

Lee County Planning Commission

Meeting Minutes

January 19, 2022

I. Call to Order

Secretary Danielle Ritch called to order the regular meeting of the Lee County Planning Commission at 5:45 pm on January 19, 2022 at the Bennie Adkins Meeting Center.

II. Invocation/Prayer

III. Pledge of Allegiance

IV. Roll Call to Establish Quorum

The following persons were present: Danielle Ritch, Joe Stokes, Ross Morris, Christine Bradshaw, Will Neighbors, Adam Littleton

Others Present: Wendy Swann, Joel Hubbard, Justin Hardy, Bill English

Not present: Kevin Flannagan, Sherri Cook, Murray Neighbors, Tom Kelly, Jason Flowers

V. Election of Officers for the 2022 Calendar Year

Elections are held at the first meeting of the calendar year.

- A) Chair- Danielle Ritch was elected as chair. The vote was unanimous.
- B) Co-Chair - Adam Littleton was elected at Co-Chair. The vote was unanimous.
- C) Secretary – Christine Bradshaw was elected as Secretary. The vote was unanimous.

VI. Approval of Minutes

Minutes of 12.01.2021 were unanimously approved by the commission.

VII. Approval of Calendar Year 2022 Regular Meeting Dates

Calendar dates are set at the first meeting of the calendar year.

Regular Meeting (Begins at 5:30 p.m.)	Deadline for Rezoning Submittals	Deadline for All Other Submittals	Special Meetings
January 19, 2022	December 17, 2021	January 7, 2022	TBA
February 9, 2022	January 9, 2022	January 26, 2022	TBA
March 9, 2022	February 9, 2022	February 23, 2022	TBA
April 13, 2022	March 11, 2022	March 30, 2022	TBA
May 11, 2022	April 11, 2022	April 27, 2022	TBA
June 8, 2022	May 6, 2022	May 25, 2022	TBA
July 13, 2022	June 1, 2022	June 29, 2022	TBA
August 10, 2022	July 8, 2022	July 27, 2022	TBA
September 14, 2022	August 12, 2022	August 31, 2022	TBA
October 12, 2022	September 12, 2022	September 28, 2022	TBA
November 9, 2022	October 7, 2022	October 26, 2022	TBA
December 7, 2022	November 7, 2022	November 23, 2022	TBA
January 11, 2023	December 7, 2022	December 28, 2022	TBA

Calendar was unanimously approved by the commission.

VIII. Citizen's Comments

Each citizen is limited to three minutes.

A) Lance Farrar-

- a. How do we go about undoing the zoning?
 - i. Commission response to follow up at the next meeting.
- b. Concerns over negative effects of quarry and how can the committee address them.
 - i. Commission response of understanding that people have concerns, but this is not a topic the that planning commission can address. Needs to be addressed to the County Commission.
- c. On the website, in the minute section, Aug 18 minutes has one of the dates incorrect.
 - i. Commission response was that the date in the this was caught and is in the process of being updated.

IX. Consideration of Applications and Requests: Subdivisions

A) Application #2022-01-19-1 Hosey Administrative Re-Plat

Purpose: The applicant is requesting approval of a re-plat of Parcel D into 3 Parcels for the purpose of building a single-family dwelling.

Location: The subject property is located at 90 Lee Road 260 and is currently Zoned Rural Preservation District.

Commission Discussion: The Interim Planning Director explained to the commission that he was requesting approval to certify the re-plat. The re-plat has been approved by the County Engineer per Subdivision Regulations and just needs to be certified by the Planning Commission for filing purposes.

Motion was made: To have the Planning Director certify subdivision requests if they meet zoning regulations and have been approved by the County Engineer.

Commission unanimously approved the motion.

X. Consideration of Applications and Requests: Zoning

A) Application #2022-01-19-2 Brumfield Variance and Re-zone Request

Purpose: The applicant is requesting a variance for one of three adjacent parcels to construct two additional rental storage units next to existing storage units. The subject property is currently Zoned Rural Preserve District, which does not allow for this use. The owners wish to apply for the rezoning of several parcels (including these parcels) and request the variance so that the storage unit construction can proceed immediately.

Location: The subject is located at 90 Lee Road 267.

Commission Discussion: Review of zoning map and request by Brumfield. The Commission discussed current and previous land use prior to Zoning Regulations. This parcel along with several adjoining parcels were primarily used for commercial purposes before zoning came into effect. Discussions were had on the need to rezone portions of the area.

Motion was made: To approve the Brumfield request for variance.

Commission unanimously approved the motion.

XI. Old Business

A) Revisit Article IX.

- a. Joel Hubbard, Interim Planning Director and Justin Hardee, County Engineer spoke in regards on how the article was initially created to combine zoning and subdivision regulations. After additional research and consultation with Jim Lehe, it was decided that Article IX is not needed. Removing Article IX allows zoning to focus on it's primary objective which is land use.

