

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

Present: Lee Turner; Harry Kohler; John Worsham; Erik Cortinas; Paul Fontenot; Clarice Hall-Black; Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Michelle Melton, Planner; and Cindy Beaudreau, Planning Clerk.

Absent: Jay Robinson, Hollie MacKellar and Rebecca Bryant

Chairman Turner called the meeting to order at 5:02 PM.

Approval of the Minutes July 1, 2024:

John Worsham made a motion to approve the minutes from the July 1, 2024.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

Old/New Business

- **SD 24.06** Waiver request for the Preliminary Plat approval for Montrose Preserve PUD from the standards of Article VI, Section M (Underground Utilities).

Summary: Hunter Simmons, Planning Director, presented the waiver request for the preliminary plat approval for Montrose Preserve PUD from the standards of Article VI, Section M (Underground Utilities). Mr. Simmons shared the aerial showing existing power lines and powerlines associated with this phase. Staff is in support of this request.

Staff recommends approval of SD 24.06 waiver request subject to the following condition:

1. This waiver only applies to Lots 1-3 of the Montrose Village PUD.

Hollie MacKellar joined the meeting.

Erik Cortinas made a motion to approve the waiver for the preliminary plat approval for Montrose Preserve PUD.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

Consideration of Agenda Items:

A. 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 Final 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**

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, Jade Consulting, LLC, acting on behalf of the Owner, Two Hands Design & Development LLC, for Final Plat Approval of Hill Top – Lot 29. Mr. Simmons stated that a fire flow test needed to be performed and since that passed, no infrastructure is needed.

Staff recommends approval of SD 24.12:

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

John Worsham made a motion to approve SD 24.12.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Hollie MacKellar, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

B. SD 24.15 Public hearing to consider the request of the Applicant, Dewberry, acting on behalf of the Owner, Tommy Thomasson et al, for Final 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**

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, Dewberry, acting on behalf of the Owner, Tommy Thomasson et al, for Final Plat approval for Montrose Preserve PUD, Ph. 1, a 3-lot major subdivision. Mr. Simmons shared the zoning and aerial maps. A main goal was screening the subdivision from the highway and the cemetery. A 40' buffer has been added to the common area to accommodate this goal. There is a 20' buffer on lot 1. The City has accepted the ROWs and within the resolution, the City acknowledges that they do not plan to open those ROWs at this time.

Follow-Up Activities Required by Final Plat Process:

- Staff will not sign the Final Plat until the road has been installed, tested, and inspected by our Public Work Department. No punch list has been generated because road work has not been performed.
- Copy of the recorded plat (Final Plat must be recorded within 120 days).
- Maintenance and Guarantee Agreement 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 conditional approval of SD 24.15 subject to the following conditions:

1. In lieu of fire flow requirements of the preliminary plat approval, there shall not be any further building permits given for the three lots until (a) Daphne completes the 10" water main extension AND (b) the Engineer confirms in writing the fire flow at the newly installed hydrant meets International Fire Code standards. The following note shall be added to the Plat as part of this condition, "No building permit will be issued for any lot within this subdivision until a fire flow report confirms there is adequate water to meet the fire protection requirements of the International Fire Code."
2. Roads will need to be paved and tested. Public Works shall review test results and confirm the road has passed Final Inspections prior to Staff signing the Final Plat.
3. As-builts drawings with Engineer's Certification shall be required prior to Staff signing the Final Plat.
4. Install bollard as required by Public Works.

Chairman Turner stated that he is uncomfortable passing the final plat without the roads being installed.

Jason Estes, Dewberry, stated that the work should be done in the next week.

Chairman Turner opened the public hearing at 5:20pm. Having no one present to speak the public hearing was closed at 5:20pm.

Harry Kohler asked if the construction that is underway on the south side is part of the project. Mr. Estes stated that may be Daphne Utilities. Mr. Simmons stated it may be ALDOT performing drainage repairs.

Chairman Turner requested that the trees are considered during the project. Hollie MacKellar reiterated the protection of historic trees. Mr. Simmons stated that the preconstruction meeting with the contractor will address that.

John Worsham made a motion to approve SD 24.15 with staff recommendations.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Hollie MacKellar, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

C. SD 24.18 Public hearing to consider the request of the Applicant, S.E. Civil, acting on behalf of the Owner, 68V Overland 2021, LLC for Final plat approval of Overland Subdivision, Phase 2, a 29-lot subdivision. The property is approximately 12.48 acres and is located at the southeast corner of the intersection of County Road 48 and River Mill Drive. **PPIN #: 618027**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, S.E. Civil, acting on behalf of the Owner, 68V Overland 2021, LLC for Final plat approval of Overland Subdivision, Phase 2, a 29-lot subdivision. Mr. Jeffries shared the zoning and aerial maps. Mr. Jeffries shared pictures

of the current mulch trails and his concerns of the long-term viability. Signs need to be placed on the path. Mr. Jeffries shared a second mulch trail that should be restored at the entrance next to the model home.

