

Tuscaloosa Neighborhoods Together

notes on
TUSCALOOSA PLANNING AND ZONING COMMISSION
May 21, 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, Robert Reynolds, Gary Phillips, Jimmy Warren, Joe Duncan & Steven Rumsey

City Staff: David Griffin(TDOT), Jimbo Woodson (Legal), Bill Snowden, Harold Skelton, Jessica James, Cecil Lancaster, Rita Daugherty and John McConnell (Planning & Zoning)

ZONING

Z-6-07: Tyler Davis petitions to rezone approximately 10 acres located on the east side of 26th Avenue East between Parkside subdivision and Norwood Lane subdivision from R-1 to RMF-1. (Council District 6) (CONTINUED FROM LAST MONTH)

This has been here the past two months. It is Parkwood Apartments just south of Hargrove Road. They are rezoning this land and annexing a part of a pocket of land that is completely surrounded by city. That land has recently been cleared and a house moved off of it. The developer, Joe Mullins, has submitted an elevation view of the fence which he notes will be on top of a 6-8' elevation. Commissioner Reynolds noted that the site plan shows that the buildings have no windows or balconies on the side that faces the bordering residential neighborhood that would look down into the back yards of those neighbors. Joe Mullins noted that the elevation of the building will be lower so the buildings will be less apparent from the neighborhood too. Commissioner Reynolds noted that the site plan calls for 4" caliper Leyland Cypress trees on 20' spacing. Commissioner Joe Duncan asked TDOT's David Griffin about whether a traffic study had been done. The developer said they will provide that during the permitting stage. He noted that the whole development is brick, not vinyl siding and that it is not being marketed to students. Phase one is in existence and is now family.

Some neighbors, Eric and Tamara Martin of Norwood Lane, spoke about their major concern which is traffic. It is already

congested there. They ask if there is enough room to build a new roadway. Commissioner Phillips called them and the developer up to look at the plans together to discuss that question. They did so and their discussion was not audible, but they seemed satisfied with the information they received. Commissioner Phillips said there will be more traffic, but that they will be getting a traffic study and they will follow the engineer's recommendation on how to handle the traffic. The exit of the development will be onto 26th Avenue behind the Lincoln dealership but before the bottom of the hill.

There will be 204 units and they have 416 parking spaces plus 80 for guests. A discussion about the adequacy of this parking ensued. The developer said that the units will be 1, 2 and 3 bedrooms and he doesn't know the exact breakdown right now. The code calls for 2 parking spaces per unit.

The Martins were still at the podium and continued to express concern about traffic and the effect this will have on their property value. Commissioner Rumsey told them that the owner has the right to develop their property. The Martins replied that they know that and that they are just asking the Commission to consider their opinion.

Commissioner Rumsey said he doesn't think there is enough parking because even though the code calls for 2 per unit, this is a college town and he thinks it is asking for a problem to not have more parking. City Attorney Jimbo Woodson proposed a condition on the rezoning of 2 spaces per unit or 1 per bedroom plus 7% whichever is more. This has been done on other rezonings. Joe Mullins said the units are not rented to students, but told the commission, "y'all decide." Commissioner Reynolds said that the parking requirement needs to be changed rather than doing this piecemeal on every separate petition. Commissioner Rumsey said that not knowing the number of bedrooms is causing a problem. The developer said that he thinks the 80 extra parking spaces will cover them.

The rezoning, annexation and original rezoning of the annexed property was all APPROVED with Jimmy Warren abstaining.

Z-12-07: Eddison Walters petitions to rezone property located at 704 University Lane (Parts of Lots 9 & 10 J.R. Pugh subdivision) from R-2 to RMF-1. (Council District 7)

