



**THE CITY OF PHENIX CITY  
PLANNING COMMISSION AGENDA  
TUESDAY, APRIL 28, 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 April 14, 2020 Meeting Minutes
- 5) Rules for Addressing Planning Commission
- 6) Waiver Request for Evans Crossing Subdivision, Evans Road Development, LLC., owner.
  - Staff Report
  - Developer's Comments
  - Department Memo
- 7) Public Hearing and Approval 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) Public Hearing of Amending The Zoning Ordinance - Article VI, Section 19: Signs and Outdoor Advertising - adding Political Signs
  - Department Comments
- 9) Public Hearing and Approval of Agreement To Clarify The Subdivision Review and Approval Process In The Municipal Planning Jurisdiction Of The City of Phenix City, Alabama
  - Department Comments
  - Department Memo
- 10) Old Business
- 11) New Business
- 12) Adjournment

**April 14, 2020**

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, April 14, 2020 at 5:15 PM EST in the Phenix City Council Chambers located in the Public Safety Building, 1111 Broad Street or via Zoom or by teleconference.

Vice Chairman Davis called the meeting to order and asked Recording Secretary Davis to call roll. Upon roll call, the following members answered present: Member Ivy and Member Taylor. The following members answered present by way of live stream via City Website or by the platform Zoom. Member Bailey, and Member Sims. Those in attendance by way of conference call were Vice Chairman Davis, and Member Lindsey. Chairman Howard was not present.

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

Vice Chairman Davis asked Recording Secretary Davis to note the City Employees that were present in the minutes. The following City Personnel were present in person: City Engineer Angel Moore, Assistant Director of Engineering Michael Pattillo, Assistant Utilities Director Charles Woody, and Recording Secretary Kathy Jo Davis. City Employees present by way of live stream via City Website were Fire Chief Kris Kennedy, Fire Marshal Marc Wells, Building Official Gil Griffith, and City Attorney Jimmy Graham.

The fourth item on the agenda was the approval of the March 10, 2020 meeting minutes. Vice Chairman Davis 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 Taylor. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Member Ivy, Member Sims, and Member Taylor. Abstain: Member Lindsey. Motion thus passed.

The fifth item on the agenda was the approval of the March 24, 2020 cancelled meeting minutes. Vice Chairman Davis asked if there was a motion to approve the written minutes. A motion to approve was made by Member Lindsey, seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Member Ivy, Member Lindsey, Member Sims, and Member Taylor. Abstain: None. Motion thus passed.

The sixth item on the agenda, Vice Chairman Davis set the rules for addressing the Planning Commission.

The seventh item on the agenda was the 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. Member McKissic joined by way of Zoom at 5:21pm EST. City Engineer Angel Moore reviewed the staff report with the board members. Vice Chairman Davis asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

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.*

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

The eighth item on the agenda was the Acceptance of Amending Chapter 19: Signs and Outdoor Advertising Political Signs of the Zoning Ordinance. Building Official Gil Griffith reviewed the amendment with the Board members.

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

The tenth item on the agenda was New Business. City Engineer Angel Moore reviewed with the Board members the Agreement to Clarify the Subdivision Review and Approval Process in the Municipal Planning Jurisdiction of The City of Phenix City, Alabama. City Attorney has reviewed the agreement. Vice Chairman Davis asked Recording Secretary Davis to read the department memo.

Memo

*To: Planning Commission*

*From: 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.*

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

The eleventh item on the agenda was the Adjournment. Vice Chairman Davis asked if there was a motion to adjourn. A motion to adjourn was made by Member Taylor, seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Member Ivy, Member Lindsey, 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, April 28, 2020.

