

The Planning Commission met Thursday, September 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; Hollie MacKellar; Paul Fontenot; Clarice Hall-Black; Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Michelle Melton, Planner; Chris Williams, City Attorney; and Cindy Beaudreau, Planning Clerk.

Absent: Jay Robinson, Erik Cortinas and Rebecca Bryant

Chairman Turner called the meeting to order at 5:04 PM.

Approval of the Minutes August 5, 2024:

John Worsham made a motion to approve the minutes from August 5, 2024.

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

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

Chairman Turner stated the need to recuse himself from ZC 24.02 due to owning a rental house near the property. Chairman Turner announced that item C on the agenda would be presented first.

C. 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 Director, updated the Planning Commission that staff along with John Worsham attended the Parking Authority meeting. Mr. Simmons suggested reviving the Ad Hoc Parking Committee with members of the Planning Commission, the Board of Adjustments and downtown stakeholders. Mr. Simmons recommended tabling the motion until staff is ready to bring it back to the Planning Commission.

John Worsham made a motion to table ZC 24.08, until staff brings back to the Planning Commission.

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

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

Mr. Simmons stated the need to choose another Chairperson for when Chairperson Turner recuses himself during ZC 24.02. Hollie MacKellar made a motion to appoint John Worsham as the Chairperson during that time.

Old/New Business

- **SD 22.18** Greenfields Subdivision - Request of the Applicant, SE Civil, for an extension of one year for Preliminary Plat.

Summary: Hunter Simmons, Planning Director, Request of the Applicant, SE Civil, for an extension of one year for Preliminary Plat. Staff is in support of this request.

Staff recommends approval of SD 22.18 extension.

Clarice Hall-Black made a motion to approve the extension of SD 22.18.

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

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

- **SD 21.41** Aldi Subdivision – Request of FST Aldi, Inc. of Alabama, for an additional one-year extension for Final Approval of Aldi Subdivision, a 5-unit Multiple Occupancy Project.

Summary: Hunter Simmons, Planning Director, presented the Request of FST Aldi, Inc. of Alabama, for an additional one-year extension for Final Approval of Aldi Subdivision, a 5-unit Multiple Occupancy Project. Staff is in support of this request.

Staff recommends approval of SD 21.41 extension.

John Worsham made a motion to approve the extension of SD 21.41.

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

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

Mr. Simmons stated that the draft Comprehensive Plan will be on the Planning Commission agenda in October and that comments should be sent to the Planning Department.

Consideration of Agenda Items:

A. SD 24.19 Public hearing to consider the request of the Applicant, Sawgrass Consulting, LLC on behalf of the Owner, FST Rockwell, LLC for preliminary plat approval of Resubdivision of Lot 1 - Rockwell Place, a 10-lot major subdivision. The property is zoned B-2, General Business District. The property is approximately 11.70 acres and is located on the east side of State Highway 181, south of the Harvest Green East Subdivision and across from The Waters Subdivision. **PPIN #625448**

Summary: Mike Jeffries, Development Services Manager, presented the request of the Applicant, Sawgrass Consulting, LLC on behalf of the Owner, FST Rockwell, LLC for preliminary plat approval of Resubdivision of Lot 1 - Rockwell Place, a 10-lot major subdivision. Mr. Jeffries shared the zoning and aerial maps.

Staff recommends approval of SD 24.19 with the following condition:

1. Review and approval of a revised Landscape Plan.

Chairman Turner asked if there was a connection to Highway 181. Mr. Jeffries stated that there is not a connection to Highway 181. Mr. Jeffries shared the Greenspace Plan showing lots 1-7 having access to Bushel Drive only allowing a future connection with ALDOT approval to connect lot 8 and 9 to Highway 181. All other connections will be internal on Bushel Drive. Mr. Turner asked if the buildings will be double sided. Mr. Jeffries stated that the plan will come through Site Plan review before any building permits are released and come before the Planning Commission and City Council. Mr. Turner asked about the swales and how they look like they go across lot lines and if they will be memorialized. Mr. Jeffries replied they will be incorporated into the O&M plan.

Hollie MacKellar asked if they will be dry or wet ponds. Mr. Jeffries stated they will be dry. Ms. MacKellar asked if there are landscape requirements. Mr. Jeffries stated that it depends on the LID and how it is created. Mr. Simmons shared some landscaping that would work in that environment.

