

The Saraland Planning Commission convened in regular session on March 13, 2018, at the Saraland City Court Room. The meeting was called to order at 6:00 p.m. by Chairman Johnny Holley.

Roll call was as follows:

Present: Chairman Johnny Holley  
Vice-Chairman Robert Lutz  
Secretary Coy Butts  
Wayne Biggs  
Veronica Hudson  
Ronnie Outlaw  
Austin Sealey  
Barry Andrews  
Johnny Whigham

Absent: None

Others present: Mike Black, Director of Inspection Services, Matthew Lambert, City Planner; Andy Rutens, City Attorney

Minutes of the March 13, 2018, meeting were approved by signing.

Motion was made by Wayne Biggs, seconded by Ronnie Outlaw, to approve the April 10, 2018, Planning Commission agenda. Motion carried.

Chairman Johnny Holley called for conflicts of interest of any agenda item for members of the Planning Commission. Chairman Holley said he is the surveyor of record for the Preliminary/Final Plat of Tate Family Subdivision and will recuse himself from the plat review. No other conflicts of interest were brought forth.

**REQUEST TO RE-ZONE FROM M2 TO R1 APPROXIMATELY 81.22 ACRES ON CREAX ROAD, PARCEL R021207350000002, FILED BY FOXTRAP INVESTMENTS, LLC, C/O JASON LINDER**

Motion was made by Barry Andrews, seconded by Coy Butts, for a favorable recommendation to the Saraland City Council to re-zone from M2 to R1 approximately 81.22 acres on Creax Road, a/k/a Parcel No. R021207350000002, filed by Foxtrap Investments, LLC, c/o Jason Linder. Motion carried.

**PROPOSED AMENDMENT TO THE SARALAND LAND USE AND DEVELOPMENT ORDINANCE, SECTION 33-5(O) BILLBOARDS**

Section 1. Article XXXIII (Sign Provisions) of the City of Saraland Land Use and Development Ordinance governs the effective use of signs. Article XXXIII contains Section 33-5(o), which

concerns the locations for billboards allowable within the City. However, that provision requires amendment to allow for the expanded and appropriate location of billboards within the City, and specifically immediately adjacent to Highway 158, immediately east of Interstate 65. In order to address this issue, Section 33-5(o) is to be amended. Section 33-5(o) currently reads as follows:

(o) Billboards:

New billboards shall only be allowed on parcels immediately adjacent to the I-65 right-of-way. New billboards located along I-65 shall be electronic. For each new electronic billboard or billboard structure erected, four (4) existing billboard structures within the city shall be completely removed. All holes and/or voids resulting from the removal of the billboard structure, foundation, etc. shall be backfilled to be level with the adjacent ground surface. Billboards shall be located a distance of 600 feet from any residential zoning district; 200 feet from any freestanding general business sign; 1,000 feet from an intersection; and 1,500 feet from a park, playground or school. Also, there must be at least 1,000 feet between sign structures located on the same side of the highway.

Existing billboards may remain in place as non-conforming if they are in compliance with Section 33-7(a).

(1) Electronic Requirements:

Electronic billboard signage area allowed shall be a maximum of six hundred seventy-two (672) square feet. Maximum height shall be fifty (50) feet. Digital billboard construction is allowed, as a monopole design with underground utility service, provided the following requirements are met:

- (a) The sign does not display any illumination by flashing, intermittent or moving lights; does not contain or display animated, moving, projecting, video or scrolling elements;
- (b) Each message shall be displayed for at least eight (8) seconds and a change of message shall be accomplished within two (2) seconds or less;
- (c) A change of message must occur simultaneously on the entire sign;
- (d) A sign face is only visible from one direction of traffic;
- (e) It will automatically adjust the intensity of its display brightness according to natural ambient light condition;
- (f) It contains a default design mechanism that freezes the sign in one position if a malfunction occurs;

