

Tuscaloosa Neighborhoods Together
notes on
TUSCALOOSA PLANNING AND ZONING COMMISSION

*(***These are not official minutes. They are notes taken by a private citizen and are not to be used or relied on in any way as an official document.***)*

AUGUST 15, 2006

Present:

Commissioners: Bobby Howard, Joe Romanek, Robert Reynolds, Gary Phillips, Aaron Christian, Joe Duncan and Steve Rumsey

City Staff: Joe Robinson (TDOT), Jimbo Woodson (Legal), John McConnell

ZONING

Z-14-06: LLM Property, LLC petitions to rezone property located west of Wood Industrial Park First Addition and west of Rice Mine Road Northeast from R-2 to MG. (Council District 3)(Map: <http://www.tuscaloosaneighborhoods.org/pdf/District3.pdf>)

Mike McGuire is the engineer on this project. This is yet another petition by Coral Industries. The last few months they have been talking about expanding their parking behind the plant, but now they've changed their mind and instead of increased parking behind the plant, they are going to do a 20,000' sq expansion of the plant itself. Therefore they are requesting a rezoning from **R-2 to MG. (For all zoning definitions, see Endnote 1.)**¹

Staff member, Harold Skelton, asked what has caused this change from plans for parking to plans for a plant expansion. The engineer replied that it was just a change of plans. Commissioner Reynolds made reference to the last time this item was before the Commission and a neighboring property owner, Bob Singleton, expressed concern about lights that may be visible at his home which backs up to the Coral Industries property. Commissioner Reynolds asked if there will be lighting on this addition. The engineer replied that there will not be lighting back there. It was then stated that the plant will have to arrange for the additional parking it will need.

There was then another discussion of annexation issues. The Coral Industries property, indeed, the building itself, is partially in the City and partially in the County. The new addition will be in the City. The engineer does not know of any plans to annex the rest of the property to the City.

Commissioner Reynolds moved that the petition be approved with the condition that there be no lighting on the rear of the building that would disturb the nearby neighborhood.
Approved.

Z-16-06: Jack Collins petitions to rezone approximately 1.28 acres located at 6000

McFarland Boulevard East from **BH** to **BN**. (Council District 7) (Map: <http://www.tuscaloosaneighborhoods.org/pdf/District7.pdf>)

This property is owned by Jack Collins. It is located near the SuperSkate. It has a strip-mall type building on it. Mr. Collins stated that the property was annexed into the City not at his request and that it was given an original zoning of BH. He has had a hard time finding tenants to lease his property and he has a potential new tenant whose business will not be allowed under BH. There was a discussion of whether the one existing tenant he has fits under BH or not. Anyway, he wants the rezoning so that the tenants' businesses will be allowed under the proper zoning designation.

Approved.

Z-17-06: Tuscaloosa Housing Authority petitions to rezone approximately 37.5 acres (McKenzie Court and adjacent properties) located between Martin Luther King Jr. Boulevard and Herman Avenue and north of Westlawn School from R-2, R-3 and RMF-1 to R - 4 . (C o u n c i l D i s t r i c t 1) (M a p : <http://www.tuscaloosaneighborhoods.org/pdf/District1.pdf>)

and

P-12-06: HOPE VI McKENZIE COURT, This is the proposed redevelopment of McKenzie Court and adjacent properties located between Martin Luther King Jr. Boulevard and Herman Avenue and north of Westlawn School. The proposal is to construct 256 new rental attached units and 14 new single family units to be sold. There will be 30 existing rental units that will remain on the site. The redevelopment will also include a community center with centralized social services program office, meeting hall, management/leasing office and library, etc. (COUNCIL DISTRICT 1)

Z-17-06 and P-12-06 are companion petitions so they were heard together.

This is the Hope 6 Project in West End. The rezoning petition is essentially a house-keeping effort to unify the area's zoning into one category from several different categories. The Hope 6 Project is bordered on the north side by MLK Jr. School and Odessa Warrick Estates, on the west side by Charles Steele, Jr. Estates, on the south by Oak Ridge Subdivision and Westlawn Middle School and on the east is a mortuary. The P.U.D. (Planned Unit Development) includes single family detached homes that will be owner-occupied.

Mike Ellis is the architect for the Tuscaloosa Housing Authority. He said that McKenzie Court now has 340 residences and when it is redeveloped, it will have 256 residences. They will increase the parking to provide more than enough parking. This is a \$48 million project.

