



Tuscaloosa Neighborhoods Together

notes on

TUSCALOOSA PLANNING AND ZONING COMMISSION

March 17, 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"), Robert Reynolds ("RR"), Steven Rumsey ("SR"), Joe Romanek ("JR"), 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)

ZONING

Z-13-08: Williams & Associates petitions to rezone approximately 26 acres located south of Jack Warner Parkway and east of 25th Avenue East from MH to R-4S. (Council District 5)

Yes.

Companion Subdivision: S-19-08: RETREAT TUSCALOOSA AND CONCEPTUAL MASTER PLAN OF THE LAKE TAMAHA MIXED-USE DEVELOPMENT, consisting of one lot containing 176 cottage-style residential condominium units and a conceptual master plan for approximately 275 additional acres of adjacent property located south of Jack Warner Parkway and east of 25th Avenue East. (Council District 5)

176 cottage-style condos. Access via 25th Avenue East only. This is a small component of a 200+ acre development that will include multi & single family residences. Landmark Partners has a contract to buy 26 acres from Westervelt. The entrance on 25th is very near the old credit union building. The buildings will look like cottage houses instead of apartments, but they will be condos. They will have a Cape

Cod look. Similar projects have been developed in Columbia, SC and Athens, GA. They are asking for R4S zoning and will have varying units of 2 to 5 bedrooms. They have 1.07 parking spaces per bedroom. (637 bedrooms and 682 parking spots) Westervelt is not the petitioner. RR asked about access to the street. JMc said it will be a private road with no sidewalk. RR asked if a school bus will be able to go down a private road. JMc said it is a college development and there won't be a need for it. RR said there is no guarantee children won't live there. The company representative said they will be dedicating the road. RR emphasized that there is no assurance that children won't live there and we don't want to discriminate against children and we don't want them walking all the way down that long street with no sidewalk. Furthermore, they should consider the future plans of the University transit system which may, some day, pick up out there. The representative seemed amenable to adding sidewalks. SR asked Joe Robinson if this would qualify as a collector street. And he mentioned some subdivisions where the topography wouldn't allow sidewalks. Joe Robinson said this development will produce 2,500 to 3,000 trips/day and that they are looking at a turn lane on 25th. Joe Robinson went on for a while about the master plan for the entire property and complained about the sewer, road access, etc. He thinks the road off of 25th into the development needs to be 4 lanes. GP said they don't have the easement to build the road like that. RR asked if they could require widening of the road later. SR asked if there is any other outlet other than 25th Ave. Joe Robinson said not now. Eventually it will be open to River Road. SR asked if there is any other way to disperse the traffic. This is a positive development and we need to work this out. Joe Robinson said it is rough terrain and they are trying to preserve open space. He again mentioned problems with the sewer line and the talked about the fact that Westervelt loaned the City the money for the sewer line along River Road.

Vote on Zoning: Yes.

Subdivision case: this subdivision is conditional upon obtaining a 100' R-O-W from 25th to the development and requiring one sidewalk from the development to 25th and curbing around the entranceway.

SR asked if the units will be for sale. Rep: no they will be rented. SR: will you have the right to sell them off? Rep: yes. RR: what about garbage pickup? Will you have dumpsters? SR: "I hope so." Developer: it sill have a self-contained compactor with pick up by a private contractor. City attorney Jimbo Woodson tried to discourage the commission from attaching conditions because it makes each rezoning different. RR pointed out that they are discussing the subdivision now, not the rezoning. Jimbo Woodson then informed the commission that so long as a subdivision meets the regulations (which this one does) the commission can only vote it up or down; it cannot attach conditions. JMc adds that this is a private road on a private R-O-W so that prevents such conditions too. The developer said that the development only owns a 20' strip along the road to connect it to the main road so they can place signage there. The road itself belongs to Westervelt. SR: This road is not going to be built to city

*standards? JMc: No, that's not the case. Permitting will take care of that.
Representative: Eventually want all the roads to be public. JR: so we don't need to
hear RR's amendment? RR: w/draw amendment. Vote on subdivision: Yes.*

Here, Commissioner Reynolds commented pointedly that he had only received his package (*from the planning department with information on all agenda items*) on Saturday and that he could use more comment in the package.

Z-14-08: Billy Blakeney petitions to rezone property located at 401 Hargrove Road from R-1 to R-2. (Council District 7)

Withdrawn.

RIVERFRONT DEVELOPMENT

RD-01-04(1): RIVERWALK PLACE, 1ST AMENDMENT TO THE MASTER PLAN: This amendment proposes changes to the original development approval conditions required by the City Council on September 29, 2005.

(7:05 p.m. This item is still going.)

