

CITY OF TRUSSVILLE
PLANNING AND ZONING BOARD

JUNE 8, 2020

The Planning and Zoning Board of the City of Trussville met for a workshop session on Thursday, June 4, 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. Steve Turner
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: Mr. Ralph Robson

The workshop was convened and the Board received the agenda and supporting documentation for the Planning and Zoning Board meeting to be held on Monday, June 8, 2020. The Board members reviewed the agenda and the applications to be considered at that meeting, and determined the order for consideration. The Board determined to begin the meeting thirty minutes early at 5:30 and to handle the annexations before beginning public hearings at 6:00.

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 8, 2020 at Trussville City Hall at 5:30 p.m. Chairman Darrell Skipper presided over the meeting, and City Clerk Lynn Porter served as recording secretary.

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

Chairman Darrell Skipper
Mr. Brett Isom
Mr. Bill Lowery
Mr. Jim Meads
Mr. Steve Turner
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: Mr. Ryan Dawkins
Mr. Ralph Robson

Chairman Skipper welcomed the board members back after a sixty-day hiatus due to the COVID-19 pandemic. He announced that, as decided at our workshop meeting, the annexation petitions will be handled first.

An annexation request for a portion of 4534 Martin Wilson Road was presented. This is approximately two acres that contains a residence, from a thirteen acre tract. The remainder of the property does not contain livable space. The property is zoned A-1 (Agricultural). Jim Meads moved this annexation be recommended to the City Council for approval, seconded by Steve Turner, and the vote was unanimous.

Lynn Porter pointed out to the Board that all nine of these annexation requests are zoned A-1 (Agricultural). Discussion followed about the fact mobile homes are an allowed use in A-1. It was suggested that the recommendations to the Council include a request that a mobile home will not be placed upon the property or that any existing mobile home will not be replaced with another mobile home.

An annexation request for 3380 Old Roper Road was presented. Jim Meads moved this annexation be recommended to the City Council for approval, seconded by Steve Turner, and the vote was unanimous.

An annexation request for 3376 Old Roper Road was presented. This tract contains a mobile home. Jim Meads moved this annexation be recommended to the City Council for approval, seconded by Bill Lowery, and the vote was unanimous.

An annexation request for 6006 Advent Circle was presented. This property is vacant. Steve Turner moved this annexation be recommended to the City Council for approval, seconded by Jim Meads, and the vote was unanimous.

An annexation request for 3325 Smith Sims Road was presented. This property has a dilapidated structure on it that will be removed. Steve Turner moved this annexation be recommended to the City Council for approval, seconded by Jim Meads, and the vote was unanimous.

An annexation request for 5751 Carrington Way was presented. This property has a home on it. Steve Turner moved this annexation be recommended to the City Council for approval, seconded by Jim Meads, and the vote was unanimous.

An annexation request for 8290 Goodner Mountain Road was presented. This property is vacant. Jim Meads moved this annexation be recommended to the City Council for approval, seconded by, Steve Turner and the vote was unanimous.

An annexation request for 8244 Goodner Mountain Road was presented. This property is vacant. Steve Turner moved this annexation be recommended to the City Council for approval, seconded by, Jim Meads and the vote was unanimous.

An annexation request for 8500 Skyline Way was presented. This property has a home on it. Jim Meads moved this annexation be recommended to the City Council for approval, seconded by, Steve Turner and the vote was unanimous.

Chairman Skipper announced we will begin the public hearing portion of our meeting in three minutes. He introduced the March 9, 2020 minutes of the meeting for approval. Brett Isom moved the minutes be approved, seconded by Bill Lowery, and the motion carried.

Grace Farm on Martin Wilson Road was presented for approval by Mr. Lawrence Key. Mr. Key stated, if approved, he will sell one-half acre to his neighbor to add to his side yard, and will sell 2.9 acres with the house, and retain the 11-acre balance of the property. All lots have access to Martin Wilson Road. Since a part of this property is in the City and a portion in the County, this plat will have to be approved by both jurisdictions. Wayne Sullivan confirmed that the plat meets the subdivision regulations. A public hearing was opened, and there being no comment, the hearing was closed. Brett Isom moved this plat be approved, seconded by Steve Turner, and the vote was unanimous.

