

CITY OF TRUSSVILLE
PLANNING AND ZONING BOARD

JUNE 10, 2019

The Planning and Zoning Board of the City of Trussville met for a workshop session on Thursday, June 6, 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. Ralph Robson
Mr. Darrell Skipper
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: Mr. Jim Meads

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, June 10, 2019. The Board reviewed the agenda and the applications to be considered at the meeting.

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, June 10, 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
City Clerk Lynn Porter

Absent: Darrell Skipper
Jef Freeman

Chairman Bailey introduced the minutes of the May 13, 2019 meeting for approval. Ralph Robson moved the minutes be approved, seconded by Bill Lowery, and the motion carried.

Final approval on Stockton, Phase 10-A, Sector 2 was presented by Mr. Bob Easley, Ashford Avenue, Hoover. He stated the preliminary was presented about six months ago. The curbs and paving are not in yet. He stated when these are down and inspected, they will get the signatures and bond.

Wayne Sullivan affirmed that these will have to be installed or included in the bond. He stated when the improvements are installed, he will look at them and let the Clerk know if is ready.

Jim Meads moved this approval be granted, seconded by Ralph Robson, and the vote was unanimous.

Head's addition to Happy Hollow Road, Resurvey No. 1 was presented. No representative was present at that time.

Williams Estate Subdivision was presented by Ms. Patricia Sims Williams who stated she wishes to have four lots approved for her children.

Chairman Bailey asked about the easement access for Lots 2 and 3, saying that the subdivision regulations require road access for each lot.

It was suggested Ms. Williams get a copy of these regulations from the City Clerk.

A request to annex property at 5209 Shetland Circle was presented by Mr. Jeff Harris. He said that many of his neighbors in Carrollwood annexed into the City several years ago and he and his wife now wish to join them.

Lynn Porter stated properties on all four sides of this property are in the city already.

Ralph Robson moved this annexation be recommended to the City Council, seconded by Ryan Dawkins, and the vote was unanimous.

A request to annex property at 6588 Memory Lane was presented by Robin Cope for her daughter Rachel Cope. She bought this property in 2017. The property is vacant.

Lynn Porter stated properties on all four sides of this property are already in the city.

Jim Meads moved this annexation be recommended to the City Council, seconded by Ryan Dawkins, and the vote was unanimous.

A request to rezone property at 522 and 518 Main Street from R-2 to C-2 was presented by Mr. Conner Farmer, Highpointe Properties. He stated houses surround this sixteen-acre property. The neighbors did not want the property mass graded, and they have looked to see what could compliment the neighborhood. Their first request was C-2 to match the zoning all up and down Highway 11, with garden homes behind that would back up to the houses. Many people talked about saving the trees on the site. He stated they tried to be creative and come up with a new plan. This plan has approximately one half of the property for a park. Many large trees are in the park area. Public access will be from the parking lot or from residences in the neighborhood. The undergrowth will be taken out. He stated they have attached a list of covenants to be applied should the zoning be approved that will run with the land. If the property is sold, the covenants would still apply. These are (1) that they reserve the right to create up to eight lots; (2) that the park is to be in place by the time the final plat is filed; (3) the city owns .96 acres that will be traded for 1.6 acres by the park; (4) that uses for lot 3 will be restricted from fast food with drive-thrus, with the exception of a coffee shop, c-store, auto repair, car wash, auto, boat, and motorcycle sales, and mini warehouses, Banks with drive-thru are acceptable; (5) they will work with ALDOT to get a traffic signal to be synchronized with other signals; (6) architectural styles for the gas station and c-store on Lot 2 will include brick and stone, gable roofs with either shingles or metal panels. He stated all lot sales are speculative except for Lot 2.

Jim Meads asked what they envision on Lots 5 and 6, and was told it could be retail or offices, or other use as there is not a current tenant in mind. Mr. Meads stated he liked the previous plan better. He stated he felt the residential portion was a good transition from the commercial. He asked had the traffic study been updated since the 40-home residential portion was removed?

