



**THE CITY OF PHENIX CITY
PLANNING COMMISSION AGENDA
TUESDAY, December 13, 2022
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 November 22, 2022 Meeting Minutes
- 5) Rules for Addressing Planning Commission
- 6) Public Hearing and Recommendation for Text Amendments to the Zoning Ordinance for the Side Yard Setbacks
 - Staff Report
 - Developer's Comments
 - Department Memo
- 7) Public hearing and Recommendation for Text Amendment to the Zoning Ordinance for the Medical Cannabis Dispensaries
 - Staff Report
 - Developer's Comments
 - Department Memo
- 8) Approval of Administrative Subdivision –0.24+/- acres located along the Southeast Corner of 13 Ave. and 17th Street. Robert H. Gunter, owner.
 - Staff Report
 - Developer's Comments
 - Department Memo
- 9) Approval of Administrative Subdivision – 2.94+/- acres located along Crosswinds Dr., Altera Phenix City Shops, LLC, owner. ATTN: Patrick Denney.
 - Staff Report
 - Developer's Comments
 - Department Memo
- 10) Waiver Request – Slappey Family Replat – Off of 1669 Pierce Road
 - Staff Report
 - Developer's Comments
 - Department Memo

11) Old Business

12) New Business

13) Planning Director Report

14) Adjournment

November 22, 2022

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, November 22, 2022, at 5:15 PM EST in the Martin Idle Hour Park Community Center located at 3743 Moon Lake Drive, Phenix City, Alabama.

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

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

The **third** item on the agenda was the attendance call for City Personnel and Elected Officials. Chairman Sims asked Secretary Eliza Phillips to call roll for the City Employees. The following City Personnel were present in person: City Councilmember Vickey Carter Johnson, City Engineer Angel Moore, Asst. Director of Engineering Mike Pattillo, Utilities Director Charles Woody, Utilities Engineer John Spraggins, Deputy Building Official Ray Rogers, Fire Chief Kris Kennedy, Economic Development Manager Shaun Culligan, City Planner Tracie Hadaway, Planner Terry Curry, City Attorney Jimmy Graham, City Manager Wallace B. Hunter and Recording Secretary Jennifer Lowman.

The **fourth** item on the agenda was the approval of November 8, 2022 minutes. Chairman Sims asked if there was a motion to approve the written minutes and remove the recorded minutes Member Ivy made the motion to approve, seconded by Member Lindsey. Upon said motion being to a vote, the following vote was recorded: Yeas: Member Davis, Member Ivy, Member Lindsey, Chairman Sims, Vice Chairman Taylor and Member Phillips. Nays: None. Abstain: Member Johnson None. Motion thus passed

The **fifth** item on the agenda was Chairman Sims, who set the rules for addressing the Planning Commission.

The **sixth** item on the agenda was Public Hearing and Recommendation for Annexation – 3.95+/- acres located at 3743 Highway 431 North, Phenix City, Two-Eighty Phenix, LLC, by Shree Singh, owner. City Planner Tracie Hadaway reviewed the staff report with the members.

Chairman Sims opened the Public Hearing- Wes Thrash introduced himself as the representative and Civil Engineer working on the Two Eighty Phenix, LLC project. Member Johnson as if there was hotel coming with this development. Ms. Hadaway stated that a hotel at this location would require a Conditional Use approval. The Public hearing is closed.

Chairman Sims asked Secretary Eliza Phillips to read the department memo.

Memo

To: Planning Commission

From: Tracie Hadaway; Planning Director

Date November 4, 2022

Re: Annexation, Pre-zone – 3.95+/- acres located at 3743 Highway 431 North, Phenix City

The above Application for annexation and pre-zone request to C-4 (Highway Corridor) has been reviewed by the Planning, Building, Utilities, Fire, and Engineering Department and meets the minimum requirements of the Zoning Ordinance for approval.

A motion to approve was made by Member Ivy, seconded by Member Davis. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Davis, Member Ivy, Member Johnson, Member Lindsey, Chairman Sims, Vice Chairman Taylor, Member Phillips Abstain: None, Nays: None. Motion thus passed.

The **seventh** item on the agenda was Old Business. There was no old business to discuss.

The **eighth** item on the agenda was New Business. There was a discussion, update and memo on the Side lot lines and Medical Cannabis Dispensaries.

