

CITY OF TRUSSVILLE
PLANNING AND ZONING BOARD

October 14, 2019

The Planning and Zoning Board of the City of Trussville met for a workshop session on Thursday, October 11, 2019 at 7:00 p.m. at Trussville City Hall.

Those members present were as follows:

Chairman Jane Bailey
Mr. Ryan Dawkins
Mr. Brett Isom
Mr. Jim Meads
Mr. Ralph Robson
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: Mr. Bill Lowery
Mr. Darrell Skipper

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, October 14, 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, October 14, 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. Ralph Robson
Mr. Darrell Skipper
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: Mr. Jim Meads

Chairman Bailey introduced the minutes of the September 9, 2019 meeting for approval. Ralph Robson moved the minutes be approved, seconded by Darrell Skipper, and the motion carried.

Ralph Robson moved that the annexation and rezoning items, with the exception of the Longmeadow item be moved to the top of the agenda, seconded by Bill Lowery, and the vote was unanimous.

A request to prezone property at 6588 Memory Lane was called. Mr. Bryant Milam represented Ms. Rachel Cope. Mr. Milam stated Ms. Cope wishes to rezone this property so that a home can be built on it.

A public hearing was opened, and there being no comment, the hearing was closed. Ralph Robson moved this request to rezone from A-1 to R-2 be recommended to the City Council for approval. This was seconded by Bill Lowery, and the vote was unanimous.

Darrell Skipper moved the annexation of the property at 6588 Memory Lane that is the subject of this rezoning also be recommended to the City Council, seconded by Ralph Robson, and the vote was unanimous.

Mr. Jerry Tortorigi, 302 Lake Street, representing J & JT Realty, asked that the zoning at 2059 Gadsden Highway be changed from CP (Commercial Preferred) to C-2 (General Commercial). All of the surrounding properties bear a C-2 or a PUD-PC zoning.

Chairman Bailey asked if this was the site that has been recently graded and was told yes.

Mr. Tortorigi stated he has a contract on this property for retail, and two contingency contracts, both for retail.

Councilman Freeman asked if the house next door was zoned C-2 and was told yes.

Ralph Robson asked if Mr. Tortorigi would consider qualifying some of the uses such as a gas station.

Mr. Tortorigi stated the property is not large enough for a gas station.

Darrell Skipper asked would he be willing to place this qualifier on the property anyway, and Mr. Tortorigi agreed.

Mr. Tortorigi stated water and sewer will have to be run to the property. This will add \$300,000 to the cost.

A public hearing was opened, and there being no comment, the hearing was closed. Ralph Robson moved this rezoning be recommended to the City Council for approval, seconded by Darrell Skipper, and the vote was unanimous.

A request to rezone property at 6701 Service Road from A-1 to R-2 for a house was presented by Mr. Rex Norris, 7151 Old Springville Road.

A public hearing was opened, and there being no comment, the hearing was closed. Darrell Skipper moved this rezoning be recommended to the City Council for approval, seconded by Ryan Dawkins, and the vote was unanimous.

A request to rezone property at 6767 and 6771 Roper Road from A-1 to R-6 was called. There being no representative, Darrell Skipper move this matter be carried over until next month, seconded by Ralph Robson, and the vote was unanimous.

A request to annex property at 6621 and 6630 Bedford Circle was presented by Ms. Kathy Isbell. She stated all of the property around her is in the City. The departmental recommendations were favorable. Ralph Robson moved this annexation be recommended to the City Council, seconded by Brett Isom, and the vote was unanimous.

A request to annex property at 6635 and 6630 Bedford Circle was presented by Mr. Rick McDowell, who stated he would like to annex his home. He stated he tried to annex three years ago, but his property was not contiguous at that time. Brett Isom moved this annexation be recommended to the City Council, seconded by Bill Lowery, and the vote was unanimous.

Longmeadow, Phase C was presented for preliminary approval by Mr. Bart Carr of Carr & Associates Engineers.

Chairman Bailey stated a lot of things have changes since the original PUD was approved in 2004. There have been three amendments to the plan. The original documents say that after the fourth intersection on Longmeadow Drive, it will be determined if we still need turn lanes. There is controversy about the placement of driveways and backing out on the main road.

Mr. Carr stated Phase C of the subdivision will connect Longview Lane and Mountain View Road to Longmeadow Drive, and provide an access for construction traffic through an undeveloped area.

