



**THE CITY OF PHENIX CITY  
PLANNING COMMISSION AGENDA  
TUESDAY, OCTOBER 8, 2019  
5:15 PM EST**

- 1) Welcome, Call to Order, and Roll Call
- 2) Approval of Agenda
- 3) Acknowledge City Council and City Personnel Present
- 4) Approval of the September 24, 2019 Meeting Minutes
- 5) Rules for Addressing Planning Commission
- 6) Acceptance of De-Annexation – 2.12 +/- acres located 1233 Lee Road 427 – Charles Dunn Investments, LLC., owner.
  - Staff Report
  - Developer's Comments
  - Department Memo
- 7) Old Business
  - Re-Certification Class
- 8) New Business
  - 2020 Planning Commission Meeting Schedule
- 9) Adjournment

**SEPTEMBER 24, 2019**

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, September 24, 2019 at 5:15 PM EST in the Phenix City Council Chambers located in the Public Safety Building, 1111 Broad Street.

Chairman Howard called the meeting to order and asked Secretary Culligan to call roll. Upon roll call, the following members answered present: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Member Taylor was not present.

The second item on the agenda was the Approval of the Agenda. Vice Chairman Davis made a motion to approve, seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Abstain: None. Nays: None. Motion thus passed.

Chairman Howard asked Secretary Culligan to note the City Employees that were present in the minutes. The following City Personnel were present: City Engineer Angel Moore, Asst. Director of Engineering Michael Pattillo, Graduate Engineer Chris Casey, Fire Marshal Marc Wells, Building Official Gil Griffith, Utilities Engineer John Spraggins, City Attorney Jim McKoon, and Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the September 10, 2019 meeting minutes. Chairman Howard asked if there was a motion to approve the written minutes and remove the recorded minutes. A motion to approve was made by Member Ivy, seconded by Member Lindsey. Upon said motion being put to a vote, the following vote was recorded: Yeas: Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, and Member Sims. Abstain: Member Bailey, Member McKissic, and Member Culligan. Motion thus passed.

The fifth item on the agenda, Chairman Howard set the rules for addressing the Planning Commission.

The sixth item on the agenda is the Approval of Administrative Replat of 5+/- acres located at 535 Lee Road 315, Vicki Cross and Yolanda Smith Pope, owners. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Secretary Culligan to read the department memo.

**MEMO**

*To: Planning Commission*

*From: Angel Moore, P.E., City Engineer/Public Works Director*

*Date: September 20, 2019*

*RE: Administrative Re-Plat – 5+/- acres located at 535 Lee Road 315*

*The above referenced Administrative Re-plat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and meets the minimum requirement of the Subdivision Regulations for approval.*

At this time Chairman Howard asked if there was a motion to approve or deny. Member Sims made a motion to approve, seconded by Vice Chairman Davis. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion passed.

The seventh item on the agenda was the Waiver Request for 23.53+/- acres located at 4407, 4409 and 4411 Lee Road 248, Jay Shepherd, Gilbert Dyer, James Dyer, Bruce Wade, and Jason Dyer, owners. City Engineer Angel Moore reviewed the staff report with the board members. Short discussion followed. Chairman Howard asked Secretary Culligan to read the waiver and department memo.

**REQUEST FOR WAIVER**

*Name of Developer(s): Jay B. Shepherd, J. Gilbert Dyer., Jr., James G. Dyer, III, Jason Dyer, and Bruce Wade.*

*Name of Engineering Firm: Barrett-Simpson, Inc.*

*Email Address of Owner: [jay.shepherd@shepherdbrokers.com](mailto:jay.shepherd@shepherdbrokers.com)*

*Name of Subdivision: Property Division for Jay B. Shepherd, J. Gilbert Dyer., Jr., James G. Dyer, Bruce Wade, III, & Jason S. Dyer*

*Location of Subdivision: Summerville Road (Lee Road 248)*

*State in Full Why a Waiver is Being Requested: Waiver is requested to allow approval of the proposed property division with the existing private drive.*

