

Tuscaloosa Neighborhoods Together

notes on TUSCALOOSA PLANNING AND ZONING COMMISSION July 16, 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, Joe Romanek, Vince Dooley, Jimmy Warren, Robert Reynolds, Gary Phillips, Aaron Christian, Joe Duncan & Steven Rumsey

City Staff: Joe Robinson(TDOT), Jimbo Woodson (Legal), Harold Skelton, Jessica James, Cecil Lancaster, and John McConnell (Planning & Zoning)

ZONING

Z-13-07: Earnestine Parrish petitions to rezone property located at 2829 20th Street (Lot 8 in Block 481 of the T.C.I. & L. Survey) from R-3 to R-4. (Council District 2)

No one was present for the petitioner so the case was not heard.

Z-14-07: Oikon Hotels Tuscaloosa, LLC petitions to rezone property located at 1417 Veterans Memorial Parkway from BGO to BH. (Council District 5)

This is a new hotel behind Home Depot. *It's the lot facing 15th Street that is above the retaining wall at the rear of Home Depot. There are residences behind the proposed hotel location that are zoned R-3. The site plan places the hotel on the Home Depot side of the lot. The developer promises an evergreen screen of pine trees and evergreen bushes that you will not be able to see through at all. The intent is that the greenery will be mature enough upon installation that you will not be able to see through it. The dumpster will be on the side of the hotel away from the neighboring residences. The end of the hotel is 8' from the nearest residence, but the only windows looking out over the residences will be the windows at the end of hallways, not room windows, so there won't be a problem with people looking down into the houses and yards of the neighbors. A State Farm agent whose office is near here spoke in support of the project.*

APPROVED.

Z-16-07: Mark Flemmings/A Advanced Bail Bonds petitions to rezone property located at 1207 T.Y. Rogers Avenue from R-4 to BGO. (Council District 1)

This is on T.Y. Rogers Avenue near the T.D.O.T. offices and not far from the jail. There was much discussion of technicalities such as the permitting situation for the rehabilitation of the building and, especially, parking. Commissioner/Councilman Bobby Howard asked if this was in an area that was covered by the Future Land Use Plan (see: <http://www.ci.tuscaloosa.al.us/DocumentView.asp?DID=609>). City Planner John McConnell replied that the property is within the West End Specific Area Plan. (I cannot find that document on the City's website to provide a link. Please contact your City Councilperson for a copy.) Commissioner Howard explained that it is his understanding that this area is designated for commercial use and that there is currently very limited residential use in that area. The residences in that area that are occupied are rentals owned by the same landlord. Howard said that they are trying to encourage this property to all go commercial due to the proximity to Lurleen Wallace Blvd.

APPROVED.

PLANNED UNIT DEVELOPMENT SUBDIVISION PLATS

P-2-07: HAMILTON'S CROSSING, consisting of 42 lots located between Old Marion Road and Patriot Parkway and south of Hillcrest School Road. (Out of City)

There were elevation drawings of the types of houses that are planned to be built in this very dense development. The houses are attractive, but it was a bit deceptive because the drawings only show one house at a time and they are all drawn with lush greenery and mature trees around them. There was a discussion of what materials the houses would be constructed of on the fronts and it was finally settled that vinyl would only be used on the eaves of the homes. The balance will have to be wood, brick, cement board or some other product. There was also a discussion of how the development will be landscaped. The engineer who was speaking for the developer said that he had not discussed landscaping with the developer but that he thought it would be grass and small bushes and that he doubted that any trees would be planted.

APPROVED.

P-4-07: JAMESTOWN VILLAS, consisting of 91 lots located at the east end of 6th Street East in the Northeast Quarter of Section 21, Township 21 south, Range 9 West. This is east of Crescent Ridge Road East. (Proposed annexation and Council District 5)

The development is very close to the Crescent East housing project and somewhat close to the proposed location of the Eastern Bypass. The City and County are jumbled together in this area. This property is in the County, but will be annexed if this project is approved. Apparently it will not be annexed if the project is not approved. There is an old, established neighborhood between the proposed development and Crescent Ridge Road that is in the

County. Crescent Ridge Road generally delineates the boundary between the City and the County in that area.