There were no changes to the proposed text amendment. Chairman Sims asked for a motion on recommendation to hold a Public Hearing on **Text Amendments for the Side Lot Lines**. A motion to approve was made by Member Davis, seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Davis, Member Ivy, Member Johnson, Member Lindsey, Chairman Sims, Vice Chairman Taylor, Member Phillips Abstain: None, Nays: None. Motion thus passed.

There were no changes to the proposed text amendment. Chairman Sims asked for a motion on recommendation to hold a Public Hearing on **Text Amendments for Medical Cannabis Dispensaries**. A motion to approve was made by Member Johnson, seconded by Member Davis. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Davis, Member Ivy, Member Johnson, Member Lindsey, Chairman Sims, Vice Chairman Taylor, Member Phillips Abstain: None, Nays: None. Motion thus passed.

The **ninth** item on the agenda was the Planning Director Report- City Planner Tracie Hadaway gave an update on the work KPS is doing for the City.

The **tenth** item on the agenda was Adjournment. Chairman Sims asked if there was a motion to adjourn. A motion to adjourn was made by Member Johnson, seconded by Member Davis. Upon said motion being to a vote, the following vote was recorded: Yeas: Member Davis, Member Ivy, Member Johnson, Member Lindsey, Chairman Sims, Vice Chairman Taylor, Member Phillips. 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 December 13, 2022.

Chairman – Billy Sims

Secretary – Eliza Phillips



PHENIX CITY *Alabama*

PLANNING DEPARTMENT

931 Broad Street | Phenix City, AL 36867 | Ph: 334-448-2856 | Fx: 334-448-9022 | phenixcityal.us/edo

DR. R. GRIFF GORDY
Mayor Pro Tem / At Large

STEVE BAILEY
Councilmember District 1

EDDIE N. LOWE
Mayor

VICKEY CARTER JOHNSON
Councilmember District 2

ARTHUR L. DAY, JR.
Councilmember District 3

WALLACE B. HUNTER, City Manager

MELONY LEE, City Clerk

TRACIE H. HADAWAY, Planning Director | SHAUN CULLIGAN, Economic Development Mgr.

Staff Report No.

Agenda Item # 6

Type of Request:

Text Amendment for Side yard Setback; R-2 and R-3 Patio Homes

Applicant:

Planning Commission

Additional Information:

See Attached Staff Report

Engineer and or Owner Comment(s): None



Planning department, building department, and engineering department recommend the following text amendment(s) for R-2: Medium Density Residential District and R-3: High Density Residential District.

Article II Definition:

Patio Home. A detached, single family dwelling, constructed on-site in accordance with the **Standard Building Code International Residential Code**, which occupies a small lot and has an enclosed yard area with a porch or patio.

Article IV, Section 23 Table 4-1

Table 4-1
Dimensional Regulations for Residential Districts

	R-1	R-1A	R-1B	R-2			R-3				
	Single Family	Single Family	Single Family	Single Family	Patio Garden	Duplex	Single Family	Patio Garden	Duplex	Townhouse	Multi-Family(a)
Minimum Lot Area (Square Feet)	12,500	9000	7500	7500	3,400 Per Unit	5,000 Per Unit	7500	3,400 Per Unit	5,000 Per Unit	2000	2,500 plus 1,600per unit over 4 units
Minimum Width At Building Line	90 ft	80ft	75ft	75ft	60ft	100ft	75ft	50ft	75ft	20ft	100 ft
Minimum Depth of Front Yard	35ft	30ft	25ft	35ft	15ft	35ft	35ft	15ft	35ft	25ft	25ft
Minimum Depth of Rear Yard	40ft	35ft	30ft	40ft	20ft	40ft	40ft	20ft	40ft	30ft	25ft
Minimum Depth of Side Yard	10ft	10ft	10ft	10ft	4ft ⁷	10ft	10ft	4ft ⁷	10ft	10ft(b)	10ft
Minimum Depth of Side Yard on Street	35ft	30ft	25ft	35ft	15ft	35ft	35ft	15ft	35ft	25ft	25ft
Max. Building Area (Percent of Lot)	25%	35%	45%	30%	50%	30%	30%	50%	30%	50%	30%
Max. Height of Principal Structure	35ft	45ft	45ft	45ft	45ft	45ft	45ft	45ft	45ft	45ft	45ft
Max. Height of Accessory Structure	15ft	15ft	15ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft

(a) An undisturbed natural buffer of twenty (20') may be left between a multi family and a single family development. In the absence of a natural buffer a twenty foot (20') landscape buffer shall be planted with two canopy trees, ten understory trees and thirty shrubs per one hundred linear feet.
(b) Applies to end units only.

