

**CITY OF MOODY
PLANNING COMMISSION MEETING**

The Planning Commission of the City of Moody held a regular scheduled meeting on April 09, 2019.

ROLL CALL: Present: Chairman Larry Golden, Members, George Wiggins, Wayne Taylor, Lynn Taylor, Cletus Beard, Sandra Nicholson, Angie Isbell and Attorney James Hill

ABSENT: Mayor Joe Lee, Matthew Fraser

Chairman Larry Golden called the meeting to order at 6:00 P.M.

APPROVE COMMISSION MEETING MINUTES OF MARCH 12, 2019: Member Cletus Beard made a motion to approve the meeting minutes March 12, 2019. Sandra Nicholson second the motion. All present voted AYE: the vote to approve the minutes from March 12, 2019 was unanimous.

PUBLIC HEARING-HAPPY HOME BAPTIST CHURCH REQUEST APPROVAL TO REPLACE CURRENT SIGN WITH DIGITAL SIGN LOCATED AT THEIR BUILDING AT 1515 US HWY 78.

Greg Gilley addressed the board to request approval to replace current sign which has been there since 1980 with a digital sign that will be set in the same frame. The new sign will have the same dimensions as the old sign of 32 x 48 inches and standing 10 feet tall. He explained the sign needs to be tall because it sits in a low area and is hard to be seen by the road. The digital sign will only be rolling, not flashing, and the sign does not create a blind spot for traffic.

After all present had an opportunity to address the Board, Chairman Larry Golden closed the public hearing for discussion/action by the board.

Member Lynn Taylor made a motion to approve the request. Member Sandra Nicholson second. All present voted AYE: the motion to approve the request was unanimous.

PUBLIC HEARING-TONYA KING REQUEST APPROVAL TO PLACE A FENCE IN FRONT YARD OF HER RESIDENCE, AT 616 PARK AVENUE AND FURTHER IDENTIFIED AS ST. CLAIR COUNTY TAX ID #26-01-01-0-01-004.008

Tonya King addressed the board to request approval to place a wooden fence in her front yard to protect. She explained her house is close to a busy road and she has a lot of kids and dogs who play in the front yard and need a barrier. There is not room in the back or side yards for a fence or adequate playing room. The fence she would like to place would be pleasing to the eye and would have one big gate on the side for truck and lawn mower entrance.

Member Wayne Taylor explained fences are not allowed in the front yards of R-1 residences according to our city ordinance.

Attorney James Hill pointed out that the request is beyond the purview of the board and there is not a good avenue to go about changing a law such as is in place concerning front yard fences in her zoning.

After all present had an opportunity to address the Board, Chairman Larry Golden closed the public hearing for discussion/action by the board.

Member Wayne Taylor made a motion to deny the request due to board's lack of power to approve the request. Member Sandra Nicholson second. All present voted NAY: the motion to deny the request was unanimous.

PUBLIC HEARING-D.R. HORTON REQUEST FINAL PLAT APPROVAL FOR PHASE II IN THE HIGHLANDS LOCATED OFF PARK AVENUE AND FURTHER IDENTIFIED AS ST. CLAIR COUNTY TAX ID #24-09-31-0-001-014.000

Eric Shulc addressed the board to request a final plat for Phase II of The Highlands which is to include 67 lots. He explained they realize they must adhere to the notes the engineer has given.

Resident of Laurel Brook asked whether the zoning has changed, what sort of houses they will be building, and whether they will be three-sided brick.

Mr. Shulc said the R-1 zoning has not changed and the houses will be a mixture of siding or rock accents, but definitely not three-sided brick.

Engineer Keith Hager presented his letter of recommendations and added that the improvement to county road 10 has been submitted to and approved by the county. It is subject to the county engineer giving the go ahead. D. R. Horton is working together with the county to make sure this is done to standard. Mr. Hager's letter of recommendations is attached.