Chairman – Pat Howard

Member – Don Ivy



# 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**  
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:** Waiver

**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

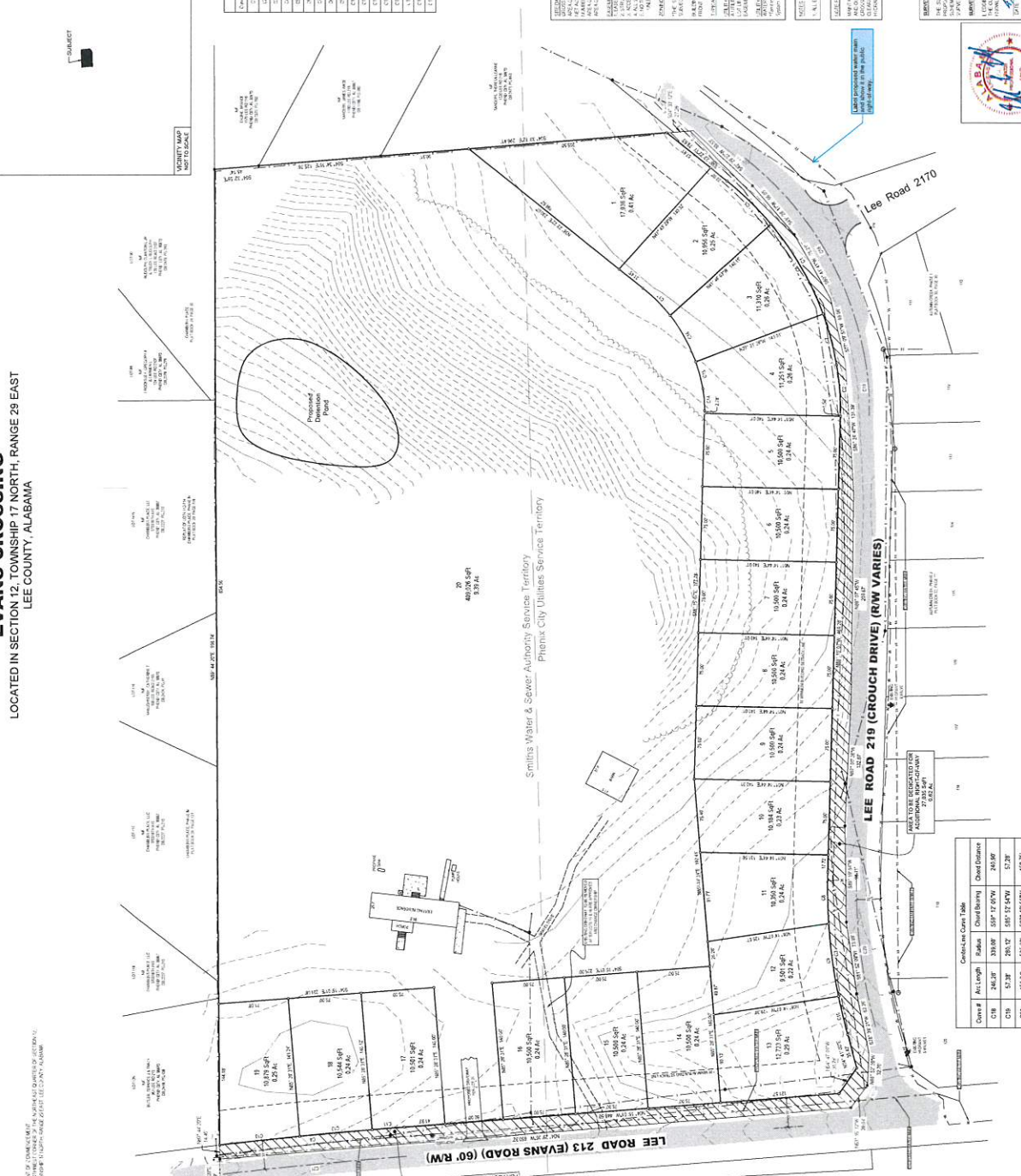
**Engineer and or Owner Comment(s):** None



**PRELIMINARY PLAT**  
**EVANS CROSSING**  
 LOCATED IN SECTION 12, TOWNSHIP 17 NORTH, RANGE 28 EAST  
 LEE COUNTY, ALABAMA



