

Tuscaloosa Neighborhoods Together

notes on
TUSCALOOSA PLANNING AND ZONING COMMISSION
December 17, 2007

*(***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.***)*

Each item states in which Council District the subject property is located. For reference to district maps, please see:

<http://www.tuscaloosaneighborhoods.org/Resources/Maps.html>

Present:

Commissioners: Bobby Howard (“BH”), Robert Reynolds (“RR”), Jimmy Warren (“JW”), Steven Rumsey (“SR”), Joe Romanek (“JR”), Gary Phillips (“GP”) and Aaron Christian (“AC”)

City Staff: Joe Robinson (TDOT), Jimbo Woodson (Legal), John McConnell (“JMc”) & Cecil Lancaster (Planning & Zoning)

AMENDMENTS TO THE ZONING ORDINANCE

The Planning Commission considered the following amendments to the Zoning ordinance:

ARTICLE XVIII. Riverfront Development District Regulations. (a Conditional Use Zoning Regulation) The purpose of this ordinance is to repeal the current Riverfront Development District regulations which are part of **ARTICLE VI** and create a new **ARTICLE XVIII** with amended regulations. This ordinance will also amend **Section 24-91** of the Zoning Ordinance and **Section 22-218** of the Code of Tuscaloosa. Copies of the proposed amendments may be obtained in the Office of the City Attorney.

Draft V was handed out last month and is posted on the City’s website:

<http://www.tuscaloosa.com/DocumentView.asp?DID=888>.

JMc: This is a “Conditional Use” ordinance. All uses have to be OK’D by City Council. The amended draft includes a 5-citizen Riverfront Committee of which two members will be appointed by the Mayor (one of these appointments will be a landowner) and of which three will be appointed by the City Council and will include one developer and one resident of a neighborhood adjacent to ... what? [I have not reviewed the new draft yet, so a full explanation escapes me now; look for a future newsletter on this subject.] The conceptual plan review is optional.

JR: Want to add prohibited uses: crematorium and the sale, servicing and repair of farm

machinery.

SR: what's the extent of jurisdiction?

JMc: it is only within the corporate limits.

SR: what if the advisory committee goes against what the city council wants?

JMc: Advisory committee advises the planning commission, not the City council. The committee won't meet regularly; only as projects come forward. A meeting would have to be advertised 7 days in advance and there will be legal notice in the paper.

AC: would the advisory committee slow up the approval process? Will it slow it by a month?

SR: what is the cost of advertising?

Jimbo Woodson: It ranges from \$150 to several thousand. The average is \$300 to \$500.

RR: About the review committee: what if they don't feel like they have enough information and want to continue - because that could slow Planning and Zoning down.

JMc: The committee will have to adopt rules and procedures to address all these concerns.

SR: so it is possible that it could drag the process out.

JMc: Not more than 45 days which is consistent with the historic commission and the Zoning Board of Adjustments. Can't keep people hanging on forever.

SR: not to make it sound like a Senate hearing or anything, but...are we going to be requiring proof of financial ability of the developer?

JMc: we have that mechanism in place already for PUDs unless the developer has developed a certain money's worth in the area recently.

SR: § 24-243b - not something we normally consider.

Jimmy Warren: This has been a requirement downtown since its establishment.

SR: "Anything else the zoning officer wants" (p. 13, #8)

JMc: I'm not the author; I imagine it's a catch phrase.

GP: something about engineers know what this means.

SR: "brick preferred", service door "should" be inconspicuous, etc., So, is it or isn't it? What is the definition?

JMc: It's just guidelines. It gives leeway to review bodies to approve alternate materials.

SR: So these are just guidelines?

JMc: Yes.

SR: Topo? Can they use existing or have to be new and ID 10" caliper trees - could be onerous.

GP: we discussed the tree size at length; we want to keep from clear cutting.

Jimbo Woodson: the 10" is diameter, not circumference. We've been told that it's not difficult with modern technology and they can use existing topo unless it has been changed.

SR: the fee structure is not identified

JMc: generally done this way

GP: we don't generally set fees in ordinances

JMc: Correct

SR: Dumpsters not allowed, § 24-239

JMc: you can have dumpsters; they have to be screened

GP: we didn't do a good job planning for dumpsters at MidTown. Can we have a trash collection plan required in the development plan?

JMc: this may be addressed in the landscape plan the city is working on.

SR: It helps when they're red so people can see them.

RR: South of Rice Mine and between McFarland and Rice Valley there's a small strip that's zoned R1.

