

9-13-07

Riverfront Committee Meeting

City Attorney Bob Ennis' remarks with regard to Riverfront Action Alert email:

Ah, Lee mentioned the emails that we have received, particularly the ones today that ah, was sent to me and several other people. Um, uh, one of the comments in that email said that the new plan is a big step backward and I just wanted to go of course I disagree strongly with that statement uh and I just wanted to go back over what the current regulations are and what the problems are to show you that this is not a big step backwards. This ordinance in fact improves the process improves the ability of the planning commission to protect the riverfront. Um, as you recall the current ordinance had permitted uses. The proposal does not have any permitted uses. There is no use permitted as of right; all uses must go through the approval process. So, this is not a big step backwards in fact it's an improvement because there are no permitted uses. The existing ordinance allows permitted uses which we think, uh, is, is vague and archaic. Again the existing ordinance would allow as a special exception a bar, tavern, restaurant, hotel, townhouse garden homes and apartments um without any planning commission or council approval. The new ordinance does not allow that. We think that's an improvement. These types of ? could suddenly appear on the riverfront area without city council or planning commission approval. The new ordinance does not allow that so um, um, we other problems was ah the city council does not have the authority to make ?final decision the riverfront; the new ordinance gives them final decision, um the other ordinance is not clear on subdivisions and covenants; the new ordinance is. Um, another comment that was made in this email is that the new ordinance is woefully short on environmental protection. In the first place, the existing ordinance, ah, really had nothing to do with the environmental testing. You'll notice the proposal, it requires a Phase I and Phase II environmental testing as, as a preliminary requirement and in addition to that U.S. Army Corp of Engineers and Alabama Department of NPDS permit's required as well, none of which are addressed in the current ordinance so ah, this comment in this email this ordinance is short on environmental protections is in my opinion wrong. So if you'll notice that ah in the existing ordinance there are no prohibited uses; in the proposed ordinance there's a long list of uses that are prohibited which means if you're a developer you're gonna do just don't even bother coming to us because it's not going to be approved so I don't see how the existing ordinance the proposed one will be a step backwards when it prohibits uses that the existing ordinance does not. And there are other provisions of the new ordinance one of them in the existing ordinance you can waive certain requirements, in the new ordinance you cannot waive any requirements. Again, improvements on the ordinance so I think this comment is really very misleading and inflammatory. Another inflammatory comment in the email is that it, it would allow large mall developments, extended stay motels, multi residential developments, tattoo parlors, drive-through restaurants, wholesale box stores. Ah, it would not be allowed; there are no permitted uses; all uses have to go through the planning commission and the city council there are no permitted uses. So everything has to go through the process so that's very misleading. Don't be mislead by this email and that statement. Also it says there are very few design guidelines and very little in the way of public notification and I really take offense at that. Ah, there are extensive guidelines in the ordinance and we're asking for more and I noticed today I got, we got some more design guidelines and that's very good. Um, and there is very little in the way of public notification. That's just simply wrong. The ordinance is literally full of what we call due process requirements

where the public is notified and heard at every stage of the process. There are major public hearings before the Planning Commission and there are major public hearings before the city council all require (?) notice so this statement in there that there is very little in the way of public notification is ah very misleading and in my view irresponsible.