

The Planning Commission met Monday, March 1, 2010 at 5:00 PM at the City Administration Building, 161 N. Section Street in the Council Chambers.

Present: Jean Wilson, Chairperson; Dick Charles, Vice-Chair; Bob Clark; Tim Kant; Jennifer Fidler; Fran Slade; Lonnie Mixon. Jonathan Smith, Planning and Building Director; Nancy Milford, Planner; Emily Boyett, Secretary.
Absent: Gary Moore; Lee Turner; Chris Gill, Attorney

Chairperson Jean Wilson called the meeting to order at 5:03 PM and announced the meeting is being recorded. The minutes of the February 1, 2010 meeting were considered and Lonnie Mixon moved to accept the minutes as written and was 2nd by Bob Clark. Motion carried with one abstention by Dick Charles.

UR 10.02 Request of the City of Fairhope Electric Department for an 11.52.11 Utility Review for the proposed installation of 1200 linear feet of 2" conduit, Scott Sligh. The project will run along the south side of Covey Drive from Lawrence Road to Quail Creek Drive and along Quail Creek Drive to Bunker Loop. Nancy Milford gave the staff report saying the City is proposing to install 1200' of 2" conduit and two steel cabinets. She said the cabinets will be painted dark green and the work should take two weeks or less to complete. Staff recommendation is to approve as requested. Scott Sligh, Electric Superintendent was present to answer any questions. Tim Kant asked if the conduit would be bored in and Mr. Sligh said yes, it would all be bored. Mrs. Wilson opened the floor and no one was present to speak. Lonnie Mixon moved to approve due to the settlement between the City and Baldwin EMC. Bob Clark 2nd the motion and the motion passed unanimously.

UR 10.02 Request of Riviera Utilities for an 11.52.11 Utility Review for the proposed extension of a transmission and distribution line, Gary Carnley. The project will run along the west side of County Road 13 from State Highway 181 to just north of Gayfer Road Extension. Nancy Milford gave the staff report saying Riviera proposes to construct a transmission line, with underbuilt distribution circuits on approximately 90-95 feet tall concrete poles. This extension will provide an alternate transmission feed for the Point Clear Substation and enable decommissioning of the old Fairhope Substation on Dyer Road. Ms. Milford said according to Mr. Sligh, City of Fairhope Electric Superintendent, the *NFPA 70: National Electrical Code* regarding underground utilities does not apply to this situation and there is no practical way to put these very high voltage utilities underground. Staff recommendation is to approve as requested with the two following conditions: 1) When poles or any equipment is installed, at least five feet of separation should be maintained between utilities. Riviera Utilities should coordinate with the City of Fairhope Water and Sewer Superintendent, Dan McCrory on water and sewer utility issues. 2) The applicant should comply with all required City of Fairhope storm water best management practices and submit a formal BMP plan to the City of Fairhope. Mrs. Wilson opened the floor for public comments and no one was present to speak. Gary Carnley of Riviera Utilities was present to answer any questions. Jennifer Fidler asked how many trees would need to be removed for this project and Mr. Carnley responded that approximately 16 significant trees will be removed and 6 will need to be

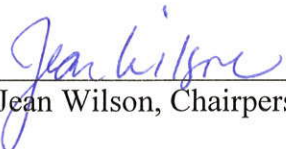
trimmed. Ms. Fidler asked if Riviera had acquired the right-of-way needed for this project and Mr. Carnley said they had. Dick Charles moved to approve the staff recommendation with the two conditions and was 2nd by Lonnie Mixon. Mr. Kant had questions and concerns regarding the pole height and the number of distribution lines that can be put on these poles. Mr. Carnley explained the pole height is due to the upgrading of the transmission voltage. Mr. Kant stated he was trying to protect the surrounding neighbors and the citizens of Fairhope and questioned why the distribution lines are not required to go underground. Mrs. Wilson said she would like to see as much underground as possible. Mr. Clark asked if the City has required other utilities such as Baldwin EMC and the City's electrical lines to be underground. Mr. Sligh stated that in the past two years since he has been with the City there have not built any major tie lines like this. Mr. Sligh stated that distribution lines inside subdivisions are required to be underground, but those are nothing like what Riviera is proposing. Mr. Sligh added burying the lines can be done it is just a matter of cost. Mr. Clark said he wants the Commission to be consistent with what we require of all of the utilities. Mr. Carnley said he understood that main lines on the right-of-way are not required to be underground. Mr. Kant requested the applicant's permission to table this request until further information can be provided or other options could be looked at. Mr. Carnley agreed to table his request until the next Planning Commission meeting. Dick Charles withdrew his motion and Lonnie Mixon withdrew his 2nd. Fran Slade asked if the old Fairhope Substation would be completely removed. Mr. Carnley stated once the new station and lines are energized, then all of the old equipment will be removed. Ms. Fidler asked if she could receive a copy of the easement agreement between Riviera and Auburn. Mr. Carnley said he would be glad to provide her a copy. Tim Kant moved to table this request until the next regularly scheduled Planning Commission meeting. Lonnie Mixon 2nd the motion and the motion carried unanimously.

