



**THE CITY OF PHENIX CITY
PLANNING COMMISSION AGENDA
TUESDAY, APRIL 14, 2020
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 March 10, 2020 Meeting Minutes
- 5) Approval of the March 24, 2020 Cancelled Meeting Minutes
- 6) Rules for Addressing Planning Commission
- 7) Acceptance of Preliminary Plat of Evans Crossing Subdivision located at the intersection of Lee Road 219 and Lee Road 213, Evans Road Development, LLC., owner.
 - Staff Report
 - Developer's Comments
 - Department Memo
- 8) Acceptance of Ordinance Amending Chapter 19 Signs and Outdoor Advertising Political Signs
- 9) Old Business
- 10) New Business
 - Acceptance of Agreement To Clarify The Subdivision Review and Approval Process In The Municipal Planning Jurisdiction Of The City of Phenix City, Alabama
- 11) Adjournment

March 10, 2020

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, March 10, 2020 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 Recording Secretary Davis to call roll. Upon roll call, the following members answered present: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Ivy, Member McKissic, Member Sims, and Member Taylor. Member Lindsey was not present.

The second item on the agenda was the Approval of the Agenda. Member Taylor 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 McKissic, Member Sims, and Member Taylor. Abstain: None. Nays: None. Motion thus passed.

Chairman Howard asked Recording Secretary Davis to note the City Employees that were present in the minutes. The following City Personnel were present: City Engineer Angel Moore, Assist. Director of Engineering Michael Pattillo, Graduate Engineer Chris Casey, Fire Chief Kris Kennedy, Fire Marshal Marc Wells, Building Official Gil Griffith, Utilities Director Stephen Smith, Utilities Engineer John Spraggins, Economic Development Manager Shaun Culligan, City Attorney Jimmy Graham, and Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the February 25, 2020 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 Bailey. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Chairman Howard, Member Ivy, Member McKissic, and Member Taylor. Abstain: Vice Chairman Davis and Member Sims. 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 was the Approval of Administrative Replat of 4.31+/- acres located at 660 Lee Road 314, Roy & Kathryn W. Culpepper, owners. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

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

Date: March 6, 2020

RE: Administrative Re-Plat – 4.31+/- acres located at 660 Lee Road 314

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

At this time Chairman Howard asked for a motion to approve or deny. A motion to approve was made by Vice Chairman Davis, 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 McKissic, Member Sims, and Member Taylor. Abstain: None. Motion thus passed.

The seventh item on the agenda was the Approval of Administrative Replat of 182.17+/- acres west of the intersection of Lee Road 312 & Lee Road 860, Broad River Group, LLC., owner. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

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

Date: March 6, 2020

RE: Administrative Re-Plat – 182.17+/- acres located West of the intersection of Lee Road 312 & Lee Road 860

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

At this time Chairman Howard asked for a motion to approve or deny. A motion to approve was made by Vice Chairman Davis, 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 Taylor. Abstain: None. Motion thus passed.

The eighth item on the agenda was a Waiver Request for property located on Summerville Road (Lee Road 248), Jay B. Shepherd, J. Gilbert Dyer, Jr., James G. Dyer, III, T. Bruce Wade, III and Jason S. Dyer, owners. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Recording Secretary Davis to read waiver request and the department memo.

Memo

To: Planning Commission

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

Date: March 6, 2020

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

The submitted Waiver request for 4407, 4409 and 4411 Lee Road 248 does not meet the requirements of Article VI, Section 5B of the Subdivision Regulations which states that all lots should abut a dedicated public street with a minimum frontage of twenty-five (25) feet.

At this time Chairman Howard asked for a motion to approve or deny the waiver request. A motion to approve and to attach the waiver to the written minutes was made by Vice Chairman Davis, 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 McKissic, Member Sims, and Member Taylor. Abstain: Member Bailey. Motion thus passed.

