

**MINUTES OF A REGULAR MEETING OF THE
SCOTTSBORO CITY PLANNING COMMISSION**

May 6, 2014

The Scottsboro City Planning Commission convened a regular meeting Tuesday, May 6, 2014, at 5:30 p.m. at the City Hall in the City of Scottsboro, Alabama.

ROLL CALL

Present: Chairman Mr. Jim Olyniec
Mr. Jim Flowers
Councilman Mr. Keith Smith
Ms. Pam Ayers
Mr. Bill Capley
Mr. John Hardman

Absent: Mr. Johnny Blizzard
Mr. Ronnie Dolberry
Mr. Phillip Hastings

Also present at the meeting were Mr. Josh Little, the City Engineer, and approximately twenty other attendees.

A roll call was taken, and the Chairman noted that a quorum was present.

The Chairman noted that Mr. Phillip Hastings had been appointed to the Planning Commission by Mayor Potter to fill the expired term of Mr. John Parsons.

The Chairman called for a motion regarding the minutes from the April 1st, 2014 meeting. Mr. Capley made a motion that the minutes be approved as written. Mr. Flowers seconded the motion. **Upon a vote being taken, all voted aye.**

The Chairman opened the public hearing for:

Case No. 753: Mr. Floyd Barnes was present seeking Preliminary Plat approval for Riverside Subdivision on property located on Snodgrass Road and Driftwood Shores Drive. This property is zoned R-1 (Low Density Residential District).

Mr. Barnes stated there were questions concerning drainage in the previous meeting. He noted Mr. Michael Hodges was not able to attend but that Mr. Hodges had submitted the requested information to the City Engineer, Mr. Josh Little.

Mr. Little commented that indeed Mr. Hodges had submitted a drainage study. He said Mr. Hodges had divided the drainage area into three sections. Mr. Little said the study stated an increase in peak discharge of 8 percent for Area One, 16% for Area Two

and 12% for Area Three. Mr. Little read a statement from the engineer, Mr. Hodges that stated the existing structures were fully capable of handling the additional flows. Mr. Olyniec read statements added to the plat regarding water runoff from the driveways and ways to protect it from going across the street onto neighbors property.

Mr. Olyniec asked Mr. Little to summarize the efforts by the City Street Department. Mr. Little said Mr. Dolberry cleaned the area around the two 24" pipes, the 18" pipe and an additional 24" pipe. Mr. Little also said that there was not a lot of debris present, but that the cleanup should help.

The Chairman opened up the floor for members of the audience. Mr. Burt Peake, who resides at 7 Driftwood Shores, commented he was on board and asked Mr. Little if he felt good about Mr. Hodges' calculations. Mr. Little commented he, Mr. Olyniec and Mr. Dolberry visited the property after a 3" rain and discovered the drainage structures performing well at approximately half a pipe. Mr. Larry Stolz, another residence, asked if any headwalls were a part of this design to help with erosion. Mr. Little replied no. Mr. Olyniec commented that if any erosion takes place on a public road, the city would be responsible for maintenance. Several other local residents commented on the information that was provided and that it addressed their concerns.

The Chairman asked the Commission for comments. Councilman Smith asked was the cleanup done prior to the 3" rain that was observed. Mr. Little replied no. He said the cleanup was done after the 3" rain. Councilman Smith commented this should make the drainage even better than what was observed.

Mr. Hardman asked if the Health Department had been satisfied with the sewage disposal system requirements. Mr. Barnes replied yes. Mr. Olyniec noted that Health Department approval was necessary for final approval but not for preliminary approval.

With no further comments, the Chairman asked for a motion on Case No. 753. Ms. Ayers made the motion that the case be approved as submitted. Mr. Bill Capley seconded the motion. **Upon a vote being taken, all voted aye.**

Case No. 754: Mr. Lance Armbruster, with CDG Engineers, was present on behalf of Mr. Steve Ayers who was also present. Mr. Ayers was seeking site design approval for proposed improvements to business on property located at 3011 South Broad Street (High Country Toyota). The property is zoned C-3 (General Commercial District).

Mr. Armbruster stated the site design included parking improvements and some interior building improvements. He said there would be no excess runoff and that the building improvements were minor.

Mr. Olyniec asked what the design concept in regard to drainage was. Mr. Armbruster replied there will be a grassed strip in the rear of the site that would counterbalance any excess runoff. Others members of the Commission noted the area to the rear of the property was a low lying area and swamp-like.

The Chairman asked for comments from the audience. Mr. Roy Light, with Scottsboro WSG, said there were two service laterals that would need to be replaced with ductile iron piping. Mr. Light also noted some drawings seemed to indicate sewer going out toward the front of the property. He said this property is served sewer in the rear of the property. Mr. Armbrester commented that the civil drawings had been updated to satisfy the Scottsboro WSG's request. He also noted the mechanical drawings were going to be updated. Mr. Light commented that he saw no hold-up issues.

The Chairman asked for comment from the Commission. Mr. Flowers said he wanted clarify the dumpsters should be enclosed. That was confirmed.