Mr. Farmer stated he spoke to Mr. Skipper and he said the commercial would generate more than the residential.

Mr. Meads stated he was concerned about adding more traffic signals. He stated he did not feel this helps safety flow. He asked was the access on the east right in - right out only and was told yes, other uses will use the public street. Mr. Meads asked has the City agreed to own and maintain the park?

David Stovall stated he talked with the Mayor and he stated he would support this and recommend it to the City Council. Councilman Freeman said at the workshop that he would support it.

Mr. Meads asked the size of the school board building, and Mr. Farmer stated 12,000 square feet plus parking for employees and for meetings. They say this lot is adequate.

Mr. Meads asked were there no restrictions on the other lots and was told that other than restaurants with drive-thrus, he was willing to put the same exemptions on the other lots. He asked were there sidewalks on the Highway, and was told yes. Mr. Meads stated with the signal, this would be a opportunity to have a pedestrian crossing.

Bill Lowery stated this is all C-2. If something happens and this developer goes away, it is still C-2.

Ralph Robson stated the restrictions go with the land no matter who owns it.

Ryan Dawkins asked is the current owner aware of these restrictions, and was told yes.

Chairman Bailey asked where these restrictive uses would be applied, and Mr. Farmer stated he would restrict all lots from auto repair and sales, miniwarehouses, car washes.

Chairman Bailey asked the use of Lots 5 & 6 and was told this is unknown. She asked about the tree save area and was told there are some large trees in that area that can be preserved.

George Glenn, 134 Dogwood Lane, asked what NIC on the property to the east stood for, and was told Not In Contract. He asked does the zoning apply to this area and was told no.

Ms. Kristie Jones, 310, Sloss Circle, thanked the developer for listening and coming up with a different plan. She stated the first time this came up, they were working on a list of restrictions and asked would they still consider doing this? She stated she would not want to see a massage parlor.

Jim Meads stated he heard Mr. Farmer say he was willing to restrict auto repair, car wash, auto sales, mini warehouse uses.

Mr. Farmer stated he would restrict massage parlors as well.

Mr. Alexander Dowell, 418 Linden Street, stated he felt the restrictions were appropriate. He stated he was excited about the park and saving trees. He asked about the retention pond and could playground equipment be added or would the park be private. He asked could a shooting range be added to the restrictions?

Chairman Bailey stated we have an ordinance on shooting ranges now, and she did not believe this site could qualify.

Mr. Dennis Blass, Calumet Place, stated he was opposed. He did not want a restaurant or fast food.

Mr. Bob Parker, 119 Dew Drive, asked if anything in C-2 restricted hours of operations and was told no. He stated he thought that noise and late hours would not be good and a bar would not be good. He asked about light pollution.

Chairman Bailey stated many developments turn the light levels down at night, and our ordinance says lighting should not fall beyond the property line.

Mr. Parker stated he thought the other plan was too dense, and he liked this one.

Mr. William McKee, Birch Street, asked on Lots 5 and 6, how would they guarantee the restricted uses would not be used and was told those restrictions will run with the land. He stated that was what he wanted to hear.

Ryan Dawkins asked would Mr. Farmer be willing to place the same restrictions that are on Lot 3 on all of the other lots?

Mr. Farmer replied he did not want to restrict restaurants with drive-thrus from the other lots. He stated he did not want to get into gray areas over what is or is not fast food. All of the surrounding property on Highway 11 is C-2 with no restrictions. We are trying to develop something nicer than those areas.

Jim Meads asked would he put the same restrictions listed in item four on Lot 5 and 6? He commented that fast food restaurants would not want to be off the highway.

Mr. Farmer stated that is what he meant by gray areas. Is a Jim and Nicks or similar restaurant with a drive thru considered fast food? He stated he did not want to limit himself.

Ralph Robson stated it was in Mr. Farmer's own best interest until the last lot was sold, to keep the value high.