IR 10.02 Informal Review of Habitat Three, a proposed two lot minor subdivision by Habitat for Humanity, Cliff Barros. The property is located on the west side of S. Ingleside Avenue, just north of Twin Beech Road at 19053 S. Ingleside Avenue. Nancy Milford gave the staff report saying the site is approximately 36,000 sf and is currently one lot. The property is located in Baldwin County and is unzoned. Ms. Milford stated the applicant is proposing two lots, Lot 2 will front on a publicly maintained right-of-way and Lot 1 will be accessed by a twenty-foot private access easement. The applicant will be seeking a waiver to the City's Subdivision Regulations requiring that all lots front a publicly maintained right-of-way. Cliff Barros of Habitat for Humanity came forward and addressed the Commission saying they bought the property and are currently building a home on the front of the lot, but would like to be able to build two homes on it. He added that both of the houses would face the road. Jennifer Fidler asked if the surrounding neighbors are in support of this request. Mr. Barros responded he has not approached the neighbors yet because he wanted the Commission's thoughts first. Dick Charles stated it would be worth while to speak with the neighbors and get their opinions. Lonnie Mixon said he felt that the Commission put a lot of thought into the waivers and the requirements to allow granting waivers and the Commission should stand by these waivers. Fran Slade asked what the property to the west is being used for and she was told farmland. Mrs. Slade stated she feels that the Commission would have to wave the


waiver requirements in order to approve this request. She added that she does like the idea of utilizing the entire lot, but she does not want to set a precedent. Mrs. Wilson said she thinks there is an argument for granting waivers to non-profit organizations. Bob Clark responded; however, that is not one of the requirements for granting a waiver. Tim Kant asked if the applicant annexed into the City would they meet the requirements to subdivide. Mr. Smith stated the proposed design would still not meet the minimum access standards or lot frontage requirements. Mr. Charles asked about adding non-profit organizations to the list of requirements for granting waivers. Mr. Smith said that would be up to the Commission to propose that amendment the regulations. Mr. Mixon said he thought the law states that if you approve something for one non-profit organization then it is approved for all of the other non-profit organizations. Mrs. Wilson said that this might be something to look at in the Comprehensive Plan because it calls for providing affordable housing in Fairhope. She added the Commission could approve projects based on the organization providing affordable housing and it would prevent the Commission from having to grant waivers for all of the non-profit groups. Mr. Kant asked if the applicant could get an exempt subdivision approval or a family subdivision approval from the County. Mr. Smith stated that the City recognizes the family subdivision approval and the applicant would not have to come before the City and that would be a possibility. Mr. Mixon stated if the Commission starts changing the rules and requirements then it will change Fairhope. Mr. Barros thanked the Commission for their input.

Old/New Business – Charlene Lee of SmartCoast came forward and commended the Commission for approving the Complete Streets Policy. She invited the Commission, staff and citizens of Fairhope to the “Dangers by Design” conference on March 22, 2010 at the Alabama School of Math and Science. The cost is ten dollars and will focus on preventable pedestrian deaths. She also announced that Friday, March 5, 2010 is a Smart Walk to School. The groups meet in the Big Lots parking lot or the Civic Center at 7:15am.

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



Jean Wilson, Chairperson



Emily Boyett, Secretary