

The Planning Commission met Monday, July 1, 2024, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black; Hunter Simmons, Planning and Zoning Director; Michelle Melton, Planner; Chris Williams, City Attorney; and Cindy Beaudreau, Planning Clerk.

Absent: Hollie MacKellar, Jay Robinson, and Erik Cortinas

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

Approval of the Minutes June 3, 2024:

John Worsham made a motion to approve the minutes from the June 3, 2024.

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

Old/New Business

None

Consideration of Agenda Items:

A. UR 24.07 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 27,090 LF of buried fiber cable and 4,180 LF of innerduct in the City ROW at 500 Nichols Avenue.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 27,090 LF of buried fiber cable and 4,180 LF of innerduct in the City ROW at 500 Nichols Avenue. Mr. Simmons shared the zoning map and aerial.

Staff recommends conditional approval of UR 24.07 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.
 - a. An additional right-of-way permit may be required for the potholing procedures.
4. Follow-up activities below required by staff and the applicant:
 - a. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the GIS Supervisor for inclusion in GIS utility maps as needed.
5. Provide draft door hanger for approval at time of pre-construction.

6. Approved door hangers shall be in place no later than **7 days** prior to construction.
7. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
8. 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.
9. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
10. Utilities boxes shall be concentrated near existing boxes. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

John Worsham made a motion to approve UR 24.07 with staff recommendations.

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

B. UR 24.08 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 5,489 LF of buried fiber cable and 1,523 LF of innerduct in the City ROW at 713 S Mobile Street.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 5,489 LF of buried fiber cable and 1,523 LF of innerduct in the City ROW at 713 S Mobile Street. Mr. Simmons shared the zoning map and aerial.

Staff recommends conditional approval of UR 24.08 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.
 - a. An additional right-of-way permit may be required for the potholing procedures.
4. Follow-up activities below required by staff and the applicant:
 - a. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the GIS Supervisor for inclusion in GIS utility maps as needed.
5. Provide draft door hanger for approval at time of pre-construction.
6. Approved door hangers shall be in place no later than **7 days** prior to construction.
7. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
8. 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.
9. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
10. Utilities boxes shall be concentrated near existing boxes. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

John Worsham made a motion to approve UR 24.08 with staff recommendations.

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
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**

Michelle Melton, City Planner, 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. The property is approximately 1.68 acres and is zoned B-1 – Local Shopping District. Ms. Melton shared the zoning map and aerial. Applicant is requesting a waiver regarding Anderson Avenue, aka Anderson Street from Article V(E) – Lot Access, section of the Subdivision Regulations.

Chairman Turner asked if the power lines would be underground. Mr. Simmons replied that the power on Young Street will not be underground and that the trees on that side will be more columnar and will not interfere with the lines.

Staff does not support the waiver.

Mr. Simmons explained that it is only a 20' ROW with the additional 5' that the Applicant is providing. Street standards are typically 20' wide, although the Subdivision Regulations do allow for a lane, and staff believes a lane could be placed there without harming the trees by paving the existing asphalt. Staff would support that but does not support the waiver to not pave anything.

John Worsham asked if the applicant paved the area, would they meet the regulations. Mr. Simmons stated that if they paved that lane, the subdivision regulations give some language about reduced width so instead of 20', it allows a lane, approximately 12'-16' of pavement, which could be appropriate here due to a ROW that was platted in 1946. Discussion continued about access to the lots.

Chairman Turner asked if the area had been surveyed. Mr. Simmons replied that staff received a survey which showed the ROW of 15' along with an independent title search.

Staff recommends approval of SD 24.05 with staff recommendations.

1. Installation of a minimum of 12' wide (1 yield flow) paved lane in Anderson Ave./St. pursuant to the Street Classification, Design, and Function (Table 5.3) in Appendix A. Applicant will work with Staff to mitigate tree root damage during construction of required lane.
2. Re-plat
3. Maintenance Bond and Maintenance and Guarantee Agreement shall be submitted with Final Plat for any infrastructure that is intended to be accepted by the City.