The ninth item on the agenda was the Approval of Administrative Replat of 23.53+/- acres located at 4407, 4409 and 4411 Summerville Road (Lee Road 248), Jay B. Shepherd, J. Gilbert Dyer, Jr., James G. Dyer, III, T. Bruce Wade, III and Jason S. Dyer, owners. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

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

Date: March 6, 2020

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

The above referenced Administrative Re-plat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and does not meet the requirements of the Subdivision Regulations, however, a waiver request has been submitted by the owners.

At this time Chairman Howard asked for a motion to approve or deny. A motion to approve was made by Member Ivy, 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 McKissic, Member Sims, and Member Taylor. Abstain: Member Bailey. Motion thus passed.

The tenth item on the agenda was the Acceptance of Administrative Replat of Summerville Highlands 25.00+/- acres located on Lee Road 248 (Summerville Road), North of Lee Road 314, Summerville Highlands (Mark Anderson) owner. City Engineer Angel Moore reviewed the staff report with the board members. Chairman Howard asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

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

Date: March 6, 2020

RE: Preliminary Plat for Summerville Highlands Subdivision

The above referenced amended preliminary plat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and meets the requirements of the Subdivision Regulations for acceptance.

At this time Chairman Howard asked for a motion to accept. A motion to accept was made by Vice Chairman Davis, 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 McKissic, Member Sims, and Member Taylor. Abstain: None. Motion thus passed.

The eleventh item on the agenda was Old Business. None.

The twelfth item on the agenda was New Business. None

The thirteenth 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 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 McKissic, Member Sims, and Member Taylor. 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, March 24, 2020.

Chairman – Pat Howard

Vice Chairman – Jimmy Davis

March 24, 2020

The Planning Commission of the City of Phenix City, Alabama cancelled the Tuesday, March 24, 2020 meeting due to not have a quorum.

The Planning Commission will meet at the next regular scheduled meeting on Tuesday, April 14, 2020.

Chairman – Pat Howard

Vice Chairman – Jimmy Davis



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. 7

Type of Request: Preliminary Plat

Applicant: Evans Road Development, LLC.

Surveying Firm: Barrett Simpson, Inc.

Site Location: Intersection of Lee Rd. 219 & Lee Rd. 213 (Evans Rd.)

Acreage: 14.82 +/-

Number of Lots: 20 (proposed)

Current Zoning: None (Planning Jurisdiction)

Current Use of Property: Vacant/Residential

Proposed Use of Property: Residential

Survey Plat: Attached

City Services: Currently none (Requesting Phenix City Water & Sewer)

Additional Information: None

Engineer and or Owner Comment(s): None

PRELIMINARY PLAT
EVANS CROSSING
 LOCATED IN SECTION 12, TOWNSHIP 17 NORTH, RANGE 29 EAST
 LEE COUNTY, ALABAMA

ALL PLATS MUST BE SUBMITTED ON MANUFACTURED PAPER COMPLYING WITH THE FOLLOWING SPECIFICATIONS:



Area	Area (Ac)	Area (Sq Ft)	Area (Sq Yd)
1	1.00	43,560	4,853
2	1.00	43,560	4,853
3	1.00	43,560	4,853
4	1.00	43,560	4,853
5	1.00	43,560	4,853
6	1.00	43,560	4,853
7	1.00	43,560	4,853
8	1.00	43,560	4,853
9	1.00	43,560	4,853
10	1.00	43,560	4,853
11	1.00	43,560	4,853
12	1.00	43,560	4,853
13	1.00	43,560	4,853
14	1.00	43,560	4,853
15	1.00	43,560	4,853
16	1.00	43,560	4,853
17	1.00	43,560	4,853
18	1.00	43,560	4,853
19	1.00	43,560	4,853
20	1.00	43,560	4,853
21	1.00	43,560	4,853
22	1.00	43,560	4,853
23	1.00	43,560	4,853
24	1.00	43,560	4,853
25	1.00	43,560	4,853
26	1.00	43,560	4,853
27	1.00	43,560	4,853
28	1.00	43,560	4,853
29	1.00	43,560	4,853
30	1.00	43,560	4,853
31	1.00	43,560	4,853
32	1.00	43,560	4,853
33	1.00	43,560	4,853
34	1.00	43,560	4,853
35	1.00	43,560	4,853
36	1.00	43,560	4,853
37	1.00	43,560	4,853
38	1.00	43,560	4,853
39	1.00	43,560	4,853
40	1.00	43,560	4,853
41	1.00	43,560	4,853
42	1.00	43,560	4,853
43	1.00	43,560	4,853
44	1.00	43,560	4,853
45	1.00	43,560	4,853
46	1.00	43,560	4,853
47	1.00	43,560	4,853
48	1.00	43,560	4,853
49	1.00	43,560	4,853
50	1.00	43,560	4,853