A neighbor whose name I did not catch stood to speak. She lives in Charleston Estates. She wants to know what is going to happen to a certain wooded area behind her home. Staff member John McConnell told her that one of the detached, single-family homes will back up to her property. She also wants to know how she and the other

neighbors will know that when the surveying is done, they are not having any of their property taken. Commissioner Phillips assured her that no property is being taken for this project and that the surveyors will do an accurate job surveying. She wants to know also how this project is going to effect their property values.

Mike Ellis, the architect, stood up to answer those questions. He said that the detached homes will be from 1,600 to 1,800 square feet and will sell for the subsidized cost of between \$80,000 and \$90,000. Their actual construction costs will be in the \$125,000 to \$150,000 range. The existing elderly housing that is part of the area will be totally renovated with new roofs, bricks, interiors, etc.

Another neighbor, Teddy McConnor, asked when construction was going to start and how many homes will be in the first phase. The architect answered that this will be a multi-phase project which will be started in the norther portion. Demolition is scheduled to begin in the next 6-8 weeks. When it is completed, they will shift residents out of the next phase area into the new units and then begin demolition on the next phase.

Commissioner Bobby Howard reported that a resident of Oak Ridge, Coach Cunningham, is concerned about the 8 single-family homes that will border him on the south. They request some kind of fence or buffer. The architect agrees to meet with the neighbors to work out this kind of issue. Commissioner Howard also asked the architect whether any portion of the project has been named yet because there is a rumor going around that part of it has been given the same name as a bordering neighborhood. The architect stated that no part of the project has been named yet.

Approved.

ORIGINAL ZONINGS

The Planning Commission considered the original zonings to be placed on these properties which have been recently annexed into the City, or on which annexation is pending.

- Various lots within the Peach Grove subdivision proposed for R-1 (Residence District)

This is near Woodland Forest. Not all the residents want to come into the city, but those who do want to come in for sewer service.

Approved.

- Property located immediately south of Oak Chase subdivision and on the west side of McWrights Ferry Road (Proposed SOMERSET SUBDIVISION) proposed for R-1 (Residence District) *For discussion, see the PUD petition, P-13-06, below.*

- Lot No. 3 Hassell Subdivision located on Cedarbrook Drive and west of Rice Mine

Road Northeast proposed for R-1 (Residence District)

This is the area out by Publix that has been before the Commission a few times recently. It is near where a Taco Casa is going to be built. Recall that there is a residential subdivision near there that was partially in and partially out of the City. This is one of those lots coming into the City.

Approved.

●Property located at the southwest corner of the intersection of Rice Mine Road Northeast and Cedarbrook Drive proposed for BN (Neighborhood Commercial District)

They are building a car wash there right now.

Approved.

PLANNED UNIT DEVELOPMENT SUBDIVISION PLATS

(In case you've ever wondered just what exactly a P.U.D. is, I have excerpted the P.U.D. ordinance in Endnote 2.)²

P-13-06: SOMERSET, MASTER PLAN/PRELIMINARY PLAT, The master plan consists of 47 lots with Phase One consisting of 31 lots located on the west side of McWrights Ferry Road and immediately south of Oak Chase subdivision. (Out of City) (Annexation Proposed and Council District 3)

Will Lewis of Centell Engineering spoke on behalf of the project and requested waivers of cul de sac length and front yard setbacks from 20' to 15'. This is because the developer is attempting to maximize the back yards because in PUDs the front yards are rarely used. He also stated that they are requesting annexation with original zoning of R-2. *Note, that the original petition above stated that they were requesting original zoning of R-1.* The property is currently in the County and meets all the County building requirements except for set-backs, but they want to be in the City for marketing purposes.

Commissioner Gary Phillips asked where a third car could be parked. They have 2-car garages and there is exactly enough space between the garage door and the sidewalk for a standard-sized parking lot.

Commissioner Robert Reynolds refers to a photograph or drawing that was provided to the commissioners but not shown to the audience and states that it has little-to-no vegetation. The engineer said that there is an extensive landscape plan.