RD-01-08: LOT 1, RIVERWALK PLACE: This development contains a Japanese Cuisine Restaurant situated on the future Lot 1, Riverwalk Place Subdivision. The restaurant is proposed to be approximately 9000 square feet, containing 8 Hibachi tables, a sushi bar, a cordial bar, and an outdoor dining deck overlooking the Black Warrior River. Direct access to the Riverwalk public walking trail will be provided from the restaurant.

Chairman Joe Romanek walked out of the meeting. Steve Rumsey took over. Approved.

Aaron Christian didn't understand why Planning and Zoning Commission was hearing this petition. He apparently didn't know what a Riverfront Development petition was.

S-28-08: RIVERWALK PLACE SUBDIVISION, consisting of three (3) lots located on the north side of Jack Warner Parkway and east of the Army Corps of Engineers facility. (Council District 4)

Wayne Childress, of the Guildswood Neighborhood, said this project was killing the Riverwalk. The developer, Bill Lunsford said that all along they thought the Riverwalk was going behind their development, but that Mr. Almon had asked him about a year ago whether they were ok with it going behind. GP asked does it matter? Developer: Now it does. Mr. Almon spoke about Jack McGuire calling him about a where a sewer line would be and then the architect told him something about the building being crammed between the riverbank and the sewer line. Another person, Ron Price, rose to speak on behalf of the developers and he said the project was really thought out by some really "transparent gentlemen." (I think he is related to one of the developers, Wally Price.) Celia O'Kelley spoke about her concern over the traffic near the riverwalk and how the cars almost hit bicyclers. Another citizen asked where the park (that was promised) is? (For the restaurant, it would become parking.) He asked that the Riverwalk be maintained as a jewel of Tuscaloosa and not develop it. Ted Miller, president of Druid City Historic District, said that it is just mind boggling that this thing has gotten so far that now the riverwalk is not even on the river. The Riverwalk was promised to the people of Tuscaloosa and it needs to be delivered. Jack McGuire spoke in defense of his plans. SR said he would give his right arm to have a riverwalk on the north shore of the river and he would gladly risk getting hit by a car going into the

Cypress Inn to have it. Ted Major, of Guildswood, said that lot 2 is not a park; it's a parking lot and the city will be maintaining it; that's corporate welfare! The developer then spoke for over 9 ½ minutes in defense of himself and the project. "Let me remind you: it's our property we're giving up (for the riverwalk)." They only put a restaurant here because the neighborhood wanted one. (The room full of residents of the neighborhood vocally contradicted that assertion.) Then the developer backed up a bit: "I wasn't in the discussions with the Guildswood Neighborhood; Mr. Snowden (Director of the City of Tuscaloosa's Office of Planning and Economic Development) handled those discussions." (OUCH!) Dr. Phillip Bobo then blasted the plan very convincingly. Another neighbor rose to express his displeasure in the plan and SR interrupted him, "Sir, Sir - What would you like to see on that site? ... What would you like to see on that site?" The man tried to speak and SR interrupted him again. AC asked wasn't the intent of the land swap to move the building farther west? JMc: Yes. AC: that hasn't happened yet. Ted Major: you are being asked to vote on an amendment to the original plan that references a drawing no one has seen. RR: asked Ted Major whether the neighborhood association had agreed to close the River Road entrance to Guildswood and Mr. Major answered "yes."

Vote: Approved.

PLANNED UNIT DEVELOPMENT SUBDIVISION PLATS

P-2-08: SPRING VALLEY SUBDIVISION, PHASE II, consisting of 26 lots located west of Huntland Subdivision in the Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) of Section 10, Township 22 South, Range 9 West. (Out of City)
(WITHDRAWN)

P-3-08: LEGACY POINT, consisting of 55 lake access cottage lots on approximately 55 acres located east of House Bend Road and north of Stone Harbour Subdivision. (Out of City)

BG Development Group, Inc. This was here before and approved as a condo development. That didn't work out so they're now trying to develop it as privately owned homes. It is described as rustic but luxurious. This is the one with the self-contained water treatment plant. It will have a private street network. The property owners have agreed to annex into the city so it will be approved contingent on annexation. Approved.

P-4-08: THE TOWNES OF TAYLORVILLE, consisting of thirteen town home buildings containing a total of 39 units on approximately six acres located east of Old Greensboro Road and north of Hillcrest School Road (Out of City)

G&S Construction which is Michael Spivey and Chad Gore. Approved I guess; missed it.

PRELIMINARY SUBDIVISION PLATS

S-13-08: MELLAMY MEADOWS, consisting of two lots located on the east side of Skelton Road and north of its intersection with Rangeline Road. (Out of City)

Approved.