JMc: the map is a template; work in progress; ordinance applies to all property currently zoned RD. The rezoning applies to property not currently zoned RD. The only RD north of the river is the Cypress Inn, the office parks and a few others.

Jimbo Woodson: The rezoning would be effective after advertising and after approval by the City Council.

AC: I would like to hear from Commissioner Warren.

JW: a lot of work went into the plan before on the limited area. This ordinance doesn't include everything but it's an improvement. It puts us further down the road. It gives us a minimum requirement. It's a guideline - we shape it as it goes through.

SR: if these are good ideas why wouldn't we enact them everywhere?

Jimbo Woodson: We are moving in that direction, doing it one zone at a time and this is the RD zone's time.

Citizen Isabelle Marerro. (Given 2.5 minutes) I have a few questions. (1) "Zoning officer" - who is that?

JMc: that is addressed in the definitions.

IM: (2) Have any applications been made to Scenic Byways; we have the right to apply for grants as per Bill Snowden.

JMc: don't know for sure; call Teresa Lewis - she'll know.

IM: (3) 5 people on committee: any environmental professionals?

JMc: pp. 4-5; no, but positions ##2 & 5 could be an environmental professional. It's up to the city council and the Mayor.

IM: (4) I support Mr. Zenah and his talk of the Master Plan. I've been told the Master Plan is only conceptual, so is this RD also conceptual?

JMc: this isn't a plan; it's an ordinance.

JW: you might be getting that idea from the fact that the ordinance says that a

developer can submit a “conceptual” plan

Citizen Jane Dill: referred the Commissioners to a red sheet of paper which apparently was provided to them prior to the meeting which states the position of the neighborhood association.

Citizen Jim Zenah: this is a couple of steps forward and some back. (1) every application must be approved; this improves the City’s legal standing. (2) Seems to clarify process but because there are no or so few standards will be a sticky mess. Would like to see more mandatory standards like height limits. I’m not ready to walk away from the Riverfront Plan. It cost lots of money and commitment. It is more than a conceptual thing. The ordinance doesn’t give any nod to the plan. Height limits should be in feet, not in stories. This ordinance leaves us quite vulnerable to skyscrapers. There are no standards to protect the river or the integrity of the riverwalk. Should not be able to build between the river and the riverwalk. Setbacks: critical - from the river, parkways, other structures, etc.

SR: what do you consider a good distance?

Jimbo Woodson: (discusses heights) If you put 150’ in it’s too constricting. Same as to setbacks.

Jim Zenah: No parking standards - allows blacktop and runoff. Should require landscaping to screen the cars from view. Should take into consideration the whole look and feel, including trash cans, lights, benches and paved surfaces. The wooded margin should be preserved.

JW: I agree almost 100% with Jim, but we have other ordinances addressing runoff, etc. But, as Jimbo Woodson has said The topography is different in different places so we can’t have such a strict standard.

Attorney Charlie Beavers: Here on behalf of the property owners where the mall was being planned. Fundamental concerns aren’t addressed: no specific permitted uses. Doesn’t know what can have; ;only what can’t have. Process itself requires too much of developer. Conceptual process. No one can rely on anything in this part of the plan. No approval that applicant can rely on.

GP: I understood that at the end of the conceptual process they would have the understand it would be approved but for minor changes.

Jimbo Woodson: Correct.

JMc: p. 11 is what he’s talking about. City council gives comments but doesn’t vote & comments are not intended to be relied upon.

GP: that is not what I intended. I want the concept to be approved.

Voted to table the ordinance for 60 days. All voted yes except Aaron Christian. This was tabled so that the draft can be changed so that concept can be approved. The USE would be approved; actual design would remain to be approved.

SR: Still has concerns about what the standards are; does it relate to the Master Plan, what are the setbacks; what are the standards for veneer (brick, etc.) and landscaping. If the commission is going to get this involved in these kinds of questions, "we need to bring our wives up here."

Amend **ARTICLE IX. OFF-STREET PARKING AND LOADING** by adding a new **Section 24-125**, Parking in Front Yards Prohibited. Copies of the proposed amendment may be obtained in the Office of Planning and Economic Development.

Robert Reynolds moved to continue this to January because the Student Government Association is involved and they couldn't meet.

Amend **ARTICLE IX. OFF-STREET PARKING AND LOADING** to adjust minimum parking requirements in residential districts. Copies of the proposed amendment may be obtained in the Office of Planning and Economic Development.

Based on prior conversations in Planning and Zoning, this ordinance addresses multi-family developments not having enough parking. This will not apply to RMF2 districts. The new ordinance requires 1 parking space per bedroom plus 7%.

