

**CITY OF TRUSSVILLE**  
**PLANNING AND ZONING BOARD**  
**APRIL 2021 MINUTES**

The Planning and Zoning Board of the City of Trussville met for a **workshop** session on **Thursday, April 8, 2021 at 6 pm** at Trussville City Hall.

Those members present were as follows:

Chairman Darrell Skipper  
Vice Chairman Jim Meads  
Mr. Brett Isom  
Mr. Ralph Robson  
Councilor Ben Short  
Mr. Wayne Sullivan – City Engineer & board member  
Mr. Ryan Dawkins  
Mr. Kris Reeves  
Mr. Dan Weinrib, City Clerk & Recording Secretary  
Mr. Scott Mann – Inspection Services *Ex Officio*  
Fire Chief Tim Shotts

Those absent: Police representative  
Mr. Steve Turner

Prior to the meeting, one proposed rezoning and two proposed annexations had already been withdrawn. By the time, the workshop was convened, the Board members had received the drafted agenda and supporting documentation for the its scheduled April 12<sup>th</sup> regular session. The Board reviewed the agenda. Discussions ensued. Consequently, one proposed subdivision was stricken from the agenda.

Afterwards, the Board entertained an informal discussion from local resident and real estate investor Randall Machus, who sought guidance regarding possible development ideas on three properties he owns. Two are within the city; the third, unincorporated and located next to the city boundary. All his proposals were met with varying degrees of skepticism. There being no further business, the workshop was adjourned at 7:25 pm.

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The Planning and Zoning Board of the City of Trussville met in **regular session** on **Monday, April 12, 2021 at 6 pm** at Trussville City Hall, with Darrell Skipper's presiding.

The following members were present:

Chairman Darrell Skipper  
Vice Chairman Jim Meads  
Mr. Ryan Dawkins  
Mr. Brett Isom  
Mr. Ralph Robson  
Councilor Ben Short  
Mr. Wayne Sullivan (also serving in his role as city engineer & public works director)  
Mr. Steve Turner  
Mr. Kris Reeves

Also present were J.R. Malchus (Building Inspections), Dan Weinrib (City Clerk), Chuck Bradford (Police) and Jesse Clifton (Fire)

Chairman Skipper explained the role of the Board regarding subdivisions, rezoning and annexation matters to the public in attendance.

The Board reviewed its drafted March 2021 minutes. Short moved and Isom seconded the motion for approval. **UNANIMOUS**

Under subdivisions, the Board reviewed the Tvillesinvestors36 LLC application. Project manager Dan Allen of Gonzalez-Strength introduced himself and fielded questions about the proposal to create two lots out of the subject parcel. Skipper opened a public hearing then closed it upon hearing no interest from the general public. Meads moved and Robson seconded the motion to approve the Tvillesinvestors36 LLC's preliminary plat. **UNANIMOUS**

Under annexations, the Board reviewed an application for annexation by Martha G. Johnson of her undeveloped parcel located at 8424 Will Keith Road. She approached the podium to introduce himself then took questions from the Board. She acknowledged that she was seeking annexation only for this parcel in order to help next-door neighbors with their attempt to get annexed. The subject property received favorable reviews from department heads. Skipper opened a public hearing then closed it upon hearing no interest from the general public. Sullivan moved and Reeves seconded the motion to recommend to the Council annexation of the subject property, zoned as A-1, with the no manufactured or mobile home stipulation. **UNANIMOUS**

The Board also reviewed an application for annexation by Chad & Elaine Cheetham of their home located at 6983 Pannell Road. Mr. Cheetham approached the podium to introduce himself then took questions from the Board. The subject property received favorable reviews from department heads. Skipper opened a public hearing then closed it upon hearing no interest from the general public. Turner moved and Meads seconded the motion to recommend to the Council annexation of the subject property, zoned as R-2. **UNANIMOUS**

The Board also reviewed an application for annexation by Phillip & Megan Hathcock of their home located at 6973 Pannell Road. Nobody stepped forward to the podium. The subject property received favorable reviews from department heads. Skipper opened a public hearing then closed it upon hearing no interest from the general public. Sullivan moved and Turner seconded the motion to recommend to the Council annexation of the subject property, zoned as R-2. **UNANIMOUS**

Under rezoning, the Board reviewed the application by Tortorigi Development LLC to reclassify six parcels on or near Floyd Bradford Road as R-G (Garden Home). Currently, the six are either R-2 or R-3 (Single Family) Jerry Tortorigi stepped up to the podium to introduce himself then answered questions from the Board. His son Joseph Tortorigi as well as Brett Owens were in the audience. From time to time, Joseph Tortorigi also answered questions. Attorney Laura Decker and a court reporter were in attendance to take notes and record proceedings. *The Sign-In Sheet will be attached to and considered a part of these minutes.*

Questions from the Board involved the proposed number of lots, square footage of proposed garden homes & average lot size (both frontage and depth) He acknowledged his wanting to re-zone to higher density in order to afford to divide lots and sell to a developer at a profit. He also acknowledged that there would need to be massive grading and land clearing, which would cause erosion and land disturbance. He also acknowledged the need to develop a 50-foot buffer along the industrial boundary.

Chairman Skipper opened the public hearing regarding the re-zoning proposal. The following citizens addressed the Board, expressing opposition:

- Cynthia Weyerman, who provided a copy of her neighborhood covenants
- Michael Patterson
- Connie Horsley, who cited the same covenants
- Tammy Cousins, who mentioned flooding issues on her property
- James "Bob" McConnell, who talked about water runoff
- Robert Letts, who talked about noise and other pollution
- Cindy Simmons
- Brian Weyerman

- John Besse
- Betty Caterinichia, who mentioned that she is a cousin to Jerry Tortorigi yet remains opposed
- Lann Moore
- Oscar Kent

In addition, Attorney Laura Decker, representing Pivotal LNG Inc., which owns the natural gas facility property, stated publicly that she and her client take no position on the proposal but wanted to put on the record that her client's facility was here first, so no future owner of neighboring property can legally make a nuisance claim against them.

Letts, Brian Weyerman and Caterinichia each re-addressed the Board. Afterwards, Chairman Skipper closed the public hearing. Tortorigi accepted Skipper's invitation to speak again.

Chairman Skipper asked the city clerk whether the City Council would take up the proposed zoning ordinance the following evening. "No," Weinrib said, "because state law requires the City to notify the community and general public through one of two methods. Either way, it would be at least a month before the Council can vote on it."

Before deliberation, Ryan Dawkins asked for a list of caveats Tortorigi accepted, for the purpose of keeping minutes:

1. There would be a minimum of 1500 square feet on the main floor of every garden home
2. Lots would never be less than 60 front feet across
3. Exterior materials would consist of hardy plank and brick
4. There would be 50 feet or more of front setbacks from Floyd Bradford Road
5. There would be 50 feet or more of setbacks from the industrial zone boundary
6. There would be a limit of 231 lots

Chairman Skipper solicited a motion from the Board. After a few quiet seconds, Board member and Councilor Ben Short made the motion to recommend rejection of the proposed re-zoning ordinance on the grounds that the subject properties are already zoned appropriately for the area, and that the proposal would be incompatible to the surrounding area and the Trussville community itself. Board member Brett Isom seconded the motion.

The vote to recommend rejection went as follows:

YES (favoring rejection) – Skipper, Dawkins, Isom, Meads, Reeves, Robson, Short

NO – Sullivan, Turner

There were no reports on Council actions of Board or County Zoning or miscellaneous matters.

With no further business, Chairman Skipper adjourned the meeting at approximately 7:50 pm.