

The Russell County Planning Commission  
Meeting Minutes  
March 2, 2010  
4:30 P.M. EST

An adjourned meeting of the Russell County Planning Commission was called to order. Members present were Chairman R.C. Adams, Dr. Thomas Shelton, David Ellis, Dillie Elliott, Carla Thomas, J.C. Batcheldor, Gary Head, Commissioner Martin and Bill Friend. Also present were advisors: Chief Mapper J.W. Brannen, Russell County Subdivisions Coordinators Ben Elliott and Brandon Bundy and County Administrator LeAnn Horne kept the minutes.

Chairman Adams requested a motion to approve the February 16, 2010 meeting minutes. Bill Friend motioned to approve the minutes and was seconded by Commissioner Martin. All members present voted to approve the minutes except Dillie Elliott, who abstained due to her absence at that meeting.

An application for the Cliatt-Martin Family Cemetery was presented by Judge Harden. This one acre plot belongs to Lewis Martin and is located at 2408 Hwy 165, Eufaula, Alabama inside Russell County. Access to the property is good and meets all criteria. Chairman Adams requested the width of the ingress/egress be listed on the plat. Carla Thomas motioned to approve the request for The Cliatt-Martin Family Cemetery. Seconded by Bill Friend.

Chris Rogers, Engineer from Barrett & Simpson, presented:

- Farmbrook Phase 9 Preliminary Plat, developed by Steve Corbett, which is a continuation of the Farmbrook Subdivisions. Ben Elliott stated it meets the subdivision requirements. Dillie Elliott motioned to approve the plat and was seconded by Dr Shelton. The vote to approve was unanimous.
- Farmbrook Phase 10 Preliminary Plat has 21 lots. A fifty foot easement is shown on the plat between lots 9 and 10, which is a ditch that needs an access for maintenance. The ditch connects to a parcel to the south which it is intended for re-plat to make a larger parcel at a later date. Chairman Adams requested for the final plat to state that the ditch will be maintained by the developer, Steve Corbett. Bill Friend motioned to approve Farmbrook Phase 10. Seconded By Dillie Elliott. The vote was unanimous.
- Sommershade Subdivision Preliminary Plat, developed by George Neel, has 19 lots total also with a drainage easement which will be maintained by the property owner. A fire hydrant is to be added to the entrance of the subdivision as was discussed at the February 16, 2010 meeting. Dillie Elliott motioned to approve Sommershade Subdivision Preliminary Plat and was seconded by J.C. Batcheldor. The vote was unanimous.

Bill Barrett, Engineer from Barrett & Simpson presented Maple Leaf Subdivision Phases 2, 3 and 4 Preliminary Plat which is located on McLendon Road and owned by J & A Homes & Development. Previously 5 lots were platted but are now being extended to 46 lots. Ben Elliott stated it met the subdivision criteria. Dillie Elliott motioned to approve Maple Leaf Phases 2, 3 and 4 Preliminary plats. Seconded by David Ellis. The vote was unanimous.

John Christian presented Patriots Pointe Phase 1-C Final Plat and variance request. This plat contains 51 lots which will complete Phase 1 for a total of 165 lots. The variance request is to extend the preliminary plat, which will expire May 2010, for another eighteen (18) months for continuance of the subdivision development. Stage 2 is in progress and submittal of the plat to Russell County Engineering will be in approximately 3 to 4 weeks.

Ben Elliott recommended not to extent since it has been 2 ½ years since the preliminary plat had been presented. Roads are only 20 foot and do not meet present required 26 foot widths. As the lots are extend the street will narrow.

Mr. Christian acknowledged they were aware of this problem and at the purchase of this property they also knew it would be a long term multi –phase development. His company followed the subdivision regulations at the time the development began. At this time if they were to reconfigure all that had been completed in the development it would be a serious monetary impact on the company. He stated, in November 2008, when Patriot’s Pointe was given the present extension this issue was addressed, knowing the subdivision regulations were going through changes.

Subdivision regulation changes were made April 10, 2009.