After all present had an opportunity to address the Board, Chairman Larry Golden closed the public hearing for discussion/action by the board.

Member Cletus Beard made a motion to approve the request subject to the engineer's recommendations. Member Angie Isbell second. All present voted AYE: the motion to approve the request subject to the engineer's recommendations was unanimous.

There being no further business to come before this Board, Member Wayne Taylor made a motion to adjourn the meeting. Member Lynn Taylor second. All present voted AYE: the meeting was adjourned at 6:40 P.M.

X Elisabeth Kannon

Elisabeth Kannon
Administrative Assistant

X Larry W. Golden

Larry W Golden
Chairman

HagerCo, LLC

Keith L. Hager, PE

AL No. 24699

April 7, 2019

Planning and Zoning Commission
City of Moody, AL
City Hall
Moody, AL 35094

**RE: Final Plat Approval – Highlands Phase 2
Planning Commission Meeting**

Dear Mr. Chairman,

As a part of our normal procedure to approve subdivisions, D.R. Horton is requesting approval of a final plat as a sector of the Highlands Phase 2, subdivision as approved by the preliminary plat. The roadway and subdivision have been constructed and the sector would include 67 lots of size and design aspects as approved by the preliminary plat.

I recommend APPROVAL of the final plat with the following conditions:

1. The developer shall place with the City Clerk a Certificate of Deposit made to specifically, "The City of Moody, and D.R. Horton". All certificates of Deposit shall be approved in form by the City clerk and held until the developer has fulfilled his obligations under the City Zoning and Subdivision Regulations. The Developer has provided estimates for asphalt and sidewalk and the Amount is set at 150% asphalt + ½ Curb price, x 150% for a total of \$141,567.

2. A part of the project includes work to the County Highway Connection as approved by the St. Clair County Engineer. The Plans have been approved and the construction is currently underway. It is my recommendation that the highway improvements are close to completion; therefore, I would recommend approval of the plat, subject to approval from St. Clair County Engineer for completion. If approved in this manner, the map would not be signed by the City Engineer until which time the County Engineer approves the work on County Road 10.

3. As a part of the work, the developer connected to the sewer line along Mountain Laurel Circle. During the sewer installation, the developer made construction changes to the plans and requested the line be run within the roadway for Mountain Laurel Circle. There was simply not any. Feasible choice and the City allowed the installation and required, stone backfill, asphalt patch and a full width asphalt layer to avoid a utility trench. It is my recommendation that the City require an additional surety

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pin the form of an additional certificate of deposit to cover the utility installation in mountain Laurel Circle. It is my recommendation that the maintenance bond should be set at the amount \$25,000, in. A form acceptable to the City Clerk. Any asphalt repairs needed in the areas of the utility installation would be the responsibility of the developer during the build out of the project. The additional certificate of Deposit, would be returned to the developer when the roads ways are accepted by the City under the standard procedure for Public road acceptance.

Map Format Notes:

A. The title of the Plat should include a designation for this particular map to differentiate it from the remainder of the Phase 2. I would suggest "Phase 2, Sector 1" but will allow the developer to choose the unique name.

B. The Engineer / Surveyor should include a signature for the GUSC for Moody, as the sewer provider.

C. The Engineer/Surveyor should include the standard development notes used on final plats.

- i. *Builder is responsible for building sites free of drainage problems.*
- ii. *All lots are subject to the Moody Storm Water Ordinance.*
- iii. *The City of Moody will not maintain any storm drainage structures located outside of the public Rights of Way. All private storm sewers, ditches, swales, catch basins are the responsibilities of the specific property owner or the HOA.*
- iv. *The private easements shown are for the benefit of all property owners and it should not be allowed to obstruct the flow of storm water along any of the areas designated by private storm water easements by the engineer. This includes, but is not limited to placement of fencing, or changing the grades where the surface water may flow, which is not in accordance with the design engineer's plans.*

Submitted By: HagerCo-LLC



Keith L. Hager, PE