

OCTOBER 10, 2017

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, October 10, 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 Shaun Culligan to call roll. Upon roll call, the following members answered present: Member Bailey, Vice Chairman Davis, Member Gil, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan.

The second item on the agenda was the Approval of the Agenda. Vice Chairman Davis 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 Gil, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

The third item on the agenda was the Acknowledgement of City Council; District One Councilmember Bailey was 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, Utilities Engineer John Spraggins, City Attorney Jimmy Graham, and Engineering Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the September 26, 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 Member Ivy and seconded by Member Lindsey. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Chairman Howard, Member Gill, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan. Nays: None. Abstain: None. 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 Administrative Replat for 0.39+/- Acres, Lots 4 & 5, Block F, Section One, Fowler subdivision (24th Avenue & 8th Street) for Jamie M. Hernandez, 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: October 4, 2017

RE: Administrative Replat – 0.39+/- Acres, Lots 4 & 5, Block F, Section One, Fowler Subdivision, Jamie Martinez Hernandez, 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 Vice Chairman Davis and seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan.. Nays: None. Abstain: None. Motion thus passed.

The seventh item on the agenda was the Approval of Waiver for The Village at Crosswinds, located on U.S. Highway 431 at College Drive, The Village at Crosswinds, LLC, 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 Request For Waiver.

Request For Waiver

Name of Developer(s): Kerry Burden w/Altera Development Company, LLC.

Name of Engineering Firm: Goodwyn, Mills & Cawood, Inc.

Email Address of Owner: kburden@alteradevco.com

Name of Subdivision: Village at Crosswind

State in full why a waiver is being requested: Due to timing constraints implemented by the primary tenant in the development, a waiver is being requested for the requirement that the public improvements proposed in a preliminary plat be in place prior to a final plat being recorded.

State facts upon which the waiver is relying upon: The developer is prepared to put in place temporary measures to ensure 24hr all weather access to site and around the building construction area during construction of the building and will post a bond for all uncompleted public improvements.

Provide a short explanation why you believe the waiver should be approved: Due to the additional measures being proposed and the bon to insure proper installation of the improvements, we believe this waiver should be approved.

Signature of Owner: J. Coleman Williams

Date: 09/29/17

Planning Commission members discussed. City Attorney Jimmy Graham reviewed Section 11-52-35 of the Alabama Law with the members; short discussion followed. Finance Director Stephen Smith came forward and stated that this was not what the city discussed with Altera Development Company and doesn't recommend this board approving the waiver as it is worded. At this time Chairman Howard asked Secretary Culligan to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: October 4, 2017

Re: Request for Waiver-The Village at Crosswinds, Altera Development Company, LLC, Owner

The above referenced request for waiver has been reviewed by the Building, Fire, Engineering, and Utilities Departments and does not meet the minimum requirements of the Subdivision Regulations for approval.

Per Article III – Section 6. of the Phenix City Subdivision Regulations, “The purpose of the Final Plat and As-built Survey together with all the information and attendant items required herein, is to provide an accurate record of street and property lines and other elements being established on the land, and the condition of their use... The As-built Survey shall consist of the storm sewer layout with invert elevations, pipe sizes, and pipe

materials; the sanitary sewer layout with invert elevations, pipe sizes, and pipe materials; the water line layout with pipe sizes, and pipe materials; and a combined utilities and storm layout showing horizontal and vertical clearance.” Article III – Section 6. goes on to state, “The Final Plat shall be accompanied by the following items, as appropriate: ...

- a. A Performance Bond with a Commercial Surety or an irrevocable Letter of Credit, from a preapproved bank which has an investment grade rating. The Performance Bond or Letter of Credit shall be in an amount equal to one hundred fifty (150) percent of the estimated cost of all incomplete improvements, **provided there is adequate infrastructure approved by the City Engineer in place to adequately serve the lots with streets, drainage, sewer, water, and fire protection.** The incomplete improvements that may be covered by the Performance bond include non-infrastructure related improvements such as general site erosion control measures, construction of sidewalks, street lights, and erosion control specifically related to the repair of disturbed areas as utilities are installed (not including sewer, water, and storm). All incomplete improvement bonds must be preapproved by the City Engineer. An estimate of the incomplete improvements must be submitted by a licensed engineer and approved by the City Engineer prior to submission of the Performance Bond or Letter of Credit. The City reserves the right to refuse at its sole discretion the issuing bank.
- f. A breakdown of final quantities, including costs, prepared by a licensed engineer of the following items: water lines, sewer lines, storm drain pipe, curb and gutter, sidewalks, and pavement (linear feet).
- g. Certification by the Design Engineer ensuring subdivision has accurately been designed and constructed in accordance with the requirements set forth in the Phenix City Subdivision Regulations and with the approved construction plans for the subdivision.
- h. Certification by the Design Engineer ensuring stormwater drainage system of the subdivision has accurately been designed and constructed in accordance with the requirements set forth in the Phenix City Subdivision Regulations.”

To date, construction plans have not been approved and **no infrastructure** is in place to serve the lots. Also, at this time a Licensed Professional Surveyor could not certify an As-built Survey for the subdivision and a Licensed Professional Engineer could not provide a breakdown of the final quantities or certify any construction; therefore, approval of a Final Plat for the subdivision would not meet the minimum requirements of the Subdivision Regulations.

Chairman Howard asked if there was a motion to approve or deny. A motion to deny 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: Member Bailey, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, and Member Taylor. Nays: None. Abstain: Member Culligan. Motion thus passed.

The eighth item on the agenda was Old Business. None

The ninth item on the agenda was New Business. None

The tenth 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 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 Gill, Chairman Howard, Member Ivy, Member Lindsey, 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, October 24, 2017.

Chairman – Pat Howard

Secretary – Shaun Culligan