

CITY OF TRUSSVILLE
PLANNING AND ZONING BOARD

OCTOBER 12, 2020

The Planning and Zoning Board of the City of Trussville met for a workshop session on Thursday, October 8, 2020 at 6:00 p.m. at Trussville City Hall.

Those members present were as follows:

Chairman Darrell Skipper
Mr. Brett Isom
Mr. Jim Meads
Mr. Ralph Robson
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: Mr. Ryan Dawkins
Mr. Steve Turner

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 12, 2020. The Board reviewed the agenda and the applications to be considered at the meeting.

Mr. Zack Rowland, leasing agent, and Kevin McLaughlin of Aronov Realty asked the Board to consider an amendment to the zoning ordinance to allow merchandise display in a shopping center parking lot and sidewalks. Mr. McLaughlin stated the former K-Mart store will be divided into three boxes. One of the tenants needs this type of display to execute the lease agreement.

Chairman Skipper asked how much space is needed, and was told the former garden center area, an area in the parking lot and one the sidewalk.

Ideas were discussed as to whether this was an option, and, if so, that parameters needed to be put into place.

A second proposed zoning change concerns extending the boundary of the downtown overlay district to include the commercial area on the east side of North Chalkville Road northward to the rear of the lots on Magnolia Street, including the area of the proposed roadway bypass to Vann Circle.

Drafts for these changes will be prepared and distributed to the members for comments prior to posting for public hearing.

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 12, 2020 at Trussville City Hall at 6:00 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:

Mr. Ryan Dawkins
Mr. Brett Isom
Mr. Jim Meads
Mr. Ralph Robson
Mr. Darrell Skipper
Mr. Steve Turner
Councilman Jef Freeman
City Clerk Lynn Porter

Absent: None

Chairman Skipper introduced the minutes of the September 14, 2020 meeting for approval. Ralph Robson moved the minutes be approved, seconded by Steve Turner, and the motion carried.

The Michalke Addition was presented by Mr. Matthew Michalke. This is one acreage lot on Advent Circle with one house today. They wish to divide this into a total of four lots for family members to build homes. The set back lines have been added since last month, and the sight distance at the driveway has been verified.

Mr. Bruce Vincent, 6534 Advent Circle, stated he did not necessarily oppose this, but he is concerned about the curve and the hill. He stated he has grandchildren 4, 3, and 1 currently living with him. He stated they are 275 feet off of Advent Circle, and must be extremely careful pulling out.

Chairman Skipper assured him that any driveway must meet city sight distance at the driveway.

Mr. David Gullede, 3505 Old Leeds Court, represented Stephen and Katie Cox, 6631 Advent Circle. He stated he sees that the set backs have been added. He asked had the sight distance been checked and was told yes. He asked could the entrance to Lot 2 be reconfigured, or could there be consideration of a greenbelt?

The public hearing was closed. Ralph Robson moved this plat be approved, seconded by Jim Meads. Chairman Skipper stated there is no requirement for a greenbelt when properties bear the same zoning. The vote was unanimous.

Ms. Katie Cox stated last month it was mentioned that two lots would share a driveway.

Mr. Michalke affirmed that Lots 1 and 2 would share a driveway.

The Poston survey was presented by Ms. Sandy Mills, 202 Roundabout Drive. She stated the setback lines have been added and Lot 1 has been combined with another lot, making a total of three lots on this plat.

Ms. Pier Wilkerson, Poston Road, stated she was concerned where the driveway will be for Lot 3.

Chairman Skipper stated the access strip is 25 feet wide along her property. The driveway would be within this strip and would likely be eight to ten feet wide. He stated he is concerned about the subdivision street that ends before this property about halfway down the last lots on each side. There is no change to the current conditions on the property on this plat. The parcels are reconfigured, but there are currently three lots and this plat has three lots.

Mr. Morgan, 7232 Poston Road, stated the water jumps the curb and comes down to his property. He stated he has tried to divert the water when it gets on his property. He asked about access to these lots.

