

The Saraland Planning Commission convened in regular session on July 9, 2019, at the Saraland City Court Room. The meeting was called to order at 6:00 p.m. by Vice-Chairman Robert Lutz.

Roll call was as follows:

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

Absent: None

Others present: D. Logan Anderson, City Planner; Mike Black, Chief Building Inspector; Brooke Miller, Building Department Office Assistant

Motion was made by Wayne Biggs, seconded by Scooter Thronson, to approve the July 9, 2019, Planning Commission agenda. Motion carried.

Vice-Chairman Robert Lutz called for conflicts of interest of any agenda item for members of the Planning Commission. No conflicts were brought forth.

**PUBLIC HEARING: PRELIMINARY/FINAL PLAT REVIEW OF CHERRY HILL SUBDIVISION, UNIT TWO, RESUBDIVISION OF LOT 41, PARCEL NUMBER R021807360000001.051., FILED BY BRETT REAL ESTATE-ROBINSON DEVELOPMENT CO., INC.**

D. Logan Anderson, City Planner, gave a favorable recommendation to approve the preliminary/final plat subject to: any revision to the Preliminary/Final Plat being reflected upon the Master Plan; and, providing one (1) copy of the recorded plat to the Saraland Building Department prior to any requests for permits. The proper notices were sent advertising the public hearing, and Vice-Chairman Robert Lutz opened the floor for public hearing. The public hearing was closed.

Motion was made by Scooter Thronson, seconded by Barry Andrews, to approve the Preliminary/Final Plat Review of Cherry Hill Subdivision, Unit Two, Resubdivision of Lot 41, Parcel Number R021807360000001.051., filed by Brett Real Estate-Robinson Development Co., Inc., subject to staff's recommendations. The motion carried.

**PRELIMINARY/FINAL PLAT REVIEW OF CELESTE SPRINGS SUBDIVISION, PHASE FOUR, PARCEL NUMBER R021209310000001.025., FILED BY ALEXANDER T. HOWARD, III.**

D. Logan Anderson, City Planner, gave a favorable recommendation to approve the preliminary/final plat subject to: providing one (1) copy of the recorded plat to the Saraland Building Department prior to any requests for permits. The proper notices were sent advertising the public hearing, and Vice-Chairman Robert Lutz opened the floor for public hearing. Vice-Chairman Robert Lutz asked if the proper setbacks were illustrated on the plat, to which D. Logan Anderson confirmed they were. The public hearing was closed.

Motion was made by Barry Andrews, seconded by Ronnie Outlaw, to approve the Preliminary/Final Plat Review of Celeste Springs Subdivision, Phase Four, Parcel Number R021209310000001.025., filed by Alexander T. Howard, III, subject to staff's recommendation. The motion carried.

**PUBLIC HEARING: PRELIMINARY/FINAL PLAT REVIEW OF HEBERT AND RAY SUBDIVISION, 613 & 621 NORTON AVENUE, FILED BY MONIQUE RAY, DAVID HEBERT, AND ANNA HEBERT.**

D. Logan Anderson, City Planner, gave a favorable recommendation to approve the preliminary/final plat subject to: providing one (1) copy of the recorded plat to the Saraland Building Department. The proper notices were sent advertising the public hearing, and Vice-Chairman Robert Lutz opened the floor for public hearing. The public hearing was closed.

Motion was made by Barry Andrews, seconded by Ronnie Outlaw, to approve the Preliminary/Final Plat Review of Hebert and Ray Subdivision, 613 & 621 Norton Avenue, filed by Monique Ray, David Hebert, and Anna Hebert, subject to staff's recommendation. The motion carried.

**PRELIMINARY/FINAL PLAT REVIEW OF SANDERS ADDITION TO ARMY ROAD SUBDIVISION, 10810 ARMY ROAD, FILED BY CHRISTOPHER SANDERS AND THERESA SANDERS.**

D. Logan Anderson, City Planner, gave a favorable recommendation to tentatively approve the preliminary/final plat subject to: revising the plat to indicate the lots are within an R-1, Low Density Residential District; revising the plat to illustrate the minimum setback lines for lots within an R-1 zoning district (35' front yard, 35' rear yard, and 10' side yards); revising a note on the plat indicating the minimum setbacks for lots within an R-1 zoning district; and, providing one (1) copy of the recorded plat to the Saraland Building Department prior to any requests for permits. The proper notices were sent advertising the public hearing, and Vice-Chairman Robert Lutz opened the floor for public hearing. James White of 10915 Celeste Road asked if the purpose of the subdivision was to construct apartments, to which D. Logan Anderson responded that the site is zoned R-1 and its use is limited to single-family dwellings. Russell Stringfellow of 10935 and 10955 Celeste Road inquired about any restrictions on construction of a single-family dwelling, to which Robert Lutz commented that any construction would be subject to the



Building Code, as well as all other Codes of the City of Saraland, and that any additional restrictions would have to be imposed by a homeowner's association. Russell Stringfellow then inquired if anything had been done about the subject site formerly being used for drilling by a paper mill, to which D. Logan Anderson responded there were no plans for construction at this time to know that answer, and that this hearing was simply for the division of the site into two (2) lots. The public hearing was closed.

