

The Planning & Zoning Commission of the City of Fairhope met Monday, February 2, 2009, at 5:00 PM at the City Administration Building, 161 N. Section Street in the City Council Chambers.

Present: Jean Wilson, Chairman; Tim Kant, Jennifer Fidler, Bob Clark, Gary Moore, Dick Charles, Lee Turner, Dan Stankoski. Jonathan Smith, Planner, Nancy Milford, Asst. Planner, Chris Gill, Attorney. Absent Fran Slade

The minutes of the January 5, 2009 were duly approved on motion by Dick Charles 2nd by Gary Moore and unanimously carried, with amendments already made.

It was noted that Gary Moore had a conflict with SD09-01 and left the room.

SD09-01 Minor Plat approval Mark LeCraw of Kimley-Horn and Associates, Inc. for East Fairhope Plaza. A proposed four lot subdivision. The property is generally located on the southeast corner of the intersection of State Highway 181 and County Road 48. Nancy Milford gave the staff report saying the property is located in Baldwin County and is unzoned. The total site acreage is approximately 56.63 acres and the smallest lot is 1.32 acres. Parcel one contains a Wal-Mart Supercenter and an existing storm water pond. Approval was recommended contingent upon:

1. Submittal of an Operations and Maintenance Plan and Agreement that meets the approval of the City of Fairhope
2. Submittal of a drainage letter stating that the original drainage plan complies with the current, March 8, 2007 Fairhope Subdivision Regulations.
3. The Electrical Certification on the plat shall reflect the appropriate utility as determined at a later date.
4. Note 1 on the plat indicates improvements on the plat but improvements are not shown. The applicant shall be consistent by either showing improvements or removing the note from the plat.
5. The correct acreage should be reflected on the application and the site data table.
6. No new access off of Hwy 181 for the new parcels created by the subdivision. The properties will use the common access constructed by Wal-Mart.
7. Need FFE to be labeled on every lot.

Mark Le Crow was present and said he would be glad to answer any questions. He said they were comfortable with staff recommendations. The public hearing was opened and Mr. Bryan of 10317 Eleanor Court spoke and asked what was planned for the divided lots. The answer was nothing has been submitted. The public hearing was closed. Dan Stankoski said when Wal-Mart built he was under the impression that there would be no further subdividing of this land. The answer was there was no such

agreement. Jean Wilson asked about the drainage letter and Nancy said that they are sending one that meets our current subdivision regulations. In response to question about promise that they would not subdivide, Mayor Kant said that it never came before this body, it was in the County and a permitting issue only. Dick Charles asked who would serve electricity and Jonathan responded the City and Baldwin EMC are negotiating this. Lee Turner moved for approval as recommended subject to the conditions set out above. Dick Charles 2nd the motion, and mentioned his approval was contingent upon receipt of letter from engineer that drainage would be adequate. Discussion followed and Jonathan said the pond accommodates the drainage now and the Mark Le Craw commented that when it was designed it was designed for a 100 year storm event. Dan Stankoski asked if these parcels could be sold off and the answer was yes. Motion carried with one no vote by Jean Wilson who said she was not comfortable with the drainage information. Mayor Kant asked if when this comes back with application to build could we notify everyone. Jonathan replied that it is in the County and we currently don't do this and it might set a precedent. The Mayor said he would like to notify these residents.

UR09.01 11-52-11 Review request of Gas Department for proposed Gas Main extension on the west side of County Road 13 from Thoroughbred Run to Bishop Road. Jonathan Smith gave the staff report saying that 4000 linear feet of 2" pipe will be extended on the west side of County Road 13. Approval was recommended. Dick Charles moved for approval, Jennifer Fidler 2nd the motion and it carried unanimously.

Paul Ripp had asked to be heard and said he was here again about the Publix . He had issues with the ROW buffer, Safety Ordinance, parking, roof structures, environmental. He also remarked a tree survey was done and final comment was that we would be hard pressed to find that they have done anything they would say that they would do in the approval process.

Jennifer Fidler mentioned that when Christopher Baker was on staff they had the Audubon Society do a survey on possible parcels that could be used as parkland in the city. She said the results of this survey are on the web site and encouraged the members to look at the survey and could possibly discuss more at a later date. She said phase 2 would be to develop, plan and incorporate.

Gary Moore mentioned that two years ago the City sponsored a session regarding conflicts of interest for employees and citizens serving on committees and would like to see that done again. Mayor Kant said he would get with his staff, since many things have changed in the last two years, and plan to do it again.

Dick Charles gave an update on the ADU ordinance and said something should be forthcoming within the next month.
The meeting was duly adjourned at 5:33 PM.