

CITY OF TRUSSVILLE
PLANNING AND ZONING BOARD

March 11, 2019

The Planning and Zoning Board of the City of Trussville met for a workshop session on Thursday, March 7, 2019 at 6:00 p.m. at Trussville City Hall.

Those members present were as follows:

Chairman Jane Bailey
Mr. Ryan Dawkins
Mr. Bill Lowery
Mr. Jim Meads
Mr. Ralph Robson
Mr. Darrell Skipper
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: None

The workshop was convened and the Board members received the agenda and supporting documentation for the Planning and Zoning Board meeting to be held on Monday, March 11, 2019. The Board reviewed the agenda and the applications to be considered at the meeting.

Bob Easley of Alabama Engineering was asked to bring an overall map of Stockton so that Sector 10-B could be more easily identified.

Conner Farmer Highpoint Development and Paul Carruth, the applicants on the Hamilton property rezoning stated Embassy and Ridgecrest will be the builders. There will be a traffic signal at the main entrance to line up with the Winn Dixie entrance. There will be a service road at the back for circulation. The school says Cahaba will accommodate 520 students and with the expansion now underway will accommodate 600-625 students, so this development will not approach the additional capacity. There will be sidewalks in both the commercial and residential portions.

There being no further business, the workshop was adjourned.

The Planning and Zoning Board of the City of Trussville, Alabama met in regular session on Monday, March 11, 2019 at Trussville City Hall at 6:00 p.m. Chairman Jane Bailey presided over the meeting, and City Clerk Lynn Porter served as recording secretary.

Chairman Bailey called the meeting to order, and the following members answered present to roll call:

Chairman Jane Bailey
Mr. Ryan Dawkins
Mr. Bill Lowery
Mr. Jim Meads
Mr. Ralph Robson
Mr. Darrell Skipper
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: None

Lynn Porter stated that she received a letter of resignation from the Board from Jesse Lincoln due to increased work and family obligations that no longer allow him time to devote adequate time to the Board.

Chairman Bailey introduced the minutes of the February 11, 2019 meeting for approval. Ralph Robson moved the minutes be approved, seconded by Bill Lowery, and the motion carried.

Mr. Bob Easley, Alabama Engineering, presented Stockton 10-B for preliminary approval.

Darrell Skipper asked who would maintain the common areas, and was told the HOA. They have a contract for the maintenance of all of the common areas throughout the development. Mr. Skipper asked about the private drainage easements between the lots. He asked if all drainage easements are piped, and was told there are swales that go to the inlets or are directed to flow to the pond across Bethune Parkway. He asked were any of these deeper than swales, and was told that those are piped.

Ralph Robson asked are the common areas usable?

Mr. Easley stated one of these areas is flat enough for a playing field or frisbee. The steeper common area will be planted with pines and hardwoods.

Ralph Robson asked where the water goes, and was told up Bo Run and under Bethune Parkway to a pond on the south side. The pipe was approved in Sector 10-A.

Bill Lowery asked was the agreement with the HOA in writing?

Mr. Easley stated Associa Management Group is who they contract with for the maintenance.

Jef Freeman asked if this included a water quality pond, and was told this will be turned over to Spectrum Environmental for that aspect.

Darrell Skipper asked has the city engineer reviewed this and does it meet the subdivision regulations, and Wayne Sullivan responded yes.

Dennis Blass, 221 Calumet, asked was there no plan for the increased traffic this will place on Highway 11. He stated the traffic on Highway 11 is horrible now.

Mr. Blass was told that a traffic signal at Highway 11 and Bethune Parkway is a part of this development. Mr. Blass asked how many lots there will be.

Bob Easley stated all of Phase 10 is 200 lots. They are about 2/3 through this sector.

Ms. Cindy Bankston, 721 Brittany Drive, asked how many lots in the entire development, and was told a total of 600. About 400 of these are built.

The public hearing was closed.

