

LEGAL NOTICE

TUSCALOOSA PLANNING AND ZONING COMMISSION

FEBRUARY 21, 2006

The following are Laurie Johns' notes on the 2/21/06 hearing of the Planning and Zoning Commission. **THESE ARE NOT OFFICIAL MINUTES.**

ZONING

Z-34-05: Southeast Real Estate Acquisitions, LLC petitions to rezone properties located near the northeast corner of the intersection of 14th Avenue and 12th Street and immediately south of University Circle subdivision from R-3 to RMF-2U. (Council District 4) (CONTINUED FROM LAST MONTH – previously Z-33-05 & Z-34-05) **Continued again.**

Z-1-06: Antonio Owens petitions to rezone property located at 709 25th Avenue East from BGO to R-3. (Council District 5) **This is a lot where the previous owner had run a recording studio and had, therefore, had the zoning changed from R-3 to BGO. The current owner wants to sell the property now and wants it changed back to R-3. The photograph of the property showed a gravel parking lot in front of the house in which a large bus was parked. Commissioner Robert Reynolds informed the petitioner that the bus would not be able to be parked there any more. There was no comment pro or con from the audience. Approved.**

Z-2-06: Thetford & Thetford petitions to rezone approximately 9.75 acres located at the southeast corner of the intersection of 37th Street East and 1st Avenue East from R-1 to R-2. (Council District 7) **Continued.**

RIVERFRONT DEVELOPMENT

RD-1-06: NORTH TUSCALOOSA DISTRIBUTION SUBSTATION, a 1.07 acre parcel located on the south side of Jack Warner Parkway, between 21st Avenue and Greensboro Avenue. This is the proposed development of a new substation by Alabama Power Company which will consist of two power transformers and six power circuit breakers. The substation will be surrounded by an eight (8) foot fence constructed of stamped reinforced concrete and red in color which will create a brick masonry appearance similar to other buildings in the immediate vicinity. Landscaping compatible with the surrounding environment is also proposed. (Council District 1) **Continued.**

PLANNED UNIT DEVELOPMENT SUBDIVISION PLATS,

P-3-06: MURPHY PLACE, REVISED MASTER PLAN, located on the southwest side of Bear Creek Road East opposite Sandbrook subdivision. Phase One of this development consisting of 38 lots has been recorded. The revised master plan reduces the number of previously approved remaining lots from 147 to 111. (Out of City) **This PUD is located in the County, but within the City's planning jurisdiction (which is apparently the same as the police**

jurisdiction – I think 2 miles beyond the city limits). Phase one of this development has already been approved, recorded and, apparently, mostly built. There has been a change of engineers on the project, although the same developers (Mike Spivey and Bill Lunceford) still own it. When Phase One was before the commission, they promised to include open space with walking paths, etc., but these WERE NOT ever actually built. Now, Phase Two is before the commission. Commissioner Robert Reynolds asked the new engineer, Mike McGuire, if they had open space in the plan and if they would include a restrictive covenant prohibiting parking in front yards. There was some hesitation apparently because the developers were asking for a waiver of the amenities. There ensued much discussion between the Commission members, the staff and the engineer about the fact that the amenities promised in Phase One had not come to fruition. Ultimately, the petition was CONTINUED so that plans can be developed to address the omissions in Phase One. Note that although the engineer attempted to convince the Commission that Phase One was already complete and nothing could be done about the omission of the amenities, the staff pointed out that the developer was the same and that P&Z does still have jurisdiction and authority to require them. Commissioner Jimmy Warren said that in his opinion, Phase One is NOT complete because the promised amenities are not complete and if they approve Phase Two, how are they to prevent the developer then from failing to construct the promised amenities? When asked, the engineer stated that the units in this PUD were expected to be marked for around \$180,000.00.

P-4-06: THETFORD SUBDIVISION, consisting of 42 lots located at the southeast corner of the intersection of 37th Street East and 1st Avenue East. (Council District 7) **Continued**.