The developer, Sam Wilson, then came to the front and rambled on about the

size of the garages, until he was reminded that he had been asked about landscaping. His answer was, "Anything done in the North River area has to be the absolute best that can be done or it's not going to succeed." Commissioner Reynolds asked him how they will be assured that will be the case. Then Developer Wilson described that he will be planting shrubs (some of which will be shaped into topiaries), climbing roses, weeping cherry, willow and mulberry and crepe myrtles.

Commissioner Christian asked if there will be a covenant preventing the owners from enclosing their garages. Answer: It's not in there now, but it will be.

Commissioner Reynolds asked if there would also be a covenant against parking in front yards. Same answer.

There was then some discussion about whether the development would be legal under the R-1 PUD density regulations. Staff member Skelton said the County will allow 5 per acre but the City only allows 4/acre for R-1. This development would be ok in R-2.

The developer essentially thinks it ought to be allowed because it is going to be really, really nice. He talks about how each home will come with a private easement. I was not able to understand what he was talking about here. It was something about how the space between houses is just wasted space used only for storing garbage cans, but I didn't catch all the rest.

Commissioner Reynolds pointed out that the development is being presented as being done in phases and that the open space is slated for development in the second phase. He asks why the delay. The developer said because the sidewalks and gazebo will be developed in the first phase. The gazebo is going to be an entertainment center. Commissioner Reynolds responded that the gazebo appears to be an island in a sea of asphalt (the roadway). He wants to know why the developer wouldn't go ahead and develop the open space to make the development more liveable. Sam Wilson answered that they may do that. He wants to do more in the common area than is on the plans submitted anyway.

The houses will have 15' x 45' courtyards.

Harold Skelton and Joe Robinson then pointed out that the gazebo is in the public right of way which is not allowed. Sam Wilson assured them that there was room inside the circle of R-O-W for the gazebo.

It was then realized that the Commission had not been provided with the most current drawings for the development.

John Fisher, a resident from OakChase, the neighboring subdivision, stood and remarked that this development is a marked departure from Oak Chase in terms of density. There are often 3 lots in this subdivision backing up to one lot in Oak Chase. He described the planned development as a "glorified apartment complex" that would have double the density of Oak Chase in a smaller physical space. There will only be 15' between houses. (Note: the developer stated at some point that he expected some of the owners would use their larger back yards for swimming pools, but I'm wondering how they will get equipment in the back yards to build them if they only have 15'

between buildings. That's pretty tight if there are plantings especially.) Mr. Fisher complained about the lack of vegetation planned for the development and asked for some guarantees on the foliage and vegetation. He then stated that a major concern is the amount of traffic the development will cause on already-dangerous roads.

Another Oak Chase resident, Ben Mento, rose to ask about the proposed house size and value. He said that a letter had been sent out stating the houses would be one size and then in the plans submitted to the Commission, the size was smaller. He also asked if privacy fences are planned. Commissioner Rumsey asked Mr. Mento what the median sale price was in Oak Chase. He replied that it was \$235,000 to \$320,000.

Commissioner Gary Phillips then stated that the Commission is not clear on the landscaping plans, what zoning was being requested, the plans for the common areas, the fencing/buffer, the traffic problems and the minimum square footage discrepancy.

Developer Wilson rose again and asked what the problem was with the landscaping. He said he could submit a detailed plan. Commissioner Reynolds said they need trees that will be as tall as the buildings because over half of the front yards is concrete and trees are needed to break it up. Developer Wilson said it was common all over Tuscaloosa for half of the yards to be concrete. Commissioner Phillips instructed Wilson to submit a landscape plan.

Mr. Wilson then said that he would develop the open space right away.

Commissioner Warren asked how the units are going to be priced. Wilson answered that he thought he's start them at \$325,000. He emphasized that he is installing elevators and granite countertops in them. The rear perimeters will have privacy fencing matching the back neighbors' in height. He also tried to describe some kind of retaining wall they are going to have to build.

In response to a question by Commissioner Rumsey, Wilson stated that he was the developer of Oak Chase in 1990.

Commissioner Reynolds moved to approve the annexation for discussion purposes. Bobby Howard asked what Oak Chase was zoned. It is R-1. Harold Skelton (staff) said that everything in a 1/4 mile is R-1, but that since the property is in the County, he could put a *hog farm* there.

Commissioner Reynolds said he is not in a position to vote on the PUD until he sees plans.

Commissioner Howard asked if the density would be too high if it was brought in as R-1. Harold Skelton said yes, but the Commission is not under any obligation to approve the P.U.D.