Jim Mead moved this rezoning be recommended for approval as Q-C-2 to the City Council, these qualifications being (1) reserve the right to create up to eight lots; (2) the park is to be in place by the time the final plat is filed; (3) the city owns .96 acres that will be traded for 1.6 acres on the west side adjoining the park; (4) that uses for lot 3 will be restricted from fast food with drive-thrus, with the exception of a coffee shop, from a c-store, auto repair, car wash, auto, boat, and motorcycle sales, and mini warehouses and massage parlors. Banks with drive-thru are acceptable; (5) they will work with ALDOT to get a traffic signal to be synchronized with other signals; (6) architectural styles for the gas station and c-store on Lot 2 will include brick and stone, gable roofs with either shingles or metal panels; and also that Lots 4, 5, and 6 are restricted from c-store, auto repair, car wash, auto, boat, and motorcycle sales, and mini warehouses and massage parlors), and an acceptance letter from the city on the park. This was seconded by Ralph Robson, and the vote was unanimous.

A request to rezone ten acres recently annexed into Carrington Lakes east of Lakeview Trace and north of Overlook Way was called. Presenter David Stovall of EDG stated for the sake of discussion, he would take both requests at once. Until recently the ten acres was outside of the city. This was annexed by the Legislature. The other piece is near the Black Jack Road gate. This development was not done like a PUD where the Master Plan is tied to the zoning, but the zoning has been done in accordance with the Master Plan. Many things have changed since 2006 when this plan was done. He stated his firm has done as many residential lots in the Birmingham area as anyone, and no R-1 zoning has been done since then. There is no longer a market for single family homes on large lots. The new plan has one fewer lots than the original plan. Grouping smaller lots allows us to do more amenities. The footprint is smaller so the green space is larger. A new clubhouse and pool is planned to serve the area near the back of the development.

Jim Meads stated the developer is not here. He asked has the developer sat down with the neighborhood to discuss this:

David Stovall stated the landscape of residential development has changed in the fifteen or sixteen years since this plan was developed.

Jim Meads asked why R-2 was not appropriate? He also asked would this meet the neighborhood covenants?

David Stovall stated when we talk about zoning, house sizes are dictated. In the homeowner lawsuit, the Judge did not address whether the quality of the homes being built was less or not.

Ryan Dawkins asked how much development in the entire Birmingham metro area since 2004 was there where the builder wanted a pad-graded lot?

Mr. Stovall replied 50% or more had 65' lots, a few 75' lots and some 50' lots. Smaller areas with dense lots are more cost effective.

Chairman Bailey asked if the area for the clubhouse and pool was a part of this request and was told no, it is a part of proposed Sector 10 along Carrington Drive.

Mr. Stovall asked that the Master Plan be updated. He stated they need to find what is proper for the land that is left.

Chairman Bailey, asked, if these amenities are not in the area to be rezoned, how do we know it will be built?

Mr. Stovall stated it is a part of the new master plan, but is not a part of the zoning.

A public hearing was opened and Jamie Rowe, 485 Lakeridge Drive, stated there are houses under construction all down the block. One of the workers told her that 90% are selling before they are completed. She stated the talk about not being able to sell larger homes is not borne out.

Mr. John Hurst, 2041 Enclave Drive, asked what the R-1, R-2, and RG designations meant.

Chairman Bailey stated these set out the minimum lot sizes.

Ms. Roxanne Corbit, 2115 Lakeview Trace, stated she did not care about sales in Carrington being lapped. She stated the quality of their neighborhood is their concern. She stated the developer does not care about their home values. The developer found that he could not build as easily as he thought due to rock. She stated she did not want to help this developer build a lesser product. He has not worked with us. He wants to sell the current amenities to the homeowners for \$2 million.

William Corbit, 2115 Lakeview Trace, stated BOEX has complete control over what can be built. He asked that any action be held over until after the appeal.

