

The Planning Commission met Monday, May 6, 2024, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas; Hunter Simmons, Planning and Zoning Director; Michelle Melton, Planner; Chris Williams, City Attorney; and Cindy Beaudreau, Planning Clerk.

Absent: Lee Turner, Rebecca Bryant, Jay Robinson and Clarice Hall-Black

Due to the absence of the Chairman, the Planning Secretary called the meeting to order at 5:08 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 Erik Cortinas to select John Worsham as the Chairman for this meeting.

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

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

Approval of the Minutes April 1, 2024:

Erik Cortinas made a motion to approve the minutes from the April 1, 2024.

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

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

Old/New Business

None

Consideration of Agenda Items:

A. SD 24.07 Public hearing to consider the request of the Applicant, Goodwyn Mills Cawood, LLC, on behalf of the Owner, Retirement Systems of Alabama, for Final Plat Approval of Battles Trace Phase 8, a 48-lot Major Subdivision. The property is approximately 28.53 acres and is zoned TR – Tourist Resort District. The property is located on the north side of Battles Road, on the east and west sides of Colony Drive. **PPINS #: 29244, 372296**

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, Goodwyn Mills Cawood on behalf of the Owner, Retirement Systems of Alabama for final plat approval of Battles Trace Phase 8, a 48-lot major subdivision. Mr. Simmons shared the zoning map and aerial. Mr. Simmons stated that the recreational areas and infrastructure of the subdivision is complete.

Follow-Up Activities Required by the Applicant:

- Copy of the recorded plat (Final plat must be recorded within 120 days of acceptance)
- Copy of the recorded O&M Agreement
- Maintenance and Guaranty (M&G) Agreement executed by the subdivider – this document is not considered fully executed until the Mayor signs said agreement.
 - Remember to include the instrument # from the recorded plat

Staff recommends conditional approval of SD 24.07 subject to the following conditions:

1. Completion of the follow up activities
2. Submit revised GIS As-Builts Shapefiles

Mr. Simmons addressed a citizen's concern regarding the pipe in the sidewalk. Staff reviewed the plans, and it does meet the approved plans in the preliminary plat and the sidewalk has been repaired. The pipe is a little larger, so it does stick out of the water. Staff does not see any hazard or environmental impact of the pipe.

Amanda Thompson was present on behalf of Goodwyn Mills Cawood for any questions.

Chairman Worsham opened the public hearing at 5:15pm.

Gary Gover, 300 Lincoln Street, stated his concern about an existing fence with two strands of barbed wire on the south side and requested that it be removed.

Mr. Simmons stated that the TR district is exempt from portions of the Zoning Ordinance but stated that he would look into it.

The public hearing was closed at 5:17pm.

Hollie MacKellar made a motion to approve SD 24.07 with staff recommendations.

Chris Williams, City Attorney, stated that he had reviewed the TR District and Zoning Ordinance and does not see any limitations on fencing that specifically pertains to barbed wire.

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

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

B. SD 24.08 Public hearing to consider the request of the Applicant, S.E. Civil, on behalf of the Owner, FST Old Towne Investments, LLC, for Preliminary and Final Plat Approval of Morphy Grove, a 3-lot Minor Subdivision. The property is approximately 1.26 acres and is zoned R-3 – High Density Single-Family. The property is located north of Morphy Avenue and west of Bishop Road. **PPIN #: 57387**

Michelle Melton, City Planner, presented the request of the Applicant, S.E. Civil, acting on behalf of the Owner, FST Old Towne Investments, LLC, for Preliminary and Final Plat approval of Morphy Grove, a 3-lot minor subdivision. Ms. Melton shared the plat and site data.

Staff recommends approval of SD 24.08 subject to the following condition:

1. Installation of sidewalk along Morphy Ave.

Aaron Collins, S.E. Civil, was present for questions. Harry Kohler asked about the sidewalk installation. Mr. Collins stated that the sidewalks need to be installed before the final plat will be signed by the Planning Staff.

