

**City of Westover  
Planning Commission  
MINUTES**

**September 22nd, 2020**

The regular meeting of the City of Westover Planning Commission was held at the City Hall in Westover, Alabama this, the 22nd day of September 2020 at the appointed place for such regular sessions.

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

In attendance: Ed Stowell Chairman Pro Tem, Commissioners: Cindy Riggins, Ed Stowell, Wayne Jones, Bobby Pardue, Robin Smith and Paula Floyd.

Absent: Randy Wiggins, Chair; Commissioner Michael Sampsell and Bonnie Meacham, City Clerk – Treasurer

**Prayer**

The Prayer was led by Chairman Pro Tem Ed Stowell.

**Pledge of Allegiance**

Pledge of Allegiance was led by Chairman Pro Tem Ed Stowell.

**Reading and Approval of the Minutes:**

The minutes of August 25th, 2020 meeting were presented for adoption.

A motion was made by Commissioner Wayne Jones to adopt the August 25th, 2020 minutes as presented.

A second was made by Commissioner Bobby Pardue.

All commissioners voted unanimously to adopt the minutes of August 25th, 2020.

**COMMUNICATIONS**

This is a public meeting and is being held at Westover City Hall. The meeting Agenda is posted on our bulletin board outside of City Hall. The public is invited to attend but must abide by the order from Governor Kay Ivey to maintain social distancing. The social distancing limit inside is ten people and the six foot social distancing is expected. This information is posted on the door at City Hall.

**Audience Communications:**

The City of Westover Planning Commission thanks you for attending tonight's meeting and would like to remind everyone of the following:

The decisions of this Commission are final.

Anyone desiring to be on the Agenda will notify the Chairman no later than ten (10) business days prior to the following scheduled meeting.

All witnesses to application are limited to three (3) minutes.

All guest speakers will speak only to the subject scheduled on the Agenda.

Any questions or clarifications will be addressed to the Chairman and the ruling of the Chairman will be final.

Again, thank you for attending and for your understanding, patience, and cooperation. We look forward to a productive meeting.

**Old Business:**

Previous Case #2020-04-06 Malachi Ray Subdivision. Ed Stowell, Chairman Pro Tem, stated they have not heard from Mr. Malachi Ray in three months.

Motion to bring this case off the table to the Planning Commission for discussion made by Commissioner Cindy Riggins.

A second made by Commissioner Wayne Jones.

No Discussion.

A motion made by Commissioner Wayne Jones to deny Case #2020-04-06 Malachi Ray. Reasoning was that he had not brought back amended plat, as requested at the June meeting.

A second motion by Commissioner Robin Smith.

All commissioners voted unanimously to deny Case # 2020-04-06 Malachi Ray.

Subdivision Regulations – Ed Stowell, Chairman Pro Tem asked for approval of the amendments to the Subdivision Regulations or postpone until next meeting. There will have to be a public meeting to finalize the Subdivision Regulations and suggested Planning Commission wait until next month and all commissioners are present to finalize.

A motion was made by Commissioner Wayne Jones to delay the final approval of the

Subdivision Regulations until next Planning Commission meeting next month.

A second motion by Commissioner Bobby Pardue.

All commissioners voted unanimously to delay Subdivision Regulations approval.

**New Business:** None

**Hearing and applications:**

Case #2020-09-22 Steven & Amanda Tuggle – 2225 Westover Road.

Parcel ID #08-6-23-0-000-028.000

Re-Zoning Request for 14 Acres from RN to AP.

Steven Tuggle, 908 Lake Joyce Road, Moody, Alabama, 35004. Mr. Tuggle stated he would like to have a couple of horses on the property.

A motion made by Commissioner Cindy Riggins to Open Hearing for Case #2020-09-22.

A second motion made by Commissioner Wayne Jones.

Comments on public hearing.

All commissioners voted unanimously to Open the Hearing for Case #2020-09-22.

Ed Stowell, Chairman Pro Tem, asked if anyone would like to speak in opposition or favor of this case. No one spoke.

A motion made by Commissioner Wayne Jones to Close the Hearing of Case #2020-09-22.

A second motion made by Commissioner Robin Smith.

All commissioners voted unanimously to Close the Hearing of Case #2020-09-22.

Ed Stowell, Chairman Pro Tem, stated for the record zoning ordinances mentions section 141.00 spot zoning read to PC but does not apply to this case because parcel in question exceeds 3 acres. Future action by the Planning Commission will be to amend the map of the comprehensive plan. Section 142.00.

Commissioner Wayne Jones asked Mr. Tuggle if there is a body of water on the property. Mr. Tuggle replied there is a stream of water.