APPROVED.

Amend **ARTICLE III. RESIDENTIAL REGULATIONS** to allow single-family and two-family dwellings to be permitted within unified R-4S developments. Copies of the proposed amendment may be obtained in the Office of Planning and Economic Development.

This is a correction to the current ordinance. This is the only R-4 (?) zone that doesn't allow single and 2-family dwellings.

APPROVED with one no vote by Steve Rumsey.

ZONING

Z-19-07: 69 South Center, Inc. petitions to rezone approximately 19 acres located on the east side of Highway 69 South opposite of and southeast of its intersection with Kauloosa Avenue from BN to R-4S. (Council District 2)

Attorney Cam Parsons on behalf of Stan Pate requested a continuance which was granted.

Z-21-07: Tuscaloosa Planning and Zoning Commission, on their own motion, propose to recommend rezoning properties located generally adjacent to and in close proximity to the Black Warrior River to RD (Riverfront Development District). Maps of the proposed areas of rezoning are on file in the Office of Planning and Economic Development and are available for public review. (Council Districts 1, 3, 4, and 5)

This is a blanket rezoning along the Riverfront.

RR: moves to continue 2 months.

GP: let's continue until next month

JW: why wait at all?

SR: what property is involved?

JMc: I want The commission to tell the staff which property to rezone.

RR: I restate the motion to continue for one month.

GP: I want to define it so we'll know. Maybe all the property doesn't need to be RD, like some apartments that are on a bluff and not accessible to The river. What about rezoning all light industrial property?

JW: What about rezoning all property that is adjacent to the river?

GP: It is the industrial part that is a concern.

SR: We know that there is an application to rezone (the Randall, et al. Property) to BN. This is unfair.

JW & RR: we're not rezoning tonight; we're putting it on the agenda for the next meeting.

JMc: Think, maybe, about distance from the river.

RR: Like 1,000'?

BH: I want to consider all riverfront property

RR: Continue Z-21-07 until 1/08 as is.

Jimbo Woodson: part of the property is proposed for rezoning to BN next month.

BH: withdraw motion; let's consider just the industrial areas - put it on the agenda.

Citizen Joe Perkins: I am representing The Randall, Waugh, et al., families. It is inequitable to rezone The entire depth of their property. We will fight this however we have to.

GP: There is already an RD district; and (referring to the map on display on which light industrial was the color red) there is more than one red area. I understand that the depth of the property is a problem, but there are no property lines (parallel to the river) to zone along.

SR: (argues with GP)

Citizen Laurie Johns: Does zoning have to follow lot lines?

GP: Yes.

JMc: No. We have many instances of one piece of property containing different zones.

SR: If we rezone to RD and get sued for not zoning BN can we win?

Jimbo Woodson: If it is rezoned because you believe RD is more appropriate, that's defensible.

JR: we just need to define the north and south boundaries, so why not Rice Mine Road to Jack Warner, then next month we can cut it down.

RR: Elevation and distance should be considered. I withdraw my motion and second Gary Phillip's motion to include all property touching the river.

All voted yes - to put the rezoning of all property touching the river on next month's agenda - except Steve Rumsey.

Z-25-07: BF Services, Inc. petitions to rezone approximately 5.74 acres located on the south side of 31st street and west of I-359 from MH to BH. (Council District 2)

Proposed RV park for 75 RVs. Near Kauloosa St. To the west it will be heavily landscaped. To the east there will be a wooden privacy fence. The entire property will be fenced. The spaces will be rented and individually metered for power. They will be a minimum size of 30' x 60'. There will be a 14 day maximum stay. (My understanding is that the RV may stay the entire football season, but people may only stay for 2 weeks.) There will be no clubhouse. There is a city park on the other side of I-359 and the area is served by the interstate close-by.

SR: This won't be the last one of these and to treat them equally, should we require shielding all around?

BH: is it true they won't have to move the RVs?

Jimbo Woodson: You're thinking of Temporary RV parks; this is a different zone.

Citizen Stan Pate: He and Mr. Hinton own a lot of property around this site. There is a lot of heavy, mid and light industrial property in this area and this rezoning would be "spot" zoning (which, depending on all circumstances, could pose a legal problem). John (McConnell), please state what uses would be allowed in zone BN.

JMc: hotels, farm and tractor sales, restaurant, lounge...