S-14-08: A RESURVEY OF LOTS 7826, 7900, & 7918, YACHT CLUB NO. 4, consisting of two lots located on the north side of Commodore Drive Northeast in the Yacht Club No. 4 Subdivision. (Council District 3)

Approved on Consent Agenda. Ray Dyer did come to the podium to ask about some city easements and Joe Robinson said they may just abandon them.

S-15-08: ELIZABETH BAPTIST CHURCH, consisting of one lot located on the west side of Jemison Avenue between 23rd Street and Elizabeth Street. (Council District 2)

Approved on Consent Agenda, but later someone complained that he had given a right of way for a sidewalk on this property, but now that it's built it is too close to his house. This doesn't have anything to do with the project on the agenda. Joe Robinson asked him to get together with the developer.

S-16-08: SHAMROCK SUBDIVISION, consisting of one lot located on the southeast corner of 9th Street and 17th Avenue. (Council District 4)

Rosco Shamblin owner/developer. Historic houses that are not in a historic district are slated to be demolished so he wants to move them onto this lot and perhaps develop them as condos. Historic Commission has approved this site plan. The historic commission made a recommendation to reduce the setbacks to get the house away from the sidewalk and give it an "old time" appearance.

Ted Miller, President of Druid City Historic District, expresses his concern about what happens if the historic houses don't survive their move. Asks that the subdivision be made effective upon the arrival of the two houses. The answer of the commission was that if they don't make it he will have to present a new proposal to the historic district. Commissioner Reynolds explains that you can't condition the subdivision on the arrival of the building because you can't build on the property without the property already being subdivided, so they are stuck relying on the Historic Commission - which Roscoe Shamblin is a member of, although he would not vote on his own project of course.

Approved.

S-17-08: CAPITAL MARKET CENTER TUSCALOOSA, consisting of 10 lots located on the southwest corner of U.S. Highway 69 South and Southview Lane. (Out of City)

This is near the Hillcrest Subdivision and Shelton State Community College. Birmingham civil engineer presented the petition. Someone named Ken Faulk presented questions in writing and one of the commissioners asked them for him. They were about drainage off of the property onto neighboring parcels and something else. The engineer said they have already talked to him. Engineer explained about the drainage. Basically, it's all going into a retention pond on the property and will drain from there. The outparcels have not been leased.

A neighbor whose name I didn't get: 14 houses back up to this property. They are concerned about the drainage. Wants to make sure someone will follow-up to make sure the water in fact doesn't go to their back yards. Concerned about view, noise, lighting, property value. He was "educated" by the planning department that since he is in the County the property owner would be entitled to put a dreaded HOG FARM in there. Asks for a buffer - trees, fence or something. Publix is 24-7 so that's tough on the home owners and he's afraid the property value will go down. Then he made a policy statement - the same one we hear so often. He just said, "there is a three mile area where there is no zoning but then you start subdividing it and putting in things that don't fit in the neighborhood."

Carlene Woodley: going to change the character of Old Greensboro road; not the only subdivision to be impacted - Waterford will be impacted too. Also concerned about runoff and drainage. She looked at the documentation in the planning office. Talks about waivers requested - curb & gutters and valley gutters. She points out that all the other commercial developments down there have curb and gutter and the fact that they are requesting that waiver suggests to her that this is a lower quality development. Asks what the waiver of sanitary sewer request means. Joe Robinson answers that they will have access to sanitary sewer. Asks again about the drainage and Steve Rumsey asks her to not talk about drainage.

Joe Robinson said that the construction plans will also have more plans for handling the water. Steve Rumsey said to the engineer, "so all of our good names and reputations are laying in the hands of you because you're telling these people that there is no way that they're going to get water on them." Engineer clarifies that they will not be fixing any existing problems but that this development will not make it get any worse. It is planned for 2 24-hour storms. SR: what about the lights?

Scott Smith - partner in development - willing to screen, point down, or whatever. SR: make them shine away from the neighbors. Curb & gutter? Southview Lane is not curb and guttered so if we curb and gutter it part of the way that will dam up the water. The fastest and most efficient way to get the water off will be to leave it flat, without curb and gutter. RR: asks Joe Robinson for his opinion. JR: usually in favor of c&g, but in this case he agrees that flat would be best. AC: landscaping? Answer: 6' fence. RR: how tall is the building? Answer: 46' RR: how tall is a truck? My concern is that the

neighbors will be looking at the back of a very tall building. We have required substantial berms, trees and sound attenuation fences for AN APARTMENT building next to a residential area! For me to vote for this I've got to see a lot more buffer, sound attenuation etc. A substantial sound buffer. BH: could you relocate the buildings on the property? (At this point plans were unfolded and shown with private discussion at the commissioners' desks.) RR: Have the neighbors seen this? Answer: NO. RR: You have not seen any of this? Answer: No. RR: Mr. Chairman let me suggest this. These are the neighbors who are affected by this. They have not seen this design ... same elevation. We had this problem with this over at Woodland Forest and we had them meet with the neighbors to come up with (inaudible). I think commercial development of this type is a very good thing. But we've got to balance - and it may be perfect where it's located, but we need to do something for our responsibility to balance the impact it has on the existing residential neighborhood and quite frankly a 6' property fence with 3' high shrubs is not going to do it.