Mr. Christian showed the original approved plat which was 750 lots. All were not developed at that time, the first phase has 165 lots, and phase 2 had 150 as does the last phases. To do as suggested they would have to change the whole uniformity as well as be costly. There has been continuous construction since approval of the first phase under the old regulations. We asked for an 18 month extension which fell under the old regulations and grandfathered us in the old subdivision regulations.

Chairman Adams stated the only change that would be made is the width of the ingress/egress, which would be at the cost to the developers, but would meet new required regulations. If the variance is granted, regulations may change again in another year.

Nathan McBride explained this development was the first in that area to have curb and gutter also storm drains with the purpose of making this the premier development. It would be a huge financial burden to reconfigure for new regulations.

Chairman Adams and J.W. Brannen agreed it would be a lot of expense to the developer. After discussions, David Ellis motioned to approve the variance request for an extension for 18 months under the original plan. Seconded by Gary Head. The vote was unanimous.

Chairman Adams requested a motion for approval of the final plat. Bill Friend motioned to approve the final plat for Patriot’s Point Phase 1-C and was seconded by J.C. Batchelder. The vote was unanimous.

Chairman Adams stated a new planning guide without all the new changes has been distributed. On Page 51 of the subdivision regulations:

**Section 16.7 Grandfather Clause** *if a tract of land does not currently have road frontage and the family wants to subdivide it among immediate family, the easement must be signed by property owner of which the easement crosses. If the easement remains in the same place of where it has been located for a period of 20 or more years or has been previously recorded, this easement shall be grandfathered in at its current width as dictated by the survey. However, if the owner wants to change the location of the current easement, the new easement must be minimum 30’ to individual lots or 60’ to two or more lots.*

- *Place note on plat in bold type and also record in deed the following:*

*“Easement(s) are privately maintained and not maintained by Russell County.”*

David Ellis asked Nathan McBride if at the last meeting when he presented the Ivey Family Subdivision, he understood Nathan McBride would place a 60 foot easement and place on the plat “no more subdivision of this property”.

Nathan McBride stated that was correct.

David Ellis asked why the Planning Commission did not approve the plat.

Chairman Adams stated the parcel fell into the category of major developments instead of a minor development.

David Ellis asked if the owner had 6 or more kids then they would not be able to divide this parcel up because it would fall under a major development?

J.W. Brannen stated The County Engineer Larry Kite recommended turning it down, because not only were they dividing amongst children, but also grandchildren and great grandchildren.

David Ellis said every one defines immediate family different. The owner's children are deceased, she has adopted two children, she has a granddaughter and a great granddaughter who takes care of her and lives beside her, as well as her own home. I don't understand why it was turned down.

Chairman Adams stated subdivision regulations require a 60 foot easement.

J.W. Brannen asked Nathan why he brought the plat in with a 35 foot easement.

Nathan McBride acknowledged in the past family plats had been approved this way.

J.W. Brannen confirmed this is the problem and there is another property waiting for approval that will also create this issue.

After discussion Chairman Adams stated if Nathan places a 60 foot easement, and indicates on the plat there cannot be more subdivision to this property and Russell County is not responsible for maintaining the easements, this can be re-voted today and if approved Nathan can bring the plats for the Chair and Secretary's signature. David Ellis motioned to rescind the action made at the February 16, 2010 meeting. Seconded by Bill Friend. The vote was unanimous.

David Ellis motioned to approve the Ivey Family Subdivision with the recommended 60 foot easement, placement on plat "no further subdivision of the property and Russell County will not liable for maintenance of the right-of-way plat". Seconded by Carla Thomas. The vote to approve was unanimous.

Placements of fire hydrants were discussed as were new changes for the subdivision regulations.

Ms. Horne announced the bid award of the County Wide Comprehensive Plan to Goodwyn, Mills and Cawood. Larry Watts is the planner who will be working with the county on this project. Also Governor Riley awarded Russell County a \$250,000 energy grant.

Chairman adjourned the meeting.