Prior to opening the floor to comments from the public the discussion among the commissioners and the engineer representing the developer centered on the question of parking at each of the homes. Finally, the developer himself came to the podium and assured the Commissioners that there will be three spaces per home minimum.

When the floor was turned over for public comment there was a long line of people from the neighborhood between the development and Crescent Ridge Road. There is only one feasible route into and out of the proposed development. Currently the direct route into the development is via 6th Street which turns off of Crescent Ridge Road. There is a winding, back way into the development that goes through or adjacent to the nearby housing project. It is highly unlikely that either the construction traffic or the eventual residents will choose the circuitous route over the road that these neighbors live on. (Note: if the Bypass is constructed where it is currently planned, it will cross the circuitous route that goes by the housing project. I don't know if a bridge will be built or if the road will just be cut off.) The engineer stated in his presentation that they had acquired right of way in order to create another entrance to the development to the southeast, but it was later determined that there is no such right of way on the records.

One by one the neighbors explained that their road is very narrow and is made of a thin layer of asphalt. They brought a petition against the project and pictures of their road. They described a roadway so narrow that a car cannot pass a garbage truck. They pointed out that since the new development will be in the City and they are in the County there will be school busses from both systems traveling the road to pick up and drop off school children, but that two school buses cannot pass one another because the street is so narrow. They talked about how the large construction equipment is likely to tear up the thinly paved road. They said that their County Commissioner, Gary Youngblood, and the County Commission have decided not to make any improvements to their street. They described how the increased traffic associated with 91 new homes will impact the very nature of their neighborhood and endanger the children playing outside.

The Commissioners began to grow frustrated at the string of people all emphasizing the same problem: that the road cannot handle the development. Finally the Commission Chair said, "we can't handle County problems; we know the streets are too narrow. We don't need to hear it any more." He said to anyone else wishing to speak that they should not talk about the road.

The next neighbor to speak lives in another neighborhood south of the development and in the route of the other entrance that the developer's engineer described. He is the one who disputed whether there was a right of way along there. (City planner Harold Skelton left the meeting room to check the records and when he returned he confirmed that there was no recorded right of way.) The neighbor also said that he has a fish pond below the proposed development. The development has apparently been designed with a retention

pond that will be the responsibility of the eventual homeowners' association to maintain. This neighbor speculated on the likelihood that the homeowners' association in a neighborhood of homes that cost \$113,900 to \$129,900 will actually be active and responsible and will actually maintain that holding pond. If they don't he asked who was going to be responsible for the damage done to people downstream like himself when the dam breaks. He did not receive an answer, but Commissioner Steve Rumsey did ask the man what kind of fish he had in his pond.

In spite of the warning not to do so, more residents came to the podium to talk about how the road will not be able to handle the construction traffic or the residential traffic from the development. The frustrated Commissioners continued to attempt to explain to the people from the neighborhood that because they live in the County there is nothing they can do about their road. Commissioner Reynolds asked whether they have considered coming into the City so that the City will be able to do something about the road. He received no answer. Various of the commissioners explained to the neighbors that if the subject property is not brought into the City the owner of the property is free to install the dreaded pig farm or trailer park or even a similar residential project each with its own septic system.

Finally the developer, Jimmy Burns, got up and he said that he thought that he was doing something good for the property. He said the owner of the property wanted to put trailers on it and he had suggested the development. He said that he feels for these people and that the streets are narrow, but that he can't fix the streets; that is out of his price range. He said that he wants to put more people in the city school system. Commissioner Phillips asked him if he would consider any other alternative siding than vinyl on the front of the houses. Burns replied that it all comes down to dollars and anything else would be too expensive.

The Commission then prepared to vote. Commissioner Warren said that in light of the fact that if the property stays in the County it can be a pig farm or a trailer park that it will be best if it is brought into the City. The vote was to begin with Bobby Howard. Commissioner Howard made a short statement about how badly he felt for the neighborhood people, but that considering the alternative he felt that voting yes was the best thing to do. He cast a "yes" vote. All the commissioners voted yes with Vincent Dooley, Robert Reynolds and Joe Duncan all joining in Bobby Howard's sentiment.

