



Tuscaloosa Neighborhoods Together

notes on

TUSCALOOSA PLANNING AND ZONING COMMISSION

February 18, 2008

*(***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"), Vince Dooley ("VD"), Kim Ingram ("KI"), Robert Reynolds ("RR"), Steven Rumsey ("SR"), Gary Phillips ("GP"), Joe Duncan ("JD") and Aaron Christian ("AC")

City Staff: Joe Robinson ("JR") (TDOT), Jimbo Woodson ("JW") (Legal), John McConnell ("JMc") (Planning & Zoning), Dwight Junkin ("DJ") (inspection department)

The meeting began with a request by the City's Planning Department for the Commission to help it solve a problem of which it had recently become aware. It seems that for some time subdivisions have been being constructed without the sidewalks that are required by the code and which were in the plans when they were submitted to this Commission for its approval. One example cited by John McConnell of the Planning Department is Acadian Place subdivision, which he said will now be difficult if not impossible to correct.

GP: another problem is that grade is not established before construction.

JMc: better if subdivisions were mass-graded to prevent differing elevations

GP: mass grading will also address erosion issues

SR: is the City asking us to set up a procedure and work with developer?

Someone said: "Staff has gone to a lot of trouble to meet with the Home Builders' Association."

SR: is the problem because building the sidewalk is the responsibility of the individual builder rather than the developer and the developer is the one that gets the subdivision approved?

Dwight Junkin: Joe Robinson and I have met with Home Builders' Association several

times and tried to let HBAT come up with solutions.

AC: Let's have HBAT come to the next meeting and have a public hearing on it.

RR: Yeah.

GP: (To DJ) Since it's on your plate, why don't you head this up?

RR: Moved to create such a committee; BH seconded.

There was a discussion of who will be on the committee and it was decided that Commissioners Gary Phillips, Robert Reynolds, Steve Rumsey (*who is also 2nd Vice President of the Tuscaloosa Home Builders' Association this year - <http://www.hbatuscaloosa.org/pages.php?page=07/02/10/1599717>*) and Kim Ingram will be on the committee along with City Engineer Joe Robinson, City Attorney Jimbo Woodson, City Inspector Dwight Junkin, local civil engineers Al Cabiness, Mike Gardner and Home Builders' Association president Todd Vick.

Someone asked Dwight Junkin if he could issue stop work orders against violating builders on their current projects and he replied that he didn't know.

PRELIMINARY SUBDIVISION PLATS

(The following three petitions were approved as part of the Consent Agenda.)

S-10-08: RESURVEY OF A PART OF LOT 12 A.P. LEE SUBDIVISION, consisting of two (2) lots located on the northeast corner of 27th Street East and Hackberry Lane. (Council District 7)

S-11-08: COMMONS NORTH PHASE IID, consisting of two (2) lots located near the southeast corner of the intersection of New Watermelon Road and Rice Mine Road Northeast. (Council District 2)

S-12-08: HALL ESTATE SUBDIVISION, consisting of two (2) lots located west of and adjacent to U.S. Highway No. 82 East between Garden Parkway and 51st Street East. (Council District 7)

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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.

There was an announcement that City Attorney Bob Ennis will not make any further revisions to the current draft of this proposed ordinance. They added a step to the process - made a committee comprised of a cross section of stake holders and They also added a process by which a conceptual plan can obtain a degree of approval without having to submit a full plan.

Public Comment:

Lewis Fitts: He likes the advisory committee, but would recommend adding two more people for a total of 7 instead of 5. He would also include setbacks from the river. He pointed out that the ordinance still contains a lot of grey area where neither the public, nor the developer knows what to expect.

Jim Zeanah spoke, but I had to leave the room and missed his comments. I imagine They were in line with those we have reported before.

Then the Commissioners were asked to give their comments prior to voting. Again, I missed part of their comments as well as the actual vote, however I did hear the following:

AC: we've messed around too long on this; I accept it as is

KI: concerned with the vaporous nature of the ordinance and believes the ordinance should have setbacks

VD: would like to see some minimum standards

The vote split 4-4 so under the rules the recommendation to the City Council is to **not** pass the ordinance as currently drafted.

STREET VACATIONS

V-1-08: Alley located on the block bounded by 15th Street on the north, Greensboro Avenue on the west, 23rd Avenue on the east, and 16th Street on the south (location of new Fire Station No. 1)

Note: I was out of the room when this was discussed and don't know how it went, but I will note that the Agenda provided at the meeting listed V-1-07 without any description other than "Alley Vacation." The Legal Notice listed V-1-08 above. Since They were both alley vacations, I presume that was a typo.