Chairman Skipper stated the two lots owned by others that access at his driveway will not change. The three new lots will be accessed by a 50' easement at the end of Poston Road. He stated if these lots are further subdivided, a standard subdivision street will be required. Upon a roll call vote, the results were as follows

Yeas: Members Dawson, Isom, Meads, Robson, Turner, Freeman and Porter

Nays: None

Councilman Freeman stated, in his opinion, the city should complete this road. He asked the distance and was told approximately 50 feet.

Wayne Sullivan stated there are about ten problem areas in the city similar to this. We have the 10-cent fuel tax money that could be used.

Halcyon, Phase 1 was presented for final approval. Chairman Skipper stated he has done work for this developer and did not participate in the zoning or preliminary approval and will not participate in the discussion or vote tonight. He passed the chair to Jim Meads.

Joseph Tortorigi, 5933 Stongate Lane, stated they would like to bond the completion of the infrastructure and record the map.

Wayne Sullivan stated there are no problems with the map or other issues with Phase 1.

Ralph Robson asked did this follow the preliminary and was told yes.

Mr. Sullivan stated the grade work is done. Utilities are not in, the curb and gutters are not in. Storm sewer is in. A sanitary sewer is in, but not yet approved by the County. It is a unique situation, but no unheard of.

Jim Meads stated all of the required improvements are not in, but it could be approved subject to a bond in an amount sufficient to cover these costs.

Mr. Tortorigi stated that is what they wish to do.

Ralph Robson asked when he thought these improvements would be completed and was told it will be Thanksgiving before the pavement is in.

Mr. Tortorigi stated they have been in business for 65 years and the company has never had a bond called. The homebuilder wants to close on the lots.

Mr. Sullivan stated he did not see a huge issue once the bond is in place.

Ralph Robson moved the final plat of Halcyon, First Sector be approved, subject to having the bond in place, seconded by Steve Turner. The motion carried with Chairman Skipper abstaining.

The chair was turned back over to Chairman Skipper.

Stockton Place, Phase 10-C was presented for final approval by Richard Johnson of Stockton Partners, Market Street, Hoover.

Wayne Sullivan stated they will need to bond the seal coat, but all other improvements are in. Jef Freeman moved this plat be approved, seconded by Brett Isom, and the vote was unanimous.

A request to rezone property at 1809 Gadsden Highway from CP (Commercial Preferred) to C-2 (General Commercial) was presented by John Jebeles. He stated the use of the property will not change for the foreseeable future, but this will make the zoning conform to other properties in the area and with his other properties.

Bret Isom asked if there is no planned change in use, why the zoning change, and was told this would be a little less restrictive and would allow such uses as retail hearing aids, c-pap equipment, or a compounding pharmacy.

Jim Meads stated he appreciated what they are trying to do, but asked if any C-2 uses would be restricted?

The public hearing was closed. Ralph Robson moved this rezoning be recommended to the City Council, seconded by Jim Meads, and the vote was unanimous.

A request to rezone property at 7435 and 7473 Gadsden Highway from I-1 (Industrial) to C-2 (General Commercial) was presented by Mr. Dinesh Patel, Stockton. Mr. Patel stated he wishes to construct a service station and convenience store on this property. He stated he has been in this business for fifteen years.

Ralph Robson asked were any of these stations in Trussville, and was told no, they are in Gadsden, Sylacauga, and Oneonta.

Chairman Skipper stated this property is a part of the industrial park. He stated he has three issues, (1) does it meet the covenants in the park, (2) can we or should we rezone in an industrial park, and (3) ALDOT access to Highway 11.

Jim Meads stated the IDB sold this property for industrial use. The intent of the park is for industrial use. This would be putting commercial property within the park boundary.

IDB Chairman David Fuller stated the Board would not sell property except for industrial use. He stated they looked at the covenants with Mr. Patel in August. The exterior finishes he plans to use would meet the covenants, but there are seven items to be addresses. Some of these Mr. Patel does not wish to pursue until he knows about the zoning and closes on the property. The Board told Mr. Patel that they do not have the authority to rezone. He stated he has received two calls from owners in the park who are concerned with traffic at the park entrance if this is done.