Curve #	Area (Ac)	Radius (ft)	Chord Bearing	Chord Distance
1	1.00	100.00	S89°12'45"W	245.98'
2	1.00	100.00	S89°12'45"W	245.98'
3	1.00	100.00	S89°12'45"W	245.98'
4	1.00	100.00	S89°12'45"W	245.98'
5	1.00	100.00	S89°12'45"W	245.98'
6	1.00	100.00	S89°12'45"W	245.98'
7	1.00	100.00	S89°12'45"W	245.98'
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11	1.00	100.00	S89°12'45"W	245.98'
12	1.00	100.00	S89°12'45"W	245.98'
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14	1.00	100.00	S89°12'45"W	245.98'
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47	1.00	100.00	S89°12'45"W	245.98'
48	1.00	100.00	S89°12'45"W	245.98'
49	1.00	100.00	S89°12'45"W	245.98'
50	1.00	100.00	S89°12'45"W	245.98'

GENERAL NOTES:
 1. THIS PLAT IS FOR THE PROPOSED EVANS CROSSING AND IS SUBJECT TO THE APPROVAL OF THE LEE COUNTY BOARD OF COMMISSIONERS.
 2. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
 3. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR UTILITIES.
 4. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR EROSION CONTROL.
 5. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR LANDSCAPING.
 6. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR SIGNAGE.
 7. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR LIGHTING.
 8. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR FENCING.
 9. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR UTILITIES.
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 20. THE PROPOSED EVANS CROSSING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LEE COUNTY STANDARD SPECIFICATIONS FOR FENCING.

LEGEND

1	Proposed Right-of-Way
2	Proposed Easement
3	Proposed Utility Line
4	Proposed Structure
5	Proposed Road
6	Proposed Bridge
7	Proposed Fencing
8	Proposed Signage
9	Proposed Lighting
10	Proposed Utilities
11	Proposed Erosion Control
12	Proposed Landscaping
13	Proposed Survey
14	Proposed Boundary
15	Proposed Area
16	Proposed Point
17	Proposed Line
18	Proposed Curve
19	Proposed Intersection
20	Proposed Stationing
21	Proposed Elevation
22	Proposed Slope
23	Proposed Contour
24	Proposed Spot Elevation
25	Proposed Benchmark
26	Proposed Monument
27	Proposed Marker
28	Proposed Nail
29	Proposed Pipe
30	Proposed Stake
31	Proposed Flag
32	Proposed Chain
33	Proposed Tape
34	Proposed Wheel
35	Proposed Tripod
36	Proposed Level
37	Proposed Transit
38	Proposed Theodolite
39	Proposed Alidade
40	Proposed Spirit Level
41	Proposed Leveling Staff
42	Proposed Leveling Rod
43	Proposed Leveling Staff
44	Proposed Leveling Rod
45	Proposed Leveling Staff
46	Proposed Leveling Rod
47	Proposed Leveling Staff
48	Proposed Leveling Rod
49	Proposed Leveling Staff
50	Proposed Leveling Rod

BARRETT-SIMPSON, INC.
 200 SOUTH PINE STREET, OAKMAN, ALABAMA 36867
 (205) 333-1111
 www.barrett-simpson.com