SR: well that may be true but should we give them the opportunity to ... are the decision makers here tonight who can address those items?

AC: I suggest we hold this thing off and they go over in that room right over there (Narashino Room) and talk and exchange information and come back in here in a little while and see if we can get some kind of resolution. (Lots of talking at once.)

SR: to the neighbors and developers: would y'all be agreeable to doing that? (Lots more talking at once. Could make out one of the neighbors saying that not enough neighborhood representatives are here. Made out one of the developers saying something about how the legal notices were mailed out so people should have known what was going on.)

RR: I'll say this to the developers engineer and the engineer is not from here. We like you guys to meet with the neighbors you're gonna impact. We really like people to come and when I say, "do you know where it's going to be?" you say, "we've met with the neighborhood and we've come up with this and everybody may not like it fully but its (inaudible) and that saves an awful lot of time.

SR: that's a great idea. Please meet in the Narashino Room and I'd like to remind you to act in good faith because (inaudible) it is in the County so there are options (there's the ol' hog farm specter again). We are going to continue with the agenda.

Voted to table.

THIS DISCUSSION TOOK 31:19 TO THIS POINT!

Your reporter was gone by the time they returned, but it is my understanding that agreements were reached and the project was approved.

[S-18-08: CITY LOFTS](#), consisting of six residential condominium units and one ground floor commercial space located at 2304 University Boulevard. (Council District 1)

Reporter gone. Sorry.

S-20-08: 1419 SIXTH STREET, consisting of two residential condominium units located at 1419 6th Street. (Council District 4)

Approved on Consent Agenda.

S-21-08: POLLIE ANTHONY SUBDIVISION, consisting of two lots located south of Jug Factory Road and east of 12th Avenue East. (Out of City)

Approved on Consent Agenda.

S-22-08: STALLINGS SURVEY, consisting of two lots located at the intersection of Cumberland Road and Bay Street. (Out of City)

Approved on Consent Agenda. Sam Callahan, whose mother lives across the street from this property, wants to know if it's going to be a development or if they are just removing a piece from the property. JMc explained that it is currently one parcel with three structures and they want to sell of a piece of it so they are dividing it.

S-23-08: HALLMAN SUBDIVISION, consisting of nine lots located on the south side of Grandview Drive and north of Cherokee Estates Section Two. (Out of City)

Reporter gone...

S-24-08: RESURVEY OF PART OF LOT 2, A.P. LEE SURVEY, consisting of two lots located on the southwest corner of Hargrove Road and Harrison Street. (Council District 7)

Reporter gone...

S-25-08: RESURVEY OF PART OF LOTS 1, 2, & 3, BLOCK 108, T.C.I. & L. SURVEY, consisting of three lots located near the southwest corner of 13th Street and 12th Avenue. (Council District 4)

Reporter gone...

S-26-08: VINTSON PLACE, consisting of eight lots located on the north side of Keene's Mill Road and west of its intersection with Old Birmingham Highway. (Out of City)

Reporter gone...

S-27-08: PALMER PROFESSIONAL OFFICES, consisting of one lot located on the west side of Rice Mine Road Northeast and south of The Townes Boulevard. (Out of City)

Reporter gone...

ANNEXATIONS

AN-2008-3: Approximately 3.67 acres located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, Township 20 South, Range 9 West. (Council District 3)

Reporter gone...

STREET VACATIONS

V-2-08: A portion of Sherwood Drive located south of Riverside Drive (Council District 4)

Although I wasn't there for the vote, obviously it was approved because since then the City Council has vacated a portion of Sherwood Drive (see 4/1/08 synopsis on the City's website). The purpose for this was to permanently close the intersection of Sherwood and Riverside Drive which connects the neighborhood to the University area. Several years ago, TNT founder Virginia Powell was successful in spearheading her neighborhood's efforts to have the street reduced to one-way in an effort to control the traffic and speeding problem in their area. With the changes in campus traffic and the continual growth in game-day attendance the traffic problem in this neighborhood had continued to get worse even though the road was one-way. Even the University's vans were trucking folks through this R1, historic residential area. It is my understanding that their City Councilperson, Lee Garrison, was very effective in expediting this vacation through in order to give this neighborhood some relief.

AMENDMENT TO THE ZONING ORDINANCE

Amending Article III. Residential District Regulations, regarding maximum dwelling unit density and residential occupancy restrictions

Sorry, I wasn't there...