

CITY OF TRUSSVILLE
PLANNING AND ZONING BOARD

MARCH 9, 2020

The Planning and Zoning Board of the City of Trussville met for a workshop session on Thursday, March 5, 2020 at 7:00 p.m. at Trussville City Hall. Chairman Darrell Skipper presiding.

Those members present were as follows:

Chairman Darrell Skipper
Mr. Ryan Dawkins
Mr. Brett Isom
Mr. Bill Lowery
Mr. Jim Meads
Mr. Ralph Robson
Mr. Steve Turner
Councilman Jef Freeman

Absent: City Clerk Lynn Porter

The workshop was convened and the Board had previously received the agenda and supporting documentation for the Planning and Zoning Board meeting to be held on Monday March 9, 2020. The Board reviewed the agenda and the applications to be considered at that meeting and potential future considerations.

The Board discussed a release letter from Jefferson County about the sewer easement and an as built survey for the property owned by Mr. Donnie Jones. The Board briefly discussed who all was necessary to sign a plat. The Board then discussed the screening at Mr. Jones property before a C.O. will be issued. The letter from the Industrial Development Board requesting such items from Mr. Jones was shared among the Board members for review at this workshop. The Board considered the size, access, and easements as it relates to the re-survey of the property.

Industrial Development Board Chairman Fred Goodnight reported that the IDB has requested via the attorney letter a period of sixty days for Mr. Donnie Jones to take care of the screening issue at the property. The Board explained that their authority was to decide about the subdividing of the property, not reviewing the zoning or enforcing covenants. It was suggested that the Board invite the City Attorney to the Planning and Zoning Board meeting on Monday to express his opinion to the Board.

The Board discussed the Kings addition to Advent Circle and noted that the lot was made into the required 1 acre. It was mentioned that the Stockton Resurvey house hasn't been built yet as the house is too big to meet the set-backs. Mr. Wayne Sullivan (City Engineer) stated that the City will not need use for an easement on the common area of Stockton 10A. The Board discussed that the annexation of the agricultural lots will sell by metes and bounds, and then be sold and subdivided.

Two pre-applications discussed their future plans at the workshop. First, a gentleman named Teddy, Engineer for Chris Seay, reported that the owner of Wynwood Lot 7 wants to put all property into a preserve save for one acre to build a house on in the future.

Second, Mr. Jody Saia presented that he had had construction drawings approved back in 2006 or 2007 for possible development of his land for an earlier Bethune extension. He said that there would be 3 data points such as no front-loaded designed driveways, 2 accesses to the North in addition to the already existing Windward and Coach accesses and one that he could not remember at the time. Mr. Saia explained that he has the piece of property and would like to see

it developed by whatever means would work for the City. The Board reported to Mr. Saia that they would be interested to see a master plan to review and think about it.

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 9, 2020 at Trussville City Hall at 6:00 p.m. Chairman Darrell Skipper presided over the meeting, and Erin Hamilton served as recording secretary.

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

Chairman Darrell Skipper
Mr. Ryan Dawkins
Mr. Brett Isom
Mr. Bill Lowery
Mr. Jim Meads
Mr. Ralph Robson
Mr. Steve Turner
Councilman Jef Freeman

Absent: City Clerk Lynn Porter

Chairman Skipper introduced the minutes of the February 10, 2020 meeting for approval. Mr. Robson moved the minutes be approved, seconded by Brett Isom pending a minor addition. Mr. Isom mentioned that there needed to be a property address for the missing annexation address. Mr. J.R. Malchus stated that he would work on getting the address for the annexation at Moss Rock Ridge. Chairman Skipper stated that he had the motion and second with the one small addition and the motion carried.

Chairman Skipper stated that the first case was for subdivision for Commerce Investment, LLC survey number three. The Building Official, Mr. J.R Malchus, stated that this is a re-survey of lot 16 and that Mr. Donnie Jones is representing the property. Chairman Skipper stated that after the workshop on Thursday, the board had asked for him to meet with the City attorney. Mr. Skipper explained that the outcome of that meeting was that the Attorney agreed with the Board's understanding of their responsibility being the subdivision of the property and that other issues would be addressed.