Lot #	Area (Acres)	Dimensions (Feet)	Notes
1	28.47	3150' x 275'	750' x 275'
2	27.97	3150' x 275'	750' x 275'
3	27.97	3150' x 275'	750' x 275'
4	27.97	3150' x 275'	750' x 275'
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7	27.97	3150' x 275'	750' x 275'
8	27.97	3150' x 275'	750' x 275'
9	27.97	3150' x 275'	750' x 275'
10	27.97	3150' x 275'	750' x 275'
11	27.97	3150' x 275'	750' x 275'
12	27.97	3150' x 275'	750' x 275'
13	27.97	3150' x 275'	750' x 275'
14	27.97	3150' x 275'	750' x 275'
15	27.97	3150' x 275'	750' x 275'
16	27.97	3150' x 275'	750' x 275'
17	27.97	3150' x 275'	750' x 275'
18	27.97	3150' x 275'	750' x 275'
19	27.97	3150' x 275'	750' x 275'
20	27.97	3150' x 275'	750' x 275'
21	27.97	3150' x 275'	750' x 275'
22	27.97	3150' x 275'	750' x 275'
23	27.97	3150' x 275'	750' x 275'
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98	27.97	3150' x 275'	750' x 275'
99	27.97	3150' x 275'	750' x 275'
100	27.97	3150' x 275'	750' x 275'



Curve #	Arc Length	Radius	Chord Bearing	Chord Distance
C18	246.28'	203.98'	S57°12'50"W	416.98'
C19	57.38'	265.07'	S57°12'50"W	57.38'
C20	159.24'	513.88'	S57°12'50"W	159.24'
C21	188.27'	487.27'	S57°12'50"W	188.27'

**GENERAL NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL CORNER POINTS SHALL BE BENCHMARKED TO THE NATIONAL GRID SYSTEM.  
 3. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL HEALTH DEPARTMENT.  
 4. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL WATER UTILITY AUTHORITY.  
 5. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL ENVIRONMENTAL AGENCY.  
 6. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL ZONING COMMISSION.  
 7. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL PLANNING COMMISSION.  
 8. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF ALDERMEN.  
 9. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL CITY COMMISSIONERS.  
 10. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF SUPERVISORS.  
 11. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF COUNTY COMMISSIONERS.  
 12. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF PUBLIC UTILITIES.  
 13. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF WATER UTILITIES.  
 14. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF SEWER UTILITIES.  
 15. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF PUBLIC WORKS.  
 16. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF PUBLIC SAFETY.  
 17. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF PUBLIC HEALTH.  
 18. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF PUBLIC EDUCATION.  
 19. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF PUBLIC LIBRARIES.  
 20. THE PROPOSED DRAINAGE SYSTEM IS SUBJECT TO THE APPROVAL OF THE LOCAL BOARD OF PUBLIC RECREATION.

**LEGEND**

- Proposed Drainage System
- Proposed Drainage Pond
- Proposed Road Right-of-Way
- Proposed Road Right-of-Way (Varies)
- Proposed Road Right-of-Way (60' R/W)
- Proposed Road Right-of-Way (100' R/W)
- Proposed Road Right-of-Way (120' R/W)
- Proposed Road Right-of-Way (150' R/W)
- Proposed Road Right-of-Way (200' R/W)
- Proposed Road Right-of-Way (250' R/W)
- Proposed Road Right-of-Way (300' R/W)
- Proposed Road Right-of-Way (350' R/W)
- Proposed Road Right-of-Way (400' R/W)
- Proposed Road Right-of-Way (450' R/W)
- Proposed Road Right-of-Way (500' R/W)
- Proposed Road Right-of-Way (550' R/W)
- Proposed Road Right-of-Way (600' R/W)
- Proposed Road Right-of-Way (650' R/W)
- Proposed Road Right-of-Way (700' R/W)
- Proposed Road Right-of-Way (750' R/W)
- Proposed Road Right-of-Way (800' R/W)
- Proposed Road Right-of-Way (850' R/W)
- Proposed Road Right-of-Way (900' R/W)
- Proposed Road Right-of-Way (950' R/W)
- Proposed Road Right-of-Way (1000' R/W)

**BARRETT-SIMPSON, INC.**  
 7805 SOUTH PINE CITY, ALABAMA 36850  
 205-336-1111 FAX 205-336-1112  
 22250 W. H. HUBBARD, OKLAHOMA CITY, OKLAHOMA 73150  
 405-233-1111 FAX 405-233-1112

REQUEST FOR WAIVER

NAME OF DEVELOPER(S): Evans Road Development, LLC

NAME OF ENGINEERING FIRM: Barrett-Simpson, Inc.

