

The Saraland Planning Commission convened for a Special Called session on July 30, 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 Barry Andrews Ronnie Outlaw Scooter Thronson Austin Sealey
Absent:	Veronica Hudson

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

Motion was made by Coy Butts, seconded by Scooter Thronson, to approve the July 30, 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: REQUEST TO REZONE PARCEL NUMBER R022204370004001.001. FROM R-3 TO R-4, FILED BY KALIFIELD CORPORATION.**

Robert Lutz discussed the nature of the Special Called meeting and stated that another public hearing was scheduled for August 22, 2019 for City Council to consider the request to rezone. D. Logan Anderson, City Planner, recommended the Planning Commission provide an unfavorable recommendation to rezone the property. Andy Rutens, City Attorney, discussed that the zoning of the property should actually be R-1 due to the reversionary clause in Article 22 of the Land Use and Development Ordinance. Wayne Biggs asked about an error in the application for the request, which incorrectly identifies the zoning of the property as R-2, and whether or not it was a valid reason to postpone the hearing. Andy Rutens, City Attorney, stated that it was not a valid reason to postpone the hearing because identifying the zoning of the property was not a requirement of the request under Article 22-2 of the Land Use and Development Ordinance. Ronnie Outlaw inquired about the difference between an R-3 zoning district and an R-4 zoning district. Andy Rutens, City Attorney, and D. Logan Anderson, City Planner, explained the differences between R-3 and R-4 zoning districts. The proper notices were sent advertising the public hearing, and Vice-Chairman Robert Lutz opened the floor for public hearing.

Mr. Jeff Kennedy, representative of Kalifield Corporation, spoke in favor of the application, emphasizing the subject site is located within a growth area, which perhaps justifies the need for additional housing. Mr. Kennedy stated the purpose for the rezoning was to facilitate the construction of 332 apartments, further arguing that the area is mixed use and abuts unincorporated property that is used for industrial purposes as justification for the request. D. Logan Anderson, City Planner, informed Mr. Kennedy that he exceeded the time limitation for presentations. Mr. Kennedy then provided a brief history of the previous rezoning of the property, stating that the original rezoning application was submitted prior to the adoption of the current Zoning Ordinance.

Mr. Chris Springer of 1618 Fort Conde Court spoke against the application, citing concerns for increased traffic, the potential environmental impact of the proposed development, and its potential impact on property values.

Mr. Wayne Biggs stated that property values cannot be taken into consideration by the Planning Commission when making a recommendation for a rezoning. Vice-Chairman Robert Lutz clarified and confirmed with Andy Rutens, City Attorney, that Wayne Biggs was correct. Mr. Rutens confirmed Mr. Biggs' statement, stating this was due to certain State and Federal laws.

Mr. Keith Culpepper of 1610 Fort Conde Court spoke against the application, citing concerns regarding the density of the proposed development and its potential impact on traffic.

Mrs. Juanita Chandler, property owner and applicant, spoke in favor of the application. Mrs. Chandler discussed her tenure with Keep Saraland Beautiful and how she ensures the development and use of the properties she sells in Saraland will be compatible with Saraland.

Mrs. Nancy Springer of 1618 Fort Conde Court spoke against the application. Mrs. Springer stated she had no problem with growth in Saraland, but was concerned about traffic, traffic circulation, and density issues as a result of the proposed development.

Vice-Chairman Robert Lutz closed the public hearing.

Mr. Wayne Biggs asked if the site plan for the proposed development will also require Planning Commission approval. D. Logan Anderson, City Planner, and Mike Black, Chief Building Inspector, confirmed that the Planning Commission must approve a site plan for the proposed development prior to construction. Mr. Biggs then asked if traffic surveys could be completed as part of that process, to which Mr. Black responded they could be done as a contingency for approval.