PRELIMINARY SUBDIVISION PLATS

S-7-06: WASHINGTON OAKS, (formerly Ollie Washington Subdivision), consisting of 18 lots (formerly 17 lots) located on the north side of 25th Street and south of Oakdale subdivision. (Council District 1) (CONTINUED FROM LAST MONTH) **The developer will construct sidewalks. APPROVED.**

S-10-06: UNIVERSITY DOWNS II CONDOMINIUMS & REGENCY OAKS CONDOMINIUMS,

University Downs II consists of 180 units and Regency Oaks consists of 68 units. These developments are located north of 15th Street East near the Contemporary Mitsubishi Car Dealership. This is a conversion of existing apartment complexes to condominiums. (Council District 4) **Note: To convert existing apartments into condominiums, the Commission must approve a subdivision because the property will be split up from one, large lot into as many lots as there are individual units.**

This petition ended up only concerning Regency Oaks Condos because a petition cannot address more than one subdivision.

The concern here is that even though the plan for the APARTMENTS was approved in the 1980s, they do not NOW meet Code. There is not enough

parking or open space and the density level is too high. The question was whether the Commission made a mistake back in the 1980s and missed the fact that there was insufficient parking, open space and too high density, or whether there has been a change in the property (a portion of it was subsequently sold) that has caused the insufficiencies. If it was the Commission's oversight, then the subdivision would have to be approved as a nonconforming use. If it was the owner's fault because he sold off property, then he will either have to get a variance from the Zoning Board of Adjustment or he will have to fix the problem by somehow acquiring more property. The engineer stated that there was not any property abutting the property that could be acquired, so their only choice was to get a variance. Although this Commission was loath to send this unresolved problem to ZBA, it did so because IF ZBA approves the variance, the petition for subdivision will have to come back before this commission and, at that point, there would be no grounds upon which this Commission could deny the petition. Therefore, it would be a waste of everyone's time and resources to require it to come back. APPROVED SUBJECT TO THE ZONING BOARD OF ADJUSTMENT'S APPROVAL OF VARIANCES ON ALL OF THE INSUFFICIENCIES.

S-11-06: HAMILTON CROSSINGS, consisting of 110 condominium units located along the west side of Old Marion Road in the NW ¼ of the SE ¼ of Section 13, Township 22 South, Range 10 West. The access for this development will be from a roadway which is under construction which connects Patriot Parkway and Hillcrest School Road. (Out of City) **These are in the County within the City's planning jurisdiction. They are condominiums that will be from 1200 to 1400 sq.ft. They will be two stories with vinyl siding. The developer promised to install sidewalks. APPROVED.**

S-12-06: MIRIAM LEWIS SUBDIVISION, consisting of two (2) lots located at the southwest corner of the intersection of 8th Street and 37th Avenue. (Council District 1) **Consent Agenda Item: APPROVED**

S-13-06: STADIUM VIEW APARTMENTS, consisting of 24 units located at the southwest corner of the intersection of 8th Street and 14th Avenue. This is a conversion of an existing apartment complex to condominiums. (Council District 4) **This is another conversion of an apartment complex into condominiums. There is a considerable shortage in parking that has been brought about after the original apartment approval by the Commission in the 1960s by the selling off of a portion of the property. No other property is available to add parking. This may not be the only problem with this subdivision, but it is one problem that may be solved by obtaining a variance, so the developer decided to voluntarily continue this petition and take the variance request to the Zoning Board of Adjustments. If the variance is approved, the subdivision petition will be back before this Commission for further consideration.**

S-14-06: RAY PROPERTY, consisting of four (4) lots located on the east side of 26th Avenue East and east of Parkside subdivision. (Council District 6) **This road is one of the roads that connects Hargrove Road to Skyland Blvd. Parkstone Condominiums have already been approved on or near this**

road. They will be 23 units. Half-street improvements were required of these condos. This petitioner is an individual who is subdividing his one lot into 4 lots for sale. Strangely, this property is not in the City Limits! He does not want to bring the property into the city limits and he wants to have his half-street improvements waived. Robert Reynolds said he is against the waiver and wants the owner to grant the city a right of way for future sidewalks. The Commission APPROVED the subdivision without a waiver and with the R-O-W requirement. The owner indicated that he will not be doing those improvements because the entire road will not be improved. There will be improvements by the condos, then back to regular road then improvements in front of his lots and then back to nothing. Plus, he commented on the cost of these improvements. Joe Robinson answered the owner, stating that if he wasn't going to bring this property into the city and then later the city did improvements on the road, that would be city taxpayers paying for improving county property and that wouldn't be right.

