

STATE OF ALABAMA

COUNTY OF ETOWAH

CITY OF RAINBOW CITY, ALABAMA – PLANNING COMMISSION – JANUARY 4, 2022  
The Planning Commission of the City of Rainbow City, Alabama met in a regular session at 3:30 P.M. and upon roll call the following members were present:

Present:  
Wes Ellis, Chairman  
Thomas Moon, Vice Chairman  
Bettye Boyd  
Brent Boggs  
David King  
Clark Hopper  
Mona Wallace  
Larry Harris

Absent:

Also Present:  
Joel Garmon  
Jack Self  
Laura Lloyd, City Attorney  
Jeremy Bain  
Steven & Penny Ayers  
Phil Ellen  
Mayor Joe Taylor  
Marv Snow

Marv Snow  
Tommie Carr  
Patricia Swindall  
Edward Lee Swindall  
Shari Cowan  
Joyce Swindall  
Steve Swindall

1. After roll call, Wes Ellis, Chairman, declared a quorum was present and the following business was transacted.
2. Minutes were presented from the November 30, 2021 meeting. Bettye Boyd moved to accept the minutes as presented. Thomas Moon seconded the motion. There were no changes or questions. Motion carried unanimously to accept the minutes as is.
3. Jeremy Bain was present to represent Olympia Engineering for the application submitted to rezone parcel 20-05-16-0-001-003.016, appx 6.5 acres off of Hwy 77, adjacent to Twelfth Street Baptist church, from HC-Highway Commercial to R-3 Multi-Family Residential.  
Mr. Bain explained that their company would be purchasing this property with intent to build a 56 unit, single story, senior (55 and over), apartment complex.  
Mr. Bain presented photos of a similar development from Scottsboro that was recently completed. Mr. Bain explained that their company would also build a city street to Rainbow City specs from Hwy 77 and that they would work with ALDOT for any turn lanes or any other access management that would be required for the development. Discussion followed.

Marv Snow was present in opposition of the rezoning. Mr. Snow stated that he was in part of the development for Kensington Garden homes behind Twelfth Street Baptist church. Mr. Snow expressed his concerns that the apartments would be a LIHTC (Low Income Housing Tax Credit) development and it was the same thing as Section 8/HUD homes, and that it would decrease the value of his and other surrounding properties.

Phil Ellen, owner of the project, explained that the development was not Section 8/HUD. It was a Section 42 LIHTC and that it was an investor driven project and statistically increases property values because the project is maintained, very well done, is in high demand, has onsite management and that they are long term partners who have to own the property for 30 years.

Mr. Ellen also explained that they have never had any police issues on their properties, that they do not generate traffic and that they also keep seniors out of nursing homes and helps keep them active with the community. Discussion followed.

4. After further discussion Bettye Boyd made a motion of recommendation to the City Council to approve the property for rezoning from HC Highway Commercial to R-3 Multi-Family subject to all federal, state, county, city and local, laws, ordinances, restrictions, requirements and policies. Brent Boggs seconded the motion.

Roll call vote was as follows:

Wes Ellis - YES  
David King - NO  
Mona Wallace - YES  
Thomas Moon - YES  
Bettye Boyd - YES  
Brent Boggs - YES  
Clark Hopper - NO  
Larry Harris - NO

Motion carried of recommendation of approval for rezoning to the City Council by a majority vote.

5. Anita Bedwell was present for the approval of building drawings for a speculative lease building located at the corner of Montrose Ave and Hwy 77. Mrs. Bedwell stated that her building will contain seven units unless a tenant needed more space.
6. After further discussion Clark Hopper made a motion to approve the building drawings as is, subject to all federal, state, county, city and local, laws, ordinances, restrictions, requirements and policies. Larry Harris seconded the motion. Motion carried unanimously.
7. Joyce Swindall was present along with her son, Steve Swindall with a request to annex her property located at 1748 Steele Station Rd. into the city limits of Rainbow City as R-1 Single Family Residential. Mrs. Swindall stated that she had owned the property since 1962 and she had always thought that they were in Rainbow City limits.

No one was present in opposition.

8. After further discussion Thomas Moon made a motion of recommendation to the City Council to approve the annexation of the two parcels located at 1748 Steele Station Rd. into the city limits of Rainbow City subject to all federal, state, county, city and local, laws, ordinances, restrictions, requirements and policies. Brent Boggs seconded the motion. Motion carried unanimously.
9. Edward Lee Swindall was present along with his sister, Shari Cowan with a request to annex their property located at 70 Applewood Lane into the city limits of Rainbow City as R-1 Single Family Residential. Mr. Swindall stated that he had always thought that they were in Rainbow City limits.

No one was present in opposition.

10. After further discussion Mona Wallace made a motion of recommendation to the City Council to approve the annexation of the two parcels located at 70 Applewood Lane into the city limits of Rainbow City subject to all federal,

state, county, city and local, laws, ordinances, restrictions, requirements and policies. Clark Hopper seconded the motion. Motion carried unanimously.

11. Tommie Carr was present with a request to annex his two (2) properties into the city limits of Rainbow City as R-1 Single Family Residential. The properties are located at 26 Applewood Lane and 75 Applewood Lane.

No one was present in opposition.

12. After further discussion Bettye Boyd made a motion of recommendation to the City Council to approve the annexation of 26 Applewood Lane and 75 Applewood Lane subject to all federal, state, county, city and local laws, ordinances, restrictions, requirements and policies. Clark Hopper seconded the motion. Motion carried unanimously.

13. Diane Steward, owner of Rainbow Manor Wedding Chapel was present with a request to rezone her business property located at 730 Ramsey Rd. from HC Highway Commercial to HCL Highway Commercial Liquor. Mrs. Steward explained that she was in the process of trying to sell the property, some of the people interested have asked about liquor license and she feels that this would make it easier for a buyer to purchase.

No one was present in opposition.

14. After further discussion Thomas Moon made a motion of recommendation to the City Council to approve the property for rezoning from HC Highway Commercial to HCL Highway Commercial Liquor subject to all federal, state, county, city and local, laws, ordinances, restrictions, requirements and policies. Larry Harris seconded the motion. Motion carried unanimously.

15. The City of Rainbow City is requesting a revision to the Rainbow City Zoning Ordinance #360, Section 109. Manufactured Homes.  
The request is to add:

"(4) The age of the dwelling may not exceed seven (7) years."

16. After discussion Clark Hopper made a motion of recommendation to the City Council to approve the revision of the Rainbow City Zoning Ordinance #360, Section 109 and with the condition that it should also be added to the ordinance that "the property owner must validate the age of the manufactured home" and subject to all federal, state, county, city and local, laws, ordinance, restrictions, requirements and policies. Brent Boggs seconded the motion. Motion carried unanimously.

17. There being no further business to come before the Planning Commission, Bettye Boyd made a motion to adjourn. Brent Boggs seconded the motion. Motion carried unanimously.

18. Meeting adjourned at 4:32 P.M.

Respectively Submitted,

Heather Hill