Motion was made: To withdrawal Article IX edits from being presented to County Commission.

Commission unanimously approved motion.

B) Request to charge certain administrative fees and to include a new Section (Sec. 6. 16 Fee Schedule) into Article VI Administration.

- a. Joel Hubbard requested to remove this item from the agenda for now to have time to ensure that everything is correct before discussions.

Motion was made: To table request.

Commission unanimously approved motion.

XII. New Business:

A) Review of Application Forms

- a. Zoning/Land Use – Initial Form to be submitted
- b. Rezoning
- c. Zoning Variance
- d. Conditional Use
- e. Appeal

Commission reviewed each form. Suggestion was made to create a document with instructions on when each form is needed that could accompany the form to help the public.

XIII. Reports and Announcements:

- A) Next regular meeting: February 9, 2022.

XIV. Adjournment- 6:48 pm

Lee County Planning Commission
Meeting Minutes
Bennie Adkins Meeting Center
Wednesday, February 9, 2022

I. Call to Order

Chair Danielle Ritch called to order the regular meeting of the Lee County Planning Commission at 5:40 pm on Wednesday, February 9, 2022 at Bennie Adkins Meeting Center.

II. Invocation

Mr. Kevin Flannagan gave the invocation.

III. Pledge of Allegiance

IV. Roll Call to Establish Quorum

The following members were declared present: Danielle Ritch, Sherri Cook, Kevin Flannagan, Adam Littleton, Ross Morris and Christine Bradshaw. Absent members were Tom Kelly, Jason Flowers, Joe Stokes, Will Neighbors and Murray Neighbors. Lee County staff present included Wendy Swann, Joel Hubbard, Patrick Harville, Judge Bill English and County Administrator Holly Leverette.

V. Approval of Minutes

The minutes of the January 19, 2022, meeting were approved unanimously.

VI. Citizen's Comments:

Mr. Lance Farrar expressed concerns regarding the Lee County Planning Commission website asked when the meeting schedule would be posted. Mr. Pete Byrd addressed the Planning Commission and expressed his concerns with its existence. Judge Bill English introduced the new County Administrator, Holly Leverette.

VII. Old Business

Ms. Ritch, in addressing comments from the previous meeting, explained the how zoning was established in Beat 13 following the requirements outlined in the Planning Commission's authorizing legislation.

VIII. New Business

Mr. Hubbard presented to the Planning Commission a proposal to change the zoning of parcels in the northwest corner of Beat 13 to a Rural Center District from its current Rural Preservation District. The proposed changes will be advertised for three weeks and he requested the Commission to set a public hearing for its next meeting on March 9.

Ms. Ritch brought up the possibility of creating a citizens comments form that would allow citizens to submit questions and receive answers in writing or the possibility of creating an FAQ on what zoning is. Ms. Swann mentioned the Planning Commission website has a link for citizens to email questions they may have to members.

IX. Adjourn

There being no further business, the Planning Commission adjourned at 6:15 p.m. The next meeting will be on March 9, 2022, at 5:30 pm.

**Lee County Planning Commission
Meeting Minutes
Bennie Adkins Meeting Center
205 S. 10th St., Opelika, AL 36801
Wednesday, April 13, 2022**

I. Call to Order

Chair Danielle Ritch called to order the regular meeting of the Lee County Planning Commission at 5:32 pm on Wednesday, April 13, 2022 at the Bennie Adkins Meeting Center.

II. Prayer

Christine Berry Bradshaw

III. Pledge of Allegiance:

Please join us in the pledge of Allegiance

IV. Roll Call to Establish Quorum:

Adam Little, Jason Flowers, Will Neighbors, Christine Bradshaw, Ashley Aaron, Joe Stokes and Sherri Cook

V. Not Present:

Kevin Flannagan, Tom Kelly, Murray Neighbors

VI. Approval of Minutes:

March 9, 2022 did not have a quorum and on March 16 did not have a quorum as well

VII. Citizen's Comments (limited to three minutes)

Mary Kilgore and Tara Brumfield and addressed concerns about the quarry and shared photos John Sophocleus stated, please provide email list, and provide updates on the notification on the website and, the citizens deserves to be notified.