Chairman Skipper stated the requested use is not allowed in the current zoning classification.

Jim Meads asked if Mr. Patel has had any discussion with ALDOT about access?

Mr. Patel replied that he has talked to his architect, and the architect will talk to ALDOT.

Chairman Skipper stated both he and Mr. Meads work extensively with ALDOT, and are working on the new ALDOT access plan. He stated that access from Highway 11 will most likely be restricted. Access will be allowed from Commerce Drive. This Board has previously said access to Highway 11 will be limited to one driveway every 400 feet, and encourages joint driveways.

Ralph Robson stated it seems that the school traffic with a gas station would create too much traffic congestion at this point.

A public hearing was opened and Mr. Isaac Piggot, 606 Saddlewood Road, stated his chief concern is lighting. Service stations have significant lighting for safety and for fueling and pulling up to and from the pumps, and well as commercial lighting around the perimeter. Currently traffic traveling north to Paine Elementary backs up beyond the subdivision. It is already hard to access Commerce Drive at these times. There are twelve lots in Saddlewood, with only one access. It is already difficult to make a left turn at certain times of day. There is

also a small amount of foot traffic from the neighborhood to the school. He questioned why a c-store and service station would want to access Commerce Drive.

Mr. Joe Gunter, 601 Saddlewood Road, stated he was concerned with traffic. We are dealing with school traffic and industrial park traffic, as well as traffic from Stockton that now comes through the industrial park to Commerce Drive to get out. There are traffic problems at peak times, and a gas station will create more. Lighting and late hours are concerns and will make for a bad situation. Fumes from gas tank filling will be bad for the neighborhood. It is 200 feet to the railroad track. When the trees are taken down, the noise levels will increase from trains. This will affect their property values.

Mr. C. D. Lackey, 604 Saddlewood Road, stated it is already hard to turn left from Saddlewood. There is a lot of traffic from the industrial park that is big trucks. There is another gas station less than one mile down Highway 11. Noise from the railroad will increase once the trees are down.

Mr. Mike Sylvester, 600 Saddlewood Road, stated this property was zoned first, and we have come to terms with it, and were told the zoning would stay. He stated he would not like to see the property rezoned.

Glenda and Ken Weyhreich, 7416 Gadsden Highway, send a letter opposing this rezoning.

Chairman Skipper asked the hours of operation and was told 5:00 a.m. to 10:00 p.m. weekdays and to midnight on weekends. He asked had they looked at how many trees would be removed and was told not yet.

J. R. Malchus stated there is not a buffer required for the railroad.

Wayne Sullivan stated this property drains to the railroad. We will have to look at this when plans are brought in for stormwater.

Mr. Patel stated there is new technology with LED lighting under the canopy that does not spill out from there.

Mr. Lackey stated that is the type of lighting used at the Deerfoot Parkway station, and it lights up the woods.

Jim Meads moved this matter be recommended to the City Council to deny the application, as the current industrial use fits within the industrial park, and the proposed change to commercial will heighten concerns about lighting and traffic. This was seconded by Ralph Robson, and the motion carried. This will go to the City Council on November 10.

An annexation request for property at 2892 Queenstown Road was presented by Ms. Regina Smith. She stated this is her Mom's house that she inherited.

Brett Isom asked would this be rental property? Ms. Smith stated they have thought about this, but they may move into it themselves because it is on one level.

J. R. Malchus stated there are no code violations.

Ms. Elizabeth Pannell stated this property touches her property, and if this is approved, she would like to annex her property also.

Jim Meads moved this annexation be recommended to the City Council for approval, seconded by Steve Turner, and the vote was unanimous.

Chairman Skipper stated he received a letter from Ms. Marilyn Anthony concerning traffic on Highway 11 and encouraging keeping trees and limiting retail and housing development.

Chairman Skipper thanked Jef Freeman for his service on the Board and for leaving things better than when he came.

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

Respectfully submitted,

Lynn B. Porter
City Clerk