Follow-Up Activities Required by Final Plat Process:

- Copy of the recorded plat (Final Plat must be recorded within 120 days)
- Copy of the recorded O&M Agreement (Add Ph2 to the Ph1 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 conditional approval of SD 24.18 subject to the following conditions:

1. Amend the Site Data table to read “Current Zoning: P.U.D. Ordinance #1713”
2. Add General Notes to plat:
 - Drainage and Utility easements exists over all common areas.
 - The Property Owners Associate is responsible for the maintenance of the walking trails and keeping them in good working order.
3. Remove Planning Director signature block from the plat.
4. Add trail markings to indicate the path through the woods to be approved by the Planning Director.

John Worsham asked why we allow mulch paths. Mr. Simmons stated that the City does not have a standard for paths. Paths have been allowed to be counted as greenspace. The maintenance plan stated the paths will be remulched four times a year along with, if there is an area of wash out, there are instructions to dig it out, fill it with rock and remulch, creating a type of French drain to stop the water from washing out the mulch.

Aaron Collins, S.E. Civil, had conversations with the client about permanent solutions to the walking trail. Chairman Turner asked if the mulch would get pushed down with people using it. Mr. Simmons stated that a liner may help, but the slope of the path is the main issue.

Paul Fontenot suggested a liner to contain the mulch and using different types of mulch and stated larger chunks of mulch will float. There are spray products that would stiffen up the mulch. The main issue would be to identify the areas of washout and take care of that. Mr. Simmons asked about the slope and would a log, cross ties or stairs help. Mr. Fontenot agreed that would help.

Hollie MacKellar asked if they had expected this and are they proud of the project. Larry Smith, S.E. Civil stated that the issue with the mulch trail is that the area has been a construction site. As the developers begin to take over, the area will get better. Ms. MacKellar asked what would make it better. Mr. Smith replied that trying to create step landings, by adding a railroad tie or timber every so often to hold the mulch and create a flatter area. Mr. Smith is proud of the boardwalk and the bottom area looks very nice with benches placed throughout. Ms. MacKellar feels like mulch should be removed all together on paths and gave an example where it had to be replaced with pine straw.

Chairman Turner continued that the preliminary plats come for approval without elevations being shot. Mr. Simmons agreed that Planning Staff only sees grading plans for common areas and not the lots. A grading plan for the whole site may be needed at the preliminary stage.

Chairman Turner opened the public hearing at 5:40pm. Having no one present to speak the public hearing was closed at 5:40pm.

John Worsham made a motion to approve SD 24.18 with modified staff recommendations.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Hollie MacKellar, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

D. ZC 24.07 Public hearing to consider the request of the Applicant, Christopher Lieb, acting on behalf of the Owner, Gerald W. Haring, to rezone property from R-1, Low Density Single-Family Residential District, to B-4, Business and Professional District. The property is approximately 0.69 acres and is located at 7671 Parker Road. **PPINS #: 98380, 7684**

Michelle Melton presented the request of the Applicant, Christopher Lieb, acting on behalf of the Owner, Gerald W. Haring, to rezone property from R-1, Low Density Single-Family Residential District, to B-4, Business and Professional District. Ms. Melton shared the zoning and aerial maps.

Staff recommends approval to the City Council of ZC 24.07 with staff conditions:

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. Elementary School
 - b. Secondary School
 - c. Library
 - d. Public Utility
 - e. Grocery
 - f. Convenience Store
 - g. Convalescent or Nursing Home
 - h. Outdoor Recreation Facility
 - i. Mortuary or Funeral Home
 - j. Personal Storage
 - k. Boarding House or Dormitory
 - l. Limited Manufacturing
2. Rezoning request is for the use as Professional Office. Any change in use other than Professional Office shall meet all applicable laws and regulations at the time of application.

Chris Lieb, Lieb Engineering, stated that this is a personal project to convert the home into his personal office and bring his business back to Fairhope. As a resident of Montrose, he appreciates the Planning Commission protecting the trees.

Harry Kohler asked what type of business this was. Mr. Lieb stated it is an Engineering company.

Chairman Turner opened the public hearing at 5:46pm. Having no one present to speak the public hearing was closed at 5:46pm.

Hollie MacKellar made a motion to recommend approval of ZC 24.07 to the City Council with staff recommendations.

Erik Cortinas asked to confirm the wording of condition #2. Mr. Simmons stated that if anyone requests a use other than Professional Office, that individual would need to come back for another rezoning approval.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Hollie MacKellar, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

E. ZC 24.08 Public hearing to consider the request from the City of Fairhope Planning and Zoning Department, for various proposed amendments to the City of Fairhope's Zoning Ordinance.

