



CITY OF BOAZ
Planning Commission Minutes
April 13, 2023

Boaz Public Library, Mastin Conference Room – 6:00 PM

I. Call to Order

Chairman Frix called the meeting to order at 6:00 P.M.

PRESENT

Chris Alexander
Harrold Johnson
Nick Borden
Randall White
Rodney Frix
Paul Hale

ABSENT

Chris Washburn
David Wallace
Josh Greer

II. Invocation

Randall White gave the Invocation.

III. Pledge of Allegiance

Nick Borden led the Pledge of Allegiance.

IV. Adoption of Agenda

Motion made by Alexander, Seconded by Borden. The motion passed by unanimous voice vote.

V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting

1. Adopt the minutes of the Planning Commission Meeting dated March 2, 2023.

Motion made by Hale, Seconded by Borden. The motion passed by unanimous voice vote.

VI. Public Hearings

Motion made by Borden to open the Public Hearing at 6:02 P.M., Seconded by Alexander. The motion passed by unanimous voice vote.

Speaking against the rezoning

Tim Walker
227 S Walnut Street

Boaz, AL 35957

Speaking against Item Number 6 under New Business

Christie Farmer
1117 James Street
Boaz, AL 35957

Chad Cofield
1213 James Street
Boaz, AL 35957

City Attorney Christie Knowles explained the proposed amendment to the Zoning Ordinance 11.02.03 Procedure to allow an appeal procedure for citizens.

Chris Alexander, Rodney Frix, and Christie Knowles discussed the appeal process.

Speaking against Item Number 6 under New Business

Greg Price
100 Christie Lane
Boaz, AL 35957

Speaking against the rezoning

Scott McDowell
240 Daily Street
Boaz, AL 35957

Motion made by Hale to close the Public Hearing at 6:25 P.M., Seconded by Alexander. The motion passed by unanimous voice vote.

Motion made by Borden to reopen the Public Hearing at 6:30 P.M., Seconded by Hale.

White, Alexander, and Frix opposed.

Borden, Hale, and Johnson voted in favor.

The motion did not pass.

1. A public hearing to hear a request from Tony Catanzaro for a zoning change from R-2 (Medium Density Detached Residential District) to R-3 (High Density Single-Family Residential District). This property is located on Bassett Street containing 5.53 acres+/- . The property owner is seeking to construct (townhouses) attached single-family dwellings.
2. A public hearing to hear a request from Tony Catanzaro for a zoning change from R-2 (Medium Density Detached Residential District) to R-3 (High Density Single-Family Residential District). This property is located on Daily St. adjacent to Douglas St. containing 6 acres. (Parcel no. 2401011003046000) The property owner is seeking to construct (townhouses) attached single-family dwellings.
3. A public hearing to discuss and amend the City of Boaz Zoning Ordinance Number 2021-1154 as underlined below:

§3-03 R-3 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

§3.03.02 Triplexes and quadplexes. *Triplexes and quadplexes are permitted on corner lots only. Off-street parking may not extend forward of the front building line.*

1. Building Materials for duplexes, triplexes and quadplexes. Building exteriors must be constructed from high quality, durable materials as follows:
 - a) Brick or other masonry. When used for the facade of any building, concrete blocks must be split, rock, or ground-faced and may not exceed 25% of the masonry area of the facade. To add visual interest, the use of specialized textures and/or colors used effectively with other building materials and details are encouraged. Plain concrete block or plain concrete may be used only as foundation material if the foundation material is not revealed more than three feet above finished grade at the foundation wall.
 - b) Exterior insulation and finish system (EIFS) and similar troweled finishes (stucco) must be trimmed in wood, masonry, or other approved materials and may not be used adjacent to grade.
 - c) Horizontal wood and cement board siding. Composite boards manufactured from wood or other products, such as hardboard or plankboard, may be used when the board product is less than nine inches wide.
2. Prohibited Materials. The following materials are prohibited in visible locations unless an exception is granted based on the integration of the material into the overall design of the structure.
 - a) Plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.
 - b) Highly tinted or mirrored glass (except stained glass) as more than 10 percent of the building facade
 - c) Corrugated fiberglass
 - d) Non-corrugated and highly reflective sheet metal
 - e) Vinyl siding is acceptable when the board size is less than six inches wide. However, it may not be used adjacent to grade. Vinyl siding cannot be painted, which limits opportunities for changing building colors as part of future renovations.

§3.04 R-4 Multi-Family Residential District

§3.04.01 Additional Requirements

2. Building Materials for multi-family dwellings including duplexes, triplexes and quadplexes. Building exteriors must be constructed from high quality, durable materials as follows:
 - a) Brick or other masonry. When used for the facade of any building, concrete blocks must be split, rock, or ground-faced and may not exceed 25% of the masonry area of the facade. To add visual interest, the use of specialized textures and/or colors used effectively with other building materials and details are encouraged. Plain concrete block or plain concrete may be used only as foundation material if the foundation material is not revealed more than three feet above finished grade at the foundation wall.