This is near Cornerstone Baptist Church and the Dakota Apartments. Ron Henderson was there for Tuscaloosa Engineering Associates. They are proposing an apartment complex. Commissioner Reynolds asked about the landscaping. Henderson said they will certainly have a privacy fence. Bill Snowden asked them about rezoning to R-4 instead of RMF-1. Harold Skelton said the size of the property would comply with R-4. Commissioner Rumsey wanted to know how many bedrooms. There was

another big discussion of parking spaces. John McConnell and Harold Skelton said that each unit has a 2-car garage. Commissioner Warren said that his problem with the development is that it is apartments on a residential street. The engineer said that several of the neighboring properties are or have been sold for similar development. Commissioner Rumsey said he just doesn't have enough information and he is very concerned about parking. Commissioner Phillips pointed out that the garages on the rear are single car garages. Harold Skelton replied that that is the same as typical single family homes: one car garage with stacked parking in the driveway. Commissioner Warren asked the Staff, "What do we want to happen here as far as planning?" Bill Snowden replied that there is not a comprehensive plan for this area, but that he had the same feeling that Warren has expressed - that it is an intrusion on single family zone. He continued that he doesn't think there is enough information and encouraged the Commission to continue. Commissioner Rumsey asked how wide the single lane street was. Someone on the commission made a motion to continue. The owner of the property, Eddison Walters, 704 University Lane, came to the podium. Commissioner Rumsey said the drawings are too vague and asked about the one lane road. Mr. Walters replied that it is a private drive. Commissioner Rumsey asked if that was legal. Several people replied at the same time that it is. Commissioner Phillips asked, "What do we need?" David Griffin said that the width of the driveway is something that will be addressed in the permitting process. Commissioner Phillips asked that the motion to continue be removed and it was. Commissioner Reynolds moved to approve the rezoning to R-4. Commissioner Phillips interjected that he did not know what happened here, but that something took a wrong turn. The owner, Mr. Walters, showed on the property map where other developers have bought property for development. He said other lots are owned by people who have passed on and the lots are now for sale. The trend of the whole street is multi-family. The property in the neighborhood is pretty much run down and the values are very low. It is currently mixed rental and owner occupied. He also pointed about another area of the neighborhood that is experiencing high crime and drug problems.

Commissioner Bobby Howard said that there are plans afoot to revitalize this area. He said that Mr. Walters is right; a lot of people want something done in the area and he believes the church there has something in the works too.

APPROVED with Steve Rumsey voting no.

PLANNED UNIT DEVELOPMENT SUBDIVISION PLATS

P-2-07: HAMILTON'S CROSSING, consisting of 42 lots located between Old Marion Road and Patriot Parkway North and south of

Hillcrest School Road. (Out of City)

This is on the south side of Bearcreek Road. A condo development was approved here months ago, but it never panned out. This development stretches between two roads and makes a cut-through. They show sketches of the houses they plan to build. They are attractive. The engineer on this project is Ron Henderson again. He said that the condo development didn't work out because of the drainage issues, but they believe that have worked that out in this project. After brief discussion of items on Staff's checklist that were not prepared, Commissioner Phillips demanded to know who was not ready, the developers or the Staff. Commissioner Reynolds recommended the case be continued. Commissioner Phillips admonished the developer not to bring anything back up here until it is ready. Before the developer could sit down, Commissioner Reynolds asked him about green space in the development. He pointed out that sidewalks were needed on both sides of the straight street.

Continued.

P-3-07: PEMBROOKE, consisting of 62 lots located on the south side of Hargrove Road East and adjacent to East Lake subdivision. (Proposed annexation and Council District 6)

This is currently a mobile home park. TDOT's David Griffin said it is ready to approve from the subdivision point of view. These will be single family homes with detached garages. Some garages will be connected to the homes with breeze ways. It will have to be rezoned to R-3 because of density of 6 per acre. The surrounding property is all R-1. R-3 requires front yards to be 25', but they are asking for a waiver to allow 15' front yards because of the detached garages. The engineer, Tiffany Ezelle, said they were going for "traditional family development." Commissioner Reynolds asked what the rear setback was. Tiffany Ezelle said they were requesting 5' and Commissioner Reynolds asked why, adding that you can't do anything with 5 feet. Ezelle said there was no particular reason that they were requesting 5' other than they thought 5' would be more favorable to the Commission than nothing.

Bill Snowden pointed out that this development will be in the Woodland Forrest Elementary School zone and asked who the development was being marketed to. He did not receive an answer that I heard.