*State Facts Upon Which The Waiver Is Relying Upon: Tract D as shown on the attached plat of property division is an existing private drive, not a buildable lot.*

*List Any Attachments To This Petition: Plat of Property for Jay B. Shepherd, J. Gilbert Dyer Jr., James G. Dyer, III, Bruce Wade, & Jason S. Dyer*

*Provide a Short Explanation Why You Believe The Waiver Should Be Approved: This is a private Subdivision with a private drive. The private drive is a tract unto itself, which is a non-buildable lot.*

*Signature of Owner: Jay B. Shepherd, J. Gilbert Dyer., Jr., James G. Dyer, Bruce Wade, III, & Jason S. Dyer*

*Date: 7/23/19*

**MEMO**

*To: Planning Commission*

*From: Angel Moore, P.E., City Engineer/Public Works Director*

*Date: September 20, 2019*

*RE: Waiver Request – 23.53+/- acres located at 4407, 4409 and 4411 Lee Road 248*

*The above submitted waiver request for 4407, 4409 and 4411 Lee Road 248 does not meet the requirements of Article III, Section 10 of the Subdivision Regulations which states that an Administrative Subdivision is a re-subdivision involving not more than five (5) contiguous lots fronting an existing street.*

At this time Chairman Howard asked if there was a motion to approve or deny. Vice Chairman Davis made a motion, seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Nays: None. Abstain: Member Bailey. Motion passed.

The eighth item on the agenda was the Administrative Replat for 23.53+/- acres located at 4407, 4409 and 4411 Lee Road 248, Jay Shepherd, Gilbert Dyer, James Dyer, Bruce Wade, and Jason Dyer, owners. City Engineer Angel Moore reviewed the staff report with the board members. Discussion followed. Chairman Howard asked Secretary Culligan to read the department memo.

**MEMO**

*To: Planning Commission*

*From: Angel Moore, P.E., City Engineer/Public Works Director*

*Date: September 20, 2019*

*RE: Administrative Replat – 23.53+/- acres located at 4407, 4409 and 4411 Lee Road 248*

*The above referenced Administrative Replat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and does not meet the minimum requirements of the Subdivision Regulations. A waiver request has been submitted by the owners.*

At this time Chairman Howard asked if there was a motion to approve or deny. Vice Chairman Davis made a motion, seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Nays: None. Abstain: Member Bailey. Motion passed.

The ninth item on the agenda was the Administrative Replat 18.57+/- acres located at 1481 Lee Road 213 for Kathy Jo Dades & Angela Williams, owners. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Secretary Culligan to read the department memo.

MEMO

*To: Planning Commission*

*From: Angel Moore, P.E., City Engineer/Public Works Director*

*Date: September 20, 2019*

*RE: Administrative Replat – 18.57+/- acres located at 1481 Lee Road 213*

*The above referenced Administrative Replat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and meets the minimum requirements of the Subdivision Regulations for approval.*

At this time Chairman Howard asked if there was a motion to approve or deny. Member Sims made a motion, seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion passed.

The tenth item on the agenda was the Administrative Replat 17.47+/- acres located at Pierce Road (Lee Road 427) for JD Real Properties, LLC., owner. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Secretary Culligan to read the department memo.

MEMO

*To: Planning Commission*

*From: Angel Moore, P.E., City Engineer/Public Works Director*

*Date: September 20, 2019*

*RE: Administrative Replat – 17.47+/- acres located on Pierce Road (Lee Road 427)*

*The above referenced Administrative Replat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and meets the minimum requirements of the Subdivision Regulations for approval.*

At this time Chairman Howard asked if there was a motion to approve or deny. Member Ivy made a motion, seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion passed.

The eleventh item on the agenda was the approval of C&D Landfill Expansion of 76.86+/- acres located on Downing Drive for the City of Phenix City, owner. City Engineer Angel Moore reviewed the staff report with the board members. Discussion followed. Chairman Howard asked Secretary Culligan to read the department memo.