- b) Exterior insulation and finish system (EIFS) and similar troweled finishes (stucco) must be trimmed in wood, masonry, or other approved materials and may not be used adjacent to grade.
- c) Horizontal wood and cement board siding. Composite boards manufactured from wood or other products, such as hardboard or plankboard, may be used when the board product is less than nine inches wide.
- 3. Prohibited Materials. The following materials are prohibited in visible locations unless an exception is granted based on the integration of the material into the overall design of the structure.
 - a) Plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.
 - b) Highly tinted or mirrored glass (except stained glass) as more than 10 percent of the building façade
 - c) Corrugated fiberglass
 - d) Non-corrugated and highly reflective sheet metal
 - e) Vinyl siding is acceptable when the board size is less than six inches wide. However, it may not be used adjacent to grade. Vinyl siding cannot be painted, which limits opportunities for changing building colors as part of future renovations.

Table 3-2 Area and Dimensional Requirements, Residential Districts,
Adding a minimum square footage requirement of 900sf (Square Foot) of living space per dwelling unit. In R-3 and R-4 Districts concerning Duplexes, Triplexes or Quadplexes.

§11-02 Amendments

§11.02.03 Procedure

- 4. Upon receipt of a negative recommendation from the Commission, the Council review process may be initiated at the request of the Applicant. Any owner of adjoining property may also request the Council review process of any positive recommendation upon which the appealing adjoining property owner objected at the Commission hearing or in writing prior to the Commission hearing. An appeal shall be submitted in writing, on any form prescribed for that purpose by the City and accompanied by the required fee, and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. No fee is required where an appeal is filed by the Building Official or other public official in pursuance of his/her official duties. For Commission decisions taken after May 1, 2023, all Commission decision appeals to the Council shall be filed within ten (10) calendar days following the decision that is being appealed. The time will extend to the next business day when the tenth day falls on a day the City is not open for business. For Commission decisions prior to May, 2023, all appeals must be filed within six (6) months of the decision appealed from. The timely filing of an appeal shall stay the operation of the decision of the Commission. The Council will conduct a public hearing on all appeals where a public hearing was held prior to the decision being appealed from. Notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

§2-06 Fences, Walls & Hedges

§2.06.03 In residential districts, fences may not exceed 6' in height. However, fences located forward of the principle building may not exceed 30" in height.

VII. New Business

- 1. Entertain a motion to approve or deny a request from Tony Catanzaro for a zoning change from R-2 (Medium Density Detached Residential District) to R-3 (High Density Single-Family Residential District). This property is located on Bassett Street containing 5.53 acres+/-.

Motion made by Alexander to deny the rezoning request, Seconded by White.

There was some discussion between the Planning Commission members regarding the rezoning.

Chairman Frix asked if the public had received the same packet of information of the plans that the Planning Commission members had. The public did not have the same packet of information of the plans.

Hale made a motion to reopen the Public Hearing at 6:37 P.M., seconded by Johnson. The motion passed by unanimous voice vote.

Speaking for the rezoning

Tony Catanzaro (property owner)

Speaking against the rezoning

Kyle Van Scott

245 S Church Street

Boaz, AL 35957

Tim Walker

227 S Walnut St.

Daily Avenue

Boaz, AL 35957

Shelly Fowler

366 Daily Avenue

Boaz, AL 35957

David Nicholson

3400 Bethsaida Road

Boaz, AL 35957

Motion made by Borden to close the Public Hearing at 6:54 P.M., seconded by White. The motion passed by unanimous voice vote.

Motion was previously made by Alexander to deny the rezoning request, Seconded by White.

Voting in favor to deny: Alexander, White, and Frix

Opposed: Borden, Johnson, and Hale

The motion did not pass.

2. Entertain a motion to approve or deny a request from Tony Catanzaro for a zoning change from R-2 (Medium Density Detached Residential District) to R-3 (High Density Single-Family Residential District). This property is located on Daily St. adjacent to Douglas St. containing 6 acres. (Parcel no. 2401011003046000)

Motion made by Hale to table, seconded by Johnson.

Voting in favor to table: Borden, Alexander, Johnson, and Hale.

Opposed: Frix and White

3. Entertain a motion to approve or deny amending the City of Boaz Zoning Ordinance Number 2021-1154, Section 3-03 R-3 High Density Single-Family Residential District, §3.03.02 Triplexes and quadplexes to include the following underlined language pertaining to the exterior facade treatments of triplexes and quadplexes.