ANNEXATION and ORIGINAL ZONING

*Recall from last month the short time period given for an individual member of the public to comment - 2 ½ minutes - at this "Public Hearing." The developer for this next agenda item stepped up and said that he wasn't sure that he could make his presentation in 2 ½ minutes. He was assured that They **were not going to hold Petitioners to 2 ½ minutes!!!!***

AN-2008-2: Property located east of and adjacent to Rice Mine Road Northeast, north of the Paul W. Bryant Bridge, and west of and adjacent to Wood Village Mobile Home Park. (Council District 3) (Companion Case OZ-2-08)

OZ-2-08: Property located east of and adjacent to Rice Mine Road Northeast, north of the Paul W. Bryant Bridge, and west of and adjacent to Wood Village Mobile Home Park, proposed for R-4 (Moderate Density Residence Districts). (Council District 3) (Companion Case AN-2008-2)

Two members of the public spoke out against this project because of the density problems They are experiencing in that area and the attendant traffic congestion. Acting Chairman of the Commission Steve Rumsey aggressively questioned the first gentleman, **"Not to be argumentative, but are you against any and all growth in your area?"** In response to the second gentleman's concerns Mr. Rumsey argued that with all the other developments in that area 72 more units will hardly matter. He asked City Engineer how many lots have been designed/platted already.

JR: Old Colony Road took some burden off of Rice Mine, especially with the high school traffic. Plus the Rice Mine Road project is coming soon. This is a high-growth area. We have already spent \$2 million in engineering funds for the McWright's Ferry Road that will help, but that's 10 years out. There are 450 lots in the Townes of North River and the Lakes has a comparable amount.

SR: Nearly 1,000 lots have already been platted that will be served by this road.

JR: We are either going to 4 or 5-lane Rice Mine Road in less than a year in this area.

JMc: Mr. Rumsey has made a good point. Will see more and more up there, plus District 3 has just begun its area plan. The future land use plan is also in the works and it recognizes Rice Mine Road as a significant commercial corridor.

SR: Some of this is county property and we don't have home rule so They can build a mini storage.

JMc: most any development will have to annex to get water.

GP: what is the staff recommendation?

JMc: We don't write staff recommendations for these (annexations). We do make recommendations for the original zoning. Don't know why; maybe we should go back to the old way of annexing property and then requiring the owner to petition for a

rezoning.

BH: Does commercial development or residential development produce more traffic?

JMc: Don't know.

PUBLIC COMMENT WAS CUT OFF ON ANNEXATION. Voted to recommend annexation.

Discussion continued on the Original Zoning

Jim Zenah rose to comment that he fears red lights impinging on the arterial flow of Rice Mine Road and recommends that there be a turn lane for southbound traffic. He discussed the placement of entrances to businesses and said that the road should be fixed before the project.

(It is now 6:30. The meeting has been going on for 1 ½ hours and only 5 comments have been offered by members of The public for a total of less than 12 ½ minutes.)

RR: moved to zone R4.

Approved. Kim Ingram recused herself.

ZONING

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)

This is The football weekend RV park that was before this commission a few months ago. Recall at that time that Stan Pate opposed The rezoning because of The possibility that The RV park didn't work out and The rezoning would then allow other businesses, including a bar, to locate there - a use he characterized as ill-suited to an otherwise industrial zone.

JMc: This use is going to become more common with UA moving RVs off campus. "This will be a spot-zoning for BH." We need to come up with a zoning alternative to allow this use, but it would take 9 months to a year to do so we still need to address this property now. This is The only way to accomplish this and They will still have to get a variance because this use is only allowed in BH as a special exception.

SR: What about Stan Pate's concern about The rezoning?

JW: There is no solution to The rezoning; even The special exception runs with The land.

RR: It is a great use - it's not next to my house. It will help people save fuel by not having to drive their RVs back and forth every game; They can leave them there all season.

SR: Address concern of a saloon next to industrial sector. Asked JMc what would be allowed if RV park failed.

JMc: read The list of allowed uses in BH. Apparently They do *not* include a stand-alone tavern. The bar must be in a restaurant.

SR: My point is that we know we are rezoning for The purpose of an RV park but also know that when rezoned, it's rezoned for all these things.

Approved with Bobby Howard, Vince Dooley and Steve Rumsey voting no.

Z-11-08: Almon Associates, Inc. petitions to rezone eleven parcels containing approximately two (2) acres fronting Queen City Avenue and Greensboro Avenue between 18th Street and Hargrove Road from R-3 to BN. (Council District 2)

This is on The south end of Queen City - below 15th Street. A lot of vacant houses have been torn down. No development plan was submitted with The petition for this rezoning.

AC: Is this The first step in redeveloping The area? *(Note that Mr. Christian is an owner of Union Furniture, which is near The end of Queen City.)*

JMc: This area has experienced lots of decline, but it is largely commercial now. This would be a way of redeveloping blight.

SR: Who are The owners?