- (g) The sign owner shall provide contact information for a person who is available to adjust the intensity of the sign should a malfunction occur.
- (2) Billboard Permitting:
  - (a) Permit applications shall be submitted to the Building Official or his designee. If the applicant satisfies the requirements of this Section, the Building Official, or his designee, will issue a provisional permit granting permission for the digital sign, subject to the issuing of a permit by the Alabama Department of Transportation.
  - (b) The applicant shall obtain a permit from the Alabama Department of Transportation allowing the requested construction, and shall provide a copy of that permit to the Building Official, or his designee, no later than twelve (12) months following the issuance of the provisional permit.
  - (c) If the applicant satisfies the requirements of The Saraland Land Use and Development Ordinance and obtains a permit from the Alabama Department of Transportation, the Building Official, or his designee, shall issue a sign permit for the billboard.
  - (d) The provisional permit shall expire twelve (12) months after its issuance if no sign permit has been issued in that time.
  - (e) All billboards shall obtain annual electrical and structural inspections. A copy of these inspections, along with the annual fee, shall be submitted to the Building Official, or his designee, due on December 31<sup>st</sup>.

In order to address the propriety of billboards immediately adjacent to Highway 158, just east of Interstate 65, Section 33-5(o) of the City of Saraland Land Use and Development Ordinance, the City Council of the City of Saraland, Alabama, amends Section 33-5(o) to read as follows:

(o) Billboards:

New billboards shall only be allowed on parcels:

- Immediately adjacent to the I-65 right-of-way. New billboards located along I-65 shall be electronic. For each new electronic billboard or billboard structure erected, four (4) existing billboard structures within the city shall be completely removed. All holes and/or voids resulting from the removal of the billboard structure, foundation, etc. shall be backfilled to be level with the adjacent ground surface. Billboards shall be located a distance of 600 feet from any residential zoning district; 200 feet from any freestanding general business sign; 1,000 feet from an intersection; and 1,500 feet from a park, playground or

- school. Also, there must be at least 1,000 feet between sign structures located on the same side of the highway.
- Immediately adjacent to Highway 158 in the area that is within one thousand (1,000) feet of the Interstate 65 right-of-way. For each new location for an electronic billboard face or billboard structure erected, six (6) existing billboard structures within the City that are not immediately adjacent to the Interstate 65 right-of-way shall be completely removed. All holes and/or voids resulting from the removal of the billboard structures, foundation, etc., shall be backfilled to be level with the adjacent ground surface. In this area, billboards shall be located a distance of six hundred (600) feet from any residential zoning district; one hundred (100) feet from any free-standing general business sign; no closer than six hundred (600) feet to any park, playground or school; and no closer than nine hundred (900) feet to any other billboard or other off-premises sign structures located on either side of the Highway 158 right-of-way.

Existing billboards may remain in place as non-conforming if they are in compliance with Section 33-7(a).

(1) Electronic Requirements:

Electronic billboard signage area allowed shall be a maximum of four hundred seventy-two (472) square feet. Maximum height shall be fifty (50) feet. Digital billboard construction is allowed, as a monopole design with underground utility service, provided the following requirements are met:

- (a) The sign does not display any illumination by flashing, intermittent or moving lights; does not contain or display animated, moving, projecting, video or scrolling elements;
- (b) Each message shall be displayed for at least eight (8) seconds and a change of message shall be accomplished within two (2) seconds or less;
- (c) A change of message must occur simultaneously on the entire sign;
- (d) A sign face is only visible from one direction of traffic;
- (e) The sign brightness will not exceed a reasonable nit level based upon the design and location of the signs and the area around it. In no event will the "nit" level exceed 6000 during daylight hours and 300 from dusk till dawn. The digital sign will have automatic dimming features in place to provide for automatic dimming of the "nit" level based upon the ambient environment.

- (f) It will automatically adjust the intensity of its display brightness according to natural ambient light condition;
  - (g) It contains a default design mechanism that freezes the sign in one position if a malfunction occurs;
  - (h) The sign owner shall provide contact information for a person who is available to adjust the intensity of the sign should a malfunction occur.
- (2) Billboard Permitting:
- (a) Permit applications shall be submitted to the Building Official or his designee. If the applicant satisfies the requirements of this Section, the Building Official, or his designee, will issue a provisional permit granting permission for the digital sign, subject to the issuing of any necessary permit by the Alabama Department of Transportation.
  - (b) If a permit from the Alabama Department of Transportation (ALDOT) is required, the applicant shall obtain a permit from ALDOT allowing the requested construction, and shall provide a copy of that permit to the Building Official, or his designee, no later than twelve (12) months following the issuance of the provisional permit.
  - (c) If the applicant satisfies the requirements of The Saraland Land Use and Development Ordinance and obtains a permit from the Alabama Department of Transportation, the Building Official, or his designee, shall issue a sign permit for the billboard.
  - (d) The provisional permit shall expire twelve (12) months after its issuance if no sign permit has been issued in that time.
  - (e) All billboards shall obtain annual electrical and structural inspections. A copy of these inspections, along with the annual fee, shall be submitted to the Building Official, or his designee, due on December 31<sup>st</sup>.