Melissa Hadley, GMC, explained that they did perform a survey and the road to the tip of the detention pond had been paved before. Ms. Hadley stated that the applicant is amenable to adding asphalt but does not want to rip up the existing trees that are there. They agree to do the 12' pavement to meet the lane regulations in addition to the 5' of ROW. Ms. Hadley stated that the development has three roads now. Mr. Worsham asked if she rotated the three lots facing Anderson would they fit. Ms. Hadley stated no, they would still need to come out on Anderson which would then need to be a vehicular access. The way she designed it, Anderson does not need to be used for vehicular access. Ms. Bryant brought up traffic impact vs. aesthetic impact and shared her concerns of no one facing Young Street. Ms. Bryant asked about the garages. Ms. Hadley stated that the corner units are fully facing on those roads. Ms. Bryant asked if Ms. Hadley had considered designing everything to face Young Street with access off Nichols. Ms. Hadley replied that she had to consider the vehicular movement throughout the site and trying to keep as many of the trees as possible and most of them are in the southwest corner. Ms. Hadley shared the renderings of the buildings and Ms. Bryant asked if the buildings would actually look like that. Mr. Hadley replied yes, for the most part.

Mr. Turner asked what Anderson Avenue will be used for. Ms. Hadley replied that it will not be used for anything. Discussion continued on access around the site. Mr. Turner shared his concern of B-1 zoning and this site does not have any on street parking or overflow parking. Ms. Hadley stated that there are guest parking areas in the median area of Legacy Loop and each home has a two-car garage and two additional spaces in each driveway. Mr. Turner asked how many public parking spaces are provided. Ms. Hadley replied that there are three spaces plus one additional space on lot 10 and the area at the end of Legacy Loop could potentially be used. Mr. Turner asked about the square footage of the homes. Ms. Hadley replied they are approximately 1,800-2,000 square feet and will be three bedroom and two bath homes.

Ms. Hadley stated that if Anderson Avenue has new pavement, then it can be used for a walking path or driving up and down. Ms. Bryant asked if you would have to back out of Anderson. Ms. Hadley replied that you would have to back out or do a three-point turn. Mr. Turner reiterated his concern over parking and proposed a hammerhead area to turn around on Anderson. Ms. Hadley stated that they could add a hammerhead and a walking trail joining Legacy Loop in the southwest corner.

Chairman Turner opened the public hearing at 5:38pm. Having no one present to speak the public hearing was closed at 5:38pm.

Mr. Fontenot asked if there was a tree protection plan that showed the fencing. Mr. Simmons stated that there is a tree preservation plan and that would be looked at during final approval.

Ms. Hall-Black asked for confirmation that what the homes look like now will be what is built. Ms. Hadley stated that it will.

Mr. Simmons reminded the Commission that this is only a 20' ROW which will extend into the easement. Ms. Bryant disagrees with this.

Mr. Fontenot suggested tabling the project and coming back with a paving plan.

Chris Williams stated that the Planning Commission has to make a decision at this meeting, or the applicant could consent to table the item. To address the paving issue, one option would be to grant the

waiver subject to conditions. The conditions to granting the waiver is subject to whatever the Planning Commission sees fit. The conditions of granting the waiver could be conditioned upon the hammerhead or other access that the Planning Commission deems appropriate.

Rebecca Bryant made a motion to reject the waiver.

Paul Fonteno seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant, Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None

John Worsham made a motion to approve SD 24.05 with modified staff recommendations.

1. Waiver denied
2. Prior to pre-construction meeting, City staff need to see the plan and/or drawing for Anderson Avenue regarding paving (length/width/materials) and length/width/materials of the suggested hammerhead.
3. Tree root protection plan for improvements to Anderson Avenue including the hammerhead.
4. Add trail from Legacy Loop to the hammerhead on Anderson Avenue.
5. Installation of a minimum of 12' wide (1 yield flow) paved lane in Anderson Ave./St. pursuant to the Street Classification, Design, and Function (Table 5.3) in Appendix A. Applicant will work with Staff to mitigate tree root damage during construction of required lane.
6. Re-plat
7. Maintenance Bond and Maintenance and Guarantee Agreement shall be submitted with Final Plat for any infrastructure that is intended to be accepted by the City.
8. Anderson Avenue is paved to City standards and approved by Staff and Tree Committee.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Paul Fontenot, Clarice Hall-Black
NAY: Rebecca Bryant

D. SD 24.11 Public hearing to consider the request of the Applicant, SE Civil, LLC, on behalf of the Owners, FST and 68V Harvest Green East 2022, LLC, for Final Plat approval of Harvest Green East Phase 1, a 120-lot subdivision. The property is approximately 55.62 acres and is zoned PUD – Planned Unit Development. The property is located on the east side of State Highway 181 across from The Waters Subdivision. **PPINS #: 17735, 77776**

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, SE Civil, LLC, on behalf of the Owners, FST and 68V Harvest Green East 2022, LLC, for Final Plat approval of Harvest Green East Phase 1, a 120-lot subdivision. The property is approximately 55.62 acres and is zoned PUD – Planned Unit Development. Mr. Simmons shared the zoning map and aerial.