Ralph Robson stated the original plan had a stub to Utilities Board property.

Mr. Carr stated the road grade is thirty-five feet below the property to the north, so this road is not feasible. The property could possibly be accessed from the cul-de-sac in the future.

Darrell Skipper asked Wayne Sullivan if this plan meets the subdivision regulations, and he responded yes. He asked Mr. Carr if the number of lots was under the maximum allowed under the PUD, and was told yes.

Darrell Skipper asked Wayne Sullivan if he had looked at the stormwater, and was told yes.

Chairman Bailey asked about detention, and was told this is the first phase that drains to the west. This will drain toward the stream.

Brett Isom asked how many houses and was told 59.

Ryan Dawkins asked were these lots of comparable size to the original plan, and was told no, these lots are larger. The original plan had some 42 foot and some 50 foot lots. All of these will be 60 feet.

A public hearing was opened on subdivision approval of Phase C.

Mr. David Kennedy, 6055 Clubhouse Drive, stated in general he has no argument with this plan. He stated he is the spokesperson of the Longmeadow Life Group. They represent most of the 265 residences. They have discussed the Master Plan amenities. The only issue with platting Phase C, is that only Phase E with 47 lots and F with three lots will remain. If another developer comes in after C, they will not be able to build the amenities and extend the road to reach it with the current type of housing.

Darrell Skipper stated, based on the examination of the PUD plan, this is in compliance with the original PUD except the stub has been removed.

Mr. Carr stated he has no problem with an elbow or a knuckle.

Wayne Sullivan stated we would be better off if the cul-de-sac shown had a curb turned back to identify this as a future road. He stated if they then wanted to barricade it to keep unwanted activities from taking place, that would be fine.

Darrell Skipper stated they can resubmit this change to the City Clerk and get Wayne Sullivan to check it.

Darrell Skipper moved this preliminary be approved based upon the comments agreed upon to stub the right-of-way from the cul-de-sac to the property line with a turned back curb, seconded by Ralph Robson, and the vote was unanimous.

The Christopher Jones Resurvey on Kirby Lane was presented.

Chairman Bailey stated at our workshop access was questioned. She stated we will need a new drawing showing each of the three lots touching the city street. She asked that this be carried over for corrections.

Mountain Top, Phase 4 was carried over.

The Bennett Jones Survey was presented by Mr. Lee Bennett. He stated he wishes to divide this lot at the corner of Vann Circle and Cherry Street into two lots and tear down the existing house and build two new homes.

Ralph Robson asked the zoning and was told R-4. He asked was this duplex zoning, and was told this classification allows both single family and duplexes.

Mr. Bennett stated he will build two single family homes, not duplexes.

Darrell Skipper asked if he built the ones across Vann Circle from here, and was told yes.

Councilman Freeman asked the difference in square footage of an R-4 lot and an RG lot. He was told R-4 is 8,000 square feet for a single family home or 10,500 square feet for a duplex. RG is 5,000 square feet.

Darrell Skipper asked if all of this area was R-4 and was told yes. He asked the address of these lots, and was told the current lot is 134 Vann Circle, The second lot will be addressed on Cherry Street if approved.

A public hearing was opened, and there being no comment, the hearing was closed. Ralph Robson moved this plat be approved, seconded by Jef Freeman, and the vote was unanimous.

Mr. Bob Easley, Alton Avenue, presented Stockton, Phase 10A, Sector 3. He stated the valley gutter is in. The power is not in. They hope to pave later this week.

Darrell Skipper asked Wayne Sullivan if this meets the subdivision regulations and was told yes. He said the metal gate across Bethune Parkway will have to be taken down

Mr. Easley stated they plan to take down the gate and put it back up past Bo Run to keep people out of their construction zone in this next phase.

Darrell Skipper moved final approval be granted to Phase 10A, Sector 3, based upon the City Engineer's comments, seconded by Brett Isom, and the vote was unanimous.

Stockton Place, Phase 10C was presented. This is the last phase in the 100 acres rezoned by the City a year ago. This phase will add an additional entrance on Bethune Parkway.

Darrell Skipper asked about the curb turnout shown on the drawing.

Mr. Easley stated that is from the original layout of Bethune Parkway, but they are not using it.

Darrell Skipper recommended this be removed and replaced with curbing. He asked if there was to be a round about in this phase?

