The Planning Commission met Monday, February 5, 2024, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas; Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Michelle Melton, Planner; Chris Williams, City Attorney; and Cindy Beaudreau, Planning Clerk.

Absent: Holly MacKellar, Harry Kohler, Clarice Hall-Black

Chairman Turner called the meeting to order at 5:03 PM.

Approval of the Minutes February 5, 2024:
John Worsham made a motion to approve the minutes from the February 5, 2024.

Jay Robinson seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

Old/New Business

Hunter Simmons, Planning Director, provided an update on a proposed Ordinance to create a Historic Commission which will be presented to City Council on February 15, 2024. This Ordinance would not create any historic preservation districts. As proposed, it would create a commission with CLG status which will open the City up for grants and incentivized opportunities. There are no protections on any property if the ordinance passes as currently proposed. Future designation of property, or districts, would have to be approved by the City Council.

- **SD 21.23** Overland PUD, Phase 2 – Request of Applicant, S.E. Civil Engineering, for an additional extension of one year for preliminary plat approval.

Jay Robinson made a motion to approve the one-year extension for SD 21.23.

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

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

- **SD 23.15** Publix at Point Clear – Request of Applicant, Jade Consulting, LLC, for an extension of one year for final plat approval.

Erik Cortinas made a motion to approve the one-year extension for SD 23.15.

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

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

- **SD 22.02** Rockwell Place MOP – Request of Applicant, Sawgrass Consulting, LLC, for an extension of one year for preliminary plat approval.

John Worsham made a motion to approve the one-year extension for SD 22.02.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

- **SD 23.31** Rockwell Place - Request of the Applicant, Sawgrass Consulting, LLC, for an extension of one year for final plat approval.

John Worsham made a motion to approve the one-year extension for SD 23.31.

Jay Robinson seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

Consideration of Agenda Items:

UR 24.05 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 10,998 of LF of aerial fiber cable and 10,423 LF of buried fiber cable in the City ROW at 111 S. Section Street.

Summary: Hunter Simmons, Planning and Zoning Director, presented the request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 10,998 LF of aerial fiber cable and 10,423 LF of buried fiber cable in the City ROW at 111 S. Section Street.

Staff recommends approval of UR 24.05 subject to the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. Consultation with the City's horticulturalist, to determine if the required depth of bore must be increased so that no trees are impacted by the project. **The contractor is responsible for any damaged trees.**

3. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and GPS coordinates of the pothole locations on a set of as-built drawings.
4. An additional right-of-way permit may be required for the potholing procedures.
5. Follow-up activities below required by staff and the applicant:
6. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the mapping technician for inclusion in GIS utility maps as needed.
7. Provide draft door hanger for approval at time of pre-construction.
8. Approved door hangers shall be in place no later than **7 days** prior to construction.
9. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
10. Ensure enough space for proposed work is available within existing easement, if not applicant is responsible for either expanding existing easement or acquiring an additional easement.
11. Applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).
12. Utilities boxes shall be concentrated near existing boxes.
13. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

John Worsham made a motion to approve UR 24.05 with staff recommendations.

Rebecca Bryant seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

Executive Session – To discuss pending or potential litigation pursuant to Alabama Code Section 36-25A-7(a)(3)

Attorney Chris Williams made a declaration to move to Executive Session to discuss pending litigation. He does not anticipate any action needed following the Executive Session.

Motion:
Jay Robinson made a motion to close the public meeting and move to Executive Session.

Rebecca Bryant seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

The Commissioners left the dais at 5:12pm.

The Commissioners returned to the dais at 5:28pm.

Adjournment
John Worsham made a motion to adjourn.

AYE: Lee Turner; Rebecca Bryant; John Worsham; Jay Robinson; Erik Cortinas
NAY: None.

Adjourned at 5:29pm.

Lee Turner, Chairman

Cindy Beaudreau

Cindy Beaudreau, Secretary