EMAIL ADDRESS OF OWNER: mcalister\_remax@yahoo.com

NAME OF SUBDIVISION: EVANS CROSSING

LOCATION OF SUBDIVISION: Intersection of Lee Road 219 & Lee Road 213(Evans Road)

STATE IN FULL WHY A WAIVER IS BEING REQUESTED:

Waiver is requested to allow Part of Lot 16, 17, 18 & 19 to be served by Phenix City Utilities.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

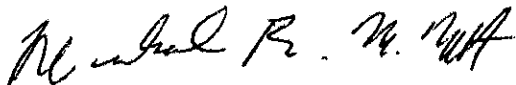
STATE FACTS UPON WHICH THE WAIVER IS RELYING UPON:

Lots 1 - 15 all lie within the Phenix City Utilities Service territory.  
The above mentioned lots, Part of Lot 16, and All of Lots 17-19, lie in the  
Smiths Station Water & Sewer Authority Service Territory.

LIST ANY ATTACHMENTS TO THIS PETITION: Preliminary Plat of Evans Crossing

PROVIDE A SHORT EXPLANATION WHY YOU BELIEVE THE WAIVER SHOULD BE APPROVED:

This waiver is being requested to allow for all of the lots to be served by one utility company  
and to allow for marketable lot sizes comparable to surrounding developments.

  
Signature of Owner

3/24/2020  
Date

**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:** April 24, 2020  
**RE:** Waiver Request – Evans Crossing Preliminary Plat

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The submitted Waiver request for Evans Crossing requesting part of Lot 16 and all of Lots 17 – 19 to be served by Phenix City Utilities has been reviewed. A letter of release from Smith’s Water Authority has been provided.



**From:** [Eddie Eubanks](#)  
**To:** [Christopher Casey](#)  
**Cc:** [Chris Rogers](#); [Tim Simpson](#); [Mike McAlister](#)  
**Subject:** FW: Evans Crossing  
**Date:** Wednesday, April 15, 2020 2:23:15 PM

---

Chris,

This email gives Phenix City permission to serve water & sewer the new lots.

Let me know if you need anything else.

Thanks,

**Eddie A. Eubanks, P.L.S.**  
*Survey Manager, Partner*  
334.381.0173 (cell)  
[eaebanks@barrett-simpson.com](mailto:eaebanks@barrett-simpson.com)

**BARRETT-SIMPSON, INC.**  
*Civil Engineers & Land Surveyors*  
121 W. Broad Street  
Eufaula, Alabama 36027  
334-687-4257

---

**From:** Andy Morris <amorris@smithswater.com>  
**Sent:** Wednesday, April 15, 2020 12:20 PM  
**To:** Eddie Eubanks <eaebanks@barrett-simpson.com>  
**Subject:** RE: Evans Crossing

Eddie,

This email will serve as permission to allow Phenix City to serve water & sewer to lots 16,17,18 & 19 in Evans Crossing.

Andy

---

**From:** Eddie Eubanks [<mailto:eaebanks@barrett-simpson.com>]  
**Sent:** Tuesday, March 24, 2020 8:57 AM  
**To:** Andy Morris  
**Subject:** Evans Crossing

Andy,

The attached PDF shows the four lots we are asking for a wavier to allow PC to serve water and sewer to.

Let me know your thoughts.