APPROVED.

The Commission also assigned original zoning on this property for R-1 (Residence District). Before the neighborhood people left the room Commissioner Phillips informed them that the City Council will also be voting on this matter.

P-5-07: SHERIDAN SUMMIT, consisting of 144 lots located southwest of U.S. Highway 82 East in Section 7, Township 22 South, Range 9 West. This site is located west of Country Mart subdivision. (Proposed annexation and Council District 7) (CONTINUED UNTIL THE AUGUST MEETING)

P-5-06(2): CAMDEN LAKE, AMENDMENT TO THE MASTER PLAN, consisting of 160 lots located west of Buttermilk Road, between The Links at Woodland Forest Gardens and Huntland subdivisions. The purpose of this amendment is to change the minimum side yard setbacks on lots 20-160 from the previously approved 7 feet to 5 feet. (Council District 6)

The developer explained that this change request will not increase the number of homes (the density) in the development and will not make the homes any smaller. They are trying to give themselves some wiggle room in the placement of the homes on the lots.

APPROVED.

PRELIMINARY SUBDIVISION PLATS

S-43-07: RESURVEY OF LOTS 4 & 5 MARTIN RIDGE, consisting of two (2) lots located at the northwest corner of Martin Road and Fowler Drive. (Out of City)

This is a re-drawing of the lot lines. It started as two lots and ended as two lots with a different configuration.

APPROVED.

S-44-07: Tuscaloosa County Health Department NO. 1, consisting of two (2) lots located along the northeast side of Hargrove Road East opposite the entrance into Bowers Park. (Council District 6)

*The County Health Department is building a new location here. This is where the County shop used to be: there were big piles of rocks, dirt, rip-rap, etc., and their dump trucks parked here. A map of the property was shown. There is a creek and a flood zone on the back side of the property. The representative said that the County intends to maintain the drainage creek and will not be building in the flood zone. Apparently this property is zoned R-1, but planner Harold Skelton informed the Commission that **a Public Building is allowed in R-1** so no zoning change will be required.*

APPROVED ON CONDITION THAT NO ACCESS WILL BE ALLOWED FROM VALLEY VIEW OR VALLEY CREST LANE.



S-45-07: RESURVEY OF LOTS 16-19 BEECH HILLS, consisting of two (2) lots located between Veterans Memorial Parkway and Beech Hills and east of Fairmont Drive. (Council District 6)

As it happens, this petition regarded your reporter's neighborhood. Between the Jamestown Villas neighborhood and the Beech/Cherokee Hills neighborhood, we had the Council chambers packed and people were standing outside the door. The map to the left shows the subject property. The road at the top of the map is 15th Street

[Veterans' Memorial Parkway]. Reportedly a developer had approached the owner with interest in putting "luxury condominiums" on that property. Presumably that could not be developed on the property as it was laid out at the time. The property was actually four separate lots combined into one parcel. The existing house near Beech Hills was on the second lot. They sought to redraw the property lines so that the parcel would consist of two lots - one with the current house and the other with all the back property facing 15th Street with an access leg on Beech Hills.

John McConnell of the City Planning Department presented the petition and before he gave the floor to the owner's representative, he gave an in depth explanation of the City's comprehensive land use plan and the Greater Alberta Area Comprehensive plan which includes these lots. He explained that there is a desire and intention on the part of the City to create a new residential zoning category known as Estate lots, but that the City had not yet determined how that was going to be defined. He discussed with us some of the ways that other cities in the United States define them. He acknowledged that this area is one of the target neighborhoods for eventual Estate lot zoning. Furthermore, he discussed the fact that the comprehensive plans only contemplate this area as single-family residential and that an application for rezoning to any other use would not be supported by the Planning Department.

After this very informative presentation by Mr. McConnell, Joe Mullins, the engineer for the property owner, came to the podium. He was immediately asked by the Commissioners why the owner was seeking to reconfigure the lots. He said that the woman was having trouble selling the house with that much property. If that really was the reason, it probably would have been easier to just put up a 'For Sale' sign so that people would know it was on the market. I imagine it is hard to find someone to buy property when no one knows it's for sale.