Stan Pate: you can stop right there. (He then discussed how problematic a drinking establishment near industry is and referred to past zoning fights over this very thing.) Also, I don't believe the streets are ready. 31st Street doesn't have lights. The neighborhood is not conducive to this use.

SR: Those are good points, but what about using it as a transition to a higher and better use?

Stan Pate: This is purely spot zoning and I'm concerned about what other BN uses

could come in if this property is rezoned and the RV park doesn't work out.

JW: Good point. What if it was approved as a special exception?

Stan Pate: No problem with the use, but keep in mind that there are tremendous problems with foot traffic and theft here. Rezoning would be irresponsible. Allowing this type of business activity with restrictions, I'd support. Need security and lighting. 31st street needs improvement.

AC: Billy Blakney built an apartment complex over there and I thought it was a terrible location, but it has done great.

The developer: We are open to restrictions, etc. We're not in a hurry.

JMc: This is best developed as a PUD, but will have to amend the zoning ordinance to allow PUDs in more zoning categories

Continued for 60 days.

Z-30-07: The Tuscaloosa Planning and Zoning Commission, on its own motion, recommended rezoning property located on the north side of 15th Street, east of 10th Avenue, and south of the Southern Railway System right of way (Parkview Subdivision) from R-3 to R-4U. (Council District 2)

This is University area rezoning. This started with the proposal of the rezoning of Cloverdale neighborhood in order to provide incentive for investment, allow additional uses and expand from current restriction of single family dwellings only. R4U allows single family, two-family and town homes. It requires one off-street parking space per bedroom. Up to 5 unrelated may be allowed if required parking is built in the rear yard with barriers to prevent parking in the front yard.

SR: Need to revisit setbacks. 25' setback is difficult in redevelopment. We need to do this if we are going to get students out of other neighborhoods.

APPROVED

~~**Z-31-07:** The Tuscaloosa Planning and Zoning Commission, on its own motion, proposes to recommend rezoning property located on the north side of 15th Street, west of Hackberry Lane, and south of the Southern Railway System right of way (Parkview Shopping Center) from BN to BNU. (Council District 2)~~

CONTINUED

~~**Z-32-07:** The Tuscaloosa Planning and Zoning Commission, on its own motion,~~

~~proposes to recommend rezoning property located on the north side of 15th Street, east of Hackberry Lane, and south of the Cloverdale Subdivision (Bama Bowl Shopping Center and adjacent properties) from BN to BNU. (Council District 4)~~
CONTINUED

Z-33-07: The Tuscaloosa Planning and Zoning Commission, on its own motion, proposes to recommend rezoning property located north of 15th Street, east of Hackberry Lane and south of the Southern Railway System right of way (Cloverdale Subdivision) from R-2 to R-4U. (Council District 4)

For discussion, see S-30-07, above. This is the same kind of rezoning for the Cloverdale neighborhood.

Z-34-07: The Tuscaloosa Planning and Zoning Commission, on its own motion, proposes to recommend rezoning property located north of 4th Street, east of Lurleen B. Wallace Boulevard North, and west of Greensboro Avenue from RD to BC. (Council District 1)

This is the “City Fest” lot, including the lower “barbeque lot.” The City is getting ready to sell this property now that it has been determined that a hotel/conference center will not work there so they want to rezone it from RD, which it is currently zoned, to BC.

RR: It would be subject to the downtown overlay.

SR: Does the City believe the property will be more marketable zoned BC than RD?

RR: Move to approve.

Citizen Joe Perkins: We are against this rezoning because it’s not fair for the City to get the rezoning benefit being deprived the Randalls, et al. The City doesn’t have a unique development right.

Jimbo Woodson: Let me explain. This property is currently subject to two different processes: the Riverfront Overlay process and the Downtown Overlay process. Our objective is that the properties can be developed as one.

JW: At the time of zoning the property RD the reason was that the property fit the riverfront activities.

Jimbo Woodson: The Downtown Overlay requirements are more restrictive.

Citizen John Robertson: This property is one with the most potential downtown. It is a “gateway” from Northport. (He assumed RD would be a hindrance because he thought RD was more restrictive. He is mistaken; the Downtown Overlay is more restrictive, although neither are restrictive when compared to what other riverfront cities have.)

JMc: The key is to get it more consistent with downtown under the downtown overlay.

APPROVED.

STREET VACATIONS

V-7-07: Portion of alley Lot 9 Ms. A. S. Prince Place

Vacation to accommodate a development. It's a partial alley behind the old Crystal on the Strip.

APPROVED. Robert Reynolds abstained.