Chairman Worsham opened the public hearing at 5:22pm.

Ruth Pierce, 9 Fox Run, stated her concern about the traffic, water pressure and drainage in the area.

Mr. Simmons stated that the area is zoned for single family residential, and three homes will be built fronting Morphy Avenue. Mr. Simmons continued addressing Ms. Pierce's concerns regarding drainage and traffic.

The public hearing was closed at 5:30pm.

Larry Smith, S.E. Civil, stated that there was a fire flow test which shows adequate water pressure for the area. Mr. Smith continued that this minor subdivision does not require a traffic study and that the property slopes from north to south so all run off will flow into the right-of-way on Morphy Avenue.

Mr. Simmons stated that the Mayor just notified him that she has already told the Water Superintendent to check with water pressure in Ms. Pierce's area.

Erik Cortinas made a motion to approve SD 24.08 with staff recommendations.

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

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

Erik Cortinas shared with Ms. Pierce that during the building permit process, that if the builder significantly changed the topography of the land, he has the authority to make the builder take drainage measures into account.

C. SD 24.10 Public hearing to consider the request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, 68V Harvest Green West 2022, LLC, for Final Plat Approval of Harvest Green West Phase 1, a 77-lot subdivision. The property is approximately 42.10 acres and is zoned PUD – Planned Unit Development. The property is located on the west side of State Highway 181, across from The Waters Subdivision. **PPIN #: 17737**

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, S.E. Civil, LLC, acting on behalf of the Owner, 68V Harvest Green West 2022, LLC, for Final Plat approval of Harvest Green West Phase 1, a 77-lot subdivision. Mr. Simmons shared the zoning map and aerial. Mr. Simmons explained the different phases of Harvest Green West. Mr. Simmons stated that a lot in the back of Harvest Green West Phase 2, will eventually be deeded to the City for a lift station, in the event that Phase 2 does not happen due to economics.

Follow-Up Activities Required by the Applicant:

- Copy of the recorded plat (Final plat must be recorded within 120 days of acceptance)
- Copy of the recorded O&M Agreement
- Maintenance and Guaranty (M&G) Agreement executed by the subdivider – this document is not considered fully executed until the Mayor signs said agreement.
 - Remember to include the instrument # from the recorded plat
 - Remember to include 30 days in paragraph 3.
- Performance Bond submitted within 30 days of Final Plat approval.

Staff recommends approval of SD 24.10 with staff recommendations.

1. Completion of follow-up activities.
2. Add the FFE for each lot.
3. A note will be added to the plat to reflect the lot where the lift station is located in Harvest Green West (Phase 2) will be dedicated to the City during the Final Plat approval of Harvest Green West (Phase 2). In the event the Preliminary Plat for Harvest Green West (Phase 2) expires before Final Plat approval is obtained, the lot will be deeded to the City by an administrative re-plat by the Owner.
4. Provide correspondence from ALDOT confirming turnouts are permitted for public use.
5. New videos of the sewer mains shall be submitted to the Water/Sewer Department for review and any deficiencies shall be corrected to the satisfaction of the Water/Sewer Department prior to Certificate of Approval (Plat Signatures) of the City of Fairhope Sewer Department.

Larry Smith, S.E. Civil, stated that he agrees with all of the conditions and clarified condition 5 that the goal is that review the areas that had problems and possibly revideo them. He has spoken with Daryl Morefield and Richard Johnson about that so that it is to their satisfaction.

Mr. Cortinas asked Mr. Smith to explain how the FFEs are established. Mr. Smith explained that each jurisdiction and builder uses something different, but in the absence of guidance, Mr. Smith will go a minimum of 15" above the centerline of the road. Normally, that is still pretty flat if you are trying to get drainage to go from the back of the lot to the front of the lot, then analyze which direction the drainage will go. If necessary, he will go up to 24" above the centerline of the road. Mr. Cortinas asked how it would be handled if there are heavily sloped lots. Mr. Smith stated that he would come up with a site specific, city approved plan.