The Commissioners reiterated what Mr. McConnell had pointed out in his presentation: that as the property was already configured, three additional houses could be built on it because

it was already four separate lots and only one of the lots had a house. Several times they asked if that was understood and if it was understood that if the reconfiguration requested was approved that only one additional house will be allowed to be built on the property since there will then only be two lots. Everyone expressed understanding. In order to put any multi-family residential development on this property, a petition for rezoning will have to come before this Commission, but both the City Planning Department representative and the Commissioners said that they will not support such a rezoning of this property; that they will only support single-family uses for this property.

APPROVED.

S-46-07: NORTH SUMMERSIDE DRIVE, consisting of two (2) lots located on the north side of Summerside Drive and west of 53rd Avenue east. (Council District 5)

This is dividing one large lot that already has a house on it into 2 lots so that another house can be built on the newly-created lot. The owner requested waivers including of the requirement that he make improvements to the half of the street on the side abutting the subject property. One of the Commissioners asked TDOT's Joe Robinson about how storm sewer would figure into this. He said that if they do not require the owner to make the improvements now, it will be very difficult to get them done later. The engineer tried the excuse that the Commission had waived half-street improvements on the development to the south of this location. Commissioner Reynolds sagely replied, "A bad decision then doesn't require us to make a bad decision now."

APPROVED WITHOUT ANY WAIVERS.

S-47-07: EASTWOOD-MAC SUBDIVISION, consisting of one lot located on the Southeast corner of the intersection of Eastwood Avenue and McFarland Blvd East. (Council District 5)

This is on McFarland Blvd. where the little house was that was the Democratic Headquarters for a while. It and I think another house have been torn down and the lot cleared. The owner's representative said that it was being developed for retail but would not reveal what business was seeking to locate there. They were combining two lots into one.

APPROVED.

OTHER MATTERS

■Amendment to the Zoning Ordinance:

Amendment to Section 24-220(c) "Permitted and Special Exception Uses in R-4U, RMF-2U, and BNU Districts," to limit the number of Lounge Retail Liquor Licensed establishments to no more than two per block face.

Commissioner Reynolds spoke for a while about this explaining that he has served on a committee to look at whether there was too much liquor retail near the campus and this is the solution they have come up with. Commissioner Rumsey asked if this ordinance will create a commodity for people to own an entire block and control the liquor licenses on that block. City Planner John McConnell replied that this is an issue that was also made in regard to the creation of entertainment districts. Someone pointed out that the President of the Strip Association was on the committee that drafted the proposed ordinance in question. Commissioner Rumsey exclaimed, "Yeah, he already owns it! I am for limiting the number of garbage companies!" After the vote, he added that he feels that if the Chamber of Commerce is not up here fighting it, then, OK.

APPROVED.

- Discuss the potential rezoning of lots 7, 8, & 9; part of lot 35; and lots 36 & 37 of Audubon Place Subdivision from BGO to R-3.

Audubon Place is the historic neighborhood on the left as you are leaving the Strip and heading downtown. John McConnell explained that the Audubon Neighborhood Association and their Councilman, Harrison Taylor, had brought it to the planning department's attention that the University Area Neighborhoods Specific Plan called for the first couple of parcels on either side of Audubon Place to be commercial rather than residential. They did not think that was the intention of the consultant who drew up the plan [KPS] and it was not the intent of the neighborhood. The planning department consulted with KPS on this and confirmed that was not KPS' intent and so KPS redrew the map and revised the text to reflect the true intent of the plan. The Commissioners asked what the owners of the houses that were included in the commercial area wanted to do. John McConnell explained that he know that Peyton Cochrane was opposed to changing it. Commissioner Reynolds pointed out that this is a Historic District and so no one will be able to tear down a house in order to create the parking that would be necessary to create a commercial use on those lots. Commissioner Rumsey asked if rezoning the property wouldn't be like a condemnation. Peyton Cochrane came to the podium to speak. He lives on the corner of University and Audubon and has for 34 years. He said that Jimmy Cochrane owns lots 7,8 & 9. He agreed with Rumsey that it would be a taking to rezone the property now. Commissioner Phillips asked what would happen if one of those houses burned down. John McConnell explained that a zoning use is not tied to the structure, but to the lot. Peyton Cochrane said that he thinks that Jim Lamoreaux, the owner of one of the subject lots, does want his zoning changed. Commissioner Phillips suggested then that they rezone lot-by-lot according to the desires of the property owner. That was agreed.