VIII. Old Business

- Danielle read the proposed amendments and public hearing for changes to the Zoning Regulations.
- Mr. Joel Hubbard did not receive any letters
- Rudy McCumsey had expressed concerns in regards to the quarry the hasty changes and the zoning were put in place to stop the quarry. Danielle responded it will be gradually editing and tweeting will be done as we learn about the citizens
- Danielle asked were there any questions in regards to the Map. A citizens responded "As it relates to the Public Hearing do we have separate public hearing for rezoning and permit use and if the current public hearing specific to one or the other. Danielle responded that it separate and we would vote on each one separately.
- *The Rezoning of approx... 112 acres located on Lee Road 266 and 267 to Rural Center District, was approved. No Comments/No Opposed*
- *Amendment the Table of Permitted Uses, column RP, in Section 3.7 as described. The change in use from Not Permitted (P) to Special Exception Use (S) allows the Commission greater flexibility to approve land use request without the need to rezone the property, was approved. No Comments/No Opposed*

IX. New Business

- Ross Morris welcome Ashley Aaron
- Christine Berry-Bradshaw had concerns in regards to quarry
- A citizen asked Joel Hubbard has anyone reached out to his department in reference to complaints from the citizens. Joel responded his hands are tied. He cannot speak on legal matters on the behalf of the county
- Sherri Cook expressed her concerns she is totally against the quarry
- Citizens continue to address their concerns.
- Danielle made the statement what can we do in our segment. She expressed we understand the concerns and what we can do to help everybody. There remedies for violations and something we need to talk to Joel about and figure out where the lines are and what we can do as a committee. Please read Section 3.3 to discuss at the next meeting.

*****Next schedule meeting May 11, 2022*****

Meeting Adjourn at 6:10 pm

**Lee County Planning Commission
Meeting Minutes
Bennie Adkins Meeting Center
205 S. 10th St., Opelika, AL 36801
Wednesday, May 11, 2022**

I. Call to Order

Chair Danielle Ritch called to order the regular meeting of the Lee County Planning Commission at 5:31 pm on Wednesday, May 11, 2022 at the Bennie Adkins Meeting Center.

II. Invocation and Prayer

Joe Stokes gave the invocation.

III. Pledge of Allegiance

IV. Roll Call to Establish Quorum:

Commissioner Cannon introduced Robin Raiford as Murray Neighbors replacement and Chuck Sanders as Tom Kelly's replacement.

Present – Adam Littleton, Will Neighbors, Ashley Aaron, Joe Stokes, Danielle Ritch, Sherri Cook, Robin Raiford, and Chuck Sanders.

Others Present- Judge English, Wendy Swann, Joel Hubbard

Not Present: Christine Bradshaw and Kevin Flanagan.

V. Approval of Minutes:

Minutes from April 13, 2022 were tabled due to minor edits and will be presented at the next meeting.

VI. Citizen's Comments (limited to three minutes)

No public comments were made.

VII. Old Business

- Quarry updated was presented as requested:

LEE COUNTY COMMISSION AND CREEKWOOD RESOURCES

"ADEM issued a water discharge permit to CreekWood Resources for a proposed quarry on U.S. Highway 29 North on August 30, 2021. Lee County requested a stay of that permit, which ADEM denied.

Lee County filed suit in Lee County Circuit Court in September 2021 against CreekWood and others in an attempt to protect Halawakee Creek, its watershed, and the public water supply. There are no other plaintiffs in that case. If citizens in that area want to protect their properties and/or the creek, they should evaluate their legal options, including the possibility of intervening independently in the Commission's lawsuit.

CreekWood removed the Commission's lawsuit to Federal Court, but the Federal Judge remanded the case to the Lee County Circuit Court, where we feel it belongs. This state court case is pending, and a hearing has been scheduled by the Court for late July to hear various motions. There will be more motions filed, and some discovery is already underway. Expert witnesses will be involved.

CreekWood filed suit against Lee County in Federal Court in October 2021 claiming that our zoning regulations are invalid and should not be enforced. CreekWood is seeking a declaratory judgment and monetary damages. That federal court case is pending, and we are defending it.

CreekWood has obtained a business license to be able to sell material from that quarry, and there were no defensible grounds to deny that permit.

We trust the multiple lawyers handling these various legal matters for the County Commission, so we are not trying to tell them how to do their job. We hope you understand that we do not want to disclose our strategy in public, so we will not have more to say about the details of the pending litigation."

VIII. New Business

- Special Exception Use request from David Jackson to enlarge an existing commercial use building at 6065 Lee Road 390. This is a lawful nonconformity use in a Rural Preserve (RP) district, therefore requires Planning Commission approval. This request will not Expand the size of the business itself, only a building within the existing business. Motion was made to approve the request. Motion was unanimously approved.
- Email Responses were discussed. Joel Hubbard confirmed that he was responding to all emails from the website.

*****Next schedule meeting June 8, 2022*****

Meeting Adjourn at 5:43 pm

**Lee County Planning Commission
Meeting Minutes
Bennie Adkins Meeting Center
205 S. 10th St., Opelika, AL 36801
Wednesday, August 10, 2022**

I. Call to Order

Chair Danielle Ritch called to order the regular meeting of the Lee County Planning Commission at 5:32 pm on Wednesday, August 10, 2022, at the Bennie Adkins Meeting Center.