Jim Meads moved preliminary approval be granted to Stockton, Phase 10-B, seconded by Ralph Robson and the vote was unanimous.

Jane Bailey stated most of the people from this side of town use Deerfoot Parkway to access the interstate rather than Highway 11.

Mr. Blass stated the interstate is no better. Traffic backs up every morning past Deerfoot.

Darrell Skipper stated the current traffic circulation issues with I-59/20 closed down are different right now.

The plat for Broadway Highway 11 was presented by Ms. Melissa Ballard of Broadway Group. She stated this is a 1.33 acre tract east of O'Reiley's Auto Parts to be extracted from the larger parent tract.

Chairman Bailey stated the property is already zoned C-2.

Darrell Skipper asked have they talked to ALDOT about access, and Ms. Ballard replied their permit is pending. The plan has been approved.

Ms. Ballard stated O'Reiley's lot drains to them and they are working on an easement document.

Darrell Skipper asked if they planned to extend the sidewalk and was told yes.

Chairman Bailey asked how they would handle the drainage, and was told a 100 chamber below ground detention system will be installed.

Jim Meads asked would there be any improvements in the ALDOT right-of-way except for the driveway and was told no.

Jef Freeman asked how much fill would be required and was told the back of the lot will be raised eight feet.

Jef Freeman asked was this not considered a wetland and Wayne Sullivan stated no.

A public hearing was opened and Mr. Dennis Blass asked what will go there, and was told Dollar General will be relocated to this site. He stated he objected.

Mr. Nelay Shah, 5342 Magnolia South Drive, stated he opposed this due to traffic. He stated he did not know why this was needed when the one near Chalkville is failing.

Darrell Skipper pointed out that the use proposed is allowed in this zoning category. We are only addressing the subdivision matter.

Ralph Robson moved The Broadway Highway 11 plat be approved, seconded by Darrell Skipper, and the motion carried with Jef Freeman voting no.

An annexation request for 7109 Happy Hollow Road was presented by Mr. Jeff Parrish. He stated the annexation of the Jenron property at 7101 Happy Hollow Road makes his property contiguous. Bill Lowery moved this annexation be recommended to the City Council, seconded by Jim Meads, and the vote was unanimous.

Darrell Skipper advised the Chairman that he needed to leave the meeting early. He stated he has a professional conflict on the next case and would not be able to participate anyway.

Mr. David Stovall, EDG, Bishop Circle, Pelham, presented a request on behalf of Hambone LLC to rezone property at 522 Main Street from R-1 to C-2 and RG. There is a small portion of City property at 518 Main Street that is R-1 and is also proposed as C-2. There are forty residential lots and three or four commercial lots.

Ryan Dawkins asked the acreage of the residential property, and was told it is between eleven and twelve acres. The lots will be 60' by 120'.

Ralph Robson asked the cost of the lots and was told \$75,000 to \$100,000.

Jim Meads asked Mr. Scott Cochran of Skipper Consulting if a traffic study and traffic signal warrant study had been done on the site, and was told yes. He asked if Mr. Cochran was predicating the warrant on existing development or the proposed development, and was told on the proposed

development. He asked if the entrance would line up with the Winn Dixie entrance, and was told yes.

Mr. Cochran stated the graphic of this development shows three accesses. ALDOT has granted a full access across from Winn Dixie, and a right in/right out at the Board of Education. The access on the west was not approved.

Jim Meads asked would this require modifying the Winn Dixie driveway also?

Mr. Cochran stated ALDOT said the entrances on either end of the Winn Dixie shopping center will become right in/right out.

Jim Meads stated we encourage interconnection of lots. He stated it was his understanding that there will be a rear access back drive, and Mr. Stovall replied yes. Jim Meads stated we would recommend this be done. He asked was there a sidewalk on the front, and was told yes, along Highway 11 and also from the Residential to the Commercial, and a crosswalk will be installed.