Chairman Turner opened the public hearing at 5:25pm. Having no one present to speak the public hearing was closed at 5:25pm.

Tim Lawley, Sawgrass Consulting, clarified that the ponds are 5:1 so they are more gentle slopes which will be walkable when they are dry. Mr. Lawley asked for clarification of the landscape plan. Mr. Jeffries does not support each individual creating their own landscape plan. Mr. Jeffries would like an approved landscape plan at the time of Site Plan review. A downside would be if any lot sits empty, then some areas will be landscaped, and some will not or a difference in growth among the plants. Mr. Turner stated that it could be difficult to not landscape the areas from the beginning due to different growth patterns. Mr. Lawley stated that they do not have the capacity to irrigate the entire site. Paul Fontenot stated that, to be consistent, all of the landscaping should be installed at the same time. Hollie MacKellar believes that the front buffer should be completed, then phased throughout.

Mr. Simmons stated that the Tree Ordinance has certain requirements and asked Mr. Fontenot what type of embankment plantings would he recommend. Mr. Fontenot suggested stabilizing the swales with native or wetland plants which would require temporary irrigation for a couple of years and the new owner could provide the permanent irrigation system.

John Worsham made a motion to approve SD 24.19, with staff conditions along with a revised landscape plan with landscaping swales and drainage systems.

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

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

Chairman Turner recused himself and John Worsham took over as the Chairperson.

B. ZC 24.02 Public hearing to consider the request of the Applicant, SCorUSA, LLC, acting on behalf of the Owner, Steven W. Corbett, to rezone property from B-2, General Business District to a PUD, Planned Unit Development, to be known as Legends at Point Clear. The property is approximately 13.27 acres and is located at 18323 Greeno Road. **PPINS #: 39376, 210314**

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, SCorUSA, LLC, acting on behalf of the Owner, Steven W. Corbett, to rezone property from B-2, General Business District to a PUD, Planned Unit Development, to be known as Legends at Point Clear. Mr. Simmons shared the zoning map, aerial map and site plan. The PUD site plan shows what every building will be along with the elevations. The Comprehensive Plan shows the different nodes and where the center of development should be for the City of Fairhope. There are areas where dense housing types should be. With the development of the Publix shopping center to the south, the intersection of Greeno Road and Old Battles Road is contemplated as a new node, or Suburban Mixed-Use node, within the currently proposed Comprehensive Plan. This PUD contains two one-story buildings with a plaza in the front, two commercial buildings with one-story residential above them and four apartment buildings. A question was received about how large the buffer is. Mr. Simmons shared the Greenspace plan showing a 100' stream buffer included within a 3.10-acre undisturbed area. Mr. Simmons shared the list of allowable commercial uses that the owner has proposed. Mr. Simmons stated that connectivity between neighborhoods is required. The only exception to the connectivity requirement is if there are natural features that are being protected. Sidewalks, biking and low speed vehicles can be used for connectivity from Old Battles Village. Mr. Simmons explained the sizes of the buffer to the north of the project. Mr. Simmons shared the parking variations for this PUD along with the building renderings and elevations. Mr. Simmons explained how building height is determined.

Staff originally recommended denial of ZC 24.02 due to the building height. The Applicant revised the plans to reduce the height of the buildings to 35', for buildings 3-6, which changed staff recommendation to approve ZC 24.02 for recommendation to City Council with the following conditions:

1. Re-plat to combine the two lots.
2. Regarding the Allowable Commercial Uses as shown on the Site Data Table; staff recommends the following changes to the allowed use table:
 - Add to the prohibited list of uses:
 - Personal storage
 - No uses within the Dwelling category shall be allowed in the commercial spaces
 - Hotel/Motel
 - Bed & Breakfast
 - Boarding House or Dormitory
 - Remove from prohibited list of uses:
 - Outdoor Sales Limited
3. Ownership and maintenance of roads, sidewalks, and landscape will be clarified with the MOP or with a Development Agreement.
4. Phase Plan that prevents all the multi-family residential buildings without commercial units.
5. Applicant will place further use restrictions on the units facing the plaza.
6. Ensure buildings are under the height limit of 35'.
7. "Drainage Easement" shall be renamed "Stream Buffer".