Thanks,

**Eddie A. Eubanks, P.L.S.**  
*Survey Manager, Partner*  
334.381.0173 (cell)  
[eaebanks@barrett-simpson.com](mailto:eaebanks@barrett-simpson.com)

**BARRETT-SIMPSON, INC.**  
*Civil Engineers & Land Surveyors*  
121 W. Broad Street  
Eufaula, Alabama 36027  
334-687-4257



# 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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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)

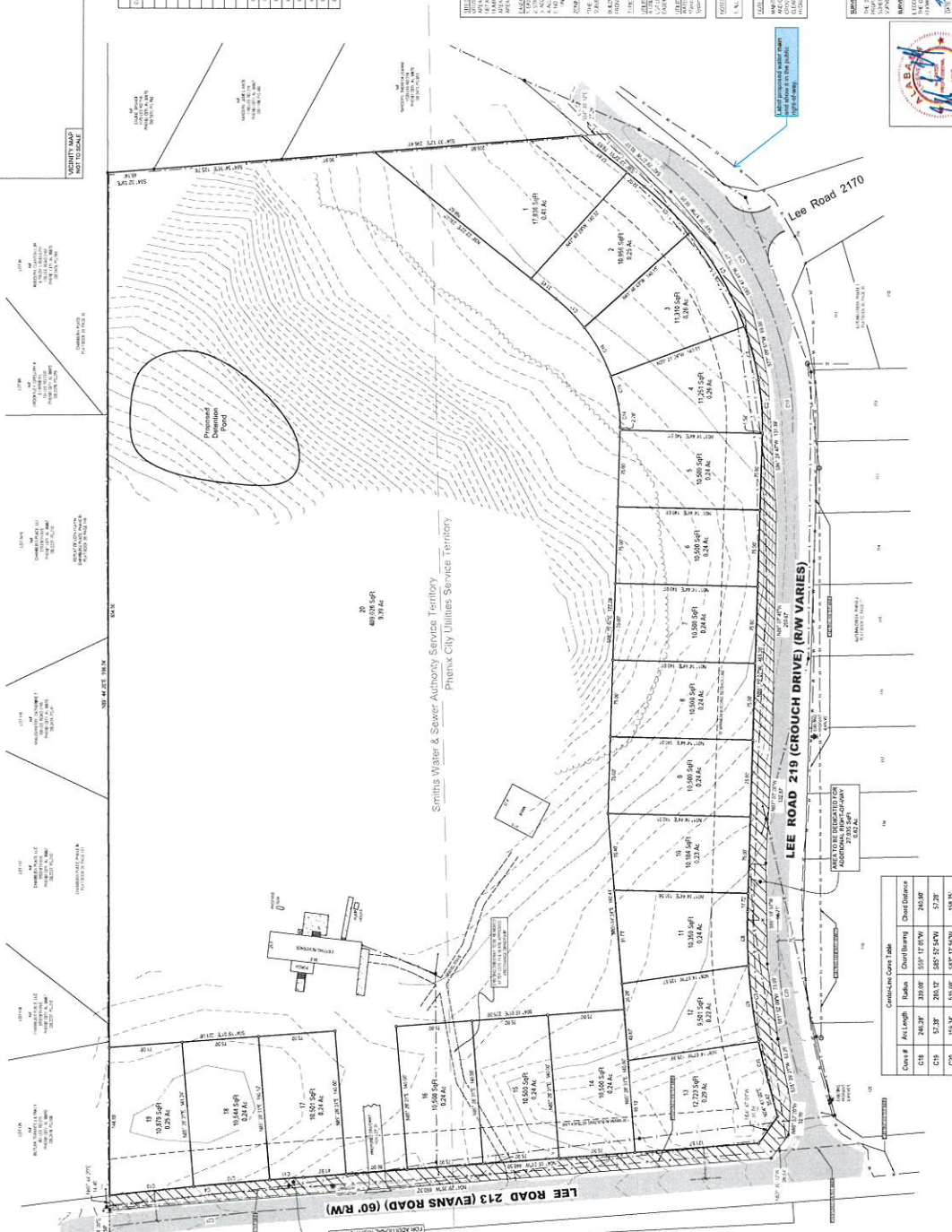
**Additional Information:** None

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

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



Order	Number	Area	Description	Dimensions	Area (Ac)
1	1	1.00	1.00	100' x 100'	1.00
2	2	2.00	2.00	200' x 200'	4.00
3	3	3.00	3.00	300' x 300'	9.00
4	4	4.00	4.00	400' x 400'	16.00
5	5	5.00	5.00	500' x 500'	25.00
6	6	6.00	6.00	600' x 600'	36.00
7	7	7.00	7.00	700' x 700'	49.00
8	8	8.00	8.00	800' x 800'	64.00
9	9	9.00	9.00	900' x 900'	81.00
10	10	10.00	10.00	1000' x 1000'	100.00