Commissioner Warren said that the Commission is responsible for every aspect of a P.U.D. and they cannot approve it without the plans.

Commissioner Rumsey said that going from 5 units per acre to 4 units per acre would not be material to the traffic.

Commissioner Warren wants to continue the whole thing.

Commissioner Reynolds told the developer that if he wanted to be in the city they would let him into the city. Harold Skelton said they could bring him in as R-2

The developer asked the Commission what they wanted, landscape plans?

Commissioner Rumsey said he was concerned that the gazebo will block the view of traffic. They asked Joe Robinson (TDOT) what he thought of the gazebo. He said he didn't like it. Commissioner Warren then asked him, "then why do we approve them elsewhere?" Joe Robinson asked Warren where one was. Jimmy Warren said North Hampton. Both Joe Robinson and Harold Skelton then said there was not one in that place. Developer Wilson said that you will be able to see through the gazebo. Joe Robinson said he has a problem with a structure in a place that will attract people into traffic. Commissioner Rumsey asked where similar gazebos are and some one said Brandon Place and a huge one in Leslie Place.

Commissioner Rumsey then said that he has not heard the developer ask for admittance into the city with R-2 zoning. There was no response to that from the developer.

Staff member Skelton then said that his checklist that he sent to the engineer already informed the engineer that they were lacking the required details.

Commissioner Reynolds then withdrew his motion and moved to continue.

Developer Wilson wants permission to go ahead and clear and grub the property. Joe Robinson said, "No." This is a subdivision development and you can't do any clearing until it is approved. The developer then said that reducing the density from 5 to 4 houses/acre kills the project and "forces him to put a trailer court on it." He said, "I'm serious; it forces me to put a trailer court on it. Forces me to do the cheapest thing. I've got a guy that wants to use dump trucks there banging all night and I've got a guy who wants to rent trailers on it."

Commissioner Phillips asks John Fisher (neighboring home owner) to come back to the podium. He wanted to make sure that the residents of Oak Chase, which is in the City, knew that the Planning Commission has no control over what Mr. Wilson does with the property if it is in the County. Commissioner Warren emphasized that anyone can do whatever they want in the County. Commissioner Phillips stated that the Commission's choice was to deny the whole thing and let the owner do whatever he wants, which (if it's bad) will effect property values for sure. Someone asked what the size of the houses in Oak Chase is and was told that they range from 2,500 sf to 2,700 sf. Commissioner Rumsey said that if the houses in the development are smaller and sell for more, then that will raise property values in Oak Chase. The Developer said he had no problem continuing the petition. Commissioner Reynolds instructed the developer to meet with the neighbors to work out their differences. Commissioner Phillips again stated that if the property is in the County there is nothing the Commission can do to help.

Continued.

PRELIMINARY SUBDIVISION PLATS

S-49-06: HOLLY SPRINGS SUBDIVISION, consisting of 9 building lots and 9 sewage disposal lots located adjacent to Lake Tuscaloosa at Holy Springs Road and

Searcy Road in Section 20, Township 19 South, Range 10 West. (Out of City)

This is on Lake Tuscaloosa and includes the old Holly Springs School building which will be subdivided into four condos.

Chris Latham appeared for the owner/developer. They requested a waiver of improvements on Searcy Road due to hardship and they don't feel that the development is really on Searcy Road. No buildings will be built on Searcy Road; they will be satellite lots for the sewer. There was discussion of the condition of the road which is currently only 14' wide which is no where near City or County code requirement. They are not near enough to a sewer to hook into the City system. The nearest one is 4 miles away.

Commissioner Reynolds moved to approve the petition without the waiver of the road improvement to 26' and drainage ditches. They did waive the curb and gutters.

Approved.

S-50-06: LOT 1 AND 2 TAYLORVILLE HEIGHTS, consisting of two (2) lots located at the northeast corner of the intersection of Old Greensboro Road and 70th Street. (Out of City)

The only purpose of this subdivision is to move a lot line out from under an encroaching building.

Approved.