The existing language requires that patio homes in the R-2 and R-3 have 4ft of side yard setback. Staff is recommending a text amendment to increase setback from 4ft to 7ft due to drainage issues.



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Councilmember District 3

WALLACE B. HUNTER, City Manager

MELONY LEE, City Clerk

TRACIE H. HADAWAY, Planning Director | SHAUN CULLIGAN, Economic Development Mgr.

MEMORANDUM

To: Planning Commission

THH

From: Tracie Hadaway; Planning Director

Date: December 9, 2022

RE: Side Yard Setbacks in R-2 and R-3 for Patio Home Option

The above referenced text amendment has been reviewed by the Planning, Building and Engineering staff and is recommended for approval.



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Staff Report No.

Agenda Item #7

Type of Request:

Text Amendment; Medical Cannabis Dispensary

Proposed Zoning District:

C-4, Highway Commercial District

Additional Information:

See Attached Staff Report



Article II, Section 3 Use Definitions

Medical Cannabis Dispensary: -An entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-64, Code of Alabama 1975, of the authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers.

Article IV Table 4-5 Use Regulations

Proposed use: Medical Cannabis Dispensary shall be permitted for use in C-4(Highway Commercial District)

Uses	R 1	R 2	R 3	R C	A O	A 1	PR D	PC D	C 1	C 2	C 3	C 4	M 1	M2	MD
Medical Cannabis Dispensary												Y			

Article VI, Regulations Applying to all or several districts

Section 21

Add:

Each medical cannabis dispensary be at least 1,000 feet away from school, daycare or child care facility.



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Councilmember District 3

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MELONY LEE, City Clerk

TRACIE H. HADAWAY, Planning Director | SHAUN CULLIGAN, Economic Development Mgr.

MEMORANDUM

To: Planning Commission
THH
From: Tracie Hadaway; Planning Director
Date: December 9, 2022
RE: Medical Cannabis Dispensaries

The above referenced text amendment has been reviewed by the Planning, Building and Public Safety staff and is recommended for approval.



DR. R. GRIFF GORDY
Mayor Pro Tem / At Large

STEVE BAILEY
Councilmember District 1

EDDIE N. LOWE
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MELONY LEE, City Clerk
ANGEL MOORE, P.E., City Engineer
Director of Engineering / Director of Public Works

Item No. 8

Type of Request: Administrative Subdivision

General Information

Applicant:	Robert H. Gunter
Surveyor of Record:	Moon-Meeks & Associates, Inc.
Site Location:	Along the southeast corner of 13 th Ave. and 17 th St.
Acreage:	0.24 +/- acres
Number of Lots:	2
Current Zoning:	R-3, High Density Residential District
Current Use of Property:	Residential (Two dwellings)
Proposed Use of Property:	Single Family Residential
District:	2
Survey Plat:	Attached
City Services:	Phenix City Water, Sewer, Streets & Drainage, Fire & Police

Staff Comments

Property received variance approval from BOZA to reduce the minimum lot width from fifty (50) feet to forty (40) feet on June 16, 2022.

Engineer/Owner Comments

None

PETITION FOR REPLAT

(PLEASE PRINT OR TYPE INFORMATION CLEARLY)

NAMES OF PROPERTY OWNERS OF LAND TO BE REPLATED:

- 1.) Robert H. Gunter
- 2.) _____

ADDRESS OF PROPERTY OWNERS OF LAND TO BE REPLATED:

- 1.) P. O. Box 1632 Phenix City, AL 36868
- 2.) _____

TELEPHONE NUMBER OF PROPERTY OWNERS OF LAND TO BE REPLATED:

- 1.) (706) 464-7766
- 2.) (_____) _____

EMAIL ADDRESS OF PROPERTY OWNERS OF LAND TO BE REPLATED:

bgunter324@aol.com

SPECIFIC LOCATION AND ADDRESS OF PROPERTY TO BE REPLATED:

Southeast corner of 13th Avenue and 17th Street

SIZE (ACRES) OF PROPERTY TO BE REPLATED:

10,488 Sq. Ft.