Mr. Easley stated there is one at Meadowlark and Natalie, and one in this phase at Bo Run and Raleigh.

Brett Isom asked about the common areas.

Mr. Easley stated CA25 is graded and can be used to throw a frisbee or a football. The others are left natural.

Darrell Skipper asked if the drainage on the lot lines are piped to the rear property lines and was told yes.

A public hearing was opened, and there being no comment, the hearing was closed. Darrell Skipper moved this preliminary plan be approved, seconded by Ralph Robson, and the vote was unanimous.

The Park at Hamilton Place was presented for preliminary approval. Darrell Skipper stated he would not participate in the discussion or the vote due to a professional conflict.

David Stovall, 674 Chris Court, stated this layout is in line with what was shown on the rezoning application. There is a park of \pm 8 acres surrounding this development. Plans are at DOT for access approval. Plans have been submitted to Jefferson County for sewer approval.

Councilman Freeman asked who is working on the design of the park?

Mr. Stovall stated Mr. Conner Farmer is clearing the underbrush. There will be a pond for detention and as an amenity. He stated it has been determined that this is not a jurisdictional stream. He stated there is not a landscape architect.

Councilman Freeman asked had there been any thought about hiring one?

Mr. Conner Farmer was recognized, and stated Mr. Stovall was not aware of the fact that they are working with landscape architect Dave Eyrich.

Chairman Bailey asked about the trails, and was told they will be installed as shown on the zoning drawing as a big loop.

Chairman Bailey asked who designed the storm drainage, and was told Engineering Design Group, Mr. Stovall's company.

Mr. Farmer stated the pond will have a maintained water level.

Chairman Bailey asked who would maintain this area, and Mr. Stovall replied the City will maintain once the property is transferred to them.

Mr. Brett Isom asked the distance from the houses to the pond.

Mr. Stovall stated it is from 50' to 70' from the rear property lines, but he was not sure the distance from the houses.

Chairman Bailey asked would the development drain to the pond, and was told yes. She also reminded Mr. Stovall that this property lies in the transitional zone, so there are certain things that will have to be complied with.

A public hearing was opened and Mr. Cheryl Hamilton, Birch Street, asked at what time will the property be turned over to the City, and Mr. Farmer stated at the time of final plat approval.

She asked what is the time line. David Stovall stated they will have to install the infrastructure, but he would estimate six months.

Ms. Hamilton stated where the underbrush has been cleared, she would assume that the trees will remain. She was told that the only other trees that will be removed in this area would be in the area of the pond. This will probably be three or four trees.

Mr. Bob Parker, 1119 Dew Drive, stated the location of the pond was not known until tonight.

The audience was given the opportunity to look at the plans and was shown the creek and pond, and trails, and lots.

Mr. Parker asked if the walking trail will be between the pond and the lots and was told yes. He stated his property is pretty close. He asked if sanitary sewer would be provided from the front of the property and was told yes.

Chairman Bailey asked if the sanitary sewer would go to the highway and was told yes.

Mr. Joyce McWhorter, Birch Street, stated her back yard was being dug up by armadillos that came from this property, and asked what can be done to get rid of them. She stated she loved the clearing done in the trees. She asked how they can know what is happening?

Bill Lowery asked if they had an HOA, and was told no. He stated if they can get two or three people from the subdivision to work with the developer, they might be able to work something out.

Ms. Cheryl Hamilton stated she maintains a Facebook page, but there is no communication with the developer.

The public hearing was closed. Ralph Robson asked if things looked okay to him, and he said so far, so good.

David Stovall stated they have applied for the traffic signal, are working with the sewer department, and the Corps of Engineers, and have determined that this is not a jurisdictional stream, but simply a drainage way.

Ralph Robson moved the preliminary of The Park at Hamilton Place be approved, seconded by Bill Lowery, and the motion carried with Darrell Skipper abstaining.

An amendment to the Longmeadow PUD plan was presented by Bart Carr for Harris and Doyle. They intend to develop the remaining portion of Longmeadow. Since Longmeadow was originally designed in 2002, there have been a lot of changes - market changes, and they are the fifth engineering firm. Now all of the lots will be 60' lots for the balance of the property. He stated he heard some landowners say that they did not like the connection with Martin Wilson Road. He stated the Fire Marshall Jeff Fore told them that they must have access for the Fire Department. The new layout does not show this connection straight into Martin Wilson Road like the others have done. The new alignment takes away the thoroughfare feel. When this new connection comes into Martin Wilson Road, there are several turns to get to Service Road. To get to 60' lots and stay about the original number of lots, they placed lots along Longmeadow Drive. The lots are deep enough so that no one has to back out onto Longmeadow Drive. This stream is a jurisdictional stream for the Corps of Engineers. What could be done in 2002 is not allowed today. They now discourage ponds on jurisdictional streams. They will allow us to buy credits for the road to cross the stream. This is an expensive crossing and we need all of the lots allowed.

