

The Planning Commission met Monday, February 4th, 2013 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; George Roberds, Vice-Chair; Jennifer Fidler; Bob Clark; Dick Charles; Jean Wilson; Councilman Rich Mueller; Jonathan Smith, Planning and Building Director; Nancy Milford, Planner; Emily Boyett, Secretary and Erik Cortinas, Building Official

Absent: Tim Kant and Gary Moore

Chairman Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the January 7th, 2013 meeting were considered and Dick Charles moved to accept the minutes with two minor grammar corrections and was 2nd by George Roberds. Motion carried unanimously.

SD 13.03 Public hearing to consider the request of Moore Surveying for Preliminary and Final Plat approval of the McLean – Bethea Division, a 2-lot minor subdivision, John Bethea. The subject property is located on the northeast corner of the intersection of County Road 3 and County Road 24. Jonathan Smith gave the staff report saying the property is approximately 38.78 acres and is unzoned in Baldwin County with 2 lots proposed. Each proposed lot is approximately 19.39 acres. Staff recommendation is to approve contingent upon the following conditions:

1. Submittal of a utility letter from Baldwin County EMC;
2. Revise the fire flow note to be bolder and more visible; and
3. Submittal of a plat reflecting the appropriate electric utility.

Mr. Turner opened the public hearing. Robert Roach, 7382 County Road 24, stated he owns the property across the street and drainage will be a problem if a subdivision is built. He said the water naturally flows across the subject property and he does not want it to be pushed back on him. Having no one else present to speak, Mr. Turner closed the public hearing. Mr. Smith stated there are no improvements proposed at this time for the subject property, but if the property is developed it will have to meet the City's drainage requirements. Mr. Turner stated the division seems to be just for ownership purposes. Mr. Clark reassured Mr. Roach that the property will be reviewed for drainage if anything further is done on the property. Bob Clark moved to accept the staff recommendation to approve contingent upon the following conditions:

1. Submittal of a utility letter from Baldwin County EMC;
2. Revise the fire flow note to be bolder and more visible; and
3. Submittal of a plat reflecting the appropriate electric utility.

Dick Charles 2nd the motion and the motion carried unanimously.

SD 13.04 Public hearing to consider the request of Hutchinson, Moore and Rauch, LLC for Preliminary and Final Plat approval of the Resubdivision of Lot 177-C Resubdivision, a 3-lot minor division, Tim Lawley. The subject property is located on the northeast corner of the intersection of US Highway 98 and Rock Creek Parkway. Jonathan Smith gave the staff report saying the property is approximately 6.32 acres with three lots proposed and is zoned PUD (Planned Unit Development). He explained there are different Property Owner Associations (POA) for Rock Creek and it was brought to his attention that the residential areas are currently paying for the maintenance of the right-of-way and landscaping at the entrance of Rock Creek. Mr. Smith stated staff

would like to amend the staff recommendation to add a condition as follows: The applicant shall work with the existing Rock Creek Property Owner Associations to pay their portion of the landscaping and maintenance costs for the Rock Creek entrance and right-of-way from US 98 to the bridge. Mr. Smith stated a site plan review is required for these lots so each lot will come back before the Planning Commission and City Council for approval. He also stated there is a 10' pedestrian easement on the original subdivision for this site, but it is not shown on the currently proposed subdivision plat. Mr. Charles said the pedestrian access was put in as a route for the residents of Montrose Woods. Staff recommendation is to approve the minor subdivision contingent upon the following conditions:

1. Submittal of a flow model meeting the approval of Dan McCrory, City of Fairhope Water and Sewer Superintendent;
2. Submittal of a revised Operations and Maintenance Plan with minor corrections to meet the approval of Planning staff;
3. Access to all proposed sewer manholes shall be provided via the proposed utility easements; the access is required to be approved by the City of Fairhope Water and Sewer Superintendent;
4. Submittal of a revised plat showing the 100 foot pedestrian easement; and
5. The applicant shall work with the existing Rock Creek Property Owner Associations to pay their portion of the landscaping and maintenance costs for the Rock Creek entrance and right-of-way from US 98 to the bridge.