CURRENT ZONING CLASSIFICATION OF PROPERTY TO BE REPLATED:

R-3

CURRENT ZONING CLASSIFICATION OF ADJACENT PROPERTY:

R-3

PROPOSED USE OF PROPERTY TO BE REPLATED:

Residential

REASON OR JUSTIFICATION FOR REPLATING PROPERTY:

Existing parcel contains 2 residences. Owner is wanting to have each residence on a parcel.

SIGNATURE OF OWNERS OF PROPERTY TO BE REPLATED:

- 1.) Robert H. Gunter
- 2.) _____

(DO NOT WRITE BELOW THIS LINE)

FEES: \$100.00 FILING FEE TOTAL AMOUNT DUE \$ 100.00
CASH _____ CHECK # 14945
COLLECTED BY: [Signature]

Parcel A

Legal Description

All that tract or parcel of land being shown as Parcel A on Administrative Replat of Lot 5 & Part of Lot 6, Block "183", Totten's Map, Phenix City, Russell County, Alabama being more particularly described: BEGIN at a drill hole marking the easterly line of 13th Avenue and the southerly line of 17th Street; thence South 87 degrees 53 minutes 49 seconds East, along 17th Street, 105.14 feet to a drill hole; thence leaving 17th Street, South 02 degrees 59 minutes 20 seconds West, 45.0 feet to rebar & cap; thence North 85 degrees 10 minutes 11 seconds West, 105.02 feet to a rebar & cap on the easterly line of 13th Avenue; thence North 02 degrees 45 minutes 47 seconds East, along 13th Avenue, 40.0 feet to a drill hole at the intersection of the easterly line of 13th Avenue and the southerly line of 17th Street and the POINT OF BEGINNING, containing 4,465 Sq. Ft.

Parcel B

Legal Description

All that tract or parcel of land being shown as Parcel B on Administrative Replat of Lot 5 & Part of Lot 6, Block "183", Totten's Map, Phenix City, Russell County, Alabama being more particularly described: Commence at a drill hole marking the easterly line of 13th Avenue and the southerly line of 17th Street; thence South 02 degrees 45 minutes 47 seconds West, along 13th Avenue, 40.0 feet to a rebar & cap and the POINT OF BEGINNING; thence leaving 13th Avenue, South 85 degrees 10 minutes 11 seconds East, 105.02 feet to a rebar & cap; thence South 02 degrees 59 minutes 20 seconds West, 55.0 feet to rebar & cap; thence North 87 degrees 50 minutes 09 seconds West, 104.74 feet to a rebar & cap on the easterly line of 13th Avenue; thence North 02 degrees 45 minutes 47 seconds East, along 13th Avenue, 59.88 feet to a rebar & cap and the POINT OF BEGINNING, containing 6,023 Sq. Ft.



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TRACIE H. HADAWAY, Planning Director | SHAUN CULLIGAN, Economic Development Mgr.

MEMORANDUM

To: Planning Commission

From: Tracie Hadaway; Planning Director

Date: December 9, 2022

RE: Administrative Subdivision – 0.24 +/- acres located along the Southeast Corner of 13th Avenue and 17th Street

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



DR. R. GRIFF GORDY
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ANGEL MOORE, P.E., City Engineer
Director of Engineering / Director of Public Works

Item No. 9

Type of Request: Administrative Subdivision

General Information

Applicant:	Altera Phenix City Shops, LLC
Surveyor of Record:	Goodwyn, Mills & Cawood, Inc.
Site Location:	Along Crosswinds Dr.
Acreage:	2.94 +/- acres
Number of Lots:	2
Current Zoning:	C-4, Highway Commercial District
Current Use of Property:	Vacant
Proposed Use of Property:	Commercial Development (Carwash on Lot 1C)
District:	3
Survey Plat:	Attached
City Services:	Phenix City Water, Sewer, Streets & Drainage, Fire & Police

Staff Comments

A Car Wash requires a Special Exception approval by the Board of Zoning Adjustments in a C-4 Zoning District.

