

JULY 26, 2016

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, July 26, 2016 at 5:15 PM EST in the Phenix City Council Chambers located in the Public Safety Building, 1111 Broad Street.

Chairman Pat Howard called the meeting to order and asked Recording Secretary Davis to call roll. Upon roll call, the following members answered present: Member Johnny Barfield, Vice Chairman Jimmy Davis, Member Marie Gill, Chairman Pat Howard, Member Don Ivy, Member Annie Lindsey, Member Billy Sims, and Member Tony Taylor. Member Shaun Culligan was not present.

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

The third item on the agenda was the Acknowledgement of City Council; At Large Councilmember Johnny Barfield and District Two Councilmember Gail Head. Chairman Howard asked Recording Secretary Davis to note the City Employees that were present in the minutes. The following City Personnel were present: Graduate Engineer Matthew Sellers, Graduate Engineer Tyler Hayes, Engineering Division Chief Michael Pattillo, Fire Chief Kris Kennedy, Fire Capt. Marc Wells, Building Official Gil Griffith, Utilities Director Roger Conner, Finance Director Stephen Smith, Police Chief Ray Smith, City Attorney Jimmy Graham, and Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the July 12, 2016 meeting minutes. Chairman Howard asked if there was a motion to approve the written minutes and erase the recorded minutes. A motion for approval was made by Member Barfield and seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lindsey, and Member Taylor. Nays: None. Abstain: Member Gill 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 Public Hearing and Approval of Rezone 2.349+/- acres located at 28th Avenue and 27th Court from an R-1 (Low Density Residential District) to a C-4 (Highway Commercial District), Richard A. Preddy and Charles E. & Joyce Keeter, owners. Graduate Engineer Matthew Sellers reviewed the staff report with the Planning Commission members.

At this time Chairman Howard asked if there were any comments from the owners. Mr. Charles Keeter came forward and reviewed pages 10, 17, 19, 22, and 42 of the Comprehensive Plan 2014 in reference to the area to be rezoned. Mr. Richard Preddy, owner of 1900 28th Avenue also came forward. Mr. Preddy stated that throughout the Comprehensive Plan it mentions Crawford Road, 431, the 280 By-Pass and the re-development of these areas. The plan is to rehab this area and the property facing 27th Avenue which is already zoned commercial. Mr. Preddy stated that on page 18 of the Comprehensive Plan it reads "The greatest economic development opportunity exists at (or near) the intersections of the major highways and arterials. The plan should then be to maximize the value created by such

intersections, and how to capture that value for the benefit of both the landowners and the community as a whole”.

At this time Chairman Howard asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: July 19, 2016

Re: Approval of Rezone 2.349 Acres on 28th Avenue and 27th Court, Richard A. Preddy and Charles E. & Joyce Keeter, owners.

The above referenced petition has been reviewed by the Building, Fire, Engineering and Utilities Departments and meets the minimum requirements of the Zoning Ordinance for C-4.

Chairman Howard opened the public hearing and stated that the Planning Commission's vote would be a recommendation to the City Council. The City Council would have the final vote. Mr. Alford Harden of 1609 28th Avenue came forward and presented a handout to all members. Mr. Harden reviewed the handout (attached) with the members. This property has been in his wife's family for over eighty (80) years. This is a neighborhood and we respectfully ask that you deny this request. Mr. Preddy came forward again stating that when Kmart came in everyone was opposed to the development and it only made his property value go up. Mr. Eddie Ezell of 1800 28th Court came forward to address his concerns. Mr. Ezell also has property to be protected and asked what type of development was coming in. Mr. Keeter came forward again stating that there would be some type of fence or vegetation barrier that would shield the development. Mr. Jeffery Spear of 1802 28th Avenue came forward and stated this property was directly behind his property. He stated he was told that they couldn't build anything within 50ft directly adjoining the property. He stated there is a traffic issue as Mr. Harden spoke about earlier; he would like to see it be a Dead End. Mr. Spear stated he has no objection to the commercial zoning, but would like to see some type of stipulation for the traffic due to those that try to bypass the red lights. Mrs. Sherry Scoggins, whose property is located at the corner of 28th Avenue and 27th Avenue, came forward and stated their property is already zoned commercial and the house was gone due to the fact that it was ran down and built in 1941. Mrs. Scoggins stated she doesn't like to see empty buildings or lots being wasted. Mr. Chris Bankston of 1604 45th Street, sister to Sherry Scoggins, came forward and stated that when the property was zoned commercial years ago they didn't have a choice. This may be the only time some of the people in the area can get out from under the property. Theresa Herman, daughter-in-law to Joyce Herman of 1808 28th Avenue, came forward to speak on her behalf. Ms. Herman has been in this house since 1962 and doesn't want to sell. Her request is to stay there until she is gone. Member Gill asked what was going into the proposed commercial location. No one was able to say. Chairman Howard closed the Public Hearing and a motion to deny was made by Vice Chairman Davis, seconded by Member Barfield. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, and Member Taylor. Nays: None. Abstain: None. Motion thus passed.