Motion was made by Barry Andrews, seconded by Coy Butts, to tentatively approve the Preliminary/Final Plat Review of Sanders Addition to Army Road Subdivision, 10810 Army Road, filed by Christopher Sanders and Theresa Sanders, subject to staff's recommendations. The motion carried.

**RECOMMENDATION TO CITY COUNCIL: PETITION FOR ANNEXATION OF PARCEL NUMBER R021307360000013.007., FILED BY PROPERTY OWNERS JEFFREY & DEBORAH BOWLING.**

D. Logan Anderson, City Planner, recommended the Planning Commission provide a favorable recommendation to City Council to approve the Petition for Annexation of the property with the requested zoning of R-1, Low Density Residential.

Motion was made by Ronnie Outlaw, seconded by Scooter Thronson, to provide a favorable recommendation to City Council to approve the Petition for Annexation of Parcel Number R021307360000013.007., filed by property owners Jeffrey & Deborah Bowling. The motion carried.

**RECOMMENDATION TO CITY COUNCIL: PETITION FOR ANNEXATION OF PARCEL NUMBER R021307360000013.008., FILED BY PROPERTY OWNERS JEFFREY & DEBORAH BOWLING.**

D. Logan Anderson, City Planner, recommended the Planning Commission provide a favorable recommendation to City Council to approve the Petition for Annexation of the property with the requested zoning of R-1, Low Density Residential.

Motion was made by Scooter Thronson, seconded by Ronnie Outlaw, to provide a favorable recommendation to City Council to approve the Petition for Annexation of Parcel Number R021307360000013.008., filed by property owners Jeffrey & Deborah Bowling. The motion carried.

**RECOMMENDATION TO CITY COUNCIL: PETITION FOR ANNEXATION OF PARCEL NUMBER R021307350000006.014., FILED BY PROPERTY OWNERS JEFFREY & DEBORAH BOWLING.**

D. Logan Anderson, City Planner, recommended the Planning Commission provide a favorable recommendation to City Council to approve the Petition for Annexation of the property with the requested zoning of R-1, Low Density Residential.

Motion was made by Scooter Thronson, seconded by Ronnie Outlaw, to provide a favorable recommendation to City Council to approve the Petition for Annexation of Parcel Number R021307350000006.014., filed by property owners Jeffrey & Deborah Bowling. The motion carried.

**RECOMMENDATION TO CITY COUNCIL: PETITION FOR ANNEXATION OF PARCEL NUMBER R021307350000006.028., FILED BY PROPERTY OWNERS JEFFREY & DEBORAH BOWLING.**

D. Logan Anderson, City Planner, recommended the Planning Commission provide a favorable recommendation to City Council to approve the Petition for Annexation of the property with the requested zoning of R-1, Low Density Residential.

Motion was made by Ronnie Outlaw, seconded by Scooter Thronson, to provide a favorable recommendation to City Council to approve the Petition for Annexation of Parcel Number R021307350000006.028., filed by property owners Jeffrey & Deborah Bowling. The motion carried.

**RECOMMENDATION TO CITY COUNCIL: PETITION FOR ANNEXATION OF PARCEL NUMBER R021307360000013.009., FILED BY PROPERTY OWNERS THERMAN GAWAIN AND KERI DUVALL.**

D. Logan Anderson, City Planner, recommended the Planning Commission provide a favorable recommendation to City Council to approve the Petition for Annexation of the property with the requested zoning of R-1, Low Density Residential.

Motion was made by Barry Andrews, seconded by Coy Butts, to provide a favorable recommendation to City Council to approve the Petition for Annexation of Parcel Number R021307360000013.009., filed by property owners Therman Gawain and Keri Duvall. The motion carried.

**RECOMMENDATION TO CITY COUNCIL: PETITION FOR ANNEXATION OF 9440-F CELESTE ROAD, SARALAND, AL 36571, PARCEL NUMBER R021903070000016.003., FILED BY PROPERTY OWNER ANGELA D. SUMRALL.**

D. Logan Anderson, City Planner, stated that the subject site was occupied by a mobile home. He then recommended the Planning Commission provide an unfavorable recommendation to City Council to approve the Petition for Annexation of the property due to the fact that annexation into the corporate limits of the City of Saraland would create a zoning violation with respect to Article 25 of the Land Use and Development Ordinance, which does not permit any additional mobile homes to be located within city limits. However, he noted there was a precedent for approval along Kali Oka Road where, in 2014, City Council approved the annexation of property on which a mobile home was located. Wayne Biggs stated that, because of the precedent and the fact that the City Attorney was absent, he was in favor of providing either recommendation so as

to further discuss the request at the City Council level, as well as to obtain legal counsel. Ronnie Outlaw then asked what the Ordinance regarding mobile homes was in 2014, to which Wayne Biggs responded that the Ordinance was the same in 2014 as it is today. D. Logan Anderson, City Planner, then mentioned that in the case of legal nonconforming uses, there were mechanisms in the Ordinance to prevent the replacement or expansion of the mobile home. Robert Lutz agreed that it would be best to obtain a legal opinion about precedence. Scooter Thronson then asked if the issue needed to be tabled, to which Robert Lutz responded no and that a special called meeting may be necessary. Wayne Biggs stated that, as the Planning Commission is concerned, they needed to be careful regarding the precedent they may establish being contrary to prior precedence.