Follow-Up Activities Required by Final Plat Process:

- Copy of the recorded plat (Final Plat must be recorded within 120 days of acceptance)
- Copy of the recorded O&M Agreement
- Maintenance and Guarantee 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 24.11 with staff recommendations:

1. Completion of Follow-Up Activities

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

John Worsham made a motion to recommend SD 24.11 with staff recommendations.

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

E. SD 24.13 Public hearing to consider the request of Applicant, Jade Consulting, on behalf of the owner, Encounter Development, LLC, for Final Plat approval of Encounter Commercial Retail Center, a 12-lot subdivision. The property is approximately 35.16 acres and is zoned B-2 – General Business District. The property is located on the northeast corner of State Highway 181 and State Highway 104.
PPIN #: 108453

Michelle Melton, City Planner, presented the request of Applicant, Jade Consulting, on behalf of the owner, Encounter Development, LLC, for Final Plat approval of Encounter Commercial Retail Center, a 12-lot subdivision. The property is approximately 35.16 acres and is zoned B-2 – General Business District. Ms. Melton shared the zoning map and aerial.

Follow-Up Activities Required by Final Plat Process:

- Copy of the recorded plat (Final Plat must be recorded within 120 days of acceptance)
- Copy of the recorded O&M Agreement
- Maintenance and Guarantee 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

Staff recommends approval of SD 24.13 with staff recommendations.

1. Completion of Follow-Up Activities
2. Installation of the “Future Through Street Sign”
3. Replacement of speed limit signs to reflect 20 mph
4. Completion of north landscape buffer
5. Add a note on the plat restricting access from SR 104 and SR 181 and to limit number of road cuts allowed for development on internal roads

Chairman Turner opened the public hearing at 5:58pm. Having no one present to speak the public hearing was closed at 5:58pm.

Ms. Bryant asked for a summary of the resolved drainage issue. William Graham, Jade Consulting, explained that Rockwell Place's final building had a steep slope that did not tie into the Encounter berm. Jade staff met with Rockwell representatives and the slope was regraded to tie into the Encounter pond. This work should be complete within a week or two.

Mr. Graham requested that a note not be added on the final plat pertaining to the allowed number of entrances from the lots onto the internal roadways. Due to the sites going through site plan review, Jade is requesting to vet out those entrances at that time.

Chairman Turner asked if these would have to come back for site plan review. Mr. Simmons stated yes. Staff had asked Jade to look at shared access and they offered the solution on their application. The intent for the note on the plat was so that individuals buying the lot would know how to access their lot.

Mr. Simmons read the following ROW conditions into the record:

- Lot 1 – Maximum one turnout to Encounter Dr. and One turnout to Bushel Dr.
- Lot 2-6 – Maximum three turnout to Bushel Dr., in addition to Lot 2 having one turnout to Encounter Dr. and Lot 6 having one turnout to Rockwell Blvd
- Lot 7-10 - Maximum two turnout to Encounter, in addition to Lot 7 having one turnout to Bushel Dr. and Lot 10 having one turnout to Hidden Glen
- Lot 11 – Maximum one turnout to Encounter Dr.
- Lot 12 – Maximum two turnouts to Encounter and three turnouts to Bushel Dr.

John Worsham made a motion to recommend SD 24.13 with modified staff recommendations.

1. Completion of Follow-Up Activities
2. Installation of the "Future Through Street Sign"
3. Replacement of speed limit signs to reflect 20 mph
4. Completion of north landscape buffer
5. Add note to plat to reference SD 24.13 for road cuts

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

F. SD 24.16 Public hearing to consider the request of Applicant, Seth Moore, on behalf of the owner, James Scopolites, for Preliminary and Final Plat approval of Gayfer Place Phase Two, a 2-lot minor subdivision. The property is approximately 4.6 acres and is zoned R-1 – Low Density Single-Family. The property is located at 8611 Gayfer Avenue Extension. **PPIN #: 43888**

Michelle Melton, City Planner, presented the request of Applicant, Seth Moore, on behalf of the owner, James Scopolites, for Preliminary and Final Plat approval of Gayfer Place Phase Two, a 2-lot minor subdivision. The property is approximately 4.6 acres and is zoned R-1 – Low Density Single-Family. Ms. Melton shared the zoning map and aerial.

Staff recommends approval of SD 24.16 with staff recommendations.