DATE	11/11/2023
PROJECT	EVANS CROSSING
DRAWN BY	J. SIMPSON
CHECKED BY	J. SIMPSON
SCALE	AS SHOWN
PROJECT NO.	23-001
DRAWING NO.	1
TITLE	PRELIMINARY PLAT
DATE	11/11/2023
PROJECT	EVANS CROSSING
DRAWN BY	J. SIMPSON
CHECKED BY	J. SIMPSON
SCALE	AS SHOWN
PROJECT NO.	23-001
DRAWING NO.	1
TITLE	PRELIMINARY PLAT



PHENIX CITY
Alabama

DEPARTMENT OF
ENGINEERING / PUBLIC WORKS

601 12th Street | Phenix City, AL 36867 | Ph: 334-448-2760 | Fx: 334-291-4848 | phenixcityal.us

DR. R. GRIFF GORDY
Councilmember At Large

STEVE BAILEY
Councilmember District 1

EDDIE N. LOWE
Mayor

VICKEY CARTER JOHNSON
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WALLACE B. HUNTER, City Manager
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ANGEL MOORE, P.E., City Engineer
Director of Engineering / Director of Public Works

MEMORANDUM

To: Planning Commission
M.P. For A.M.
From: Angel Moore, P.E., City Engineer/Public Works Director
Date: April 10, 2020
RE: Preliminary Plat for Evans Crossing

The above referenced preliminary plat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and meets the minimum requirements of the Subdivision Regulations for acceptance.

ORDINANCE NO. 2020-_____

AN ORDINANCE TO AMEND THE CODE OF ORINANCES FOR THE CITY OF PHENIX CITY, ALABAMA, APPENDIX A, ZONING; ARTICLE VI, REGULATIONS APPLYING TO ALL OR SEVERAL DISTRICTS; SECTION 19 – SIGNS AND OUTDOOR ADVERTISING; ADD POLITICAL SIGNS.

BE IT ORDIANED BY, the City Council of the City of Phenix City, Alabama that Appendix A, Zoning; Article VI, Regulations Applying To All Or Several Districts; Chapter 19 – Signs and Outdoor Advertising - be amended to add Political Signs.

Chapter 19. Signs and Outdoor Advertising

Political Signs. Signs may not be placed earlier than thirty days prior to the election date. Signs may not be placed in the public right-of-way; on any structures in the right-of-way, including utility poles and traffic signs; in road medians; or any property owned by the City of Phenix City or Phenix City Schools. Signs are limited in size to a maximum of thirty-two square (32) feet. It is the candidate's responsibility to ensure that the volunteers who distribute and erect political signs are doing so in compliance with these regulations. Signs must be removed within seven (7) days after the election.

All ordinances or parts of ordinances in conflict herewith are hereby repealed by this ordinance.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA



PHENIX CITY
Alabama

DEPARTMENT OF
ENGINEERING / PUBLIC WORKS

601 12th Street | Phenix City, AL 36867 | Ph: 334-448-2760 | Fx: 334-291-4848 | phenixcityal.us

DR. R. GRIFF GORDY
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STEVE BAILEY
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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: *M.P. For A.M.*
Angel Moore, P.E., City Engineer/Public Works Director

Date: April 10, 2020

RE: Acceptance of Agreement Between Phenix City and Lee County to Clarify Review and Approval Process in the Municipal Planning Jurisdiction of the City of Phenix City, AL

The City of Phenix City and Lee County have been operating under the legislature passed in 2012, Alabama Act 2012-297, which essentially made it where the county's subdivision regulations solely apply outside the corporate limits of cities unless, the county and the city enter into a written agreement providing that the municipal planning commission "shall be responsible for the regulation and enforcement of the development of subdivisions within the territorial jurisdiction of the municipal planning commission under the terms and conditions of the agreement."; which agreement would have to be approved by resolutions of the county commission, city council, and municipal planning commission.