Brett Isom asked if he had any correspondence from the Corps that he could share?

Mr. Carr said no, he had attended three meetings in which they discouraged application.

Ryan Dawkins asked did they actually deny the application, to which Mr. Carr replied they verbally denied the size of the lake as originally shown. When they were told in a meeting that the Corps would discourage an application, they felt this was an indication that an application would not be approved, so they did not proceed. The application process is detailed, long, and expensive process, including the downstream effects of a dam failure, and they felt there was no reason to proceed given the feedback they received.

Councilman Freeman asked if they have made a good faith effort to work with the neighborhood?

Mr. Grant McCaleb of Harris Doyle said they met with five members and seven members at two different times. They disclosed at that time that the lake was unlikely. The Corps did not

approve or disapprove, but said the physical attributes of the land were not favorable. He stated they are there to make the neighborhood better.

Ryan Dawkins stated neighbors have mentioned amenities that were not done, and asked what those are.

Mr. McCaleb stated there is a lot for a playground by the clubhouse. They asked what the neighborhood would prefer to see, and they asked for a pavilion, and we agreed.

Chairman Bailey asked if this was by the pool?

Mr. McCaleb replied yes. You will walk from the parking lot to the pavilion and playground by the cul-de-sac. They also propose trails in the lake area.

Ralph Robson asked did he know Guy Martin's original budget for the lake, and he said he did not.

Darrell Skipper asked what issue required lots on Longmeadow Drive? In 2006 when the City did their major road plan, a major road was shown from Chalkville Road to Deerfoot. This connection to Martin Wilson Road was to allow future connection to that major road.

Ralph Robson asked where did they lose lots, and Mr. Carr said they did not lose lots, but they increased the size of the lots through the later parts of the development and in future areas.

Darrell Skipper asked was there anything that could be done to alter this and keep cars from backing out?

Mr. Carr stated they are in the process of obtaining credits to install a 300' covered pipe across the stream.

Ralph Robson asked had any traffic study been done on the impact of traffic on Martin Wilson Road? The original plan showed a cul-de-sac with an entrance to Martin Wilson Road off of it. He asked were there any studies on the cost of the upgrade?

Mr. Carr stated he was not asked to do this as the development did not want it.

Fire Marshall Jeff Fore stated they recommended access. He stated they are fine with a gate and a Knox box.

Lynn Porter stated in the progressive development of Misty Ridge, Kidron, and Longmeadow, each development was required to stub to the U.S. Steel property so that these communities could be connected to the Chalkville Road/Deerfoot Parkway connector with the development of the U.S. Steel property.

A public hearing was opened, and Mr. Patrick Stoghill, Martin Wilson Road, stated if there is a requirement for Longmeadow Drive to be three lanes already, to dump this into Martin Wilson Road is not feasible. Wayne Tucker, an inspector for DOT projects in Trussville, said the road is not feasible to put traffic on now. If they want to connect it, they will need to upgrade Martin Wilson. Part of it is only 20' wide now. There are only five houses on this section, and the road can't take any more traffic. It sounds like they were asked to do this, not required to. Garbage trucks have a problem in this area and have to back up to service these houses. He stated his only concern is the road.

Mr. David Kennedy, Clubhouse Drive, representing the Longmeadow Life Group, stated he has acted as liaison between the developer and McKay Management and the neighborhood. He stated he had a petition with 168 residents about the amenities. He stated he was not in favor of a second entrance. A major thoroughfare might have been a good idea 20 years ago, but it needs to be revised and removed. He asked if the added lots on Longmeadow Drive will take away from the greenspace? If allowed, these residents should not be allowed to park on the street or back out and

turn around. The lake is being taken away with nothing to replace it. The Stockton developers planned and installed amenities. The master plan shows a pavilion, and it has not been built in thirteen years. The playground that we agreed the HOA dues could pay for, is not in. Amenities hold value. The real meaning is to be able to enjoy these amenities with your family. He stated they deserve these amenities soon. If the promised amenities are not possible, we ask that something else be substituted. He stated he would ask that the Longmeadow Life Group, the Developer and the City meet. In Sector D, the lot size was reduced from 90' to 70'. He said he did not deny that the increase from 43' and 55' lots to 60' lots was better.