Chairman Skipper stated that the Board had been given an as built survey of the property and that he had discussed with the building official whether or not the set-backs allow for what was already done within the zoning which is I-1 zoning. He stated that the City Engineer, Mr. Wayne Sullivan, believed that the property met subdivision regulations and that it was ready to be voted on.

Chairman Skipper stated that there were a couple of items that he (Donnie Jones) would have to satisfy to meet the zoning regulations before the City will issue a C.O. He asked Mr. Donnie Jones if he was aware of what those were as far as screening and things of that nature beyond what the board is setting out to do at the meeting at this time. Mr. Jones said, "Yes, yes sir." Chairman Skipper stated that he wanted to know that Mr. Jones was planning to commit to do as far as screening and that he (Mr. Jones) would speak with the Industrial Development Board Reps and coordinate that with the City.

Chairman Skipper stated for Mr. Jones to be aware that if the Planning and Zoning Board approves the subdividing of the property at the current meeting, before it is official the board would have to have proof from the county commission that a quit claim deed was created and that it was back in the owner's possession and that also the screening be completed before the City would be willing to issue a C.O. He explained that then the final plat would be ready to record and that then with the Mayor and Chairman's signature it would be ready to file with

County. Chairman Skipper informed Mr. Jones that he still had some work to be done even after this meeting.

Chairman Skipper asked if there were any questions from the Board members or any comments to or from the developer. Mr. Jim Meads asked if whether the easement issue in getting a letter from the county was a matter of the plats or something else. Chairman Skipper explained that his understanding of the letter from Jim Henderson with roads and transportation was that they were going to approve it and that they were submitting it to the county commission with a quit claim deed to be acted upon by the county commission. Chairman Skipper explained that the letter would be the best outcome until the case becomes priority enough to be on the county commission's list for action.

Mr. Meads asked Mr. Wayne Sullivan (City Engineer) if he was satisfied with this at this time. Mr. Sullivan acknowledged that he was satisfied. Chairman Skipper reminded the board that the staff would not issue the C.O. until that comes in. Mr. Meads added, "and the other items are addressed".

Mr. Jef Freeman stated that he wanted everyone to understand that the Board is voting on subdividing a piece of property that was already subdivided to accommodate a building that was built over the lot line. He also asked if the Board was voting to make somewhat of an exception for a building that was built too close to the back of the lot line. Chairman Skipper stated that the zoning ordinance will allow a zero-lot line. He explained that the building structures are on the property lines and that the whole building touches the back line.

Mr. Freeman stated that he had a question for the applicant and asked Mr. Donnie Jones if he was aware that he was building over that lot line when he started his construction. Mr. Jones stated that he did not build over the lot line and that he only built up to the lot line. Mr. Freeman clarified and stated that he meant the one dividing the two lots. Mr. Jones said, "oh, yes sir, on that side". Mr. Freeman asked if Mr. Jones had been aware of that. Mr. Jones acknowledged that he was aware at the time. Mr. Freeman asked if Mr. Jones had made note of that when he went to pull his permits to start his construction. Mr. Jones explained that he did not realize that it was that far over because those are both his lots. Mr. Freeman posed question to Mr. Jones asking him if he did pull his permits prior to starting his construction. Mr. Jones said, "no, sir".

A public hearing was opened. Mr. Jerry Tortorice asked how the plat map has anything to do with what the Industrial Development Board wants. He said that he doesn't understand why this isn't approved since it's stamped, he thinks that Mr. Jones should just be allowed to get his record map.

Chairman Skipper explained that the only thing that the Board would be acting on at this time would be the subdivision of the property and that what he had been stating about the C.O. and the screening was that that relates to the zoning of the property which is I-2 and that Mr. Jones has to satisfy those requirements as part of I-2. Mr. Tortorice asked if the board was just trying to work toward getting the plot map recorded. Chairman Skipper said that that was correct and that he was just making sure that the Board firsthand told the applicant what else he had to do to finish everything.

As there were no other public comments, Chairman Skipper closed the public hearing and entertained a motion. Mr. Steve Turner moved the item be approved, seconded by Mr. Ralph Robson, and the motion carried with 6 members voting "yes", Mr. Jef Freeman voting "no" and Mr. Jim Meads recusing himself.