(I couldn't hear all The response, but I did catch that They include Lee Pake, Ron Turner - 4 lots, and someone Musgrove.)

SR: (Directed to Ron Turner who was in The room) What are you gonna do?

Ron Turner: probably office - lots of ways to rehabilitate an area. I want to build office warehouse.

Citizen Bishop Sylvester Coleman: It is good to clean it up, but what's going to be put in? Clean it up and keep families intact. This was a high-crime area. Don't put up something that's gonna pull it down.

Citizen Thomas Hudson: Warehouses? I have remodeled my house. You have fixed up The Queen City on The other side of 15th Street, but we can't get speed breaks or anything. I can see other things, but no warehouses.

GP: (To JMc) Can an office warehouse go in BN?

JMc: yes, no more than one roll-up door - no outside storage.

BH: explains this to The citizen.

Mr. Hudson: we are trying to develop a neighborhood but not getting any help to do this.

RR: The previous man spoke about The crime being fixed?

Mr. Hudson: We want a neighborhood. I would've preferred They remodel those houses.

Another Citizen whose name I couldn't hear: I own property on Queen City; I don't live there. I want my property rezoned The way this property is. If it's going to change, change it all.

Approved.

Z-12-08: Dovetail Development, LLC petitions to rezone approximately 39 acres located north of Hargrove Road and east of Snow Hinton Park from R-1 to R-4, R-4S, and BN. (Council Districts 5 & 6)

David Mulkey, CEO of Dovetail Development from Athens, GA proposes a student apartment complex called "The Woodlands" which is the name of a chain of student complexes this company has built and manages in other college towns around the country. Here is a link to the website: <http://www.thedovetailcompanies.com/>. They are also retail developers and they looked at this site for possible retail development instead or, or in addition to, the apartments. He acknowledged that the Staff (City Planning Department) was concerned about this project because of its lack of consistency with the land use plan (such as it is) and because of interconnectivity issues. However, because of the topography of the site and the wetlands on which they will be prohibited from building, commercial is not feasible. He discussed the problems with building a bridge to span the creek on the property which at its narrowest point is 165' wide. He gave an estimated cost of \$2 million plus to build such a bridge. This is a \$60 million project. The parking area will be buffered from the neighbors to the east. The parking will be cut in low and the neighbors' views will be over the project. He also pointed out that with the zoning they are requesting they could legally put in 525 units, but they are planning a lesser number. It will be a gated community with access both from Target and Hargrove. It has a planned \$1 million landscape budget.

Citizen James Allen spoke out against the project on the basis of the traffic from the apartments.

Citizen Janice Nelson discussed how Cribbs Mill Creek used to be 1' wide when she was a child and now, due to development and erosion, it is 23' wide. This is a wetland area and she is concerned that covering too much ground with impermeable surfaces will cause flooding.

Don Kelley, PARA Director, talked about the traffic flow concerns with Snow Hinton Park.

Citizen Elizabeth Simmons spoke against the project because she anticipates that football day parking will overflow from the apartment complex onto surrounding streets.

Your reporter, Laurie Johns, spoke on behalf of the Greater Cherokee and Beech Hills Neighborhood Association as well as Tuscaloosa Neighborhoods Together. Prior to being allowed to state whatever comments I had, however, I was aggressively interrogated by acting Chairman, Steve Rumsey, about what **written authorization I had from each individual I claimed to represent.** I was interrogated about how many people had been consulted about this project as well as who TNT's members were and

whether the neighborhoods of High Forest and Crown Point were members. They are not. His answer to that was, "I have made my point." His point, however, utterly escapes me.¹

At any rate, I spoke in favor of the student apartments because the Greater Cherokee

¹ After this meeting I sent an email to my own neighborhood association describing the night's events and the voting on this issue. My message apparently made its way to Mr. Rumsey because he sent me the following email:

To: johns@dbtech.net
From: "Steven Rumsey" <Steven@RumseyCo.com>
Subject: Planning and Zoning
Date: Thu, 21 Feb 2008 10:34:04 -0600

Dear Mrs Johns,

For some time it has been a problem with the planning and zoning process that people come in front of the commission and claim to represent others. Many times, after the fact commissioners are contacted and told by citizens that the person did not have the authority to speak for them. This is important because the commission does consider public opinion on petitions.

I regret you feel you were personally attacked by me during our most recent commission meeting; however, nothing could be further from the truth. My fellow commissioners will tell you this has been a problem and we are considering some process for people to present written documentation of who they have permission to represent. I would have asked ANYONE for the same information. It was certainly not personal. I apologize for making you feel this way. I never believed you to be misrepresenting the facts but I do consider it important to know under what authority ANYONE IS SPEAKING ON BEHALF OF OTHERS.

I have a lot of respect for the feelings of neighborhoods and consider myself one of the staunchest defenders of neighborhoods. I appreciate your energy in defending them as well.