Hunter Simmons, Planning and Zoning Director, presented the request from the City of Fairhope Planning and Zoning Department, for various proposed amendments to the City of Fairhope's Zoning Ordinance. This amendment would require parking in the CBD for certain uses. The life blood of Fairhope has been retail and restaurants. The current trends of the recent projects are office and residential. The only one that has specific parking is residential units. The City is proposing to add a new parking requirement table in the CBD which mimics Section IV of the Zoning Ordinance verbatim. The amendment would add Table 5-1. Mr. Simmons shared the proposed parking space changes and the study that brought about these proposed changes. Mr. Simmons then shared the locations of the proposed parking spaces, the dimensions and sizes and parking credits. Chairman Turner suggested giving debits for public parking spaces being given away and a possible impact fee/fine for every public parking space given away. Mr. Simmons stated the stance has always been that staff will not support on street parking. Mr. Simmons suggested that parking credit approvals be given by the Planning Commission. Chairman Turner stated that it should come when the Site Plan approval application is presented. Hollie MacKellar agreed with Chairman Turner and that the City needs to look at a parking plan. Ms. MacKellar suggested looking at loading zones. Mr. Simmons and Chairman Turner agreed. Ms. MacKellar suggested that business owners parking in front of their business should be penalized. Mr. Simmons stated that this amendment would only affect new developments. Chairman Turner supports these amendments.

Mr. Simmons continued by sharing slides of the CBD and the parking. Mr. Simmons stated that by placing parking on site, it limits the size of the building. One business had installed a gate arm to keep the public from parking in the private parking. Ingress and egress are important when considering parking.

Staff recommends approval of ZC 24.08 to City Council.

Chairman Turner opened the public hearing at 6:08pm.

Mac Walcott asked if there is actually a parking problem. How are we identifying it? After driving around to find a spot, he may be a block and half away or two blocks away. We take a fresh look at walkability. Do the cars matter more than the people do? It's not the end of the world to have to walk a few blocks to your destination. Mr. Walcott looked at the Comp Plan which embraces mixed use. Most

of downtown is small lots. The changes that are being considered now indirectly or directly discourage development on the small lots. How do you determine the 300' thing? Because of the may category instead of a shall, the property owners are at risk way into the project. Mr. Walcott suggested crafting an ordinance with clarity.

Chairman Turner stated that a big problem that staff has recognized is that we are not getting a balance of requests now. Since we have gone to a 40' height, many buildings are going lot line to lot line without much architectural attractiveness. Chairman Turner continued that we are trying to avoid a parking emergency. The concern if we take what we have today and add more on street parking with each development, how will the retailers stay in business. Mr. Walcott suggested impact fees to build another garage. Mr. Simmons added that the parking authority is driving through every day to create a parking study.

Larry Smith, S.E. Civil, is concerned with small lots, rear parking and a lot of driveways getting to the back. Any time there needs to be parking in the rear, a business has to figure how to get to the rear which would make a lot of different driveways. Mr. Smith acknowledged that office staff also eats at the restaurants and the City is not only for visitors and asked the Planning Commissioners to keep that in mind.

Ryan Baker, 460 Elwood, stated that the parking amendment will destroy downtown. Driveways taking up parking spaces for curb cuts will create a whole new downtown. It will disincentivize multistory buildings, street front approach and businesses that may want to move here. A building may need to be torn down to build a parking lot. This amendment favors restaurant and retail and not office space. This would limit the overall feel of downtown.

Gary Gover, 300 Lincoln Street, stated that he attended the Parking Authority meeting who is working hard on these same issues. This problem needs broader participation. This also may affect pedestrian and bicycle traffic.

The public hearing was closed at 6:25pm.

Mr. Simmons stated that staff has worked with the Parking Authority. Hollie MacKellar asked how many people were on the Parking Authority. Mr. Simmons continued that many options were on the table to help with parking in the CBD. If a retail store converts into an office space, then parking would be required.

Clarice Hall-Black stated that she has not experienced a parking problem. Mr. Simmons reiterated that this amendment focuses on new development. Mr. Simmons stated that one of the main reasons for this amendment is that so people on the front end know what is required. Ms. MacKellar stated that we need to look at what the City will look like in the next 30 years and not a knee-jerk reaction.

John Worsham and Chairman Turner suggested tabling this item until the next meeting.

John Worsham made a motion to table ZC 24.08.

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

AYE: Lee Turner, Harry Kohler, John Worsham, Hollie MacKellar, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

Adjournment

John Worsham made a motion to adjourn.

AYE: Lee Turner, Harry Kohler, John Worsham, Hollie MacKellar, Erik Cortinas, Paul Fontenot, Clarice Hall-Black

NAY: None.

Adjourned at 6:34pm.

For John A. Worsham

Lee Turner, Chairman

Cindy Beaudreau

Cindy Beaudreau, Secretary