S-51-06: RESURVEY OF LOTS 14, 15, 16 AND PART OF 13 BLOCK 352, TUSCALOOSA COAL, IRON and LAND COMPANY, consisting of one (1) lot located at the northwest corner of the intersection of T.Y. Rogers Avenue and 18th Street. (Council District 1) (for map, see link above)

The purpose of this subdivision is also to remove old lot lines and consolidate all the lots on this block into one lot which is owned by and used for a church. J.D. Clements appeared for the Church. He said that they are going to fix an encroachment where a building goes into the R-O-W. They will have to go through the City's vacation process.

Approved.

S-52-06: R.L. CLAYBROOK SUBDIVISION, consisting of two (2) lots located on the south side of Shannon Drive between Lewis Lane and 36th Avenue East. (Council District 6; for map, see: <http://www.tuscaloosaneighborhoods.org/pdf/District6.pdf>)

This is dividing one lot which already has one house into two lots so another house can be built.

Approved with waiver of road improvements.

S-53-06: DRUID SPRINGS, consisting of three (3) lots located on the north side of 14th Street East and east of 39th Avenue East. (Council District 5; for map see:

<http://www.tuscaloosaneighborhoods.org/pdf/District5.pdf>)

Al Cabiness appeared for the developer. They discussed this development before. The Commission approved it with waiver of the ½ street improvements and sidewalks because they wouldn't have anything to tie in with on the rest of the street.

Street Vacations

There was one street vacation which was continued from last time. This was the one where the street vacation appeared to be leaving a few lots without public street access. The engineer, Jimmy Duncan, of McGiffert Assoc., stated that the petitioner has acquired all the lots or maybe it already owned them. They are going to dissolve the interior lot lines to make one lot.

Approved.

FOOTNOTES

1. The following are the Tuscaloosa City Code sections defining the various zones discussed in tonight's meeting:

ARTICLE III. RESIDENTIAL DISTRICT REGULATIONS

Sec. 24-31. Statements of intent.

The following statements of intent are provided in order to clarify the purposes for which the several residential districts were created. In each district, uses and structures which support and harmonize with the kinds of development described below are also implied:

(1) R-1 Residence District: This district is created to provide minimum standards for the development and use of single-family detached housing built on separate lots and fully meeting modern standards with respect to light, air, open space, and off-street parking.

(2) R-2 Residence District: This district is created to provide minimum standards for the development and use of single-family detached housing built on lots somewhat smaller than the ideal, but which meet generally adequate standards with respect to light, air, open space, and off-street parking.

(3) R-3 Residence District: This district is created in recognition of the existence of substantial areas developed for single-family detached housing on lots with dimensions adequate to provide necessary light, air, and open space, but which may be difficult to provide with properly designed off-street parking.

(4) R-4 Moderate Density Residence District: This district is created for two (2) purposes:

a. To provide minimum standards for the development and use of low density multifamily housing meeting modern standards with respect to light, air, open space, and parking; and

b. To provide minimum standards for the use and redevelopment of existing areas developed predominately for single-family dwellings on lots too small to provide adequate light, air, open space, and parking. It is intended to encourage the consolidation and/or replatting of such lots for low density, multi-family housing,

or for single-family dwellings meeting modern standards.

...

(6) RMF-1 Multifamily Residence District: This district is created to provide minimum standards for the development and use of apartments meeting modern standards with respect to light, air, parking, and usable open space. It is intended that any future RMF-1 Districts which may be created should have ready access to a street classified as a collector or arterial street in the Major Street Plan of Tuscaloosa.

...

ARTICLE V. INDUSTRIAL DISTRICT REGULATIONS

Sec. 24-71. Statement of intent.

The Industrial Districts are created to provide minimum standards for the development and use of three (3) classes of industrial uses. ... **In MG General Industrial Districts, industrial facilities and uses are permitted whose normal operating characteristics require a moderate degree of regulation and geographic separation to prevent adverse effects upon other property.** ... The facilities and uses permitted in each of the industrial districts are delineated by two (2) means:

(1) A list of the general categories of uses permitted in the district concerned, provided that they comply with the applicable performance standards; and

(2) Performance standards, with which all uses and facilities in the district must comply.

ARTICLE IV. BUSINESS DISTRICT REGULATIONS

Sec. 24-51. Statements of intent.

The following statements of intent are provided in order to clarify the purposes for which the several business districts were created:

...

(3) BN Neighborhood Commercial Districts: This district is created to provide minimum standards for the development and use of retail and service establishments concentrated at convenient locations throughout the city and intended primarily to serve local residents. While the Zoning Map of Tuscaloosa recognizes the existence of extensive strips of land devoted to such uses along major streets, it is intended to encourage the clustering of such uses into properly designed shopping centers in future development.