Engineer/Owner Comments

None

PETITION FOR REPLAT

(PLEASE PRINT OR TYPE INFORMATION CLEARLY)

NAMES OF PROPERTY OWNERS OF LAND TO BE REPLATED:

- 1.) Altera Phenix City Shops, LLC ATTN: Patrick Denney
- 2.) _____

ADDRESS OF PROPERTY OWNERS OF LAND TO BE REPLATED:

- 1.) 1031 Brock's Gap Pkwy Suite 177 Hoover, AL 35244
- 2.) _____

TELEPHONE NUMBER OF PROPERTY OWNERS OF LAND TO BE REPLATED:

- 1.) (205) 612-6893
- 2.) (_____) _____

EMAIL ADDRESS OF PROPERTY OWNERS OF LAND TO BE REPLATED:

patrick.denney@eds-america.com

SPECIFIC LOCATION AND ADDRESS OF PROPERTY TO BE REPLATED:

Village at Crosswinds, Lot 1-A, US Hwy 431

SIZE (ACRES) OF PROPERTY TO BE REPLATED:

2.95 acres

CURRENT ZONING CLASSIFICATION OF PROPERTY TO BE REPLATED:

C-4

CURRENT ZONING CLASSIFICATION OF ADJACENT PROPERTY:

C-4

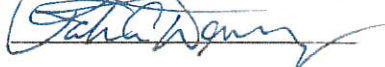
PROPOSED USE OF PROPERTY TO BE REPLATED:

Car wash

REASON OR JUSTIFICATION FOR REPLATING PROPERTY:

Dividing parcel for purchase by new tenant

SIGNATURE OF OWNERS OF PROPERTY TO BE REPLATED:

- 1.)  2.) _____

(DO NOT WRITE BELOW THIS LINE)

FEES: \$100.00 FILING FEE TOTAL AMOUNT DUE \$ _____

CASH CHECK

COLLECTED BY: _____

LOT 1-A DESCRIPTION

LOT 1-A OF A REPLAT OF LOT 1-A OF THE VILLAGE AT CROSSWINDS PHASE II, AS PER PLAT TO BE RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF RUSSELL COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 1/2" CAPPED REBAR (GMC) LYING AT THE NORTHWEST CORNER OF LOT 1-B OF THE VILLAGE AT CROSSWINDS PHASE II FINAL PLAT, AS RECORDED IN MAP BOOK 32, PAGE 342 IN THE OFFICE OF THE JUDGE OF PROBATE OF RUSSELL COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROSSWINDS DRIVE S 42°00'30" W, 194.09 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE RUN S 47°56'28" E, 291.84 FEET TO A POINT LYING ON THE ARC OF A 7796.44-FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 431; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT-OF-WAY LINE 280.47 FEET TO THE PRC OF A 25.00-FOOT RADIUS CURVE TO THE RIGHT ON THE EAST RIGHT-OF-WAY LINE OF SAID CROSSWINDS DRIVE (CHORD BEARS S 43°03'02" W, 280.45 FEET); THENCE RUN ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) RUN WESTERLY ALONG THE ARC OF SAID 25.00-FOOT RADIUS CURVE 41.50 FEET TO THE PCC OF A 285.00-FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S 89°34'50" W, 36.90 FEET); (2) THENCE RUN NORTHERLY ALONG THE ARC OF SAID 285.00-FOOT RADIUS CURVE 422.14 FEET TO THE PT OF SAID CURVE (CHORD BEARS N 00°25'31" W, 384.60 FEET); (3) THENCE RUN N 42°00'30" E, 21.70 FEET TO THE POINT OF BEGINNING.

SAID PARCEL LYING AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 EAST, RUSSELL COUNTY, ALABAMA AND CONTAINS 1.63 ACRES (70,801.54 S.F.), MORE OR LESS.

LOT 1-C DESCRIPTION

LOT 1-C OF A REPLAT OF LOT 1-A OF THE VILLAGE AT CROSSWINDS PHASE II, AS PER PLAT TO BE RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF RUSSELL COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A FOUND 1/2" CAPPED REBAR (GMC) LYING AT THE NORTHWEST CORNER OF LOT 1-B OF THE VILLAGE AT CROSSWINDS PHASE II FINAL PLAT, AS RECORDED IN MAP BOOK 32, PAGE 342 IN THE OFFICE OF THE JUDGE OF PROBATE OF RUSSELL COUNTY, ALABAMA; THENCE RUN S 47°56'28" E, 301.29 FEET TO A FOUND 1/2" CAPPED REBAR (GMC) LYING ON THE ARC OF A 7796.44-FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 431; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT-OF-WAY LINE 194.32 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE (CHORD BEARS S 44°47'42" W, 194.31 FEET); THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE RUN N 47°56'28" W, 291.84 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF CROSSWINDS DRIVE; THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY LINE N 42°00'30" E, 194.09 FEET TO THE POINT OF BEGINNING.