Mr. Austin Sealey inquired about ingress/egress and about the amount of units proposed to be constructed. He then explained the need for two (2) entrances/exists for Fire Department access and inquired about an Alabama Power Easement on the site possibly being used for such access. Andy Rutens, City Attorney, stated that Alabama Power was very strict about access to their easements. Mr. Sealey then inquired about an engineering study regarding the suitability of the easement for use by the Fire Department.

Mr. Barry Andrews inquired about the County property abutting the subject site.

Mr. Coy Butts asked the applicant's representative, Mr. Jeff Kennedy, if a site disturbance permit was ever issued after the original rezoning request was approved. Mr. Kennedy provided a letter from 2008 in which the previous Building Inspector stated a permit for site disturbance could be obtained. However, D. Logan Anderson, City Planner, stated that no site disturbance permit was ever issued.

Vice-Chairman Robert Lutz asked if the property could be considered non-conforming. Andy Rutens, City Attorney, stated the property was not non-conforming because it was never developed. Mr. Rutens then stated that the new Ordinance supersedes the previous Ordinance. Mr. Rutens cited a legal case in Orange Beach, AL justifying his statement.

Vice-Chairman Robert Lutz inquired about density regulations in the previous Zoning Ordinance.

Mr. Ronnie Outlaw inquired about the responsibility for road maintenance along Kali Oka Road. Mike Black, Chief Building Inspector, responded that Prichard was responsible for maintenance of the road. Mr. Lutz then asked how improvements to the road can be made, to which Andy Rutens, City Attorney, responded that Saraland could pay Prichard for maintenance.

Vice-Chairman Robert Lutz asked the Planning Commission if there were any additional comments.

Mr. Wayne Biggs stated Saraland wants to grow, but that it needs to grow smart by respecting current and future residents. Mr. Biggs stated not everyone can afford housing in an R-1 zoning district, therefore apartments are necessary. Mr. Biggs stated that Saraland residents consistently inquire about the growth of certain industries, such as restaurants, but in order to attract such industries Saraland needs to grow in population. As such, Mr. Biggs stated that Saraland needs to decide if it wants to grow to be able to accommodate these industries. Mr. Biggs concluded by saying his main concern about the proposed development is access management.

Vice-Chairman Robert Lutz made a statement that he visited the property and that his concerns centered on the development stage with respect to access management, road maintenance, and traffic. Mr. Lutz then stated that there is an Alabama Power easement and wetlands that act as buffers between the proposed development and abutting residential properties.

Vice-Chairman Robert Lutz entertained a motion.

Motion was made by Mr. Ronnie Outlaw, seconded by Mr. Scooter Thronson, to provide a favorable recommendation to rezone the property. Andy Rutens, City Attorney, stated that the request is for R-4, regardless of the current zoning of the property. Mr. Ronnie Outlaw amended the motion to provide a favorable recommendation to rezone the property to R-4. Mr. Scooter Thronson seconded the motion.

The following votes were recorded:

Yes: Robert Lutz  
Coy Butts  
Wayne Biggs  
Austin Sealey  
Barry Andrews  
Ronnie Outlaw  
Scooter Thronson

The motion carried.

Vice-Chairman Robert Lutz asked if City Council could be made aware of the Planning Commission's deliberation regarding the application. Mr. Wayne Biggs stated City Council will be made aware. Mr. Biggs then addressed the public, stating the City Council will hold another public hearing on the request at its August 22, 2019 meeting.

## NEW BUSINESS

Vice-Chairman Robert Lutz stated Mr. Johnny Holley resigned from the Planning Commission. Mr. Lutz then requested information regarding responsibilities and procedures of the Planning Commission. Mike Black, Chief Building Inspector, stated the upcoming budget will contain funds for training.

There being no further business to come before the Planning Commission, the meeting adjourned at 7:15 p.m.

ACCEPTED AND APPROVED:

Barry Andrus  
Austin Seale  
RK Duff  
Wayne E. Bezzo  
Coy Booth