Pond and Patrick Subdivision on Will Pond Road was presented by Mr. William Patrick, Will Pond Road. Ms. Marilyn J. Mullins, with power of attorney for Laura Pond, represented the Pond family. This plat will combine a small slice of property on the south side on Will Pond Road into the lot owned by Mr. Patrick and remove it from the Pond property that will now be entirely on the north side of the road. Wayne Sullivan verified that this meets the subdivision regulations. A public hearing was opened, and there being no comment, the hearing was closed. Jim Meads moved this plat be approved, seconded by Steve Turner, and the vote was unanimous.

A resurvey of Lots 179 and 180 in Carrington Lakes, Fourth Sector, was presented by Mr. David Stovall, EDG, Chris Court. The lot on the east side has a home on it. There is an encroachment at the end of the driveway, and this resurvey will solve this. Wayne Sullivan confirmed that both lots still meet the regulations. JR Malchus confirmed that the home separation requirement can be met in developing the second lot. A public hearing was opened, and there being no comment, the hearing was closed. Steve Turner moved this plat be approved, seconded by Jim Meads, and the vote was unanimous.

Stockton Place, Phase 10B, Sector 2 was presented for final approval. Mr. Bob Easley, Alabama Engineering, stated the road is paved and lots are piped from front to back. Wayne Sullivan stated everything looks good. Bill Lowery moved this plat be given final approval, seconded by Jef Freeman, and the vote was unanimous.

Windhams First Addition to Trussville at 8080 Gadsden Highway was presented by Mr. Mickey Windham. This will create a two-acre lot on Highway 11 for an insurance office, to be taken from the 12-acre tract. The property is zoned C-1.

Darrell Skipper asked would a buffer be left on the back where this adjoins Peppertree?

Mr. Windham stated this property is pretty steep on the back and there are no current plans to develop the rest of the property and this lot is down at the highway.

Jim Meads asked would this lot be accessed by way of the easement or directly onto Highway 11? Mr. Windham responded he plans to have a single access for all of the property. He stated this layout would allow him to create another lot at the highway with a common central access to also serve the property at the rear. A public hearing was opened, and there being no comment, the hearing was closed. Jim Meads moved this plat be approved with a common access point, seconded by Bill Lowery, and the vote was unanimous.

A request to rezone property owned by Cahaba Disaster Relief at 6632 and 6634 Bedford Circle from A-1 (Agricultural) to R-2 (Residential) was presented by Mr. Jerry Tortorigi. If approved, they will create a maximum of five residential lots. The river bisects this tract and there is a mountain on the back side. These will be one acre lots or greater if the purchaser desires. A public hearing was opened, and there being no comment, the hearing was closed. Steve Turner moved this rezoning be recommended to the City Council for approval, seconded by Jim Meads, and the vote was unanimous.

A request to rezone property at 6270 Service Road from R-1 to C-P was presented by Bridget and Jeffrey Smith. Ms. Smith stated they have a roofing business on the west side of Service Road. They would like to build a butler building with a rock or brick face, with an office and storage. The proposed building is 50' X 100'. Most of the lot will remain wooded, as they would like to keep it secluded.

Chairman Skipper stated the request is for commercial preferred for offices and no outside storage is allowed. This property backs up to residential at a point in the back. He noted that they said they would leave most of the property wooded.

Jim Meads asked how large this piece of property is, and was told 2.88 acres.

Darrell Skipper asked the location of the driveway. He stated we will need to see the sight distance needed for access.

Jim Meads stated he is concerned that this is near residential.