SAID PARCEL LYING AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 EAST, RUSSELL COUNTY, ALABAMA AND CONTAINS 1.32 ACRES (57,481.84 S.F.), MORE OR LESS.



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TRACIE H. HADAWAY, Planning Director | SHAUN CULLIGAN, Economic Development Mgr.

MEMORANDUM

To: Planning Commission

From: Tracie Hadaway; Planning Director

Date: December 9, 2022

RE: Administrative Subdivision – 2.94 +/- acres Re-division of Lot 1A Village at Crosswinds Ph. II

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



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ANGEL MOORE, P.E., City Engineer
Director of Engineering / Director of Public Works

Item No. 10

Type of Request: Waiver Request

General Information

Applicant:	Rebecca, Russell & Maggie Slappey
Surveyor of Record:	McBride & McGill, Inc.
Site Location:	1669 Pierce Road.
Acreage:	14.5 +/- acres
Number of Lots:	4
Current Zoning:	None (Planning Jurisdiction)
Current Use of Property:	Vacant & Residential
Proposed Use of Property:	Single Family Residential
District:	None
Survey Plat:	Attached
City Services:	Access to City Sewer

Staff Comments

Property owners need to work with City of Phenix City Utilities to grant the city an easement to access public utilities for the proposed subdivided properties.

Engineer/Owner Comments

None

REQUEST FOR WAIVER

NAME OF DEVELOPER (S): Rebecca, Slappey

NAME OF ENGINEERING FIRM: McBride McGill, Inc.

NAME OF SUBDIVISION: Slappey Family Division

LOCATION OF SUBDIVISION: 1669 Pierce Road, Phenix City, Alabama 36867

STATE IN FULL WHY A WAIVER IS BEING REQUESTED:

Property is being divided among family members. Four parcels do not have
required road access, but will be accessed by an easement.

STATE FACTS UPON WHICH THE WAIVER IS RELYING UPON:

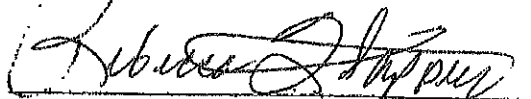
Plat meets all requirements for a family division, as defined in the
code of Alabama 1975, section 11-24-2(d). This is the intent of the
family division. The property is not in the city limits.

LIST ANY ATTACHMENTS TO THIS PETITION:

Preliminary Plat, deed

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

The access easement will not create any hardships on surrounding property
owners or county maintained roadways. The Lee County Engineering Department
has approved this plan.


Signature of Owner

11-22-22
Date

WARRANTY DEED (Survivorship)

The Post Publishing Co., Opelika, Ala.

THE STATE OF ALABAMA

LEE COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of Twenty Five & No/100 Dollars & other valuable considerations

(\$ 25.00) to the undersigned grantors, Calvin Slappey and Maggie L. Slappey, in hand paid by Calvin Slappey and Maggie L. Slappey

the receipt of which is hereby acknowledged, we, the said Calvin Slappey and Maggie L. Slappey, husband and wife, do hereby grant, bargain, sell and convey unto the said Calvin Slappey and Maggie L. Slappey

for and during their joint lives with remainder upon the death of either of them, to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described real estate, situated in Lee County, Alabama, to-wit: or parcel

That certain tract/of land situated, lying and being in the Southwest quarter of Section 28, Township 18 North, Range 30 East, Lee County, Alabama, containing 59.5 acres more or less and more particularly described as follows: From the Southwest corner of said Section 28, Township 18 North, Range 30 East, run thence North 1269.8 feet to an iron pin at the point of beginning on the west line of said Section 28; thence North 87 degrees 30 minutes East a distance of 1470.7 feet to an iron pin; thence North 02 degrees 30 minutes West a distance of 418 feet to an iron pin; thence North 87 degrees 30 minutes East a distance of 433 feet to an iron pin; thence North 13 degrees 30 minutes West a distance of 1160 feet to an iron pin; thence South 81 degrees 41 minutes West a distance of 1740 feet to an iron pin on the West line of said Section 28; thence South along the West line of said Section 28 a distance of 1370.2 feet to an iron pin at the point of beginning, and containing 59.5 acres, more or less.