Lynn Porter asked for affirmation that the access road in the rear would be a private road for circulation within the commercial development, and was told yes.

Jef Freeman asked was the only access from the Board office by way of the rear road and back to the traffic signal?

David Stovall replied yes, their entrance does not allow full access.

Bill Lowery asked was the road in the rear not a public road, and was told no, it is for cross access to the signalized access.

Mr. Steve Mordecai, Richard Arrington Boulevard, stated several people looked at this.

David Stovall stated they met with the Dew Gardens neighborhood last week to answer questions. He stated they are working with Southpace Properties.

Ryan Dawkins asked if they were aware that this property is within the transitional district?

David Stovall stated pending rezoning, they will finalize the site development plan, but they are aware they are in the district.

Ryan Dawkins asked if any classification other than C-2 was considered, and Mr. Stovall stated not that he was aware of. Mr. Dawkins stated he was curious if they were willing to restrict some uses.

David Stovall stated he would be happy to discuss this.

Ryan Dawkins asked did they consider R-2 development?

David Stovall stated RG is a good transition between commercial and residential. They did not go with the minimum lot size. The set backs are better with RG and they could not get the numbers needed to make it work.

Ryan Dawkins asked was he aware there is a 12' buffer for R-G? He stated he saw a 5' trail.

David Stovall stated this was added after the meeting with the neighborhood. They said their children now cut through this property to get to friend's houses, so a path was left.

Jane Bailey asked who would maintain this and was told the developer. She asked would this be around the commercial also, and was told at the meeting, it was only asked for by the residential. This layout does not have any existing residential backing up to commercial.

Jane Bailey asked about the elevation and was told it is flat.

David Stovall stated they are aware of existing drainage issues in the area. Water does not traverse the site efficiently now. There is no final design yet, but they are trying to find if there is a jurisdictional limit set by the Corps of Engineers. They are aware of the City ordinances concerning stormwater and they will comply. There is an area on the west side of the property dedicated for detention. There is a ton of water, but not a ton of water from this site. They will try to better the situation with detention.

Jef Freeman stated on the north side of the property, there is a piece that shows as not included. Is it a wetland?

David Stovall stated they did not study that piece because it is not a part of the project.

Scott Cochran, Skipper Consulting, was recognized to talk about a traffic signal. One concern is the back up at the evening peak, and how it impacts traffic flow. This signal will be interconnected with the signals at Watterson Parkway by hard wired fibre optics, and could conceivably be connected with the new signal at Vann Road. These are now stand alone intersections that are not connected.

Jim Meads stated tying the signals together will help. The City is working with the City of Birmingham on the signal at Mary Taylor Road to take it over so that the lights can be coordinated.

The public hearing was opened. Jane Bailey asked that comments not be repetitive. You must be recognized and come to the microphone.

Ms. Sandy Mills, 202 Roundabout Drive, President Calumet Downs HOA, stated the traffic through their neighborhood is bad. People cut through from Highway 11. She stated she was happy to hear there will be a traffic light. She stated the speeds with higher traffic are an issue. She stated she would like to see a solution before this development contributes to more.

Ms. Kimberly Chandler, 109 Dew Drive, stated we do not need development on every green space. This is turning into the 280 corridor. More than 100 commercial spaces are available for purchase or rent. We need to use those first, or they become vacant. We need to assess the impact of the Calumet commercial first. Cahaba Elementary is at capacity. Homes are available for purchase. We do not need more homes or gas stations or restaurants. She stated she enjoyed the woods behind her house and does not want to see another house behind hers. She asked why not preserve the green space rather than filling it with commercial and houses? Complete the downtown entertainment district. This is not the place for this to happen.