Chairman Bailey stated we can only do that with the developer's consent.

Ellen Lockhart, 635 Lakeridge Drive, stated they have had repeated problems with the covenants not being upheld. The neighborhood was built with full brick and basements, and the in fill homes are slab on grade with siding. One time in four years the developer called a meeting one week before Christmas. He reminded them that the developer was the biggest property owner in Carrington Lakes. She stated that they have no say in the HOA. There are three members. They rewrote the representation so that they have no voice. The Architectural Review Board is all by the HOA. They have no regard for the community. She stated they felt they cannot trust them. She stated they are tired of it. This is the same area that was discussed previously. They want to go from 52 homes to 150 homes. The roads are in bad shape and the developer will not repair them. He is supposed to take care of it from HOA funds. She stated she felt like this is more idle promises.

Mr. Todd Follenius, 410 Lakeridge Drive, asked had the developer presented a traffic impact study, and was told no. He stated the traffic on Lakeridge is increasingly worse. He stated he opposes this.

Ms. Janice Shelton, Waterford Circle, stated she was concerned that the streets are not wide enough. In the garden home areas, the garages are tiny and people park on the street, making them difficult to traverse. When there is any gathering, there is no place to park. She asked the Board to think about the people and children in the community. When the trash is picked up, there is a real problem. There are still people who want large homes.

Mr. Heath Stripling, 8452 Ledge Circle, asked about the separation between garden homes. He stated he read the setback is zero. He was told there can be a zero lot line, but there must be a ten-foot separation between walls.

Ms. Wendy Frazier, 5691 Carrington Lakes Parkway, stated houses are selling, and said that many of us are new and enjoy living here. She stated all development existing and new goes by her house to get to the schools or to Trussville shopping. She stated once the developer finishes in this area, he will be gone. He has no interest in the neighborhood.

Mr. Dave Dion, 8558 Carrington Lake Crest, stated he has lived here eight months, and does not know the history of the development. He stated his issue is that we cannot let our home values be dictated by the developer's judgement. He asked what about moving the gate up, and developing this area separately, not a part of Carrington Lakes?

Mr. Dan Zobrosky, Ledge Circle, stated he has lived in his home eleven years, when it was him and the fish, deer and turkeys. He stated it speaks for itself when you see an out-of-character home built as a fill in.

Ms. Pat Thompson, 8476 Ledge Circle, stated she has lived here two years. She stated she received a letter from BOEX about two or three weeks ago, saying if she would support their rezoning attempts, they would do certain things like the amenities, but if you opposed it, the proposal was null and void and they would not be done. She stated she took this as intimidation to say that she cannot go to a meeting and say anything.

Ms. Karen Moody, 4085 Overlook Circle, stated the playground is not fixed, the roads are not fixed, but they say they will put in softball fields if we support the zoning change. She stated she has an issue with the letter also.

Chairman Bailey stated this Board has no input on the HOA or on private roads. There are certain things we keep in mind, but we can't vote based on the HOA issues. We are here for zoning and the use of the land. We understand and sympathize with your situation, but we can't control it. We can consider if this development enhances or detracts from the area.

Ms. Sheila Enfinger, 8714 Carrington Lake Ridge, stated she has lived here sixteen years. The covenants say that a one story home must be 2,000 square feet, a story and a half must be 2,400 square feet and a two-story home must be 2,600 square feet. Homeowners' dues were \$650 plus \$300 if you are on a lake, and they keep going up. She stated the sewage system has not been maintained, and there was a recent issue. How will the sewage be handled when there are problems with the sewer now?

Mr. Stovall stated the sewer system is a private entity. This area will go to the system across Black Jack Road.

Mr. Carey Potter, 2045 Enclave Drive, stated he did not feel this was the best. It devalues their homes and increases traffic. The roads are in poor condition now. If you want what is best for the City of Trussville, you should object to this.