V-8-07: Portion of Shannon Drive

When the road was originally built it apparently did not follow the original footprint leaving a small area of land titled as a city street, but which was never built as a street. It stubs into the private property and the owners wanted the ability to landscape and maintain the property.

APPROVED.

PLANNED UNIT DEVELOPMENT SUBDIVISION PLATS

P-14-06 (1) La'SHAYNE GARDENS, AN AMENDMENT TO THE MASTER PLAN: This is a previously approved seventy (70) lot planned unit development. The purpose of this amendment is to change the exterior facade materials from partial brick and vinyl siding to all vinyl siding.

Amendments to the street configuration and lot numbers are also proposed. This development is located along the north side of Foster's Ferry Road and northeast of Palmore Park. (Council District 1)

The property owner, Amanda Kinstry (sp?) spoke. She said that 110-140 houses have been pre-sold. 10 of those have brick and vinyl and 2 have vinyl. She is trying to make some of the houses affordable. Smaller lots in the subdivision will be designated for the vinyl siding houses.

RR: we have to look at which specific lots; it has to be designated. This owner may have an agreement, but she could sell out so in order to be able to enforce this it must be designated.

Ms. Kinstry: doesn't want to continue this to another month because every day is costing her money.

GP: take time now to figure out which ones are going to be vinyl and tell us later rather than continuing.

(By the time they came back to this agenda item, your reporter had left, but feels sure it was approved. You can check with the P&Z office.)

PRELIMINARY PLAT SUBDIVISIONS

S-87-07: SHER-WIL NO. 3, consisting of two (2) lots located on the north side of Doris Pate Drive near its intersection with Skyland Boulevard East. (Council District 6)

This is near Skyland and I-59 in the vicinity of The Cracker Barrel restaurant. There is a 124-unit hotel planned.

APPROVED.

S-88-07: RESURVEY OF SHER-WIL SUBDIVISION, consisting of two (2) lots located on the north side of Doris Pate Drive near its intersection with Skyland Boulevard East. (Council District 6)

This is two lots and will remain two lots, but have to move the lot line to address engineering concerns.

APPROVED.

S-89-07: RESURVEY OF LOTS 7, 8, 9, & 10 BLOCK C HOPSON-OWEN SUBDIVISION, consisting of one (1) lot located on the northwest corner of 9th Street and 15th Avenue. (Council District 4)

Condo plat. Turning 5 lots into 1. There will be 48 one and two bedroom condos in this one 3-story building. (They had a rendering of the building. It was a huge, red brick, institutional-looking thing.) There was a brief discussion of parking and sewer capacity.
APPROVED.

S-90-07: CRIMSON COMMONS CONDOMINIUMS, consisting of forty-eight (48) one (1) and two (2) bedroom condominium units contained in one (1) three-story building located on the northwest corner of 9th Street and 15th Avenue. (Council District 4)
(COMPANION CASE S-89-07 above)

APPROVED.

S-91-07: HOMETOWNE SUITES SUBDIVISION, consisting of two (2) lots located on the north side of Veterans Memorial Parkway between 14th Avenue and 18th Avenue. (Council District 5)

This is directly across 15th Street from the entrance to Target and Home Depot.
APPROVED.

S-92-07: TUSCALOOSA CREDIT UNION SQUARE, consisting of two (2) lots located on the south side of Skyland Boulevard East and east of and adjacent to the Alabama State Highway Department offices. (Council District 6)

The Credit Union built on a new lot and leased current building to a car lot.

GP: This is a modular building; will this continue the approval of that?

JMc: I vaguely recall some exception; I'll look into it, but that doesn't have any bearing on the subdivision.

APPROVED.

S-93-07: SMITH'S MARINA SUBDIVISION, consisting of one (1) lot located along the east side of Lake Tuscaloosa and south of the View Point Subdivision at the end of Marina Drive. (Out of City).

The marina pre-existed the establishment of the lake boundary line (?), but now the building crosses the line so the legal department is working out a ROW use permit. They are combining two lots into one so that the owner can expand. They are requesting waiver of curb and gutter because there are none anywhere else out there.
APPROVED.

OTHER MATTERS

DRO-11-07: Charles Spurlin petitions to perform exterior renovations totaling over \$10,000 in the Downtown/Riverfront Overlay District. This property is located at 2207 7th Street. (Council District 1)

He has already fixed up the interior of the building and now wants to get the exterior work approved. There will be balconies and apartments upstairs. The back balcony will provide access to the upper floor. The balcony will wrap around the side to the back. (At this point your reporter left; it was somewhere around 9:45 pm.)