**AGREEMENT
TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS
IN THE MUNICIPAL PLANNING JURISDICTION OF
THE CITY OF PHENIX CITY, ALABAMA**

The CITY OF PHENIX CITY, ALABAMA, hereinafter referred to as the "CITY" and LEE COUNTY, ALABAMA, BY AND THROUGH THE LEE COUNTY COMMISSION, hereinafter referred to as the "COUNTY," enter into this Agreement on this the ____ day of _____, 2020.

WITNESSETH:

WHEREAS, Act #2012-297 was signed into law by Governor Robert Bentley with an effective date of October 1, 2012, and

WHEREAS, Act #2012-297 amends the Code of Alabama, § 11-52-30, by providing that if a county commission has adopted subdivision regulations, those subdivision regulations shall apply to the development of subdivisions within the planning jurisdiction of a municipal planning commission outside the corporate limits of a municipality and shall be regulated and enforced by the county in the same manner and to the same extent as other subdivision development governed by the county's subdivision regulations, and

WHEREAS, the Code of Alabama, § 11-52-30, also provides that a county commission and a municipal planning commission may enter into a written agreement providing that the municipal planning commission shall be responsible for the regulation and enforcement of the development of subdivisions within the planning jurisdiction of the municipal planning commission, and

WHEREAS, the COUNTY adopted its subdivision regulations on April 14, 2008, and

WHEREAS, since April 14, 2008, the CITY has been the primary entity responsible for subdivision development review and approval in its territorial jurisdiction, and

WHEREAS, since April 14, 2008, the COUNTY has provided subdivision development review assistance such that the CITY and COUNTY are able to always apply the more stringent standard of each entity's subdivision regulations, and

WHEREAS, this established subdivision review and approval process has worked to the mutual benefit of the CITY, the COUNTY, and their citizens;

NOW, THEREFORE, in order to comply with Act #2012-297 and to have an efficient and effective subdivision review, approval, regulation, and enforcement process, the CITY and COUNTY agree as follows:

1. In consideration of the foregoing and subject to the following provisions and the publication of this Agreement as required by law, the COUNTY does hereby give its consent and specifically agrees to

have the CITY exercise territorial jurisdiction over the subdivision of land and to exercise jurisdictional authority over proposed subdivisions and over proposed additions to subdivisions of land lying outside the municipal corporate limits of the CITY, but within the territorial jurisdiction of the CITY, unless otherwise excepted below.

2. In recognition of the continuing growth of the CITY and the importance of coordinated efforts by both the CITY and COUNTY with regard to the regulation of subdivisions, an "Area of Review" is hereby created. CITY agrees that all proposals for subdivisions located in this area shall be submitted to both the CITY and COUNTY for review and comment. The "Area of Review" shall be all land outside the municipal corporate limits but within the planning jurisdiction of the CITY now or as may be expanded in the future.
3. Comments of the COUNTY, if more restrictive and which are directly related to a provision in the adopted Subdivision and Land Development Regulations of the COUNTY and any policies referenced therein, now, or as may be amended from time to time, shall be incorporated into the CITY'S approval of said subdivision, as well as into the engineering plans governing the development. All comments of the COUNTY shall be submitted to the CITY'S Engineering Department within thirty (30) days of the delivery of a copy of the proposal for subdivision to the Lee County Engineer. If the COUNTY does not submit its comments to the CITY within thirty (30) days as required herein, it shall be conclusively presumed by the CITY that the COUNTY does not have any comments relative to same.
4. The City shall at all times hereafter employ or contract with a licensed professional engineer who shall conduct inspections of the construction of the subdivision; or, direct the City Inspector or other qualified City employee, under his or her responsible charge, to conduct inspections of the construction of the subdivision. The licensed professional engineer employed or contracted by the City to perform such services shall certify to the COUNTY, in writing, the compliance with the approved engineering plans regulating the development.
5. The CITY and the COUNTY understand and agree that if a licensed professional engineer, employed or contracted by the CITY, does not: 1) conduct inspections of the construction of the subdivision or direct the City Inspector or other qualified City employee, under his or her responsible charge, to conduct inspections of the construction of the subdivision; and 2) certify to the COUNTY, in writing, that such construction is in compliance with the engineering plans governing the development; the COUNTY is prohibited by law from accepting any roads or bridges within the subdivision for COUNTY maintenance at any point thereafter.

