

The Planning Commission met Monday, November 5th, 2012 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; Tim Kant; Jennifer Fidler; Bob Clark; Dick Charles; Jean Wilson; Gary Moore; Jonathan Smith, Planning and Building Director; Nancy Milford, Planner and Emily Boyett, Secretary
Absent: Councilman Rich Mueller

Chairman Lee Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded. The minutes of the October 1st, 2012 meeting were considered and Dick Charles moved to accept the minutes as corrected and was 2nd by George Roberds. Motion carried unanimously.

SD 12.06 Public hearing to consider the request of McCrory and Williams, Inc. for final plat approval of Fairhope Stables, a 4-lot minor division, Jimmy Mason. The project is located on the west side of County Road 33, just south of County Road 24. Nancy Milford gave the staff report saying the property is unzoned in Baldwin County and 4 lots are proposed on the approximate 75.5 acres. The Planning Commission granted preliminary plat approval on August 6, 2007 for 92 lots on the subject property; however, the applicant did not proceed with the project due to economic conditions. Ms. Milford stated Water and Sewer is not currently available and the applicant is requesting a waiver for fire flow requirements. The applicant is proposing to place a note on the plat stating that adequate flow is not provided and that fire flow would be the responsibility of the property buyer. Staff recommendation is to approve the request contingent upon the following conditions:

- 1) Adequate fire protection shall be established for the proposed subdivision;
- 2) Copies of utility letters shall be provided;
- 3) The applicant shall remove the Water and Sewer Certification from the plat, if water and sewer is not proposed. A letter from the Public Health Department regarding site suitability for septic tanks shall be provided to the City of Fairhope Planning and Building Department, if septic tanks are proposed.
- 4) The applicant shall add to the plat that the isolated wetlands buffer also requires permanent signage, as required by the Subdivision Regulations.

Daryl Russell spoke on behalf of the applicant. He stated the applicant agrees to staff's conditions except for the requirement of fire protection and they are requesting a waiver. Mr. Russell stated in order to provide fire protection the applicant would have to lay approximately 10,000 ft. of pipe and it would not be cost effective for them to do it for 4 lots. Mrs. Fidler asked if the 6" water line on County Road 24 would be adequate and Mr. Russell responded no, an 8" line is required to meet the required flow. There was discussion regarding how the individual homeowners would provide fire protection and insurance concerns. Mr. Smith stated protection could be with sprinklers or a dry hydrant from a well or pond. Mr. Sam Irby addressed the Commission and stated he has spoken with insurance companies and insurance is not a problem, it would just be a higher premium without fire protection. Mr. Smith stated he spoke with Joey Nunnally with Baldwin County and the County does not require fire protection be provided. Mr. Moore asked what the actual cost would be to install the line and Mr. Russell stated \$320,000. Mr. Clark asked if the waiver could be granted for just these 4 lots and if a larger, denser development was ever proposed then the requirement would be applicable. Mayor Kant

stated if the water is run out there then denser development will follow. Mayor Kant, Mr. Clark, Mr. Turner and Mr. Moore agreed that they would prefer larger lots outside city limits and in this area. Mr. Smith provided a letter from the Barnwell Fire Chief requesting the City to require fire protection be provided in their jurisdiction. Mr. Turner opened the public hearing.

Tommy Harris with Coldwell Banker stated he is the listing agent and the large lots has been the only way they have been able to get people interested in the property. He stated he has never had an issue with insurance for lack of fire protection.

Hill Robinson addressed the Commission and stated his is a prospective buyer and he is also an insurance agent and the insurance cost with fire protection is approximately \$475/year and \$900/year without.

Having no one else present to speak, Mr. Turner closed the public hearing. George Roberds moved to grant a waiver to the fire flow protection requirement and accept the staff recommendation to approve the request with the following conditions:

- 1) Copies of utility letters shall be provided;
- 2) The applicant shall remove the Water and Sewer Certification from the plat, if water and sewer is not proposed. A letter from the Public Health Department regarding site suitability for septic tanks shall be provided to the City of Fairhope Planning and Building Department, if septic tanks are proposed.
- 3) The applicant shall add to the plat that the isolated wetlands buffer also requires permanent signage, as required by the Subdivision Regulations;
- 4) Approval from Baldwin County;
- 5) A note shall be added to the plat that states fire flow is not provided and is the responsibility of the property buyer.

Dick Charles 2nd the motion and the motion carried with the following vote: AYE – Tim Kant, Bob Clark, Gary Moore, Lee Turner, Dick Charles, Jean Wilson, and George Roberds. NAY – Jennifer Fidler.

New/Old Business

Election of Officers – Mr. Turner stated it is time to elect officers for the coming year. Mr. Moore volunteered to poll the Commissioners to get an idea of where everyone stood and to see who would be willing to serve. Tim Kant moved to hold the election over to the December meeting. Bob Clark 2nd the motion and the motion carried unanimously.

2013 Planning Commission Agenda – Mr. Smith stated the agenda is reviewed to try to prevent any conflicts with City holidays or events. Mr. Turner asked staff to work with applicants on submittal deadlines and Mr. Smith stated staff is very accommodating with applicants; however, the deadlines are set to meet advertisement deadlines and notification requirements. The Commission agreed with the proposed agenda schedule.

Pedestrian and Bike Trails Committee – Mr. Smith stated the Committee is working on a mission statement and would like for the Commission to approve it or recommend any changes. The proposed statement is as follows:

“The Mission of Fairhope bicycle-Pedestrian Committee, a sub-committee of the Fairhope Planning Commission, is to promote public health and safety through sustainable and ADA-compliant transportation and recreation, and to make


walking, bicycling, and other non-vehicular movement safe, accessible, and convenient for all. The committee seeks to achieve this through planning, advocacy, education, and by making recommendations to the Fairhope Planning Commission and the Fairhope City Council regarding ordinances, programs, policies, and funding priorities related to bicycling and walking.”

Mike Grout addressed the Commission on behalf of the Committee. He stated the Committee has been working to inventory the existing facilities to know where and what the City already has and what they are working with, so a plan can be put together for what is needed. He said they hope to help build an infrastructure that residents and visitors can enjoy. Mr. Charles and Mr. Clark voiced multiple concerns with the recent re-stripping of downtown. Mayor Kant stated if the Committee is going to be a standing committee then it should be under the City Council and not the Planning Commission. Mr. Smith stated the Planning Commission set the committee and it will only make recommendations to the Planning Commission. The Commission recommended the mission statement be revised to reflect it is Planning Commission based and remove the words “City Council”. Mr. Moore stated he is willing to help with any ADA compliance and recommend the wording read “an advisory sub-committee”. Mr. Grout said the Committee would revise the statement and come back to the Commission.

Southern Light – Mr. Smith provided a letter regarding the recent 11.52.11 project and concerns of Mr. Moore. Andru Bramblett with Southern Light addressed the Commission and stated the plans that were provided to the Commission were re-evaluated and were found to be inaccurate. He stated the area has been surveyed and the plans have been corrected.

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


Lee Turner, Chairman


Emily Boyett, Secretary