

**PLANNING COMMISSION  
MINUTES  
JULY 27<sup>th</sup>, 2021**

The regular meeting of the Planning Commission of Westover Alabama was held in the City Hall in Westover, Alabama July 27<sup>th</sup>, 2021, at the appointed place for such regular sessions.

The meeting was called to order by Chair Ed Stowell at 6:30 p.m.

**ROLL CALL**

Upon roll call it was found that a quorum was present.

In attendance were: Chair Ed Stowell, Commissioners: Mayor Riggins, Wayne Jones, Bobby Pardue, Paula Floyd, and Juno Manning.

Absent: Commissioners Robbin Smith and Randy Wiggins.

**PRAYER**

The Prayer was led by the Commissioner Pardue.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by the Chair Ed Stowell.

**AUDIENCE COMMUNICATIONS**

Was read by the Chair Ed Stowell.

**READING AND APPROVAL OF THE MINUTES:**

The minutes of June 22<sup>nd</sup>, 2021 meeting were presented for adoption.

A motion was made by Commissioner Floyd to disperse with reading and to adopt the June 22<sup>th</sup>, 2021 minutes of Planning Commission Meeting as presented.

A second was made by Commissioner Pardue.

Commissioners voted unanimously to adopt the minutes of June 22<sup>th</sup>, 2021.

**OLD BUSINESS:**

***Yellow Leaf Farms Subdivision: Case # 2020-12-22-1023 SD***

Paul Lee and Jim Ray presented the completed bonds for Yellow Leaf Farms Subdivision. Explanations were given for the two separate plats in one subdivision the

first with the resurvey of Lot lines and the second, a subdivision of two parcels which was acceptable formatting to Jerry South Westover City Engineer.

A motion to approve the Final Yellow Leaf Farms Subdivision Plats as presented was made by Mayor Riggins.

A second was made by Commissioner Jones.

Commissioners voted unanimously to approve the Yellow Leaf Farms Subdivision.

## **NEW BUSINESS:**

### ***Brasher Rezoning: Case# 2021-07-27:003 SD***

Jay Sawyer and Joey Miller of MTTR Engineers Inc. gave the presentation with explanations of why they were requesting a rezoning of the property located at the Northwest corner of County Road 51 and Hwy 280. The steps they would go through to get approval for sewer to go under 280 and the emergency exit on 101 for the Subdivision intended to be built once the steps necessary had been completed. The petitioners stated all these steps would be very costly and they needed the property rezoned to make the investments.

The Chair read some of the Staff report to explain the request for recommendations to the city council for rezoning the property RN and then explained that this was just a hearing for the rezoning and nothing else except the best use of the land. Anything else would have a separate vote and hearing following the Rezoning vote.

A motion to open the public hearing for rezoning was made by Commissioner Jones.

A second was made by Commissioner Pardue.

Commissioners voted unanimously to Open the Public Hearing.

*Commissioner Floyd stepped down from the Dias for the hearing.*

-Tony Buse, 131 County Road 101 Westover AL., presented reasons why the County Road 101 should not be used as an emergency access road. He asked why it should have a emergency exit in comparison with other Subdivisions that only have one. *Mayor Riggins later addressed the public safety and the attempted second exits for other Subdivisions in Westover, however the exits failed to be executed because the developer had gone into bankruptcy in the 2008- 2010 period.*

- Roger McCullers, 220 Highway 101 Westover AL, also presented objections to the idea of Highway 101 being used, due to the width of the road and his belief it would be used for daily traffic. He also expressed concerns for cutting and burning trees and for log truck traffic.

*The Chair Ed Stowell took a moment to explain the hearing intent was for approval of recommendation for re-Zoning, and many other series of permits and approvals would be needed before any building began. He assured the residents present, that Highway 101 is intended to be a emergency exit only, a gate would be locked, accessible to police and Firefighters only, through traffic would not be allowed. Highway 101 is County Road the Westover AL. Planning Commission has no authority over its use and it may not even be approved.*

- Paula Floyd, 5555 old Highway 280, was concerned with the original intent of Westover staying rural as per the Land use or Policy plan and did not see this in continuity with the proposed 160 houses with only one exit that is also very close to 280. The Density of houses and the clearing of the land could cause dangerous flooding to the wetland area and County Road 51 would face increased traffic in her opinion. Paula's time ran out toward the end and her time was voted on to be extended so she could complete expressing her thoughts on the matter.

Motion to extend Paula Floyd's time was made by Commissioner Jones.

A second was made by Mayor Riggins.

The Commission voted unanimously to extend Paula Floyd's time.