Commissioner Reynolds said he lives downtown and their rear garages are on their property lines. He asked about reducing the 5' setback in the rear and increasing the front setback. David Griffin said that the owners will need the room to access the rear of their garages to perform repairs. He thought Robert

Reynolds' garage backed up to a public right of way, but Reynolds said it did not. The engineer asked if Reynolds was thinking about 17.5' front yards and 2.5' rear setbacks.

A neighbor who lives at 4152 East Lake Drive and owns 2.5 lots there spoke about his concern that the 5' setback was insufficient. He said it needs to be more. The area is very hilly and the existing houses are on the back sides of their lots. He said when this development is built they will be "packed in like sardines." Commissioner Reynolds asked him if the subject property was uphill or downhill from his house. He said he couldn't answer because right now it is a hole behind his house and he doesn't know what the grade is going to be because they are definitely going to have to fill it. He brought photographs which he shared with the Commissioners.

Tiffany Ezelle said that more than likely the land will be level with the back of the neighbor's land and she made a sharp comment about just buying more fill if they need it. When asked by one of the commissioners about whether the developer plans to build privacy fencing between the development and the neighbors, she became argumentative and said that in "traditional neighborhoods" they have an "open feel" and don't have fences separating the lots, but that if this particular neighbor has a problem they would build a fence on his lot. The Commission as a whole replied that that is ok for the interior lots but where the development abuts existing neighbors they need to be considerate. Commissioner Rumsey complimented the developer because the parking is to the rear, but he pointed out that because the parking is to the rear car headlights will be shining into the yards and houses of the abutting property and that privacy fencing would be good if they are willing to do it. Bill Snowden interjected that the Commission can require that the development include fencing. There was then a short discussion of the fence and agreement that it would be solid wood with staggered boards so that the headlights won't shine through it.

Commissioner Phillips advised the neighbor that since this is a Planned Unit Development he can get a copy of the plans so he will know what all the developer will have to do because they have to comply with the plans as adopted. Bill Snowden said there will also be another hearing at City Council on this. Commissioner Warren asked about the open space plans. Tiffany Ezelle said there is a gazebo in the SW corner and there will be a sign with annuals at the entrance. Commissioner Reynolds asked what else they can do around the gazebo like include benches and paths.

Another neighbor, Kathleen Pearson, asked what is going to be done with the drainage. The engineer said there is a ditch that goes through her property and they are not re-routing it. Mrs. Pearson went up front to look at drawings and I couldn't hear what discussion they had. She also said that the traffic is

real bad there now and after this it will be worse. Ms. Ezelle told her that this development will be a lot nicer than what is there now and will improve property values.

Commissioner Reynolds asked if they will be prohibiting parking on front yards and enclosing the garages. Bill Snowden reviewed the conditions of the approval: interior lots have front yards of 17.5' and rear setbacks of 2.5'; there will be a 6' wooden privacy fence that is the same on both sides on the western boundary of the development, the gazebo area will include a walking trail; a drainage plan will be submitted to the city engineer and the covenants will prohibit parking on the front yard and enclosing the garages.

The PUD, the annexation and the original rezoning of the annexed property was 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)

Apparently the notes given to the Commissioners by the Staff indicated that this project was not ready for approval. It was continued. At this point a lot of people in the room were quite angry. Commissioner Reynolds called the engineer up and sharply admonished him that because there were no garages designed into this development the cars will all be parked out front. There are 91 lots and there are no open space improvements. He said he was just mentioning that for thought, but his tone conveyed otherwise.

Continued.

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. (Out of City)

Commissioner Phillips started with an apology to members of the public who are in attendance. He said he has never seen it move less smoothly than tonight. He began the petition by going over the staff complaints on the paperwork and the engineer, Mike McGuire was answering each complaint with explanation. There was a lot of confusion about the fact that the engineer seemed to have filed the required paperwork, but it had either not made it to TDOT or to the Commissioners.