With no further comments, the Chairman asked for a motion on Case No. 754. Councilman Smith made the motion that the case be approved contingent upon satisfying comments from Scottsboro WSG and the dumpster being enclosed. Mr. Flowers seconded the motion. **Upon a vote being taken, all voted aye. Ms. Ayers abstained.**

Case No. 755: Mr. Mike Sartin was present representing Mr. Jeffrey Gamble, the applicant. Mr. Gamble was seeking site design approval for proposed addition to business on property located at 1502 County Park Road (Scottsboro Funeral Home). This property is zoned C-4 (Regional Commercial District).

Mr. Sartin stated the proposal included about 40 additional parking spaces, a portico, exterior cosmetic updates and some minor interior updating.

The Chairman asked the City Engineer, Mr. Little, to bring the Commission up to date on the drainage. Mr. Little said the design did increase the runoff at approximately 13%. He said the existing pipes would be upsized to handle the increased runoff. It was also noted that the drop inlet was for the northern part of the parking lot and that the south side of the parking lot "sheet flowed" onto the applicants grassed property to the south.

The Chairman asked for comments from the Scottsboro WSG. Mr. Light commented this case was similar as before. He said ductile iron piping would be required on the service lateral. Mr. Light said the changes had already been made to the plan.

The Chairman asked for comments from the Scottsboro EPB. Mr. Bradley Potter commented the design does not affect them.

The Chairman asked for comments from the audience and the Commission.

With no further questions or discussion, the Chairman asked for a motion on Case No. 755. Mr. Capley made the motion that the case be approved based on the latest drawings. Councilman Smith seconded the motion. **Upon a vote being taken, all voted aye.**

Case No. 756: Dr. Alex Holland was present representing himself and the Retreat Subdivision Homeowner's Association seeking a variance from the requirement of constructing sidewalks on property located at 80 Watersound Lane in the Retreat subdivision. The variance request was for the entire Retreat subdivision. The property is zoned R-1 (Low Density Residential District).

Dr. Holland stated the Retreat subdivision is a redivision of Lots 57 through 59 of the original Lakeview Shores subdivision. He said the Retreat was approximately 3 ½ miles from State Highway 35 and currently there were no other sidewalks in the Lakeview Shores subdivision. Dr. Holland said a HOA meeting was held in March of this year in which all lot owners opposed constructing sidewalks. He stated that owners of at least three of the lots have no plans to build. Dr. Holland noted that the topography of the lots does not allow much front yard space. He said the initial plat showed a 4-foot planting strip. Dr. Holland stated the City (Scottsboro Power Board) placed the power supply 6 feet from the back of curb. When Mr. Little looked at the situation previously, he approved a change to the location of the sidewalk to avoid the power supply. Dr. Holland said they had the initial 2-foot approval but that they would like to abolish the sidewalks in their cul-de-sac.

Mr. Olyniec asked if there was any hardship that the sidewalks represent. Dr. Holland commented what is the purpose of the sidewalk? Dr. Holland said for safety and to keep you away from the street. Dr. Holland stated there are no sidewalks leading into our cul-de-sac and none leading out of our cul-de-sac. He said if anyone wants to walk on our sidewalk, they will have to walk on the road to get to our sidewalk. He said which they do; they walk on our road and on our cul-de-sac every day. Dr. Holland stated they are not using a sidewalk now and getting along just fine. He also said at the last meeting, we discussed the sidewalk butted up against the curb. Dr. Holland said it was determined it was not safe if a child was on the sidewalk and fell in the street they could get hit by a car. He stated if you have a sidewalk two feet from the curb and a child that is more than 3 feet tall falls down; they could get hit by a car. Dr. Holland said that is the argument. He said if you are putting it there for safety, then having to vary it two feet closer to the road is a hardship.

The Chairman noted this subdivision was approved at a previous Planning Commission with sidewalks. He said the regulations require variances to these regulations be based on established hardship. Mr. Olyniec commented we have faced issues before where we have made decisions on variances. He said unless there was a compelling reason that allowed for a variance, future cases always brought back the issue before us. He said therefore any variances that we approve have to be based on solid and specific grounds, otherwise, Mr. Olyniec stated, we will have rewritten the regulations. He noted the hardship case specific requirements are outlined in the regulations.

Councilman Smith asked if there was one location in all of the 3 ½ miles stated that has sidewalks. Dr. Holland replied the Meadows subdivision was the nearest. Councilman Smith commented if we deny this, it is not because they need it but to keep

the rule in place. Mr. Olyniec commented the decision was made by a previous Commission to require sidewalks. He said if we disallow this and grant a variance based upon the reasons we've heard, that sets precedence for every future case regarding people who request variances.

The Chairman noted when the original Planning Commission made the decision to require sidewalks; there were lots of arguments and discussions that went into that. Mr. Olyniec said the decision has already been made. He noted the Commission is faced with the decision of hardship. Mr. Olyniec asked is there sufficient hardship to grant a variance after the fact?