1. Installation of sidewalk along Gayfer Avenue Extension the length of the property
2. Label new lot 2-B instead of Lot 3-B
3. Change subdivision name to “Gayfer Place II, A Subdivision of Lot 2 of Gayfer Place SD”

Chairman Turner opened the public hearing at 6:12pm. Having no one present to speak the public hearing was closed at 6:12pm.

Seth Moore stated that he was unaware of the sidewalks needing to be constructed. Mr. Moore stated that there are sidewalks on the south side of Gayfer Avenue running from Bishop to Meadowbrook Drive and there is a 10' easement on Bishop. Mr. Simmons reminded the Planning Commission that the Subdivision Regulations were amended to require a sidewalk be installed at the time of the subdivision. Mr. Turner continued the conversation listing a variety of subdivisions where sidewalks were not required at the time of the subdivision and the problems with getting them installed if not done at time of subdivision.

John Worsham made a motion to recommend SD 24.16 with staff recommendations.

Paul Fontenot seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

G. SD 24.17 Public hearing to consider the request of the Applicant, Goodwyn Mills Cawood, LLC, acting on behalf of the Owner, Eastpark, LLC, for Preliminary and Final Plat approval for 211 South Section, A Condominium, a 3-lot minor subdivision. The property is approximately 0.40 acres and is zoned R-3TH – Townhouse Single Family. The property is located on the east side of Section Street and south of Oswalt Street. **PPIN #: 41038**

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, Goodwyn Mills Cawood, LLC, acting on behalf of the Owner, Eastpark, LLC, for Preliminary and Final Plat approval for 211 South Section, A Condominium, a 3-lot minor subdivision. The property is approximately 0.40 acres and is zoned R-3TH – Townhouse Single Family. Mr. Simmons shared the zoning map and aerial.

Staff recommends approval of SD 24.17 with staff recommendations.

1. Provide a solution for fire protection as proposed by the consultant
2. Sidewalk and landscaping shall be installed before issuance of C/O

Mr. Simmons share the following three options to substitute for the first staff recommendation that the applicant shall choose from:

- Provide the required fire line as specified by the Fairhope Water Dept. to be designed by the developer's EOR;
- Install NFPA 13D sprinkler systems in each residence; or
- Require 1 hr. fire barriers on the North wall of each building and remove any openings (door, windows, perforated soffits, etc.)

Paul Fontenot asked about the live oak in front that is protected and suggested that the sidewalk meander around the tree. Mr. Fontenot also noted that the proposed tree plan has a lot of live oaks which is a lot for that area and suggested that better vertical tree choices be made. Mr. Fontenot stated that he did not see a tree protection plan for the existing live oak. Based on the placement of the tree, Mr. Fontenot suggested that the tree be trimmed by an arborist, so it is properly pruned.

Chairman Turner opened the public hearing at 6:24pm.

Mike Reinhart, 251 S. Section, is concerned about protecting the trees against the power company trimming. Mr. Turner stated that this will continue until the power is underground. Mr. Reinhart was also concerned about lighting and water.

The public hearing was closed at 6:28pm.

Melissa Hadley, GMC, stated that all the items can be addressed. Ms. Bryant asked if there were conditions on the last approval. Mr. Simmons stated that is looked at during permitting.

Rebecca Bryant does not agree with option three of the solutions for fire protection.

Paul Fontenot made a motion to recommend SD 24.17 with modified staff recommendations.

1. Provide a solution for fire protection as proposed by the consultant from the following choices:
 - Provide the required fire line as specified by the Fairhope Water Dept. to be designed by the developer's EOR;
 - Install NFPA 13D sprinkler systems in each residence; or
 - Require 1 hr. fire barriers on the North wall of each building and remove any openings (door, windows, perforated soffits, etc.)
2. Sidewalk and landscaping shall be installed before issuance of C/O
3. Consult with City Horticulturist about different species of trees and spacing thereof for the landscaping
4. Tree protection plan for protected live oak during construction of structures and the meandering sidewalk

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

H. ZC 24.04 Public hearing to consider the request of the Applicant, David Martin, on behalf of the Owner, Kathryn Mull, to rezone property from R-2, Medium Density Single-Family Residential District to B-3b, Tourist Resort Commercial Service District. The property is approximately 0.42 acres and is located at 53 N. Church Street. **PPIN #: 15034**

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, David Martin, on behalf of the Owner, Kathryn Mull, to rezone property from R-2, Medium Density Single-Family Residential District to B-3b, Tourist Resort Commercial Service District. Mr. Simmons shared the zoning map and aerial.