Commissioner Wayne Jones asked Mr. Tuggle if he plans to build a Barn or Shed in the

future. Mr. Tuggle replied yes. Commissioner Jones asked Mr. Tuggle if the structure to be built will be close to water. Mr. Tuggle replied No. Commissioner Wayne Jones stated there are requirements of distances between buildings and a body of water.

Ed Stowell, Co-Chair, asked Mr. Tuggle if he plans to build a house on the property as well as a barn or shed structure. Mr. Tuggle replied, yes. Ed Stowell, Chairman Pro Tem replied, I understand that if a house is built on this property, it will be deferred to the City Council when you get ready to apply for permits with the City of Westover.

Commissioner Cindy Riggins asked Mr. Tuggle how soon he plans to build a house. Mr. Tuggle replied, I do not have a plan, it could be within a year.

Commissioner Cindy Riggins stated to Mr. Tuggle, you will be building a house, barn and place horses on the property. Mr. Tuggle replied correct.

Commissioner Bobby Pardue stated "with what has been stated that a house, barn and horses placed on the property instead of just a few horses that the Commissioners re-open the public hearing. I would like for the public be able to speak on the recent building of a house, barn and horses".

A motion was made by Commissioner Bobby Pardue to Re-Open the Public Hearing for Case #2020-09-22 – Steven & Amanda Tuggle.

A second motion made by Commissioner Cindy Riggins.

All Commissioners voted unanimously to Re-Open the hearing for Case #2020-09-22.

No comments, questions, favor or opposition from audience.

Commissioner Robin Smith commented concerns for building codes.

Mayor Riggins asked to speak from the Staff standpoint. Per a telephone conversation with Mrs. Tuggle, this property is for sale and had inquired that they had been asked if they could put horses on the property, if purchased. City of Westover will enforce the zoning laws, if approved, by the Planning Commission for this rezoning of this property. Mayor Riggins stated before that he does not think the highest use of this property is RN because of this transmission electric line. If this property is for sale there may be someone else purchase this property and build a house, barn and have horses or maybe not. The property is for sale and they asked if they could have a couple of horses on the property. These same rules will apply to the purchaser if sold.

Ed Stowell, Chairman Pro Tem, stated that under the zoning, for example, if a developer came in and purchased the property to build homes, would have to be rezoned and the rezoning, if approved, today would have to be reversed by approval of Planning Commission.

Commissioner Cindy Riggins asked Mr. Tuggle, are you not putting horses on the

property yourself. Mr. Tuggle replied if we keep the property.

Commissioner Cindy Riggins asked Mr. Tuggle, "now you are planning to sell this property"? Mr. Tuggle replied if it sells and if the property does not sell we are going to put something on it.

Ed Stowell, Chairman Pro Tem, asked Mr. Tuggle if this property does not sell you feel confident you will build a house on it within a year? Mr. Tuggle replied yes.

A motion made by Commissioner Wayne Jones to Close The Hearing for Case #2020-09-22.

A second made by Commissioner Robin Smith.

All commissioners voted unanimously to Close the Hearing.

A motion was made by Commissioner Cindy Riggins to approve re-zoning on Case # 2020-09-22.

A second motion made by Commissioner Wayne Jones.

All commissioners voted unanimously to approve Case #2020-09-22.

Ed Stowell, Chairman Pro Tem, stated that this Case #2020-09-22, will be presented to the City Council for final approval on October 20<sup>th</sup>, 2020 at 6:30 p.m.

#### **REPORTS:**

**Neighborhoods** - Chairman Wiggins – Absent

**Signs** - Chairman Wiggins & Commissioner Sampsell - Absent

**City Council** – Ex-Officio Wayne Jones – No Report

**Education** – Clerk Meacham – Absent

Ed Stowell, Co-Chair mentioned the CAPZO Training classes are available via Zoom. Mayor Riggins stated anyone that attended the Certification/Re-Certification classes in March 2020 will not need to attend this class. Ed Stowell, Co-Chair, stated that he will be attending one of the classes since he was out of the country in March 2020.

**PUD Guidelines:** Commissioner Riggins - No Report

**Businesses** – Commissioner Floyd – None

**Resolutions:** None

**Miscellaneous Business:** None

**Adjournment:**

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

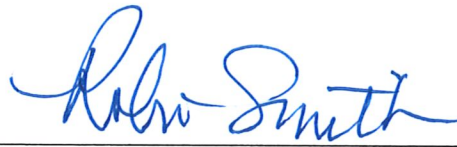
A second was made by Commissioner Robin Smith.

All commissioners voted unanimously to adjourn the meeting.

The meeting was adjourned at 7:00 p.m.



Ed Stowell, Chairman Pro Tem



Robin Smith, Recorder Pro Tem