...

(5) BH Highway-Related Commercial Districts: This district is created to provide minimum standards for the development and use of two (2) classes of business:

(a) Commercial establishments serving the needs of highway travelers, and

(b) Auto-related business serving mainly the local market, but which are difficult to incorporate into unified shopping centers.

2. ARTICLE XII. PLANNED UNIT DEVELOPMENTS

Planned Unit Development Ordinance:

Sec. 24-161. General.

Development controls required when land is developed on a lot-by-lot basis are necessarily somewhat inflexible and may result in a monotonous or otherwise undesirable development pattern. When a large parcel of land under unified ownership or control is developed in accordance with a unified plan and subject to appropriate controls to

ensure adherence to such plan, greater flexibility in building type and site design restrictions is both possible and in the public interest. This chapter provides for such flexibility under planned unit development provisions. Sec. 24-162. Criteria.

(a) Districts where permitted. Planned unit developments (PUDs) may be permitted in R-1, R-2, R-3, R-4 and R-4S residence districts and in BGO, BN, BNS and BNU business districts, subject to the review and approval procedures set forth herein.

(b) Tract size. A tract proposed for PUD should consist of a single contiguous parcel of land, provided that a tract bisected by local service streets only may be considered a single parcel for purposes of this section. No absolute minimum tract size is specified for a PUD; however, the following table will be the standard. Similar tracts may be accepted for a PUD.

TABLE INSET:
Normal Minimum Tract Size

District	Tract Size
R-1	15 acres
R-2	10 acres
R-3	5 acres
R-4	2 acres
R-4S	10 acres
BGO	10 acres
BN	15 acres
BNS	12 acres
BNU	12 acres

© Dwelling unit intensity. Dwelling unit intensity per gross site acre in residential districts shall not exceed the values set forth in the following table, provided that where major recreational amenities such as swimming pools or tennis courts are provided, an increase of two (2) dwelling units per acre may be allowed. No absolute maximum dwelling unit density is specified for a PUD in commercial districts; however, the following table will be the standard. In districts in which commercial uses are permitted in a planned unit development, the land area occupied by such uses shall not be included in the land area used to calculate the permitted number of dwelling units.

TABLE INSET:
Maximum Dwelling Unit Density

District	Dwelling Units per Gross Site Acre
R-1	4
R-2	5
R-3	6
R-4	15
R-4S	15
BGO	15
BN	30
BNS	30

Sec. 24-163. Application procedure.

Application for tentative and final approval of a PUD shall be made and processed as follows:

(1) A developer desiring to build a PUD shall submit to the planning commission on forms provided by the zoning officer an application for tentative approval consisting of the following:

- a. Evidence of ownership or control of the tract proposed for development.
- b. Names and addresses of persons/firms/partnerships/corporations showing a financial interest in the project. If the developer is an LLC, the managing members or the general controlling partner or all members of the LLC must be listed on the PUD application form.
- c. A financial capability report indicating prospective sources of funds for project development. This report may be waived by the zoning officer if the developer has developed fifteen (15) or more lots in the Tuscaloosa area within the preceding five (5) years.
- d. A site plan or plans which shall contain the information required by the Tuscaloosa Subdivision Regulations for a preliminary plat. The site plan shall include the outline of proposed parking spaces, the size, height (in stories), and layout of buildings (or representative "typical" single-family houses), architectural drawings of the elevations of proposed dwellings or other structures depicting types of building materials to be used, details depicting proposed landscaping, fencing, signage or amenities including location and type of materials to be used at entrances, open spaces or other areas (should fencing be required), all fencing must be a minimum of six (6) feet in height. Wood fence post must be a minimum post size of four (4) inches × four (4) inches. Post of other materials shall be adequate to support the design load. The site plan shall also depict the proposed development of common open space (if any).
- e. Identification of any streets within the PUD proposed to be maintained as private streets, and statements addressing all criteria for private streets as required by the subdivision regulations.
- f. A narrative which must be signed by the developer describing the concept of the PUD, the market it is intended to serve, the number, size and approximate cost of the dwelling units to be contained in the development, whether such dwelling units are planned for sale or rental, the expected total population of the development, a clear description of arrangements for the ownership and maintenance of any common open space, and a copy of any covenants and restrictions to apply to property sold to homeowners.
- g. A fee, which shall be in accordance with the schedule of fees cited in section 24-179.