McGuire said they do intend to annex this property into the city. They were not going to but since the new sewer policy has been adopted they have changed their mind. Bill Snowden asked if

they have a 20' easement connecting to the city. McGuire said not yet, but can't we get the project approved beforehand? Attorney Woodson said they can approve the development with the contingency that if he doesn't annex they must present a septic plan. Harold Skelton said they will still have to come back for the annexation and the original zoning. Someone asked McGuire what the plan was to make the property contiguous to the city. McGuire said they were going to acquire a 20' strip connecting them. Bill Snowden said it would make it cleaner if they would continue the petition and bring it all back at one time. McGuire said that would be fine. Bill Snowden said that the Staff recommends a continuance. Commissioner Reynolds said for them to make sure they address the other issues before they come back.

There was then a discussion of deadline times for submittal and what staff and TDOT does when. Everyone was touchy and defensive.

Commissioner Reynolds asked McGuire to consider running the sidewalk around the cul de sac so that there would be one continuous sidewalk.

Tom Sims of Longleaf Engineering rose and said that he represents Mr. Lawrey from whom McGuire's client proposes to obtain an easement that will connect him to the city. He has a problem because he has leased the property to someone else and did not reserve a R-O-W for some reason.

Apparently this case was continued; I must have missed the vote if there was one.

A woman approached the podium to ask about S-36-07. She was told that it was No. 18 on the agenda and we are no where near there. She said she couldn't stay because she had to go take her medicine. The Commission then took a lengthy break. During that time this woman spoke individually to engineer Al Cabaniss and Commissioner Howard.

PRELIMINARY SUBDIVISION PLATS

S-22-07: A RESURVEY OF LOTS 1, 2 AND 3 BLOCK D ABERNATHY ADDITION TO TOWN OF ALBERTA, consisting of four (4) lots located at the northeast corner of 30th Avenue East and 7th Street East. (Council District 5) (CONTINUED FROM LAST MONTH)

This case has been here before. They were told they had to receive a variance from the Zoning Board of Adjustments and they have never submitted ZBA a petition. This is Sentell Engineering's petition.

DENIED.

S-25-07: JAKE SUBDIVISION, consisting of four (4) lots located on the east side of Sally Hamner Road in the SW ¼ of the SE ¼ of Section 4, Township 20 South, Range 10 West. (Out of City) (CONTINUED FROM LAST MONTH)

Last month this was continued because the engineer was not present at the hearing. He is here tonight: Marty Montgomery. TDOT and Staff are ok with this subdivision. There is no opposition from the audience.

APPROVED.

S-27-07: RESURVEY OF LOT 8346 ENTERPRISE AVE NE YACHT CLUB BAY NO. 7, consisting of one (1) lot located on the south side of Enterprise Avenue NE within the Yacht Club Bay subdivision. (Council District 3) (CONTINUED FROM LAST MONTH)

No one was here last month. Tonight Darryl Eland of Eland Surveying is here. The owner of the lot built a garden wall out onto the golf course property. Westervelt has OK'D the sale of a portion of the golf course.

APPROVED.

~~S-29-07: RESURVEY OF LOT 5-A OF POINT CLEAR, consisting of one (1) lot located on the northeast side of Point Clear Road in the Point Clear subdivision. (Council District 3) WITHDRAWN~~

S-30-07: RESURVEY LOTS 12-13 HAMNER ACRES, consisting of two (2) lots located on the east side of Hamner Acres Road in the Hamner Acres subdivision. (Out of City)

Up near Sokol Park. They are just changing the lot lines between two houses. Mike McGuire explained that they are trying to square the lots so the owner of one of the lots can build a fence.

APPROVED.

S-31-07: CYPRESS POINT OFFICE PARK CONDOMINIUMS, consisting of four (4) units located at 701 Rice Mine Road North. (Council District 3)

This is just west of Cypress Inn. They are transforming an existing building into 4 units. They discussed waivers requested which include the 200' infrastructure easement and ½ street improvements. Engineer Mike Gardiner said that the building pre-existed the 200' requirement. David Griffin said TDOT is not in favor of the ½ street improvements waiver because there is no

project planned for Rice Mine Road and TDOT would like to see some shoulder improvements. Commissioner Phillips asked legal if they are able to require them on a subdivision like this. Legal replied, "yes." Commissioner Warren said that this was approved years ago and he doesn't like to go back and require the improvements now. There was no opposition.

APPROVED.

Then Commissioner Warren said that this doesn't necessarily mean they will waive them in the future.