- Discuss proposals for an amendment to the Zoning Ordinance to prohibit parking in front yards.

They are not voting on this; they are discussing whether to put it on the agenda. Robert Reynolds said he would like to see it come up for a vote. Steve Rumsey argued passionately against the proposed amendment because, in his view, it is a taking. He

argued that **not** allowing people to park in front yards devalues the property because they cannot use it the way they want to. He also said that in his opinion, it is not fair to enact an ordinance that applies to part of town and not the whole town. Commissioner Jimmy Warren made the point in reply that whenever you apply rules to anything people have to comply with them and if it were a valid argument that the new rule would deprive a person their property rights, then no new rules would ever be enacted. He also pointed out that there are already different rules for different parts of town. (Historic districts already prohibit parking in yards.)

Commissioner Reynolds said that the last time this Commission considered this question they had decided that it might hurt the University because the students who live near it wouldn't be able to do as they liked. Since then he has spoken with both President Witt and with Samory Pruitt, Vice President of Community Affairs, and that they both told him that they felt the exact OPPOSITE. They felt that prohibiting parking in yards would **improve** the housing area around the University. He concluded his remarks with the following, "We have to be a **planning** commission and plan for the future."

Commissioner Rumsey then said that he wanted to hear from the Police and Fire Chiefs when this comes back before the Commission. He feels that on narrow roads if cars are parked on the roads rescue vehicles will not be able to get through.

Community leader Jon Anderson then rose to address the Commission. He argued passionately in favor of the ban on yard parking and brought a photograph of a house in his neighborhood (Arcadia) where college students are parking on the yard. Steve Rumsey engaged in hostile argument with Mr. Anderson and when Mr. Anderson left the chambers, Rumsey leaned over and asked Councilman/Commissioner Bobby Howard (District 1, West End), "Hey Bobby, why didn't that man care about people parking in the yard in your neighborhood?" (I wonder why Mr. Rumsey waited to make this provocative statement until **after** Mr. Anderson left the room?) Mr. Anderson had argued in favor of the ban on parking in yards; he did not say anything about whether it should or should not apply to West End. A look back at Mr. Anderson's position on this issue over time will reveal that he has been a proponent of the ban on yard parking since its inception. The ordinance originally was drafted to apply city-wide, but has now been changed to cover only certain parts of town. West End has been left out of the proposed prohibition due to the very small size of the lots that are prevalent there and the lack of parking space available both on the street and on the individual lots. Bobby Howard answered Rumsey's remark simply, "Because we **can't** comply."

The Commission agreed to place this item on their next agenda.

- Approval of Hawkeye Oil & Gas' petition for exterior renovations at 2314 University Boulevard in the D/R Overlay district totaling over \$10,000.

APPROVED.

ANNEXATIONS

1. NW corner of Ol' Colony and New Watermelon Road where a McDonalds in being built.
2. 36' x 50' parcel of property on the Black Warrior/Joe Malisham Parkway near Sanders Ferry Road. This will provide the connection to the property where the Corp of Engineers is relocating and will allow the Corp to be in the City.
3. Lot 10 Sunset Drive on the lake. According to the legal notice in the newspaper this belongs to Bruce and Alyce Spruell. They want to be annexed so their children can attend city schools. The property is contiguous with the City because all of the lake itself is in the City. They will not be on city water, sewer or garbage.
4. Barrets Trace subdivision on Hargrove Road East.

*Next month the Commission will also be hearing the amendment to the Riverfront/Downtown Overlay Zone that will change the building limitations and expand the property covered by the overlay zone.