(2) Upon receipt of an application for tentative approval, the planning commission shall conduct a public hearing thereon and shall prepare a written report for the City Council of Tuscaloosa discussing the desirability of the proposed PUD, stating the degree to which the proposal conforms or fails to conform to the standards set forth in section 24-162, and containing a recommendation that the application be approved or disapproved, with or without conditions. The city council shall then hold a public hearing on the application, notice of which shall be published at least one time in a newspaper of general circulation not less than seven (7) days prior to said hearing, and shall grant or deny tentative approval of the application, with or without conditions.

(3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development and shall so notify the planning commission in writing, or in the event the developer shall fail to start construction within one year after the grant of tentative approval, the tentative approval shall be deemed to be revoked, and the tract for which tentative approval was granted shall again be subject to the normal zoning standards for the district in which it was located. The planning commission may,

however, grant extensions of the period of tentative approval as it deems appropriate.

(4) A final plat of a PUD, or of one development phase of the PUD, shall meet all requirements for a final plat as set forth in the subdivision regulations. Additionally, such plat shall identify common open space and private streets, if any. Covenants, association by-laws, the declaration of condominium, and the like shall be referenced on the margin of the final plat as applicable.

(5) The final plat of a planned unit development shall be processed for signature and recordation in the manner prescribed for conventional final plats in the subdivision regulations. No certificate of occupancy shall be issued for the use or occupancy of any dwelling in a PUD until the final plat and any applicable covenants, declaration of condominium, or homeowners' association by-laws shall have been duly recorded in the probate records office.

(6) In the event that a tract of land, or portion thereof then under development or proposed for development as a PUD is annexed to the corporate limits of Tuscaloosa after the preliminary plat thereof has been approved by the planning commission in accordance with the subdivision regulations but before the final plat or all or a portion thereof has been approved, the final plat shall be processed in accordance with the subdivision regulations as if the PUD or a portion thereof had not been annexed. If the final plat of such a PUD or portion of a PUD so annexed is approved within one year following approval of the preliminary plat, then the developer shall not be required to submit an application for tentative approval for review by the city council as specified in paragraph (2) of this section. The planning commission may grant an extension of the one-year period of preliminary plat approval as it deems appropriate.

(7) In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has finally been approved and shall so notify the planning commission in writing; or, in the event the developer shall fail to commence construction on the planned unit development within one year after final approval is granted, or having commenced construction, shall discontinue construction for one year, no development or further development shall take place on the property included in the development plan without approval of the planning commission or until after said property is resubdivided. The planning commission may grant extensions of the one-year period prescribed herein as it deems appropriate.

Sec. 24-164. Vacations and dedications.

In the event that the planning commission grants final approval to a development plan which requires any existing public right-of-way to be vacated, the planning commission shall recommend to the city council that such right-of-way be promptly vacated. No dedication of streets, easements, parks, or other areas in a PUD shall be accepted by the City of Tuscaloosa until all improvements for which an improvement bond is required by the subdivision regulations are properly completed to the satisfaction of the city engineer and the acceptance thereof authorized by the city council.

Sec. 24-165. Subsequent changes or additions.

If at any time after the completion of a PUD or portion thereof a property owner or group of property owners wishes to construct or place a building not depicted in the approved PUD master plan or to move a building within the PUD to a site significantly different than the location shown in such master plan, said property owner or owners shall not construct, place, or move such building until the planning commission shall have approved the said change after conducting a public hearing relative to the same. If the planning commission does not approve the change, the interested parties may appeal to city council for an amendment of the PUD master plan incorporating their requested change. If the only proposed change from the approved master plan is a variance from a front, side or rear yard setback, such variance may be granted by the zoning board of adjustment without recourse to the planning commission.

Sec. 24-166. Open space maintenance.

If any organization established to own and maintain common open space shall, at any time after establishment of a

planned unit development, fail to maintain said open space in reasonable order and condition in accordance with the development plan, the city may demand correction of such deficiencies and may enter upon and maintain said open space and assess the cost of such maintenance ratably against the properties within said planned unit development. Any maintenance costs so assessed shall be a lien against the properties concerned.