II. Invocation and Prayer

Kevin Flannagan gave the invocation.

III. Pledge of Allegiance

IV. Roll Call to Establish Quorum:

Present –Will Neighbors, Ashley Aaron, Joe Stokes, Danielle Ritch, Sherri Cook, Robin Raiford, Christine Bradshaw, Kevin Flanagan and Chuck Sanders.

Others Present- Judge English, Wendy Swann, Joel Hubbard, Justin Hardee, Holly Leverette.

Not Present: Adam Littleton and Jason Flowers

V. Approval of Minutes:

Minutes from the April 13, 2022, and May 11, 2022, meetings were approved unanimously.

VI. Citizen’s Comments (limited to three minutes)

No public comments were made.

VII. Old Business

No old business to discuss.

VIII. New Business

- Administrative action taken by Joel Hubbard during June and July but requiring no action by Planning Commission: One subdivision request; no variances received, no

email questions from citizens, no applications or requests received that need action by the Planning Commission.

- Ms. Ritch discussed the meeting cancellation policy. She asked how the Commission wanted to handle meetings if there was no business to address; should the meetings be changed to quarterly. Mr. Hubbard stated the bylaws reads "Regular meetings of the Planning Commission as required by Section 4 of Act 2007-477 shall normally be held monthly on the second Wednesday of each month at 5:30 p.m. Central Time. All members shall receive notice of such meeting, plus an agenda and any materials relating to the items on the agenda, not less than 48 hours prior to the time of the meeting. If there is a conflict with a public holiday or some other event, the date and time of the meeting can be changed by majority vote of the Planning Commission Members at the meeting prior to the meeting which is to be changed. If there is no business to come before the Planning Commission Members, a notice to this effect and canceling the regular meeting shall be sent to the Members by the Chair not less than 48 hours prior to the time of the meeting." Mr. Sanders said based on the wording there is not a lot of leeway concerning the meetings.
- It was asked to place the policies and procedures and any forms such as a zoning petition and that process on the website.

*****Next schedule meeting September 14, 2022*****

Meeting Adjourned at 6:07 pm

**Lee County Planning Commission
Meeting Minutes
Bennie Adkins Meeting Center
205 S. 10th St., Opelika, AL 36801
Wednesday, October 12, 2022**

I. Citizens Comments:

Lance Farrah remarked that the Planning Commission was falsely created and was not meeting consistently. He asked about dissolving and disbanding the Planning Commission.

II. Call to Order:

Danielle Ritch called to order the regular meeting of the Lee County Planning Commission at 5:37 pm on Wednesday, October 12, 2022, at the Bennie Adkins Meeting Center. Kevin Flannagan gave the invocation.

III. Pledge of Allegiance

IV. Roll Call to Establish Quorum:

Present –Will Neighbors, Joe Stokes, Danielle Ritch, Sherri Cook, Robin Raiford, Adam Littleton, Kevin Flanagan and Chuck Sanders.

Others Present- Judge English, Wendy Swann, Joel Hubbard, Justin Hardee, Holly Leverette and Doug Cannon.

Not Present: Ashley Aaron, Jason Flowers and Christine Berry-Bradshaw

V. Approval of Minutes:

Ms. Ritch stated that she has not received the minutes for the August 10, 2022, regular meeting and deferred the approval to the November regular meeting.

VI. Old Business

No old business to discuss.

VII. New Business

- Joel Hubbard advised members that there was no administrative action taken during August and September that required Planning Commission approval.

- Mr. Hubbard provided an updated Planning Commission manual for the members and explained the updates and additions. Kevin Flanagan asked if it was on the Planning Commission website. Mr. Hubbard responded that it was and added that a Frequently Asked Questions section had been added to the website as well. Ms. Ritch asked Mr. Hubbard if he was receiving emails containing zoning questions from the website. Mr. Hubbard stated that prior issues with the website have been resolved and he is now receiving the questions.
- Ms. Ritch noted that according to the Bylaws, the Planning Commission Chair may cancel a regular scheduled meeting by giving at least 48- hour notice to members if there is no Planning Commission business to act on.
- Ms. Ritch stated that enforcement of Zoning Regulations is the responsibility of the Planning Director and County Attorney according to Sections 6.1 and 6.2 of the regulations.
- Ms. Ritch inquired about the term limits for members. Kevin Flanagan stated that he believed it to be 6 years. Holly Leverette stated that the information is covered in Section 2 of the Bylaws. Mr. Hubbard stated that it is in the Enabling Act as well.
- Chuck Sanders inquired about training for Planning Commission members. Mr. Hubbard stated that he would check into it.
- Kevin Flanagan made the motion to adjourn and was seconded by Chuck Sanders.
Meeting was adjourned at 5:57 pm

Next schedule meeting November 9th, 2022