-Dan Hill, 145 Cottage Lane, was concerned with the development because he moved to current property to get away from high density housing, and would not be pleased with traffic increasing. He is interested in buying said property of proposed Brasher Subdivision in order to keep it AP Zoned.

-Ernest Shields, 7980 Highway 51, Wished to see more detailed maps of intended Road into property on Highway 51.

-Hugh Floyd, 5555 old Highway 280, was concerned with Density, opposed the Rezoning because it opens the land to a greater level of housing density and it would set a precedence for the future.

-Sue Tait, 174 Highway 101, concerned with Taxes changing.

-Pat Maxwell, 71 Highway 101, agrees with Paula Floyd that traffic and wetlands will affect neighboring property owners and should not be rezoned in that sort of manor, due to the water runoff.

The Brasher team, Member- Miller, stated the highest and best use of the land is the Commissioners' charge. The gate at 101, if mandated by city would be locked. Other permits and approvals like traffic would have to be approved prior to building. The Wetlands run off is included in all the Engineering work that would have to be done. After rezoning, engineering work would begin on water runoff control. Highest and best use of the land is what's before the Commission tonight and not anything else.

Commissioner Pardue stated that there would probably be more issues down the road if the Land was rezoned and that the best use of the land was probably not rezoning today.

Commissioner Jones asked Miller, if it was a feasibility issue about the water runoff studies and engineering, to which Miller stated they had done preliminary traffic and Storm water studies for location on the detention ponds, but hadn't seen the need for giving them to the city, for a simple rezoning and in-depth studies are intended for use for the design of the property itself, not for deciding the best use of the property or rezoning, asking for more studies is burdensome to the developers. He also stated it is not in a flood plain. Mrs. Maxwell interrupted to object again, but was informed by the Chair Ed Stowell, she was out of order.

The Chair said he appreciated the rural nature of Westover and stated that growth was coming, and it was the community that has to decide how to control it. Then stated the benefit if the sewer was brought across 280, it would help everyone on that side of 280. He also showed concern for emergency exits and how they would help both the residents of the subdivision and the residents of 101 by giving them both a second route of escape, in case of fire, health emergencies, trees falling or tornado.

A motion to close the public hearing for rezoning was made by Mayor Riggins.

A second was made by Commissioner Pardue.

Commissioners voted unanimously to Close the Public Hearing

Mayor Riggins stated that he does not know what the highest and best use of the property in question is, until the engineering work is done. This property was

not in Westover when the Comprehensive Plan was made. When it was annexed into Westover, Westover asked the corner of the property be zoned HC. Mayor Riggins does not think AP is the best use either but he is concerned with the housing density proposed, he believes it will be considerably less after all the topography studies, engineering and ALDOT permits and everything else needed.

The Chair explained the connection of the sewer to commercial properties on that side of 280 and how that would be an asset to Westover attracting commendable businesses.

Commissioner Jones explained the Fire department's wishes to have better connecting streets between roads for a safer community.

A motion to table the case for rezoning was made by Commissioner Pardue; he stated he would like a work session, to get the other commissioners involved in the decision.

A second was made by Commissioner Jones.

Commissioners voted unanimously to table the case.

It was decided that the case would have to be continued until after a work session on the matter. Riggins informed the audience that the continued case will not be advertised in any other manor than the announcement in this meeting, until the case went to the Council for approval.

## **REPORTS:**

**Neighborhoods** - Commissioner Smith – Absent.

**Signs** – Commissioner Jones– No Report.

**City Council** – Commissioner Jones – handed the report to Mayor Riggins who said the Mt Tabor project is almost done, waiting on paving, ADA parking and the panic bars for the door. Fire Department renovation is

moving along. He explained the American Rescue fund Grant and how it is time sensitive.

**Education** –Secretary Manning- Reported that August 7<sup>th</sup>, Capzo recertification will be 8:30- 12:30 at city hall. Attendance confirmation was attained by all commissioners, except Pardue.

**Businesses** – Commissioner Floyd- No Report.

**RESOLUTIONS:**

None.

**MISCELLANEOUS BUSINESS:**

Scheduling of the Work Session for the Brasher Rezoning was announced by the Chair for Tuesday August 10<sup>th</sup> at 6:00pm at City Hall and was agreed upon by the commissioners.

**ADJOURNMENT:**

A motion was made by Commissioner Jones to adjourn the meeting.

A second made by Commissioner Pardue.

Commissioners voted unanimously to adjourn the meeting.

The meeting was adjourned at 7:46 p.m..

Submitted by,

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Ed Stowell, Chair  
Westover Planning Commission

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Juno Manning, Secretary  
Planning and Zoning Clerk