AND ALSO: Easement to provide a means of ingress and egress to said lands above described and other lands joining said easement described as follows: From the Southwest corner of Section 28, Township 18 North, Range 30 East, run thence North along Section line a distance of 1269.8 feet to an iron pin; thence North 87 degrees 30 minutes East a distance of 1470.7 feet to an iron pin at the point of beginning; thence continue North 87 degrees 30 minutes East a distance of 622 feet to a 30 foot road; thence Southeasterly along said 30 foot road a distance of 30 feet, more or less, thence South 87 degrees 30 minutes West a distance of 622 feet; thence North 30 feet to the point of beginning. Said easement is hereby dedicated to public use and not to be closed without the consent of the said Mrs. Ruth M. Hall, her heirs and assigns. Aforesaid property being that property described in deed of Mrs. Ruth M.

TO HAVE AND TO HOLD unto the said Calvin Slappey and Maggie L. Slappey, for and during their joint lives with the remainder upon the death of either of them, to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion.

And we do, for ourselves and for our heirs, executors and administrators, covenant with the said Calvin Slappey and Maggie L. Slappey, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances; that we have a good right to sell and convey the same as aforesaid; that we will, and our heirs, executors and administrators shall, warrant and defend the same unto the said Calvin Slappey and Maggie L. Slappey, their heirs and assigns, forever against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on this the 17th day of October, 1965

Calvin Slappey (SEAL)
Maggie L. Slappey (SEAL)

Tracie H. Hadaway

From: Jimmy@grahamlegal.org
Sent: Wednesday, August 17, 2022 11:41 AM
To: Tracie H. Hadaway; Wallace Hunter; Angel Moore; Ray Smith
Cc: Christopher Casey
Subject: RE: Family Division

I have reviewed Section 11-24-2(d) and it is my legal opinion that a the City's Subdivision Regulations do not trump or over ride State Law. Further, 11-24-2 applies to Counties not municipalities.

-----Original Message-----

From: Tracie H. Hadaway <thadaway@phenixcityal.us>
Sent: Tuesday, August 16, 2022 8:10 AM
To: Jimmy Graham <jimmy@grahamlegal.org>; Wallace Hunter <whunter@phenixcityal.us>; Angel Moore <AMoore@phenixcityal.us>; Ray Smith <RSmith@phenixcityal.us>
Cc: Christopher Casey <ccasey@phenixcityal.us>
Subject: Family Division

Mr. Graham,

We have a Request for Waiver from the city's subdivision regulations. I have attached a copy of the application. The application references the requirements of a family division as defined in the Code of Alabama 1975, section 11-24-2(d). The property is located in the Planning Jurisdiction, not city limits. Our question is to whether the city's subdivision regulations override this stipulation in the Code of Alabama. The application is scheduled to be on the August 23rd Planning Commission agenda. Please reply all as I will be at a conference the remainder of the week.

Let me know if you have any questions,

Tracie H. Hadaway
Planning Director
City of Phenix City, AL
Office (334) 448-2858
Cell (334) 614-2459
thadaway@phenixcityal.us<mailto:thadaway@phenixcityal.us>

[Phenix City Seal - Small (Email)]



PHENIX CITY
Alabama

PLANNING DEPARTMENT

931 Broad Street | Phenix City, AL 36867 | Ph: 334-448-2856 | Fx: 334-448-9022 | phenixcityal.us/edo

DR. R. GRIFF GORDY
Mayor Pro Tem / At Large

STEVE BAILEY
Councilmember District 1

EDDIE N. LOWE
Mayor

VICKEY CARTER JOHNSON
Councilmember District 2

ARTHUR L. DAY, JR.
Councilmember District 3

WALLACE B. HUNTER, City Manager

MELONY LEE, City Clerk

TRACIE H. HADAWAY, Planning Director | SHAUN CULLIGAN, Economic Development Mgr.

MEMORANDUM

To: Planning Commission

From: *THH* Tracie Hadaway; Planning Director

Date: December 9, 2022

RE: Waiver Request – Slaphey Family off of 1669 Pierce Road.

The above referenced Waiver Request has been reviewed by the Planning, Building, Utilities, Fire and Engineering Departments and does not meet the minimum requirements of the Subdivision Regulations per Article IV, 5B which states that every lot shall abut a dedicated public street. However, this subdivision meets the requirements of a family division as defined in the code of Alabama 1975, Section 11-24-2(d).