Ms. Gail Wright, secretary of the HOA, Gihon Circle, stated Kidron is one of the premier subdivisions in Trussville. She stated she was concerned about commercial and what it would do to property values. She stated she was also concerned about a buffer. She stated she did not see anything in the zoning ordinance about storage or machinery in this district. She stated line of sight at the access to Kidron is not good.

Ms. Deidra Purnell, 6309 Kidron Place, asked if there was a buffer required, and then asked what if down the road, they want to clear the entire lot.

Mr. Bill Lowery stated any property owner can clear their property.

Chairman Darrell Skipper stated, if we rezone the property, the owner will have to meet the qualifications that go with the land

Ms. Wright stated she was concerned with theft. She stated they do not have a problem in their neighborhood now, and commercial may bring this element in.

Mr. Rachel Hall, 6313 Kidron Place, stated she lives in the cul-de-sac at the very back of this property. She stated someone could park in the cul-de-sac, go through her yard and down the hill to this business to steal something, and then come back up the hill and through her yard to their car. She stated she was afraid for her children.

Ms. Gail Wright stated there is storm water drainage between the lots.

Mr. Alan Bearden, Kidron, asked how many employees and was told nine, two in the office and the rest in the field.

Mr. Robert Hunter, 6283 Service Road, asked would there be fencing.

Ms. Smith replied that the drive will be gated, and the rest will be kept wooded.

???L Stubblefield asked where the gate would be, and was told behind where the existing gate is now. She asked how long they had been in business and was told this is a fourth generation family business.

Mr. Corkey McKay, 5013 Ziklag, stated he has concerns about a business being that close. He stated he would like to see none.

Ms. Sherry Osborn, 6285 Service Road, stated she heard equipment mentioned and asked would it create noise?

Mr. Smith stated they use a breaking machine to bend the metal roofing and a battery operated forklift. There is some metal cutting done behind the building, but most materials are cut on site.

Ms. Stubblefield asked the buisness hours and was told Monday through Friday with some Saturdays. She asked if the equipment had backup beepers and was told no.

Mr. J... Caradine, 5103 Kidron, asked about material delivery.

Mr. Smith stated raw materials are generally picked up, but there are some deliveries by AAA Cooper. The building will be insulated. Some portable machinery is taken to the site. Trim is made inside.

Mr. Caradine asked would trucks turn around on the site, and was told yes.

Jim Meads stated their engineer will have to certify the site distance.

Ms. Gail Wright stated the requested zoning says it is for office and professional buildings. This use does not fit.

Mr. Corky McKay stated it is hard to get in Kidron with the site distance issue.

Mr. Jeff Lowery, Kidron, asked what happens with business expansion? More noise?

Ms. Smith stated most of their equipment is computer equipment.

Mr. Adam Burdette, ???, stated he was concerned with noise. He stated they hear the interstate noise now. He stated he is concerned about more commercial when there is vacant commercial property now.

Mr. Mickey Price, 5000 Gihon Circle, asked is this business right for the area?

Mr. Corky McKay asked if someone else bought the property, could other businesses be built, and was told yes.

Ms. Diedre Purnell, asked what in the list of uses, did this business qualify for.

Jim Meads stated his concerns have changed as he has listened. He stated when he heard CP and the list of allowed uses he felt better. The description of the intended use of the property does not seem to fit CP. It seems more like light industrial. He stated he has concerns about access, but does not see how this fits the requested zoning.

Brett Isom agreed that the statement of use does not seem to match.

Steve Turner agreed, that while PC is better for the neighborhood, is was not sure this use fits.

Bill Lowery said when he heard the applicant say four offices, he was thinking of an office complex. He stated he did not think this fits.

Chairman Skipper stated, hearing the Board's comments, he hoped they understand that we do not feel this is a CP use.

Jim Meads moved the request to rezone this property from R-2 to C-P be recommended to the City Council to deny, seconded by Bill Lowery, and the motion carried.