I have to believe you would not want someone to stand up and state they were speaking on your behalf without your approval. I would not.

As for the Hinton Property project, I supported the project for a couple of reasons. First, I put myself in the shoes of the neighbors who would likely be within a few feet of cinderblock commercial structures if we rejected the project. If a commercial development is put in with a road extension dissecting the property, it will likely push the buildings up against the neighbors property line. I felt a high end gated community was a positive option for the property.

Second, the green space being preserved is material along with the fact the floodway is basically serving as a detention pond for the entire area. This is extremely important.

If the council wishes to reject the project based on the road extension, I will respect their decision. I am not privy to the traffic numbers and demand therefore made my decision to support based on the prior.

Sincerely
Steven Rumsey

and Beech Hills Neighborhood Association as well as the members of Tuscaloosa Neighborhoods Together have recognized the detrimental impact of having college students living in neighborhoods that are traditionally family-oriented areas. We have discussed this many times and one solution seems to be the creation of more alternatives for student housing, which this project is. The GC&BHNA is also opposed to the connection of the 13th Street (access road to Target and Home Depot) to Hargrove particularly if the property is developed commercially rather than residentially because of the increased traffic that will place on Loop Road. The neighborhood has been actively trying to have the traffic calmed on Loop Road for several years. There was a fatality on that road at a clear-sight, straight intersection back in August. It is miserable for the people whose houses front Loop Road. The simple act of retrieving their mail out of their mailboxes is often dangerous. I also complimented the projects' incorporation of mature trees and protection of the wetland. *(Which Joe Robinson and John McConnell both later pointed out was not a choice on the part of the developer as it is enough of a wetland to be governed by the Corp of Engineers and they can't touch it anyway. Whatever the reason, it's good to leave it alone.)*

Citizen Laura Hebert spoke in favor of the project saying that it reflects many of the ideas presented by citizens of District 6 in their initial planning meeting which was held just recently, including the preservation of trees and green space and the moving of students out of family neighborhoods.

Citizen Rosie Varon wanted to know exactly how this would impact her back yard in Carriage Lane.

Rusty Gibson, attorney with Phelps, Jenkins, Gibson and Fowler lawfirm, identified the Hintons (property owners) as his mother and father-in-law and said that they were impressed by the saving of the green space on the project.

Citizen Angela Fulmer spoke in favor of the project and said that she did not anticipate the parking to be a big problem, but acknowledged that on some game days the Yorktown Commons apartment complex used the parking lot of a construction business across the street from it as overflow parking. She spoke about drainage issues and the importance of preserving that drainage capacity of the wetland.

Commissioner Aaron Christian (who also owns the Furniture Corner at the intersection of Hargrove and McFarland) asked the developer if the project could be reconfigured to build the connector road.

Developer: We have polled a large number of the parents of students who are likely to occupy a complex like this and their number one concern is crime. Apparently there has been some crime in Tuscaloosa that has them worried. Having the complex gated is very important in that regard. Plus, the road would reduce the number of units they

can build because it would reduce the available space for parking. Also it would require the cutting down of mature trees.

Joe Robinson: I have a problem with interconnectivity. When this road was planned, it was planned to go all the way to Hargrove. He said the developer was being “misleading” by saying they were going to preserve the wetland since they can’t build on it anyway. He said they are building out 100%. (What development doesn’t?)

SR: (to the developer) what is the main reason don’t want road?

Dev: just not feasible economically. Almon (engineering firm) estimates \$3 million to cross creek but much less to go around (connect the road circuitously around the edge of the property) but that would cut out too much of the property to make the development work.

RR: This is a great plan. It is good that you are willing to take out the BN component, but what about a PUD so as to guarantee that the project as built will be as presented?

Dev: We talked about PUD, but the concern is the time frame. We want an ‘09 opening. Don’t think the PUD process will move fast enough.

RR: (to JMc) Would it slow down their process?

JMc: Yes.

RR: OK. Can we condition the rezoning upon construction as presented?

AC: If we are going to connect 13th Street now is the only time.

RR: Why do we have to connect it?

JR: Trying to take traffic off McFarland.

KI: (To JR) Talk to the builder between now and the vote in City Council then, if you don’t reach a compromise and City Council wants the road connected more than they want the project, they can turn it down.

VD: what is the time frame?

JW: The City Council hearing will be at the end of March or the beginning of April.

JR: said something about this involving the school board (presumably because of Northington Elementary School), the Mental Health Department and the University of Alabama.

KI: You’ve had 40 years to condemn this property.

JR: well, it has just become a priority now.

JMc: the connector is essential; there is room for compromise.

KI: move to recommend the entire parcel be rezoned R4S.

GP: second

KI: this gives 6 weeks to work out.

Approved with Aaron Christian voting No.