Center Line Curve Table	Curve #	Alt Length	Radius	Chord Bearing	Chord Distance
C1	242.38'	233.88'	1511' 12" SW	242.38'	
C2	57.28'	283.52'	285° 25' 54" W	57.28'	
C3	155.24'	515.88'	257° 12' 54" W	155.24'	
C4	182.79'	478.77'	165° 24' 23" W	182.79'	

**GENERAL NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL CORNERS ARE TO BE BENCHMARKED.  
 3. ALL EASEMENTS ARE TO BE SHOWN AND DESCRIBED.  
 4. ALL UTILITIES ARE TO BE SHOWN AND DESCRIBED.  
 5. ALL ADJACENT PROPERTIES ARE TO BE SHOWN AND DESCRIBED.  
 6. ALL ADJACENT OWNERS ARE TO BE NOTIFIED AND THEIR COMMENTS ARE TO BE SHOWN AND DESCRIBED.  
 7. ALL ADJACENT RECORDS ARE TO BE SHOWN AND DESCRIBED.  
 8. ALL ADJACENT RECORDS ARE TO BE SHOWN AND DESCRIBED.  
 9. ALL ADJACENT RECORDS ARE TO BE SHOWN AND DESCRIBED.  
 10. ALL ADJACENT RECORDS ARE TO BE SHOWN AND DESCRIBED.

**STATEMENTS:**  
 I, the undersigned, being a duly licensed Professional Engineer in the State of Alabama, do hereby certify that I am the author of the foregoing plat and that it is a true and correct representation of the facts and conditions as shown to me by the parties thereto.  
 My Commission Expires: 12/31/2025  
 My License No.: 12345  
 My Seal No.: 67890

**NOTICE TO CONTRACTORS:**  
 THE PLAT IS SUBJECT TO THE RECORDING ACT AND THE RECORDING ACT IS SUBJECT TO THE RECORDING ACT.  
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**REVISIONS:**  
 1. 11/15/2024: CORRECTED THE AREA OF THE DETENTION POND.  
 2. 11/15/2024: CORRECTED THE DIMENSIONS OF THE DETENTION POND.  
 3. 11/15/2024: CORRECTED THE DIMENSIONS OF THE DETENTION POND.

NO.	DATE	DESCRIPTION	BY	CHKD.
1	11/15/2024	PRELIMINARY PLAT	J. B. SIMPSON	J. B. SIMPSON
2	11/15/2024	REVISIONS	J. B. SIMPSON	J. B. SIMPSON
3	11/15/2024	REVISIONS	J. B. SIMPSON	J. B. SIMPSON

**BARRETT-SIMPSON, INC.**  
 22 SOUTH BRIDGE STREET, OPELOUSA, LA 70551  
 TEL: 713-333-3333 FAX: 713-333-3333  
 WWW.BSINC.COM

**LEGEND:**  
 1. 1" = 100' (VERTICAL)  
 2. 1" = 100' (HORIZONTAL)  
 3. 1" = 100' (DIAGONAL)  
 4. 1" = 100' (CURVE)  
 5. 1" = 100' (AREA)  
 6. 1" = 100' (VOLUME)  
 7. 1" = 100' (WEIGHT)  
 8. 1" = 100' (LENGTH)  
 9. 1" = 100' (WIDTH)  
 10. 1" = 100' (DEPTH)





**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:** April 24, 2020  
**RE:** Preliminary Plat for Evans Crossing

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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 approval.

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; Section 19 – Signs and Outdoor Advertising - be amended to add Political Signs.

Section 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



**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 12<sup>th</sup> 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

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

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By: Bill English, Chairman  
Lee County Commission

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By: Pat Howard, Chairman  
Phenix City Planning Commission

WITNESSED BY:

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FOR THE CITY

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FOR THE COUNTY

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FOR THE PHENIX CITY PLANNING COMMISSION



**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

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**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:** April 24, 2020

**RE:** Approval 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

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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.