§3.03.02 Triplexes and quadplexes. *Triplexes and quadplexes are permitted on corner lots only. Off-street parking may not extend forward of the front building line.*

1. Building Materials for duplexes, triplexes and quadplexes. Building exteriors must be constructed from high quality, durable materials as follows:
 - a) Brick or other masonry. When used for the facade of any building, concrete blocks must be split, rock, or ground-faced and may not exceed 25% of the masonry area of the facade. To add visual interest, the use of specialized textures and/or colors used effectively with other building materials and details are encouraged. Plain concrete block or plain concrete may be used only as foundation material if the foundation material is not revealed more than three feet above finished grade at the foundation wall.
 - b) Exterior insulation and finish system (EIFS) and similar troweled finishes (stucco) must be trimmed in wood, masonry, or other approved materials and may not be used adjacent to grade.
 - c) Horizontal wood and cement board siding. Composite boards manufactured from wood or other products, such as hardboard or plankboard, may be used when the board product is less than nine inches wide.
2. Prohibited Materials. The following materials are prohibited in visible locations unless an exception is granted based on the integration of the material into the overall design of the structure.
 - a) Plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.
 - b) Highly tinted or mirrored glass (except stained glass) as more than 10 percent of the building facade
 - c) Corrugated fiberglass
 - d) Non-corrugated and highly reflective sheet metal
 - e) Vinyl siding is acceptable when the board size is less than six inches wide. However, it may not be used adjacent to grade. Vinyl siding cannot be painted, which limits opportunities for changing building colors as part of future renovations.

Motion made by Alexander, Seconded by Borden.

The motion passed by unanimous voice vote.

4. Entertain a motion to approve or deny amending Boaz Zoning Ordinance 201-11-54, Section 3.04 R-4 Multi-Family Residential District, §3.04.01 Additional Requirements, as underlined below.

§3.04.01 Additional Requirements

2. Building Materials for multi-family dwellings including duplexes, triplexes and quadplexes. Building exteriors must be constructed from high quality, durable materials as follows:
 - a) Brick or other masonry. When used for the facade of any building, concrete blocks must be split, rock, or ground-faced and may not exceed 25% of the masonry area of the facade. To add visual interest, the use of specialized textures and/or colors used effectively with other building materials and details are encouraged. Plain concrete block or plain concrete may be used only as foundation material if the foundation material is not revealed more than three feet above finished grade at the foundation wall.
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 - c) Horizontal wood and cement board siding. Composite boards manufactured from wood or other products, such as hardboard or plankboard, may be used when the board product is less than nine inches wide.
3. **Prohibited Materials.** The following materials are prohibited in visible locations unless an exception is granted based on the integration of the material into the overall design of the structure.
 - a) Plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.
 - b) Highly tinted or mirrored glass (except stained glass) as more than 10 percent of the building facade
 - c) Corrugated fiberglass
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 - e) Vinyl siding is acceptable when the board size is less than six inches wide. However, it may not be used adjacent to grade. Vinyl siding cannot be painted, which limits opportunities for changing building colors as part of future renovations.

Motion made by Borden, Seconded by Johnson. The motion passed by unanimous voice vote.

5. Entertaining a motion to approve or deny the amendment of Table 3-2 Area and Dimensional Requirements, Residential Districts, as follows:
Adding the minimum square footage of 900sf of living space per dwelling unit. In R-3 and R-4 Districts concerning duplexes, Triplexes and Quadplexes.

Motion made by White, Seconded by Borden. The motion passed by unanimous voice vote.

6. Entertain a motion to approve or deny the amendment of section 11.02.03 Procedure, as follows:

§11.02.03 Procedure

4. Upon receipt of a negative recommendation from the Commission, the Council review process may be initiated at the request of the Applicant. Any owner of adjoining property may also request the Council review process of any positive recommendation upon which the appealing adjoining property owner

objected at the Commission hearing or in writing prior to the Commission hearing. An appeal shall be submitted in writing, on any form prescribed for that purpose by the City and accompanied by the required fee, and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. No fee is required where an appeal is filed by the Building Official or other public official in pursuance of his/her official duties. For Commission decisions taken after May 1, 2023, all Commission decision appeals to the Council shall be filed within ten (10) calendar days following the decision that is being appealed. The time will extend to the next business day when the tenth day falls on a day the City is not open for business. For Commission decisions prior to May, 2023, all appeals must be filed within six (6) months of the decision appealed from. The timely filing of an appeal shall stay the operation of the decision of the Commission. The Council will conduct a public hearing on all appeals where a public hearing was held prior to the decision being appealed from. Notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

Motion made by Alexander to table, Seconded by Hale.

Voting in favor to table: Alexander, Hale, Johnson, and White

Opposed: Borden and Frix

The motion passed to table Item number 6.

7. Entertain a motion to approve or deny the amendment of section 2-06 Fences Walls & Hedges as underlined below:

§2.06.03 *In residential districts, fences may not exceed 6' in height. However, fences located forward of the principle building may not exceed 30" in height.*

Motion made by Hale, Seconded by White. The motion passed by unanimous voice vote.

VIII. Chairman Comments

Chairman Frix stated this is not normally how Planning Commission meetings are. Chairman Frix stated he appreciated everyone that came out and that he would stay after the meeting if anyone had any questions.

IX. Adjourn

Motion made by Borden, Seconded by Alexander. The motion passed by unanimous voice vote.

The meeting adjourned at 7:07 P.M.

Minutes prepared by City Clerk/ Treasurer Beth Stephens.