The seventh item on the agenda was the Acceptance of Rezone of 0.42+/- acres located on 17th Street from an R-1 (Low Density Residential District) to a C-4 (Highway Commercial District), John S. & Sara J. Osteen, owners. Graduate Engineer Matthew Sellers reviewed the staff report

with the Planning Commission members. At this time Chairman Howard asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: July 19, 2016

Re: Acceptance of Rezone 0.42 Acres on 17th Street, John S. & Sara J. Osteen, owners. The above referenced petition has been reviewed by the Building, Fire, Engineering and Utilities Departments and meets the minimum requirements of the Zoning Ordinance for C-4.

Chairman Howard asked if there was a motion to accept. A motion for acceptance was made by Vice Chairman Davis and seconded by Member Barfield. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, and Member Taylor. Nays: None. Abstain: None. Motion thus passed.

The eighth item on the agenda was a Request for a 24 Month time Extension, Brick Mill Subdivision (Hillcrest Estates), Phase II & III, F&M Bank & Trust, owner. Graduate Engineer Matthew Sellers reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Recording Secretary Davis to read the letter and department memo.

Letter

July 5, 2016

City of Phenix City, Alabama

Engineering/Public Works Department

Attn: Kathy Jo Davis, Recording Secretary

P.O. Drawer 279

Phenix City, AL 36868-0279

RE: Hillcrest Subdivision, Phase II & II (Brick Mill Subdivision, Phase II & III)

Preliminary Plat Expires – August 28, 2016

Dear Ms. Davis;

In response to the letter dated June 24, 2016 regarding the extension for the Preliminary Plat for the above referenced subdivision, we would like to be placed on the upcoming agenda for consideration for a time extension for the Preliminary Plat. The Bank is still actively trying to sell the subdivision and would like to preserve this Preliminary Plat for future owners once sold. If you have any questions you may contact me at gledmetter@fmbankandtrust.com or at (706) 846-8836.

Sincerely,

Gary Ledbetter CTP

Chief Executive Officer/CFO

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: July 19, 2016

RE: 24 Month Time Extension Request – Brick Mill Subdivision (Hillcrest Estates), Phases II & III Preliminary Plat, F&M Bank, owner.

The above referenced request for a 24 month time extension has been reviewed by the Engineering Department. The Preliminary Plat for the above referenced subdivision was approved on November 9, 2010. As per Article III, Section 3 of the newly adopted Phenix

City Subdivision Regulations, "Any outstanding Preliminary Plats approved after June 22, 2010, and prior to the most recent amendment to these regulations shall be granted a maximum of one (1) more extension of twenty-four (24) months." Construction Plans for the above referenced subdivision have not been approved at this time.

Chairman Howard asked if there was a motion to approve or deny. A motion to approve was made by Member Sims and seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, and Member Taylor. Nays: None. Abstain: None. Motion thus passed.

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

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

The eleventh 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 Barfield. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, 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, August 9, 2016.

Chairman – Pat Howard

Vice Chairman – Jimmy Davis