Mr. Malchus stated that the second item under subdivision is the Kings addition to Advent Circle. He asked if there was anyone in attendance to represent the item. A Mr. Harry King of 6270 Advent Circle stated that the property is his family's and that they just want to divide it up since his mother's death. Chairman Skipper stated that the last time the item came before the Planning and Zoning Board, there had been some of the lots that weren't big enough to meet the zoning requirements. Mr. King said that they had one that was .7 acres and one that was .4 acres and that he had been told that he had to join those lots in order for the property to be

approved. Mr. King said that the drawing has been re-done and that they were now ready to be considered for approval.

Mr. Ralph Robson asked that the applicant state for the minutes that he would not place a mobile home on the property even though it is zoned agricultural. Mr. King said that there was not going to be a mobile home on the vacant lot and that there were houses on all of the lots except that one. Chairman Skipper asked Mr. Sullivan and Mr. Malchus if the property was now in accordance with subdivision regulations. They both acknowledged that it was in compliance. Chairman Skipper announced that the applicant did make a commitment that even though the property was zoned A-1, he would commit to no mobile homes on the property.

A public hearing was opened and there being no comment, the hearing was closed. Mr. Bill Lowery moved the item be approved, seconded by Mr. Ralph Robson, and the vote was unanimous.

Chairman Skipper announced that the next item was the Stockton Place Phase 10 resurvey 2. Mr. Richard Johnson representing Stockton Partners stated that this was to increase the size of lot 1085. Mr. Robson asked what the reason was for the change in size. Mr. Johnson said that it was the size of the house and slopes of the property. Mr. Sullivan and Mr. Malchus agreed on the item's compliance with subdivision regulations.

A public hearing was opened and there being no comment, the hearing was closed. Mr. Jim Meads moved the item be approved, seconded by Mr. Brett Isom, and the vote was unanimous.

Chairman Skipper stated that the next item of business was Stockton Place Phase 10A Sector 3 Resurvey 1. Mr. Richard Johnson representing Stockton Partners stated that this was a resurvey to clean up some of the easements along Bethune Parkway and avoid conflict with any building construction. City Engineer, Mr. Wayne Sullivan asked why they were adding an easement in a common area. Mr. Johnson explained that how he is reading the covenants, a sign in an easement allows for better accessibility than a common area. He stated that the difference is in principal ownership and access.

Chairman Skipper asked if this meant that this gives them access to the easement area without dealing with the homeowner's association common area. Mr. Johnson explained that if the Homeowner's Association elected to use a third-party service to do maintenance or repair the sign, they have the right to do it in the easement but they would not have the right to build or construct in a common area.

A public hearing was opened and there being no comment, the hearing was closed. Mr. Skipper entertained a motion for Stockton Place Phase 10A Sector 3 Resurvey 1. Mr. Steve Turner moved the item be approved, seconded by Mr. Ryan Dawkins, and the vote was unanimous.

Chairman Skipper stated that there were no re-zoning cases but that there was an annexation for 4534 Martin Wilson Road. Applicant Mr. Lawrence Key of 4516 Martin Wilson Road stated that he bought the adjacent property that is about 14 and 1/2 acres and that he is trying to sell this property to a Mr. Nolan Wills but that the property is half an acre too small and must be added to his property first, therefore thus he must annex into the City and then subdivide. Chairman Skipper explained that once the City Council approves the annexation, he will then need to return to the Planning and Zoning Board for resurvey.

Chairman Skipper asked if there were any other comments from the Board or any questions for the applicant. Chairman Skipper asked for a commitment from the applicant that even though this is zoned A-1, there would be no mobile homes added to the property. Mr. Key stated that he would have it no other way and Mr. Nolan Wills announced that he is the purchaser and that he would commit to that as well. As there were no other comments, Chairman Skipper entertained a motion to recommend to the City Council to annex part of 4534 Martin Wilson Road. Mr. Jim Meads moved the item be approved, seconded by Mr. Ralph Robson, and the vote was unanimous.

The building permit report for February, 2020 was given as follows:

<u>Type</u>	<u>Construction</u>	<u>No.</u>	<u>Value</u>
Residential	New	18	\$7,158,103
	Additions & Alterations	4	\$183,138
Commercial	New	1	\$565,000
	Additions & Alterations	0	\$1,440,225

As there was no other business before the Board, a motion was made to adjourn.

Respectfully submitted,

Erin Hamilton