Mr. Michael Purcell, 103 Dew Drive, stated he has been a resident of Dew Gardens since 1959, and has seen the wrath Mother Nature can bestow on Trussville. He stated he was concerned with the water generated where the trees are cut. He stated his home flooded in 2007 with 18" of water in the basement. Two years later he had 2" of water in the basement. Pinch Gut Creek was cleaned. Water from Calumet, Ashwood, part of Tutwiler, and Dew Gardens drains here. The area soaks up the water and helps keep it from flowing off. There is only one way for the water to get out, and that is a culvert under Highway 11, that he feels is undersized. He stated he did not want to be flooded. He stated he knows the green space is detention behind his house. He stated he is concerned with the commercial noise pollution and light nuisance. He stated he can already read a newspaper on his deck from the lights from Winn Dixie. He does not want restaurant smells from cooking.

Ms. Jeannie Box Nabers, 518 Linden Street, asked is the Trussville sewer system prepared for the additional influx. She asked at one point was there not a moratorium?

Chairman Bailey stated they must get an availability letter from Jefferson County.

Mr. Bob Parker, 119 Dew Drive, asked if the rezoning is a package deal or separate with the residential and commercial? He asked about the 10' easement behind his property for sewer and can they tap into it?

Chairman Bailey stated that would be up to Jefferson County Environmental.

Mr. Parker stated he opposed the gas station. He stated he did not see this as a good addition to the neighborhood. He said he had no problem with the school board or a bank. He stated he was concerned about quality of life. With 40 residential units in that area, this is 1.5 homes behind his house. He stated he felt leaving the current residential would be a good idea. C-1 is a good idea.

The resident at 408 Linden Street, stated this defies the comprehensive plan, and places it under the burden of protecting green space. Greenspace is a valuable part of infrastructure. The city center transfers from car centric to pedestrian. This is not connected to downtown. With no sidewalks this requires a car. It does not fit the plan and it needs to be rejected.

Mr. John Bird, 101 Dew Drive, stated this area is in the gateway. He did not think a gas station fit. Qualified zoning, if it is an option, needs regulation of light and sound pollution and hours of operation.

Ms. Jean Cox, 418 Linden Street, stated this is a quality of life issue for children. Linden Street is a cut through. Until there are improvements to infrastructure, kids are not safe on bikes or walking in the street. There are no sidewalks. With the new Valley Road connection, this will get worse. When kids go outside they can see frogs or owls or hawks. Trees on the north side of the property are the biggest. She encouraged preservation of trees for aesthetic quality that cannot be replaced. Highway sounds cannot be replaced.

Margaret Parker, 119 Dew Drive, asked the difference between C-1 and C-2.

Chairman Bailey stated C-1 is more limited.

Nelay Shah, Magnolia South Drive, asked has anyone done a case study of how fast Trussville has developed? He stated he knows this has a positive impact as far as money.

Chairman Bailey stated this body recommends to the City Council. She stated she left the City Council after three terms in 2008. She stated for years we only had development around the interstate. This brought revenue to the city and to the Board of Education. Because of planning, this has benefitted the Board of Education.

Jef Freeman stated he wanted to protect trees. He would ask the most questions about water retention, Pinchgut Creek, and the Cahaba River impact. Too much development has a cost in these ways.

Chairwoman Bailey stated our City Clerk stays attune to what goes on. She recently provided population estimates with a breakdown by age group. This estimate showed a population of 21,702, which is a little lower than our local estimates. It showed ages 0-9 at 2,873; 10-19 at 2,939; 20-29 at 2,040; 30-39 at 2,956; 40-49 at 3,027; 50-59 at 3,107; 60-64 at 1,437; and 65+ at 3,322. We want what is best for our community.

Mr. Richard Hitchcock, Chase Court, stated our Downtown Quad 1 has plans for loft apartments. If there were nice RG homes in this area, he would want one. The RG that has been built recently is way out there. In some garden home communities houses can be as close a 5' from the property line. These lots are larger. Over the last thirty years, we have tried to maintain who we are. If you can walk to the Downtown Quad, I favor it. He stated he did not want it to look bad, but Highway 11 is going to be a commercial corridor. He stated he favored this proposal.