S-15-06: DEER RIDGE, consisting of 8 lots located at the southwest corner of the intersection of Yellow Creek Road and D. Cunningham Road in Section 20, Township 19 South, Range 9 West. (Out of City) **APPROVED**

S-16-06: SUGAR HILL SUBDIVISION, consisting of 3 lots located on the east side of Forest Lake Drive and immediately south of Forest Hills subdivision. (Council District 2) **The owner asks for a waiver of the half street improvements because there are already curbs and gutters there, they are just old and don't meet the current guidelines for curbs and gutters. This is an individual who wants to subdivide one lot into 3 lots stacked one behind the other. All the driveways will come out onto Forest Lake Drive next to one another. They can build just one driveway so long there is space for each lot to have their own driveway in case in the future they decide not to share. The commission APPROVED the petition without requiring the half street improvements. Robert Reynolds was the only "no" vote.**

S-17-06: COMFORT SUITES & GUEST LODGE SUBDIVISION, consisting of two (2) lots located at the northwest corner of the intersection of McFarland Boulevard East and Interstate 59/20. (Council District 7) **Consent Agenda Item: APPROVED**

S-18-06: WESTSIDE COMMUNITY DEVELOPMENT, consisting of 8 lots located between Herman Avenue and Fosters Ferry Road and north of 24th Street. The access for this development will be from Herman Avenue. (Council District 1) **The subdivision is designed with no access to Fosters Ferry Road and the entire perimeter of the subdivision is fenced. The Commission APPROVED the petition.**

S-19-06: A RESURVEY OF LOTS 9 & 10 KYLE SELLERS SUBDIVISION, consisting of one (1) lot located on the north side of Kyle Court in Section 26, Township 21 South, Range 9 West. (Out of City) **Consent Agenda Item: APPROVED**

S-20-06: McKINNEY SUBDIVISION, consisting of three (3) lots located along the south side of Lake Tuscaloosa and adjacent to the April Sound subdivision. (Out of City) **Continued.**

S-21-06: RESUBDIVISION OF LOTS 1 AND 2 NORTHRIDGE BAPTIST CHURCH SUBDIVISION PHASE 2, consisting of one (1) lot located on the east side of Watermelon Road (4115 Watermelon Road) in Sections 35 & 36, Township 20 South, Range 10 West and Sections 1 & 2, Township 21 South, Range 10 West. (Council District 3) **Consent Agenda Item: APPROVED**

S-22-06: RE-SURVEY OF LOTS 32 AND 33 CAPLESWOOD TERRACE, consisting of two (2) lots located on the northwest side of Caplewood Drive in the Capleswood Terrace subdivision. (Council District 4) **Consent Agenda Item: APPROVED**

S-23-06: BARKSDALE SUBDIVISION, consisting of two (2) lots located on the north side of Keene Drive and immediately east of the Resurvey of Cherry Wood Subdivision No. 1. (Out of City) **Consent Agenda Item: APPROVED**

OTHER MATTERS

Ms. Charlotte Terry requests that the Planning Commission waive the side setback requirements for Lot No. 57 Stone Harbour Second Section. (Out of City) **DENIED**

Extension of approval for Evans Property and Mimosa Gardens Subdivisions. **Gave one 3-month extension, but stated that they would not extend it again – they will have to re-submit the subdivision.**

ANNEXATIONS

There were two annexations. Both were GRANTED. One was a residential lot out by the lake. The owner wants her children to be able to attend city schools. The other was the Mimosa Garden property where an apartment complex is being developed. This is the same property that the 3-month extension was given to. This property was brought into the city with an R-4 zoning designation.

STREET VACATIONS

There were two street vacations. Both were APPROVED. One was in connection with an apparently ambitious hotel, residential and office space development. They didn't show maps on the street vacations and I didn't catch the name of the street.

OTHER BUSINESS

Robert Reynolds requested guidelines on open space for PUDs and subdivisions from Bill Snowden's department (Planning & Zoning). He also asked for statistics from the City on how many tickets have been issued in the historic districts for parking on front lawns and for too many residents

in a house. He emphasized strongly that since those laws had been enacted they need to be enforced and he wants to see how the enforcement action has been.