MEMO

To: Planning Commission

From: Angel Moore, P.E., City Engineer/Public Works Director

Date: September 20, 2019

RE: Approval and Recommendation to City Council of the Construction and Debris Landfill Expansion

The City's current C&D Landfill is nearing full capacity and in order for operations to continue the landfill needs to be expanded. The plan for this expansion is to utilize existing City property adjacent to the current landfill. The Engineering Department is currently working through the permit process for this expansion with the Alabama Department of Environmental Management (ADEM). One component of the permit application is validating Local Government Approval of the location and expansion of the current landfill. We are requesting a recommendation from the Planning Commission for approval of the proposed landfill expansion. A public hearing is tentatively scheduled for November 19, 2019 at 9:00 a.m. in the Council Chambers.

At this time Chairman Howard asked if there was a motion to approve or deny. Member Ivy made a motion, seconded by Vice Chairman Davis. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member McKissic, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion passed.

The twelfth item on the agenda was Old Business. Mr. Ivy asked about the re-certification class. Recording Secretary Kathy Jo Davis stated she was waiting to hear back from University of North Alabama on a date.

The thirteenth item on the agenda was New Business. None.

The fourteenth item on the agenda was the Adjournment. Chairman Howard asked if there was a motion to adjourn. A motion to adjourn was made by Member Sims, seconded by Member Bailey. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

There being no further business to come before the Planning Commission, the meeting was adjourned until the next scheduled meeting on Tuesday, October 8, 2019.

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Chairman - Pat Howard

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Secretary – Shaun Culligan



**DR. R. GRIFF GORDY**  
Councilmember At Large

**STEVE BAILEY**  
Councilmember District 1

**EDDIE N. LOWE**  
Mayor

**VICKEY CARTER JOHNSON**  
Councilmember District 2

**ARTHUR L. DAY, JR.**  
Mayor Pro Tem / District 3

WALLACE B. HUNTER, City Manager  
MELONY LEE, City Clerk  
ANGEL MOORE, P.E., City Engineer  
Director of Engineering / Director of Public Works

**Staff Report No. 6**

**Type of Request: De-annexation**

**Applicant: Charles Dunn Investments, LLC - owner**

**Surveying Firm: Precision Survey, Inc.**

**Site Location: 1233 Lee Road 427**

**Acreage: 2.12 +/-**

**Number of Lots: 1**

**Current Zoning: C-3/None**

**Current Use of Property: Commercial**

**Proposed Use of Property: Commercial**

**Survey Plat: Attached**

**City Services: Phenix City Water**

**Additional Information: None**

**Surveyor and or Owner Comment(s): None**





**DR. R. GRIFF GORDY**  
Councilmember At Large

**STEVE BAILEY**  
Councilmember District 1

**EDDIE N. LOWE**  
Mayor

**VICKEY CARTER JOHNSON**  
Councilmember District 2

**ARTHUR L. DAY, JR.**  
Mayor Pro Tem / District 3

WALLACE B. HUNTER, City Manager  
MELONY LEE, City Clerk  
ANGEL MOORE, P.E., City Engineer  
Director of Engineering / Director of Public Works

## MEMORANDUM

**To:** Planning Commission  
**From:** Angel Moore, P.E., City Engineer/Public Works Director  
**Date:** October 3, 2019  
**RE:** De-annexation – 2.12 +/- acres located at 1233 Lee Road 427

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The above referenced application for de-annexation has been reviewed by the Building, Utilities, Fire, and Engineering Departments and no issues were found with this request.

**PAT HOWARD**  
Chairman

**JIMMY DAVIS**  
Vice Chairman

**SHAUN CULLIGAN**  
Secretary

**KATHY DAVIS**  
Recording Secretary

STEVE BAILEY

DON IVY

ANNIE LINDSEY

SIERRA MCKISSIC

BILLY SIMS

TONY TAYLOR

Please see the proposed 2020 Planning Commission Meeting Schedule below.

January 14  
January 28

July 14  
July 28

February 11  
February 25

August 11  
August 25

March 10  
March 24

September 8  
September 22

April 14  
April 28

October 13  
October 27

May 12  
May 26

November 10

June 9  
June 23

December 8