded the motion and the motion carried unanimously with the following vote:

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

D. SD 24.06 Public hearing to consider the request of the Applicant, Dewberry, acting on behalf of the Owner, Tommy Thomasson et al, for Preliminary Plat approval for Montrose Preserve PUD, Ph. 1, a 3-lot major subdivision. The property is approximately 8.94 acres and is zoned as a PUD – Planned Unit Development. The property is located on the west side of Greeno Road and south of Sibley Street.
PPIN #75979

Michelle Melton, City Planner, presented the request of the Applicant, Dewberry, acting on behalf of the Owner, Tommy Thomasson et al, for Preliminary Plat approval for Montrose Preserve PUD, Ph. 1, a 3-lot major subdivision. Ms. Melton shared the zoning and aerial maps.

Staff recommends approval of SD 24.06 subject to the following conditions:

1. Please add “Pedestrian” to the “20 ft Utility Easement” notations on the Boundary Survey and Plat.
2. Any outside agency permits (ALDOT, Baldwin County, ADEM, etc.) required shall be obtained prior to submission of building permits.
3. Fire flows shall meet International Fire Code standards at time of Final Plat. Engineer shall provide confirmation with Final Plat application.

Ms. Melton stated, from the Ordinance from the amendment in 2022, that all buffers listed on the site plan shall remain natural with the exception of where a visual buffer does not exist, buffer plant material shall be installed. Mr. Simmons stated that the note on the plat does have a buffer next to the cemetery. Staff received questions about that. It is not just a 20’ buffer that shall remain, the landscape that is there will also remain to provide a visual screen. This note will be added to the plat before final plat. On

another note, this makes a condition for a potential PUD amendment, as part of this application, staff was supplied with a schematic design of how water utilities will get to the remaining lots. That plan will be added to the PUD.

Chairman Robinson opened the public hearing at 5:45pm.

Jason Estes, Dewberry, stated that they are agreeable to the staff recommendations.

Harry Kohler stated that lot three has an extreme drop off and asked if it would still be buildable. Mr. Estes answered yes, that the drop off is not as bad as it looks. Mr. Kohler asked if the house would be moved further north, and Mr. Estes stated yes. Mr. Simmons added that some of the access was brought from the north and did not connect at the intersection. There is a buffer required at Greeno. Dewberry has mapped those out and the buffers have been amended.

Barry Boothe, P.O. Box 1, Montrose, shared his concern about further subdivision availability for these three lots on this block. Mr. Simmons stated that this is a PUD and has a site plan that must be followed showing these three lots but is unable to promise that no one will propose something different. If that occurs, the PUD would need to be amended then subdivisions would have to be proposed. That is not what is being proposed this evening. The PUD zoning protects that from a regular subdivision being proposed. Mr. Booth asked if there was any declaration of the opening of 3rd Street from Chapman to Taylor with regard to the corner lot. Mr. Simmons stated that a major component of this PUD was not connecting to Taylor and a few other streets. Access to these three lots will not be a major public road. 3rd Street is a unique road and will continue as a lane back to these three lots. Taylor will not have a road connection. Mr. Estes shared the plan and explanation with Mr. Boothe. Mr. Simmons added that staff has heard from Daphne Utilities who is planning on upgrading the water line on Taylor that will loop back in but does not open Taylor for access. A comment was received to make sure the water line does not impact the trees on Taylor outside of this subdivision. This is not something that can be addressed right now. Mr. Boothe asked for confirmation that any proposed further subdivision of these lots would have to come back through the Planning Commission. Mr. Simmons stated yes, it would go through the Planning Commission and City Council as a zoning change prior to being able to subdivide for this particular phase. More lots are allowed in the PUD. Any resubdivision of these particular lots would need a zoning change that would go to Planning Commission and City Council.

The public hearing was closed at 5:45pm.

Mr. Simmons asked that the Planning Commission note that the three conditions are different from what is in the packet and shared the revised conditions for the motion.

Mr. Cortinas asked about Daphne upgrading the 6" water line. Mr. Estes stated that they are tying into the 6" line and there will be a 6" line in front of these lots.

Ms. MacKellar asked about the ingress/egress on Adams and Chapman. Mr. Simmons stated that none will be continuing down 3rd Street. There was a discussion on the next lots with potential for access. Mr. Estes stated that there will be no access on Adams and will not connect to Greeno. Mr. Estes shared the plan with Ms. MacKellar showing ingress and egress in the project.

Hollie MacKellar made a motion to approve SD 24.06 with staff recommendations.

Clarice Hall-Black seconded the motion and the motion carried unanimously with the following vote:

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Adjournment

Erik Cortinas made a motion to adjourn.

AYE: Holly MacKellar, Harry Kohler, Clarice Hall-Black; Jay Robinson; Erik Cortinas

NAY: None.

Adjourned at 5:50pm.



Lee Turner, Chairman



Cindy Beaudreau, Secretary