Ms. Cindy Bankston, 721 Brittney Drive, President of the Tiffany Estates HOA, stated she opposed this.

Ms. Cheryl Hamilton, 513 Birch Street, stated she raised a family and her kids played on this property. Tranquility and quality of life are important and she would like for the city to purchase this and maintain the tranquility. She stated you enter the city and see greenspace. She stated she would like to see arts and nature and trails. If a park is not possible, she did not think a gas station is best. She stated we need to think tech, not gas. Every tree will be leveled. From the City's comprehensive plan, it calls open space as green infrastructure. This does not honor that plan. She requested this not be recommended.

Ms. Kristie Jones, Sloss Circle, stated she formerly lived on Birch Street. Mr. Hitchcock says Highway 11 is going to be commercial. We do not have to be that city. The part not purchased is a wetland. How is this affected? This is the last greenspace. This will be a burden on the schools. They say that only 15% of Trussville homes have four residents or more. If this is an accurate account look at Stockton with 80% of the homes having four or more residents. This influx did not require an addition to Paine since there are new schools.

Jef Freeman stated Cahaba currently has a capacity of 530 kids and with the expansion will house 635. There will probably be about 40 kids from this development.

Ms. Jones stated development of this property will change the dynamic in downtown. We need to pause before destroying this greenspace. All this will change by development. What greenspace can we preserve? She stated she hears there is a preserve across the street. What protection can we put into place for homeowners. If we do too much, what is left to plat for 2040?

Chairman Bailey asked what did she consider the best use of this property?

Ms. Jones asked do we really need only one greenspace? She stated she would like to see the City buy it. Or, she would start a Go Fund Me account to purchase it.

Mr. Matt Benton, 207 Lynn Drive, asked what benefit this would be to Trussville?

Chairman Bailey stated this property is within the transition area left for smaller commercial development rather than larger shopping centers. Some changes with continued development are good. We have slowly gotten rid of the industrial zoning in downtown. Some of the benefits would be taxes, and garden homes are a good transition between commercial and residential. Calumet, Cedar Creek, and Brooks Crossing have commercial on the highway and garden homes behind.

Mr. William McKee, 510 Birch Street, stated this development is putting the cart before the horse, and it is not what we need.

The public hearing was closed.

Mr. Stovall was asked if this was one request or two separate requests for the zoning. He replied it is one request, but there is one legal description for the residential part and another legal description for the commercial part.

Ryan Dawkins asked if he would consider removing certain C-2 uses such as auto, boat, and motorcycle sales, car wash, commercial parking, department store, funeral home, grocery store, hotel, minor vehicle repair, fast food, shopping center, small engine repair, and theater?

Mr. Stovall stated he would discuss this recommendation to his client, but he did not think this would be a problem.

Chairman Bailey explained to the audience that a qualified or "Q" zoning would exclude certain uses normally allowed in a C-2 district.

Jef Freeman asked that restaurants be excluded.

Chairman Bailey asked that a gasoline station be excluded.

Jef Freeman moved that this zoning request be denied, seconded by Bill Lowery. Upon a roll call vote, the results were as follows:

Yeas: Bailey, Dawkins, Lowery, and Freeman

Nays: Meads, Robson, Porter

City Clerk Porter announced the vote was four in favor of denying the request, and three against denying the request.

Chairman Bailey stated this matter will be sent to the City Council with a recommendation to deny. They will hold another hearing. If it is approved, it will come back to Planning and Zoning for subdivision approval.

Jim Meads stated the property is currently zoned R-2. He stated he did not see the Highway 11 frontage of this property developed in this way. He stated he felt that garden homes were a good transition.

Chairman Bailey agreed that garden homes are a good transition between residential and commercial.

Jef Freeman stated his problem was with the C-2 commercial.

No other business coming before the Board, a motion was made to adjourn.

Respectfully submitted,

Lynn B. Porter
City Clerk