6. The CITY shall require a performance and maintenance bond from the developer, payable to the CITY, consistent with the requirements for bonds in the CITY'S subdivision regulations. No later than four (4) months prior to the expiration of the bond, both entities (CITY and COUNTY) shall jointly inspect the development for deficiencies. All deficiencies noted by the COUNTY shall be submitted to the CITY'S Engineering Department within thirty (30) days of the inspection. Deficiencies noted by the COUNTY shall be incorporated into the CITY'S comments and forwarded by the CITY to the developer. If the COUNTY does not submit its comments to the CITY within thirty (30) days as required herein, it shall be conclusively presumed by the CITY that the COUNTY does not have any comments relative to same. Bonds may be extended if the developer gets approval from the CITY per the requirements outlined in the CITY's Subdivision Regulations.
7. The CITY shall have the authority and responsibility to execute on the bond to correct any deficiencies noted by the joint inspection that have not been corrected by the developer prior to the expiration of the bond.
8. The CITY may hereafter withdraw their exercise of jurisdiction over future subdivisions located outside the corporate limits of the municipality after not less than six months' notice to the COUNTY. After withdrawal, the CITY may not reinstate the authority granted in Code of Alabama, §11-52-30, for 24 months after the effective date of its withdrawal.
9. That this Agreement does not and shall not affect or otherwise govern the acceptance of roads or streets for maintenance by the CITY or otherwise obligate or create a duty upon the CITY other than the exercise of jurisdiction over proposed subdivisions and over proposed additions to subdivisions of land lying outside the municipal corporate limits but within the planning jurisdiction of the CITY, unless otherwise excepted herein. In addition, the exercise of jurisdiction by the CITY over the subdivision of land outside the municipal corporate limits of the CITY shall not be deemed to require the CITY to accept any road or street for maintenance nor create any responsibility or duty on behalf of the CITY with regard to roads or streets outside the municipal corporate limits of the CITY other than is already provided by law. It is specifically understood, without limitation, that this Agreement does not alter the rights and duties of the CITY and COUNTY set forth in the Code of Alabama, § 11-49-80, with regard to the future annexation of unincorporated territory into the municipal corporate limits of the CITY.
10. Nothing contained in this Agreement shall be deemed to otherwise relieve either the CITY or the COUNTY and their officers or employees of any duty or responsibility for approval of subdivision plans required at any time under Alabama law.

11. Any written notice, comments, deficiencies, or any other requirements of any notice to CITY or COUNTY shall be sent by certified mail, return receipt requested, or by hand delivery to the following addresses: Lee County, Alabama c/o Lee County Engineer, 100 Orr Avenue, Opelika, Alabama 36803-1007 and City of Phenix City, Alabama c/o The Phenix City Engineering Department, 601 12th Street, Phenix City, Alabama 36867.

IN WITNESS WHEREOF, the parties have duly executed this Agreement this the ____ day of _____, 2020.

CITY OF PHENIX CITY COUNCIL, CITY OF PHENIX CITY PLANNING COMMISSION, RUSSELL COUNTY, ALABAMA, BY AND THROUGH THE LEE COUNTY COMMISSION

By: Eddie Lowe, as Mayor
City of Phenix City, Alabama

By: Bill English, Chairman
Lee County Commission

By: Pat Howard, Chairman
Phenix City Planning Commission

WITNESSED BY:

FOR THE CITY

FOR THE COUNTY

FOR THE PHENIX CITY PLANNING COMMISSION