Mr. Simmons reviewed the four choices that the Planning Commission has regarding this project.

John Worsham confirmed that staff recommends approval to the City Council with the listed conditions. Mr. Simmons confirmed that if the Applicant stays within the building height requirements, then staff recommends approval with the conditions.

Paul Marcinko, Jade Consulting, stated that he appreciated Mr. Simmons' explanation of the project. Mr. Marcinko believes that the project aligns with the Comprehensive Plan. Mr. Worsham asked if there were any comments on building height. Ryan Baker, Walcott Adams, stated that meeting the building height is not an easy solution. Since this is a PUD, three stories are allowed and building heights are able to be adjusted. Mr. Simmons stated that the Village district standards require three types of housing required. This PUD has two types of housing. Mr. Simmons does not want to create an exception to the rules. Mr. Baker shared how the elevations change based on the natural grade of the land and will step the buildings to try to meet and comply with the 35' building requirement. Mr. Baker stated that they are working to meet the character and feel of Point Clear and the Grand Hotel. Mr. Simmons stated that procedurally stepping the buildings could work but will look at the footprint of each building again during Site Plan review.

Hollie MacKellar asked what material will be used for access to Old Battles Village. Paul Marcinko stated that the trail will be a wooden boardwalk wide enough for a golf cart, along with an asphalt or concrete connection to the dog park. Ms. MacKellar asked if there will be access to the Publix plaza by the Mexican restaurant. Mr. Marcinko replied yes and showed where the access will be.

Chairman Worsham opened the public hearing at 6:18pm and noted that there were a number of people in attendance. Mr. Worsham requested that if a comment had been made, not to reiterate it and asked everyone who spoke list their name and address.

Gary Gover, 300 Lincoln Street, asked about the use of terms for the pathways, and are the specifications or design requirements available for review this evening. Mr. Gover is concerned with the vagueness of the proposed materials. Mr. Simmons stated that this is a zoning request, and an MOP or subdivision request will come in the future when the specifications and design requirements are reviewed. The project will come back to the Planning Commission again for final plat approval. Mr. Gover is also concerned about the maintenance of the multimodal paths. Mr. Simmons stated that the maintenance will be handled during the MOP and a PUD is required to have a development agreement. The owner of this property will be maintaining it into perpetuity.

Greg Marx, 655 McArthur Lane, is concerned with the runoff due to the creek bed behind his house. Mr. Simmons stated that there is a pond on site that will handle any water from the parking lot. He is also concerned with access to Old Battles Village. Mr. Worsham stated that is because it is in the regulations and the city maintains the roads. Mr. Simmons added that those are public roads. Mr. Marx asked about the ability to become a gated community. Mr. Simmons stated that they would not be able to be a gated community. Mr. Simmons explained the definitions of creek beds and defined banks.

Danielle Ingram, 659 McArthur Lane, is concerned about packages and mail going missing and if the City or the apartment complex will be responsible for the liability. Chris Williams stated that a hypothetical will not be addressed. Ms. Ingram also shared her concern about the strain on the water and electrical systems, schools, safety and traffic. Mr. Simmons shared how the Huntington Woods community was concerned when Old Battles Village was built. The applicant was required to have an environmental study by a licensed evaluator and the City also hired an additional licensed evaluator that confirmed the environmental assessment. Ms. Ingram requested the name of the third party. Mr. Simmons stated that if it is not in the staff report, she could send an e-mail to the Planning Department to request it.

Cassie Bates, 450C Government Street, Mobile, requested that a wetland delineation plan with overlay be provided to the public. Ms. Bates shared that there are hydric soils and beauty berry bushes on site which are indicative of wetlands. The Fish and Wildlife wetland map shows that wetlands exist east of the creek. Ms. Bates recommends that the wetland buffer be placed in a conservation easement to formally protect it. Ms. Bates does not advocate for a paved road over the creek to create connectivity to Old Battles Village. Ms. Bates is concerned about the little amount of wooded area and how that will affect storm water erosion and requested that the rezoning be denied until her concerns are addressed. Mr. Simmons responded that there were two assessments done, one by EcoSolutions and another by Wetlands Resources Environmental Consulting. There is no map because there are no wetlands based on these reports. The soil maps are a broad national map. The City has attempted to have a conservation easement. Many of the conservation groups will not put them into conservation easements mainly because of a residential area due to them becoming a policing issue.