Chairman Bailey said that she has an original design showing a playground and pavilion.

Mr. Kennedy stated they could not get the Martins to meet with them. We need to halt what is being done until the amenities are done.

Mr. Dan Hatch, 5220 Solitude Lane, stated Solitude Lane is one lane. The County said that it could not be closed and could not be widened. He said the credits with the Corps is so they can run dirt down his stream. He stated he was against this.

Ms. Cherry, Longmeadow Court, said that Mr. Kennedy and Harris Doyle have agreed to meet. The problem is transparency and honest conversation. They have not gotten concrete answers. She said the second exit is not a requirement but just a suggestion. They have no answers. They want fair and reasonable treatment. There is no reciprocation. All we found out, we got from the City, not the developer.

Mr. Charles Christy, Martin Wilson Road, stated he had lived at the dead end since 1970. The road was dedicated to his house, but 800 feet of it past his house is not developed. He stated he lives on a rattlesnake den. He stated this property was mined and the earth turned over leaving crevasses in the rock, so the land is not stable. He stated an earthquake years ago moved his well and damaged his foundation. He has had to do such repairs twice. He stated he was told in 1970 there was a U.S. Government agreement, that the property could not be developed for 99 years. The connection to Sams must go through this U.S. Steel land. Martin Wilson Road is not wide enough. Solitude Lane is one lane. He stated he was told there would be a walk around Longmeadow 200' wide. He asked that we think twice before opening this road.

Mr. Barry Hern, Martin Wilson Road, stated he heard the Fire Marshall say that he was okay with a gate. What kind of gate?

Mr. McCaleb stated there is a lot of history with this property. We have owned it for 13 or 14 months. He stated he met with the board members. The developer and the homeowners have rights. When we meet, I don't want to make promises that I can't keep. Sometimes I don't know the answer. We are trying to reduce the parkway and put lots on it so it will not become a thoroughfare. Going forward we want to work with the members of the community. Their goal is to complete the development. He stated he would ask to withdraw their request tonight and not vote on this. They would like to see what the community really wants. He asked that this be carried over until a future date.

Darrell Skipper stated he would like to see a schedule of the amenities when they return, and like to have a new map with what they plan to do. If the plan is to remove the lake and replace it with something else, we need to see it. He stated he would like to see some sort of secondary entrance. He stated he agreed the road to Sams is a good idea, but it will not happen soon. We do need a road for a fire truck. We want the amenities shown on a map.

Councilman Freeman stated he would like for them to see one person from Martin Wilson Road added.

Darrell Skipper said on the lots on Longmeadow Drive, he still has a problem with so many people backing out of driveways. He stated they still need to scratch their heads and see what they can come up with. They need documentation that the lake will not be built.

Mr. Carr stated, if the guy said he would not encourage an application, that means that they would not consider an application approval.

Mr. Carr stated they also would not want to put a wall of water above houses when someone here tonight said their well was moved six inches. A dam could be a problem.

Linda Larson, Longmeadow Lane, said that the lake is still in the marketing brochure.

Chairman Bailey asked them to bring us their plan with amenities and we will talk about it.

Mr. McCaleb stated it is their intent to communicate.

Darrell Skipper stated we will not referee amenities. That is not the City's job. You and the HOA need to decide this among yourselves and present to us.

Mr. Kennedy clarified that they are not an HOA. The developer is the HOA. They have formed Longmeadow Life Group for neighborhood communication. That is part of the problem.

Mr. Christy stated when you build homes, you will be building on iron ore soil and that attracts lightning. He said he has also had problem with lightning ruining appliances, and has had to do significant grounding to alleviate this.

Chairman Bailey stated she appreciated serving with all of the Board members, and has served on the Board for many years, but she needs to step down as Chairman.

Bill Lowery moved that Jim Meads be nominated as Chairman and Darrel Skipper be nominated as Vice-Chairman, seconded by Ryan Dawkins, and the vote was unanimous.

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

Respectfully submitted,

Lynn B. Porter
City Clerk