

## OCTOBER 22, 2019

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, October 22, 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, Member Taylor and Member Culligan.

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, Member Taylor 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 Chief Kris Kennedy, Fire Marshal Marc Wells, Building Official Gil Griffith, Utilities Engineer John Spraggins, Asst. City Manager / Utilities Director Stephen Smith, City Attorney Jimmy Graham, and Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the October 8, 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 Sims, 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 and Member Sims. Abstain: Member Bailey, Member Taylor, 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 Public Hearing and Approval of De-Annexation for 2.12+/- acres located at 1233 Lee Road 427 for Charles Dunn Investments, LLC., owner. City Engineer Angel Moore reviewed the staff report with the board members. At this time Chairman Howard opened the public hearing. With not seeing nor hearing from anyone the public hearing was closed. 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: October 18, 2019*

*RE: Administrative Re-Plat – 2.12+/- acres located at 1233 Lee Road 427*

*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.*

At this time Chairman Howard asked if there was a motion to approve or deny. Vice Chairman Davis made a motion to approve, 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, Member Taylor and Member Culligan. Nays: None. Abstain: None. Motion passed.

The seven item on the agenda was the Request for Waiver for Kinnett Estates located on Highway 80W (Crawford Road) for JD Real Properties, LLC. City Engineer Angel Moore reviewed the staff report with the board members. At this time Chairman Howard asked Secretary Culligan to read the Waiver Request and memo.

Request For Waiver

**Name of Development:** J.D. Real Properties, LLC.

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

**Name of Subdivision:** Kinnett Estates

**Location of Subdivision:** Highway 80, across from T-Bones

**State in full why a waiver is being requested:** Article V. Section 2.B Curb and Gutter states that curb and gutter shall be provided on all proposed streets within a proposed subdivision and in accordance with the standards and specifications of these regulations. The waiver is requested due to the fact that there will only be nine (9) large acres estates lots ranging from 1.5 to 6.0 acre tracts located in Russell County in the Phenix City Planning Commission jurisdiction. No sewer is available by any jurisdiction.

**State facts upon which the waiver is relying upon:** The large acreage tracts have large road frontage and the desire is to keep the development as natural looking as possible. A few drainage pipes will be required; however, the large lot and natural look is not conducive to curb and gutter the complete length of the road.

**List any attachments to this petition:** See proposed layout by Barrett-Simpson, Inc.

**Provide a short explanation why you believe the waiver should be approved.**

The curb and gutter does not correspond to the natural estate lot concept. The only drainage will be along ditches and that will only receive the roadside drainage. The topography of the land also would create an additional expenses of drainage structures and piping for such a short extension of such few lots.

**Signature of Engineer:** Tim Simpson

**Date:** 10/7/19

Memo

To: Planning Commission

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

Date: October 18, 2019

RE: Waiver Request – Kinnett Estates 34+/- acres located at US Highway 80 across from T-Bones Steakhouse

The submitted Waiver request for Kinnett Estates does not meet the requirements of Article V, Section 2B of the Subdivision Regulations which states that “curb and gutter shall be proved on all proposed streets within a proposed subdivision and in accordance with the standards and specifications of these regulations.”

Representative Tim Simpson with Barrett-Simpson came forward and discussed the project and waiver with the board members. City Attorney Jimmy Graham spoke about the lawsuits that had been filed against the city in past years due to flooding issues caused by no curb and gutters. It was also mentioned that the curb and gutter was changed in the subdivision regulations in April 2016 to where it is now required. Discussion followed. Chairman Howard asked if there was a motion to approve or deny. A motion to deny was made by Member Ivy, seconded by Member Lindsey. 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, Member Taylor and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

The eighth item on the agenda was Old Business. Chairman Howard stated that the re-certification class has been scheduled for Friday, November 8, 2019 from 12:00pm EST to 4:30pm EST at the Fire Training Center.

The ninth item on the agenda was New Business. Re-Election of officers. Vice Chairman Davis nominated Pat Howard seconded by Member Taylor; all in favor. Member Culligan nominated Jimmy Davis for Vice Chairman seconded by Member Bailey; all in favor. Member Sims nominated Annie Lindsey for Parliamentarian seconded by Vice Chairman Davis; all in favor.

The tenth 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 Ivy, seconded by Member Taylor. 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, Member Taylor 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, November 12, 2019.

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Chairman - Pat Howard

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Secretary – Shaun Culligan