Motion was made by Barry Andrews, seconded by Wayne Biggs, to provide a favorable recommendation to City Council to approve the Petition for Annexation of 9440-F Celeste Road, Saraland, AL 36571, Parcel Number R021903070000016.003., filed by property owner Angela D. Sumrall.

The following votes were recorded:

Yes:	Robert Lutz	No:	Coy Butts
	Wayne Biggs		Veronica Hudson
	Barry Andrews		Austin Sealey
	Ronnie Outlaw		Scooter Thronson

The motion failed.

Motion was made by Veronica Hudson, seconded by Coy Butts, to provide an unfavorable recommendation to City Council to approve the Petition for Annexation of 9440-F Celeste Road, Saraland, AL 36571, Parcel Number R021903070000016.003., filed by property owner Angela D. Sumrall.

The following votes were recorded:

Yes:	Robert Lutz	No:	Coy Butts
	Wayne Biggs		
	Veronica Hudson		
	Austin Sealey		
	Barry Andrews		
	Ronnie Outlaw		
	Scooter Thronson		

The motion carried.

**RECOMMENDATION TO CITY COUNCIL: REQUEST TO REZONE PARCEL NUMBER R022204370004001.001. FROM R-3 TO R-4, FILED BY KALIFIELD CORPORATION.**



D. Logan Anderson, City Planner, stated that the subject site should actually be classified as an R-1 zoning district due to Article 22 of the Land Use and Development Ordinance, which contains a reversionary clause that requires parcels to revert back to their prior zoning classification after one (1) year from the date of approval if said parcel is not being used for the permitted use for which it was rezoned. Rezoning of the property from R-1 to R-3 was originally given a favorable recommendation to approve at the December 11, 2007 meeting of the Planning Commission to facilitate the development of an apartment complex at 12 dwelling units per acre, and was officially rezoned by City Council via Ordinance #760, dated January 24, 2008. However, no permits were ever obtained to develop the site. D. Logan Anderson then recommended the Planning Commission provide an unfavorable recommendation to City Council to rezone the site to R-4 due to the following: rezoning the property would result in a situation of spot-zoning as there are no R-4 zoning districts adjacent to the subject site; rezoning the property would facilitate development that is incompatible with the predominantly low- to medium-density residential character of the surrounding neighborhood; no situation has occurred that makes rezoning the property necessary and desirable for the surrounding neighborhood (e.g. subdivision of the land); and, there is nothing inhibiting the property from being developed in compliance with the Saraland Land Use and Development Ordinance. Ronnie Outlaw asked where College Park was located in reference to the subject site. Veronica Hudson asked about the reversionary clause. Ronnie Outlaw asked if the rezoning request was for an R-1 to and R-4, not R-3 to R-4, which D. Logan Anderson confirmed. Wayne Biggs asked about any natural buffers on the property, to which D. Logan Anderson responded there is a 117'-wide Alabama Power easement along the East property line and various wetlands that would provide development buffers between the subject site and an adjacent residentially zoned, but vacant, property. Wayne Biggs then mentioned his concern that there should be a public hearing for rezonings at the Planning Commission level and suggested scheduling a special called meeting to allow a public hearing for this request so citizens could ask questions and voice their concerns.

Motion was made by Wayne Biggs, seconded by Scooter Thronson, to postpone the Recommendation to City Council: Request to Rezone Parcel Number R022204370004001.001. from R-3 to R-4, filed by Kalifield Corporation. The motion carried.

## **NEW BUSINESS**

Motion was made by Wayne Biggs, seconded by Scooter Thronson, to schedule a Special Called Meeting on July 30, 2019 at 6:00 p.m. for the Public Hearing: Request to Rezone Parcel Number R022204370004001.001. from R-3 to R-4, filed by Kalifield Corporation. Motion carried.

Reverend Lutz stated that he believes some people in attendance at the meeting were there to inquire about a proposed development along Hwy. 158, to which Wayne Biggs responded that such development, if it occurs, would not be within Saraland City Limits.

There being no further business to come before the Planning Commission, the meeting adjourned at 7:05 p.m.

**ACCEPTED AND APPROVED:**

*Barry Carter*

*Audrey Sealey*

*RK Dulla*

*Wayne S. Buzzs*

*Way Britt*

*Veronica Hudson*