

**MAY 9, 2017**

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, May 9, 2017 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 Secretary Culligan to call roll. Upon roll call, the following members answered present: Vice Chairman Davis, Member Marie Gill, Chairman Pat Howard, Member Don Ivy, Member Billy Sims, and Member Shaun Culligan. Member Steve Bailey, Member Annie Lindsey, and Member Tony Taylor were not present.

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

The third item on the agenda was the Acknowledgement of City Council; None were present. Chairman Howard asked Secretary Culligan to note the City Employees that were present in the minutes. The following City Personnel were present: Assistant Director of Engineering Michael Pattillo, Graduate Engineer Tyler Hayes, Fire Chief Kris Kennedy, Fire Marshall Marc Wells, Building Official Gil Griffith, City Attorney Jimmy Graham, and Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the April 25, 2017 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 Vice Chairman Davis and seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, and Member Sims. Nays: None. Abstain: Members Culligan. Motion thus passed.

The fifth item on the agenda, Chairman Howard set the rules for addressing the Planning Commission.

The sixth item on the agenda was the Approval of Replat & Waiver for 22.72+/- acres at 4323 Lee Road 248, Russell Herring, owner. Assistant Director of Engineering Michael Pattillo reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Secretary Culligan to read the letter and department memo.

**REQUEST FOR WAIVER**

*NAME OF DEVELOPER: Russell Herring*

*NAME OF ENGINEERING FIRM: Barrett-Simpson, Inc.*

*NAME OF SUBDIVISION: Property Division for Russell Herring*

*LOCATION OF SUBDIVISION: Sec.28, T-18-N, R-30-E, Lee County – 4323 Lee Road 248*

*STATE IN FULL WHY A WAIVER IS BEING REQUESTED: Parcel B1 will take access from an existing private road over which there is an existing easement for access to the Herring and other properties.*

*STATE FACTS UPON WHICH THE WAIVER IS RELYING UPON: There are four (or more) residences currently taking access from this private road. The area was given approval by the Planning Commission as a "private development" approximately 14*

years ago. A variation of Parcel B1 was shown on the original plat of the private development.

*LIST ANY ATTACHEMENTS TO THIS PETITION: Original survey of the private development.*

*PROVIDE A SHORT EXPLANATION WHY YOU BELIEVE THE WAIVER SHOULD BE APPROVED: Parcel B1 was intended in the original plan of the private development but was never conveyed.*

*Russell Herring – Signature of Owner*

*April 25, 2017 - Date*

**Memo**

*To: Planning Commission*

*From: Angel Moore, City Engineer*

*Date: May 5, 2017*

*Re: Administrative Replat – 22.72+/- Acres at 4323 Lee Road 248 (Summerville Road), Russell Herring, owner.*

*The above referenced administrative replat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and does not meet the minimum requirements of the Subdivision Regulations; however, the petitioner has submitted a request for waiver to the Planning Commission for a lot which will not abut upon a dedicated public street, but will be accessed via an existing private road over which there is an existing easement for access to the Herring and other properties.*

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

The seventh item on the agenda was the Approval of Administrative Replat of 291.9+/- acres at Lee Road 248 and Lee Road 312 for The Vine Trust, owner. Assistant Director of Engineering Michael Pattillo reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Secretary Culligan to read the department memo.

**Memo**

*To: Planning Commission*

*From: Angel Moore, City Engineer*

*Date: May 5, 2017*

*Re: Administrative Replat – 291.9+/- acres on Lee Road 248, The Vine Trust, owner*

*The above referenced administrative replat has been reviewed by the Building, Utilities, Fire, and Engineering Departments and meets the minimum requirements of the Subdivision Regulations.*

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

The eighth item on the agenda was the Public Hearing and Approval of a Rezone of 3.10+/- acres at 600 Fontaine Road, City of Phenix City, owner. Assistant Director of

Engineering Michael Pattillo reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Secretary Culligan to read the department memo.

**Memo**

*To: Planning Commission*

*From: Angel Moore, City Engineer*

*Date: May 5, 2017*

*Re: Approval of Rezone of 3.10 Acres at 600 Fontaine Road, City of Phenix City, owner  
The above referenced rezone has been reviewed by the Building, Fire, Engineering, and  
Utilities Departments and meets the minimum requirements of the Zoning Ordinance for  
an R-1B, Low Density Residential District.*

At this time Chairman Howard opened the Public Hearing. With no one coming forward the Public Hearing was closed. Chairman Howard asked if there was a motion to approve or deny. A motion to approve was made by Vice Chairman Davis and seconded by Member Gill. Upon said motion being put to a vote, the following vote was recorded: Yeas: Vice Chairman Davis, Chairman Howard, Member Gill, Member Ivy, Member Sims, Member Taylor, and Member Culligan. 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. Chairman Howard asked City Attorney Jimmy Graham to come forward and explain to those members that were not present at the meeting with the Phenix City Board of Realtors. Mr. Graham came forward and stated that in the meeting on Thursday, May 4, 2017 Mr. McKoon announced that the City would recommend to the Planning Commission that the Indemnification Agreement be taken out of the Subdivision Regulations and out of the Certificate of Engineering Accuracy for Subdivisions. The Mayor and City Council also agree. A short discussion followed.

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 Gill. Upon said motion being put to a vote, the following vote was recorded: Yeas: Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Sims, Member Taylor, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

There being no further business to come before the Planning Commission, the meeting was adjourned until the next scheduled meeting on Tuesday, May 23, 2017.

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Chairman – Pat Howard

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Vice Chairman – Jimmy Davis