Ms. Sarah Edwards, 2115 Overlook Place, stated one house next to her had to be torn down because it did not meet the setback, and several had to be cut off to meet it. She stated she had little confidence that they will meet the minimums. Too many cars drive down the street now.

Mr. Tony Alexander, 4044 Overlook Way, stated he has lived here since 2011, and this area is already graded for homes.

Ms. Anna Fox, 1350 Overlook Drive, stated she bought her house because the area looked nice and it was in Trussville. She was shown plans of how the area would develop. She stated she would assume that an R-1 or R-2 would have a greater value than RG. We all trusted that this would be the case. Most of the homes sell from \$300,000 to the \$700,000s. If R-G sells in the \$200,000s,

the value, safety and pride is affected. The developer says that we have to vote yes, to get anything done. Six hundred households said no and about twenty said yes.

Mark Duncan, 1420 Overlook Drive, stated he loved the neighborhood. If R-2 and R-1 replaced this, they could have septic tanks. He asked how this helped them?

David Stovall stated the sewer provider assures them that they can increase the size to accommodate this development.

Mr. Glenn Hamlin, Highlands Drive, stated the Lake 6 dam is leaking. There is a safety factor if a dam seventy to one hundred feet high fails. It would be an issue for home below it.

Ms. Anita May, 8559 Highlands Trace, stated the area with smaller houses looks like the projects with houses so close together and cars out in the street.

Ms. Karen O'Brien, 565 Lakeridge Drive, stated garden homes increase the density, hurt the environment, take trees, and add concrete. She asked the Board to vote no.

Mr. Dan Zobrosky, stated the dam at Lake 6 was built between 1950 and 1955 by the grandfather of a friend of his. It will take some fixing up if homes are built below it.

The public hearing was closed.

An audience member thanked the Board for their patience in hearing them out.

Mr. Bill Lowery asked would this sector be under the existing HOA?

Mr. Stovall stated the environmental impact is a trade off. There will be the same number of lots as on the original plan, just in a smaller area. Other areas will be left natural. There was an assumption made that R-1 or R-2 would be more valuable homes. This is untrue that a cheaper product is built on smaller lots. Areas in Birmingham have million dollar homes on sixty-foot lots. It is also true that there are cheap houses on large lots. There has been much discussion about the minimums in the zoning ordinance. These are trumped by the restrictions in the neighborhood.

Someone pointed out that those covenants have been changed by the developer.

Mr. Stovall stated that there is no restriction on the number of lots that can be built in Carrington Lakes. The owner is willing to restrict the total number. Side setbacks on small lots have a zero line and ten feet on the other side to get to the back of the lot. You cannot get this with two five-foot setbacks.

Chairman Bailey asked about the increase in the number of lots in the individual areas.

Mr. Stovall stated the numbers are as follows:

Current		Proposed	
100	100' lots	100	100' lots
65	60' lots	80	60' lots
37	100' lots	65	50' lots
28	100' lots	24	100' lots
24	100' lots	90	50' lots
80	100' lots		Park

The question was asked what has changed since the last time this request was made other than the developer has told us he doesn't care, and that his brother-in-law is an attorney and he will take us to the Supreme Court. They want development to match the community.

Chairman Bailey stated the area east of Lakeview Terrace is R-G already. The request is for the new ten acres to become R-G.

Ralph Robson moved the ten acres east of Lakeview Terrace be recommended to the City Council for approval of the R-G zoning, seconded by Jim Meads, and the motion carried with Bill Lowery voting no.

Chairman Bailey stated the area between Lakeridge Drive and Black Jack Road increases the number from 52 lots to 132 lots. The request is to change from R-2 to R-G.

Ralph Robson moved the rezoning on the area between Lakeridge Drive and Black Jack Road be recommended to the City Council to deny the change, seconded by Jim Meads, and the motion carried.

Bill Lowery stated he appreciated the neighborhood being here. We are charged with determining the proper zoning, but we also want quality living.

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

Respectfully submitted,

Lynn B. Porter
City Clerk