Chairman Worsham opened the public hearing at 5:43pm. Having no one present to speak, the public hearing was closed at 5:43pm.

Erik Cortinas made a motion to approve SD 24.10 with staff recommendations.

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

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

D. SD 24.12 Public hearing to consider the request of the Applicant, Jade Consulting, LLC, acting on behalf of the Owner, Two Hands Design & Development LLC, for Preliminary Plat Approval of Hill Top – Lot 29. The property is approximately 1.131 acres and is zoned a PUD – Planned Unit Development. The property is located at 18655 Section Street. **PPIN #: 389630**

Michelle Melton, City Planner, presented the request of the Applicant, Jade Consulting, LLC, acting on behalf of the Owner, Two Hands Design & Development LLC, for Preliminary Plat approval of Hill Top – Lot 29. Ms. Melton combined this presentation with SR 24.01 due to them being the same property. Ms. Melton shared the zoning and aerial maps, along with the site plan.

Mr. Simmons explained that the Site Plan will move on to the City Council. This MOP will go through preliminary then final approval. Mr. Simmons stated that since there are no major improvements for the MOP, even though there are five units or more, he would have recommended that that Applicant request a waiver and submit for preliminary and final at the same time. Mr. Simmons stated that if the Applicant agrees, the Planning Commission could table the MOP, advertise it for next month and approve preliminary and final plat at the same time.

Staff recommends approval of SD 24.12 subject to the following conditions:

1. Signage plan shall conform to the Sign Ordinance.

Trey Jinright, Jade Consulting, stated that the Owner, Mr. Jason Tickle, is requesting an additional condition of approval. He is requesting to make the south buffer 15' instead of 10' for the Site Plan. Mr. Jinright stated that he appreciates the offer of the waiver, but he will be at the next few meetings and does not mind bringing the project back for final plat approval.

Chairman Worsham opened the public hearing at 5:57pm.

Gary Gover, 300 Lincoln Street, stated that he believed that the exterior sidewalk along Section Street would be partially incomplete and finished at a later date. He is asking how the sidewalk would be finished later. Mr. Simmons stated that the sidewalk and boardwalk is complete. The building would be connected to the existing interior sidewalk.

Frank Vitello, 821 Vulpes Avenue, stated that Mr. Tickle was gracious enough to work with the homeowners by requesting the additional 5' of buffer.

Mr. Simmons suggested that the additional condition be memorialized with the same subregulations as the 10' buffer. Mr. Jinright stated that they will use the same landscaping for 15' as they would have for the 10'.

The public hearing was closed at 6:03pm.

Hollie MacKellar made a motion to approve SD 24.12 with staff recommendation with the change from a 10' buffer to a 15' buffer on the southern portion of the property.

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

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

E. SR 24.01 Request of the Applicant, Jade Consulting, LLC, acting on behalf of the Owner, Two Hands Design & Development LLC, for Site Plan Approval of Hill Top – Lot 29. The property is approximately 1.131 acres and is zoned a PUD – Planned Unit Development. The property is located at 18655 Section Street. **PPIN #: 389630**

Staff recommendation of SR 24.01 to City Council subject to the following condition:

1. Signage plan shall conform to the Sign Ordinance.

Erik Cortinas made a motion to recommend SR 24.01 to City Council with staff recommendations and staff will make the City Council aware of the increase in the buffer on the southern portion of the property.

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

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

Adjournment

Erik Cortinas made a motion to adjourn.

AYE: Hollie MacKellar; Harry Kohler; John Worsham; Paul Fontenot; Erik Cortinas

NAY: None.

Adjourned at 6:08pm.



Lee Turner, Chairman


Cindy Beaudreau, Secretary