S-32-07: ABINGDON COURT CONDOMINIUMS, consisting of 12 units located on the north side of 13th Street between 7th Avenue and 8th Avenue. (Council District 4)

There was a brief question by Commissioner Reynolds about how the two parking lots will be separated and the answer was "with curbs."

APPROVED.

S-33-07: EAST TUSCALOOSA WALGREENS RE-SURVEY, consisting of one (1) lot located at the southeast corner of University Boulevard East and Old Birmingham Highway. (Council District 5)

Commissioner Phillips made the observation that this project was submitted by and out of town engineer and he did it with no problems. This "subdivision" combined three lots - the old florist, La Fiesta Restaurant and the mini storage place - into one lot for the Walgreens.

APPROVED.

S-34-07: PEMBROOKE PLAT NO. ONE, consisting of one (1) lot located on the southwest side of Hargrove Road East and adjacent to East Lake subdivision. (Out of City)

This is an office that is adjacent to the PUD that was earlier on the agenda. There was some discussion of where the sewer lines run to this property. TDOT and Staff want ½ street improvements and sidewalks.

APPROVED.

S-35-07: ABC PLAZA, consisting of two (2) lots located on the south side of University Boulevard East, between University Boulevard East and Old Cottondale Road. (Council District 5)

This is for an ABC Store. Half street improvements have to be waived because the State won't allow them.

APPROVED.

S-36-07: 1805 - 8TH AVENUE APARTMENTS, consisting of one (1) lot located at the southeast corner of 8th Avenue and 18th Street. (Council District 2)

Behind Central High School where a funeral home used to be. They want to build an apartment building and they have to get rid of a lot of old lot lines. There will be 77 units, 107 bedrooms and 154 parking spaces which is well in excess of the requirement.

APPROVED.

S-37-07: HARKEY PROPERTY PHASE II, consisting of two (2) lots located on the west side of Rice Mine Road Northeast and north of Ol' Colony Road. (Out of City)

Staff and TDOT are ok with this. Jimmy Duncan is the engineer for Rice Colony, LLC. This is a two lot subdivision west of Publix. The problem was an easement issue. Mike McGuire represents Wanda and Jorge Naranjo and asks the Commission to approve the subdivision subject to an agreement regarding the easement. Bob Monfore said he or his client is purchasing the easement and is going to give the Naranjos access to roads being built too. The easement will be part of lots 2 & 3. The Naranjos are getting access across the new road and they already have access to Ol' Colony Road. They have all the terms worked out and they just have to sign the papers.

APPROVED.

AMENDMENT TO THE SUBDIVISION REGULATIONS

The Planning Commission also considered an amendment to the Subdivision Regulations as follows:

Change the first sentence of "Section 6.4 PRELIMINARY PLAT" to read as follows:

The developer shall submit twelve (12) copies of the Preliminary Plat, together with a fee as prescribed by resolution of the Planning Commission, to the Community Planning and Development Department by 12:00 noon not less than one calendar

month prior to the scheduled meeting of the Planning Commission at which the plat is to be considered.

They decided to also add that only a completed application will be advertised and placed on the agenda for a public hearing. This will be effective for the July meeting.

APPROVED.

OTHER MATTERS

The Tuscaloosa Planning and Zoning Commission also addressed the following matters but I had to leave so I don't know what they did:

- Consider an amendment to remove conditions placed on the rezoning of 925 25th Avenue East, being Ordinance No. 6993. (Council District 5)
- Consider a request to operate a Class I Lounge Retail Liquor License establishment at 2326 4th Street (Temerson Square) as a conditional use in the Downtown/Riverfront Overlay District BC zone. (Council District 1)
- Discuss proposals for an amendment to the Zoning Ordinance to prohibit parking in front yards. (Possibly all Council Districts)
- Discuss the possible expansion of the "U" (University) district and the rezoning of certain properties to R-4U in the Cloverdale subdivision area located northeast of Hackberry Lane and 15th Street. (Council District 4)
- Discuss course of action concerning improvements made within the open space of The Village of Magnolia PUD without prior approval of the Planning Commission. (OUT OF CITY)