The Chairman read two letters from citizens residing in the area adjacent to the Retreat subdivision from Mr. Frank Storms and Mr. Rick Lusk in support of a variance from building a sidewalk.

The Chairman noted that under the regulations the Planning Commission can grant a variance based upon a hardship. Mr. Olyniec stated we are not re-debating the need to have a sidewalk or not. He said that decision has already been made by a previous Commission. The Commission is now faced with the question of has there been a changed condition that creates a hardship that would allow the foregoing of sidewalks to take place.

Dr. Holland commented he understood you can't let us not have sidewalks because that opens the door for somebody else. He asked what about subdivisions that already exist that are suppose to have sidewalks but there are homes inside the subdivision that are complete that don't have sidewalks. Mr. Olyniec commented that becomes an enforcement issue. Mr. Don Webb commented Brookhaven subdivision has 8 houses complete. He said three of them have sidewalks. Mr. Little commented that Brookhaven has two years according to the covenants. Councilman Smith said he believed there was a place in the Meadows Subdivision where a sidewalk had not been built. Mr. Flowers asked if sidewalks were required when those subdivisions were approved. Mr. Olyniec commented that was a long time ago and was not sure.

Ms. Ayers asked what the new regulations say about a variance. Mr. Olyniec commented it has allowances for variances. Ms. Ayers commented we paid a lot of money for these regulations so that people would know what was expected of them. The Chairman read all the requirements of a Variance request in the Subdivision and Site Plan Regulations of the City of Scottsboro adopted on April 3, 2012. The Chairman noted that all of the criteria must be met.

The Chairman asked for comments from the Commission. Councilman Smith said it doesn't make sense to him. He said it is according to how you interpret what was just read. Councilman Smith said there will probably never be any more sidewalks within 3 ½ miles. Mr. Flowers commented Harbin Chevrolet spent a lot of money on landscaping which is right next to Little Caesar's that has next to no landscaping. He said Harbin's spent all that money because of the regulations. Mr. Flowers commented

these regulations were brought about to make Scottsboro a little bit better. He said if we never require anybody to build a sidewalk or anything else, then we never really improve Scottsboro. Mr. Flowers said no one will build on it now, but some day somebody hopefully will. Mrs. Jill Green from the audience commented that she runs in that neighborhood every day and it would be more trouble to cross over the common areas to get to the sidewalk that is also two feet closer to the road. She said if you fall, you will fall into the road. Mr. Flowers asked if the utilities were put in the right location and if the sidewalk could be put the 4-feet off the road, would the delegation be here tonight. Dr. Chris Green, from the audience, commented the he didn't think they would have an argument. Dr. Holland said we would have the argument of there are no sidewalks within probably 8 miles from our sidewalk. Mr. Flowers commented so the 2-foot isn't necessarily the reason that you are here. Dr. Green said there has been a variance granted because its 2 feet closer.

Mr. Olyniec commented these regulations are this way for the long term improvement of the City of Scottsboro. The Commission and the Council voted and approved this. Several of the Commissioners discussed different aspects of the subject.

With no further discussion, the Chairman asked for a motion regarding Case No. 756. Councilman Smith made the motion that we approve the variance as requested. Mr. Capley seconded the motion. **Upon a roll call vote being taken; Messrs. Olyniec, Flowers, Hardman and Ms. Ayers voted NO; Messrs. Smith and Capley voted YES. The motion was denied 4-2.**

Case No. 757: Mr. Darrel Pruett was present requesting to rezone land to AR (Agricultural District) on property located at 508 Barbee Lane. This property is zoned R-1 (Low Density Residential District).

Mr. Olyniec asked if the adjoining property was zoned AR. Mr. Little commented yes, it is all AR.

The Chairman asked for comments from the audience and there were none.

Mr. Little noted that the property had frontage for a single dwelling.

Mr. Olyniec noted that all rezoning requests must be approved by the City Council and that our vote would be to send a resolution to the City Council, which could accept or reject our recommendation.

With no further discussion from the Commissioners or audience, the Chairman asked for a motion regarding Case No. 757. Mr. Flowers made the motion to approve the rezoning request and to forward a resolution to the City Council. Ms. Ayers seconded the motion. **Upon a vote being taken, all voted aye.**

There being no further business, the Chairman asked for a motion to adjourn the meeting. Mr. Flowers made the motion to adjourn the meeting. Ms. Ayers seconded the motion. **Upon a vote being taken, all voted aye.**

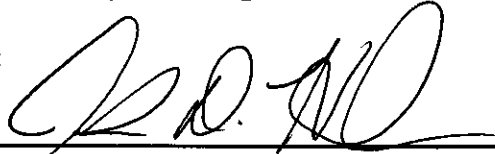
Chairman Olyniec adjourned the meeting at 6:45 p.m.

Minutes Approved



Mr. Jim Olyniec, Chairman
Scottsboro City Planning Commission

Attest:



Mr. John D. Hardman, Secretary