Staff recommends approval of ZC 24.04 with staff recommendations.

1. Regardless of the allowed uses in Table 3-1 of the Fairhope Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Multifamily/Apartment
 - b. General Office
 - c. Professional Office
 - d. Grocery
 - e. Convenience Store
 - f. General Merchandise
 - g. Outdoor Recreation Facility
 - h. Indoor Recreation
 - i. Personal Storage
 - j. Recreational Vehicle Park
 - k. Restaurant
 - l. Bar
 - m. Entertainment Venue
 - n. Marina
2. Current use is a single-family residential structure. Any change in use shall meet all applicable laws and regulations at the time of application.

John Worsham asked why B-3b and not B-4. Mr. Simmons replied that the short-term ordinance not only says where they can be, it also states where they cannot be. Short term rentals are not allowed in B-4.

Chairman Turner opened the public hearing at 6:41pm.

Tim McGuire, 103 N. Church, is concerned with the number of short-term rentals, the traffic flows and parking on the street. There are no “no parking” signs along Church Street.

Jean Wilson, 33507F U.S. Highway 31, Spanish Fort, and owns property at 104 N. Church Street. She stated that the evolution on Church Street has not been a blessing with all the properties being bought up for Airbnbs. Her property has two cottages with renters from three to six months. She is unhappy with people coming all hours of the day.

Mr. McGuire returned to state that he has no problems with short term rental people.

The public hearing was closed at 6:49pm.

Kathryn Mull, owner of the property, stated that there is a lot of parking at the house. She would be very particular about who would rent the property. This is her primary residence.

Harry Kohler asked for clarification about multifamily/apartment being prohibited. Mr. Simmons stated that apartments are defined as more than three units in one building.

Rebecca Bryant made a motion to recommend ZC 24.04 to City Council with modified staff recommendations.

1. Regardless of the allowed uses in Table 3-1 of the Fairhope Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Multifamily/Apartment
 - b. General Office
 - c. Professional Office
 - d. Grocery
 - e. Convenience Store
 - f. General Merchandise
 - g. Outdoor Recreation Facility
 - h. Indoor Recreation
 - i. Personal Storage
 - j. Recreational Vehicle Park
 - k. Restaurant
 - l. Bar
 - m. Entertainment Venue
 - n. Marina
2. Current use is a single-family residential structure. Any change in use shall meet all applicable laws and regulations at the time of application.
3. Ask City Council about "No Parking" signs added to both sides of Church Street.

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

I. ZC 24.05 Public hearing to consider the request of the Applicant, Sawgrass Consulting, on behalf of the Owner, Rockwell LLC, to rezone property from R-1, Low Density Single-Family Residential District to B-2, General Business District, to be known as Rockwell Place. The property is approximately 15 acres and is located east of Highway 181, 1/3 mile north of Intersection of Highway 104 and Highway 181. **PPINS #: 625447, 625448, 625449**

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, Sawgrass Consulting, on behalf of the Owner, Rockwell LLC, to rezone property from R-1, Low Density Single-Family Residential District to B-2, General Business District, to be known as Rockwell Place. Mr. Simmon shared the zoning map and aerial.

Staff recommends approval of ZC 24.05 with staff recommendations.

1. Each site created in Lot 1 shall have a mandatory Site Plan Review
2. An update for ALDOT or completion thereof the Rockwell Blvd and Hwy 181 connection prior to further subdividing or applying for any permit. *2-3 weeks per June 12, 2024, correspondence from Applicant*
3. Provide a schedule for the completion of the apartments and portions of the roads that will be public as soon as possible and prior to applying for any permits. *Three (3) months per June 12, 2024, correspondence from Applicant*

Chairman Turner opened the public hearing at 7:01pm. Having no one present to speak the public hearing was closed at 7:01pm.

Tim Lawley, Sawgrass, stated that staff recommendation #2 is 90% complete and #3 paving will be complete in two weeks. This request will be followed up with a subdivision request for the September meeting.

John Worsham made a motion to recommend ZC 24.05 to City Council with staff recommendations.

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

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

J. Executive Session – To discuss pending or potential litigation pursuant to Alabama Code Section 36-25A-7(a)(3)

Commissioners left the dais at 7:03pm and returned at 7:18pm.

Adjournment

John Worsham made a motion to adjourn.

AYE: Lee Turner; Rebecca Bryant; Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black
NAY: None.

Adjourned at 7:19pm.



Lee Turner, Chairman

Cindy Beaudreau, Secretary