Treasure Adams, 450C Government Street, Mobile, would like to have the schematics of the plan more easily accessible to the public. Mr. Simmons stated that all of the plans are on the website.

Mary Gallagher, 617 Sharpsburg Avenue, asked why it is appropriate for apartments to go in. Ms. Gallagher opposes them in this spot. She believes that there could be townhomes that are owned.

Jan Henson, 577 Muscat Avenue, states that she has a beautiful neighborhood and does not believe the zoning should be for apartments.

Amanda Cushman, 7878A Pale Moon Court, shared where her property is on the site plan. Ms. Cushman stated that this is not a dry creek bed and that they kayak on it. They have placed dead oak trees in that creek bed and the trees get washed away when there is heavy rain. She does not believe a boardwalk is feasible in that area. Ms. Cushman is also concerned with the wildlife in that area along with the buffer zone and how many of the trees have been marked for clearing. Mr. Simmons stated that when a subdivision case is received, staff has a chance to review any trees that are proposed for clearing. Mr. Simmons also explained the three different types of buffer zones and the process of reviewing subdivision cases. Ms. Cushman shared the three different directions that the water comes from and is concerned about flooding. Mr. Worsham stated that a study of the water flow must be done in accordance with the subdivision regulations.

Karie and Peter Talke, 663 McArthur Lane, are concerned with how the project will affect property values. Ms. Talke shared a printout of the wetlands near the project and is concerned with flooding. Ms. Talke asked if someone would be able to walk into her backyard and asked what the depth of the wooded area is. Mr. Worsham stated this will be addressed in the subdivision review and that the buffer on the western side is roughly 275' from the buildings to her subdivision. Ms. Talke asked when it would be appropriate to ask these questions. Chris Williams shared the procedures that the zoning for the PUD is being heard at this meeting. The Planning Commission will then make a recommendation to the City Council where another public hearing will be held. If it is approved, the next stage is application for a multiple occupancy project and at that point the developer, with their engineer, submit certified plans stamped by the various engineers that will again come before the Planning Commission with a public hearing. All of the information will be published on the website prior to these meetings. Mr. Simmons added that when the subdivision happens, because of the unique situation in Old Battles Village, there is a 30' common area between Old Battles Village and the proposed PUD. Letters will be sent out to adjacent property owners which will include the owner of Old Battles Village common area per the

County's tax records. Mr. Talke stated that he would like this plan vetoed and asked how people get from Publix to Greeno Road. Mr. Simmons stated that there are two entrances on Greeno Road. Mr. Worsham added that the entrances were chosen by ALDOT. Mr. Talke is concerned about the traffic getting onto Greeno Road heading north. Mr. Worsham reiterated that this project will require a traffic study.

The public hearing was closed at 7:15pm.

Mr. Simmons asked the Engineer if he could share where they are not removing the trees. Paul Marcinko shared the stream bank running through the project which will not be impacted at all, and the area will remain wooded. The area to the west will not be disturbed except for the boardwalk being built. The trees will be removed where the pond will be placed.

Chris Williams stated that whether the Planning Commission approves or denies the rezoning, it will still go to the City Council to be heard.

Hollie MacKellar made a motion to deny the request due to the impact on the welfare of the community.

There was not a second, so the motion did not pass.

Harry Kohler made a motion to recommend ZC 24.02 to the City Council with staff recommendations.

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

AYE: Harry Kohler; John Worsham; Paul Fontenot; Clarice Hall-Black

NAY: Hollie MacKellar

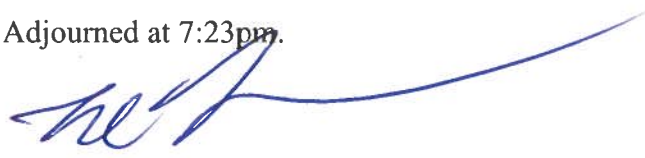
Adjournment

Clarice Hall-Black made a motion to adjourn.

AYE: Harry Kohler; John Worsham; Hollie MacKellar; Paul Fontenot; Clarice Hall-Black

NAY: None.

Adjourned at 7:23pm.



Lee Turner, Chairman

Cindy Beaudreau, Secretary