Motion was made by Wayne Biggs, seconded by Johnny Whigham, for a favorable recommendation to the Saraland City Council to amend the Saraland Land Use and Development Ordinance, Section 33-5(o) Billboards. Robert Lutz opposed.

**PETITION FOR ANNEXATION OF PARCEL R021908400003086, CORNER OF BALDWIN ROAD AND HOLCOMBE STREET, R2 ZONING REQUESTED, FILED BY ALETHEIA HOUSE, INC.**



Motion was made by Barry Andrews, seconded by Veronica Hudson, for a favorable recommendation to the Saraland City Council to annex into the City of Saraland Parcel R021908400003086, corner of Baldwin Road and Holcombe Street, a/k/a Baldwin Street Homes Subdivision Lots 1-6, with R2 zoning, filed by Aletheia House, Inc. Motion carried.

**PRELIMINARY/FINAL PLAT REVIEW OF BALDWIN STREET HOMES SUBDIVISION, CORNER OF BALDWIN ROAD AND HOLCOMBE STREET, FILED BY ALETHEIA HOUSE, INC.**

City Planner, Matthew Lambert, reviewed the plat and noted a discrepancy on the setbacks between the drawing and notes. The correction would need to be made before recordation. The proper notices were sent advertising the public hearing, and Chairman Johnny Holley opened the floor for public hearing. Surveyor of the property, Cecil Hudson, spoke and said the discrepancy on the setbacks would be corrected. No one else spoke, and the public hearing was closed.

Motion was made by Barry Andrews, seconded by Wayne Biggs, to approve the Preliminary/Final plat of Baldwin Street Homes Subdivision contingent on the setbacks being noted correctly on the plat and the Saraland City Council approving the annexation of the property. Motion carried.

Chairman Johnny Holley recused himself, and Vice-Chairman Robert Lutz chaired the meeting.

**PRELIMINARY/FINAL PLAT REVIEW OF TATE FAMILY SUBDIVISION ON SMITHTOWN ROAD, FILED BY ROBERT R. TATE AND AARON R. TATE**

City Planner, Matthew Lambert, gave a favorable recommendation to approve the plat. The proper notices were sent advertising the public hearing, and Vice-Chairman Robert Lutz opened the floor for public hearing. No one was present to speak for or against the application, and the public hearing was closed.

Motion was made by Barry Andrews, seconded by Ronnie Outlaw, to approve the Preliminary/Final Plat of Tate Family Subdivision on Smithtown Road, filed by Robert R. Tate and Aaron R. Tate. Motion carried.

Johnny Holley returned to chair the meeting.

**NEW/OLD BUSINESS**

Chairman Johnny Holley advised there is a matter to be discussed in executive session concerning pending litigation.

City Attorney, Andy Rutens, advised this is appropriate use of executive session as authorized by state law.

Motion was made by Robert Lutz, seconded by Wayne Biggs, to adjourn into executive session with Andy Rutens to discuss pending litigation.

The following votes were counted:

Yes: Johnny Holley  
Robert Lutz  
Coy Butts  
Wayne Biggs  
Veronica Hudson  
Barry Andrews  
Austin Sealey  
Ronnie Outlaw  
Johnny Whigham

No: None

Motion carried.

Chairman Holley advised he anticipates the executive session to last approximately 5 minutes.

The Planning Commission adjourned into executive session with City Attorney, Andy Rutens, at 6:37 p.m.

Motion was made by Barry Andrews, seconded by Ronnie Outlaw, to reconvene at 6:42 p.m. with all members present. Motion carried.

There being no further business to come before the Planning Commission, the meeting adjourned at 6:45 p.m.

**ACCEPTED AND APPROVED:**

  
  
  


  
  
  