A request to rezone property at 510 Main Street from R-2 to Q-C-2 was presented by Mr. John Whitson and Mr. James Proctor, Autumn Lane, Birmingham. Mr. Whitson stated this will be a continuation of the Hamilton Place development with the same stipulations as the rest of the property.

Chairman Skipper asked did they plan to use the interior roads for access or petition ALDOT for highway access, and was told they plan to use the interior roads and bring all traffic back to the traffic signal. He stated there will be a 50' buffer on the northeast property line, and no buffer next to the real estate office.

Chairman Skipper asked how much of the property would be left as is, and was told as much as possible, subject to the regrading plan. Mr. Whitson stated they will need fill on the site.

Bill Lowery asked do they know what they want to do on the property?

Mr. Whitson stated they have had interest from retail or it could be a small multi-tenant building or a restaurant.

A public hearing was opened and Ms. Cheryl Hamilton, 513 Birch Street, stated it is not too late for these neighbors. She stated she has a mound of dirt behind her house and hears beep, beep, beep all day. There was dust for a while. She would like for these neighbors to be spared. One of the homes in the area sold last week, and she did not know if these plans were disclosed to them.

Mr. Whitson stated he appreciated her pain during construction.

Chairman Skipper commented that the house behind the real estate office had a few crepe myrtles, but no buffer.

Ms. Hamilton stated the undisturbed area is swampy.

Mr. Whitson stated the dirt is not great, but they will fill with more suitable material.

Bill Lowery commented that they said they do not have a grading plan, but asked if they can save trees if they have to fill?

Mr. Whitson stated the elevation at the road is between 509 and 512 going toward the interstate. Filling to an elevation of 511 will require five to six feet of fill, but they can still leave twenty-eight to thirty feet totally undisturbed.

Jef Freeman stated broad brush statements do not always give good results. He stated he opposed Dollar General and the eight feet of fill required there.

Chairman Skipper asked how anxious were they to start? He asked is this a 50-foot buffer and wait on a grading plan to see what can remain undisturbed, or a 50-foot undisturbed buffer.

Mr. Whitson stated he could say today it will be 25-feet undisturbed and 25-feet to be replanted.

The public hearing was closed.

Jim Meads stated when the development of Hamilton Place came up before, the developer said he was not able to develop this piece.

Mr. Whitson stated he could not speak for the other developer, but he feels it is developable. They can commit to a 50-foot buffer with 25-feet undisturbed and the rest to be replanted with materials to provide a visual buffer.

Bill Lowery agreed with Councilman Freeman that this did not turn out like he thought it would.

Steve Turner moved this rezoning from R-2 to Q-C-2 be recommended to the City Council for approval, seconded by Jim Meads. Mr. Meads stated he did not see this property as Residential 2. He stated he felt commercial was appropriate. The access tie in with the interior road system is a plus.

Chairman Skipper asked who will decide the replanting, and JR Malchus replied Design Review approves landscape plans with the building review.

Jim Meads stated the replanted area needs to visually block the commercial.

Mr. Whitson stated they will pay attention to the materials chosen.

Steve Turner amended the motion to include wording to create a visual barrier within the buffer, and Jim Meads amended his second. Upon a roll call vote, the results were as follows:

Yeas: Skipper, Meads, Turner, and Porter

Nays: Isom, Freeman, and Lowery

A master signage plan for Hamilton Place was discussed. It was asked if the new property would be included?

Mr. Whitson asked to pull this matter until a later meeting.

Brett Isom stated the subdivision regulations are almost done. He stated he would provide a copy for the Board's review and comments.

Jef Freeman stated he was disappointed that the tree ordinance was pulled from consideration by the Board. He stated had this been in place, possibly some of the trees on the Hamilton Property could have been saved.

Darrell Skipper stated he shared his disappointment. He stated he was not bothered by the commercial, just by the trees gone. He stated he read the draft of the tree ordinance, but he thought it needed some work. He asked all of the Board to read the subdivision regulation draft and be ready to give comments.

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

Respectfully submitted,

Lynn B. Porter
City Clerk