Mr. Clark stated the recommendation makes sense and the owners should pay for their part of the maintenance and up keep. He added the pedestrian access was part of connectivity requirements. Tim Lawley of HMR, LLC addressed the Commission saying the RCPOA has never requested the applicant to assist in fees for maintenance and he asked if the Commission will require the commercial property owners on the south side of Rock Creek Parkway to pay their share as well. Mr. Clark asked what the future intent is for this area and Mr. Lawley responded the two additional lots will be developed, possibly by a lawyer or doctor. Aaron White, Bancorp South Branch Manager, addressed the Commission saying the commercial property owners have been working together to install new lighting and keep it maintained and they all use the same landscaper and keep the same maintenance schedule. He stated he feels that they have a well working relationship with the RCPOA and the Commission should not place a requirement on this property unless all of the other entities are required to do the same. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. There was discussion among the Commissioners regarding requiring the applicant to pay the RCPOA and Mrs. Wilson, Mr. Mueller and Mr. Turner stated concerns with making it a requirement. Dick Charles moved to accept the staff recommendation to approve contingent upon the following conditions:

1. Submittal of a flow model meeting the approval of Dan McCrory, City of Fairhope Water and Sewer Superintendent;
2. Submittal of a revised Operations and Maintenance Plan with minor corrections to meet the approval of Planning staff;
3. Access to all proposed sewer manholes shall be provided via the proposed utility easements; the access is required to be approved by the City of Fairhope Water and Sewer Superintendent;
4. Submittal of a revised plat showing the 100 foot pedestrian easement.

Rich Mueller 2nd the motion and the motion carried unanimously.

SD 13.05 Public hearing to consider the request of Julio Corte, III for Preliminary and Final Plat approval of Corte Subdivision, a 2-lot minor division, Julio Corte.

The subject property is located on the west side of Dick Higbee Road, just north of State Highway 104. Jonathan Smith gave the staff report saying the property is approximately 57.63 acres with two lots proposed and is unzoned in Baldwin County. He stated this is a possible future site of a Catholic school. Staff recommendation is approve contingent upon the following conditions:

1. Submittal of a revised plat with all required typos, scaled vicinity map, applicant's address, finished floor elevations and certificate corrections; and
2. Submittal of a response letter meeting the staff's approval upon the applicant's return from travel.

Chip Bryars was present to represent the applicant and answer any questions. Mr. Roberds asked which lot the school would be located on and Mr. Smith and Mr. Bryars responded they do not know. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing. Dick Charles moved to accept the staff recommendation to approve contingent upon the following conditions:

1. Submittal of a revised plat with all required typos, scaled vicinity map, applicant's address, finished floor elevations and certificate corrections; and
2. Submittal of a response letter meeting the staff's approval upon the applicant's return from travel.

Jennifer Fidler 2nd the motion and the motion carried unanimously.

Old/New Business


IR 13.03 Southern Light – Jonathan Smith stated this case was approved at the January meeting and has since been permitted. He said there have been some concerns and issues voiced by a Commissioner regarding the placement and appearance of some of the poles. He referenced several pictures and informed the Commission the poles in question are not City poles. Mr. Smith stated the pole belongs to AT&T and the applicant will have to coordinate with AT&T regarding co-locating on their poles. He explained Scott Sligh, Electric Superintendent, has provided a letter stating the City's poles are not sufficient to allow the applicant to share. Mr. Smith stated he and Mr. Sligh have discussed reviewing and possibly revising the City's franchise and joint use agreements to help accommodate additional services. He reiterated that the applicant is allowed by the City Ordinances to do this work, but the City will work harder to make the project less visibly obstructive. Mr. Charles asked if the poles are treated and Mr. Smith responded yes. Mr. Roberds stated the applicant has done a great job with the work on Battles Road.

Lee Turner announced this will be Jean Wilson's last meeting after serving on the Planning Commission for 12 years. He thanked her for her service on the Commission. Mrs. Wilson thanked the Commissioners and Staff for their service and hard work for the City. The Commissioners and Staff expressed their gratitude and sadness to see Mrs. Wilson step down.

Having no further business, Dick Charles moved to adjourn and was 2nd by Bob Clark. Motion passed unanimously and the meeting was duly adjourned at 5:45 PM.



Lee Turner, Chairman



Emily Boyett, Secretary