

CITY OF TRUSSVILLE
PLANNING AND ZONING BOARD
MAY 2021 MINUTES

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

Those members present were as follows:

Mr. Brett Isom
Councilor Ben Short
Mr. Wayne Sullivan – City Engineer & board member
Mr. Steve Turner
Mr. Kris Reeves
Mr. Dan Weinrib, City Clerk & Recording Secretary
Mr. J.R. Malchus – Inspection Services *Ex Officio*
Fire Inspector Jesse Clifton
Police Chief Eric Rush

Those absent: Chairman Darrell Skipper
Vice Chairman Jim Meads
Mr. Ryan Dawkins
Mr. Ralph Robson

By the time, the workshop was convened, the Board members had received the drafted agenda and supporting documentation for the its scheduled May 10th regular session. Turner presided. The Board reviewed the agenda. Discussions ensued. Afterwards, City Attorney Rick Stotser and City Clerk Dan Weinrib collectively gave a briefing to the Board about ongoing litigation. In 2016, the Board had denied a subdivision request to the Carliles, who tried to create three three-acre lots off of Will Keith Road. The problem was that there was no road access to Will Keith Road. In essence, they had bought landlocked property. The Carliles wound up suing the seller and the City. Stotser solicited the Board's informal input about a proposed settlement, allowing a 40-foot-wide driveway access through the rear of the seller's property. In essence, it would create flag-shaped subdivision lots. This proposal echoed what the PZ board originally suggested five years before. The board members informally agreed to the proposed solution. There being no further business, the workshop was adjourned around 6:50 pm.

The Planning and Zoning Board of the City of Trussville met in **regular session** on **Monday, May 10, 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
Councilor Ben Short
Mr. Steve Turner
Mr. Kris Reeves

Also present were Dan Weinrib (City Clerk) & J.R. Malchus (Inspections)

Board members Wayne Sullivan (City Engineer) and Ralph Robson were absent.

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

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

Under subdivisions, the Board reviewed the Spring River subdivision application from owner Jana Lile and Spring River LLC. Her father Ken Lancaster stood before the Board on her behalf. He presented a summary of her intentions. Weinrib presented Skipper with a hard copy plat map drawn by Brent Means Land Surveying LLC. Meads asked follow-up questions regarding rights-of-way. However, with City Engineer Wayne Sullivan absent, the Board initially had no answers. Skipper was able to pull up an email from Sullivan, referencing the property.

Skipper opened the public hearing. Neighbor Terry Billingsley (6529 Moss Rock Ridge) told the Board and public that he and his late wife had been taking care of the adjacent rights-of-way on the northern side of Moss Rock Ridge, which he described as “no man’s land,” to the point where he is seriously considering taking adverse possession of that stretch of property. Lancaster responded that the prior owner to Lile had obtained quiet title of that stretch of property from a judge. Since nobody else spoke up, Skipper closed the public hearing.

The Board deliberated. Short made a motion to approve the proposed subdivision, conditioned upon the City Engineer approving the City’s acceptance of the proposed right-of-way on behalf of the Administration. Meads seconded the motion. **UNANIMOUS**

The Board then reviewed the Trios Subdivision submitted by Holland Homes LLC. T.J. Johnson appeared on behalf of his employer. He introduced himself and informed the Board of their intent to put residences on a septic tank. Already construction has begun on one residence. Skipper commented that he did not care for the idea of new small single-family residences here in Trussville yet conceded that he cannot prevent its development in R-2 zones as long as they are compliant with City codes.

Skipper opened the public hearing. Various neighbors spoke up, all in opposition. Andrew Raines (6682 Service Road) asked about how close the proposed construction would be to a power pole. He also asked whether there had been a traffic study done. Johnson responded that it’s not required. Raines also asked about the existence of a drainage plan or safety study. Raines bought a historical home across the street years before. He expressed concern about how the subdivision would fit into the City’s 2040 plan and that it would add blight to the area. Heather Davis (6673 Service Road) has concerns about the small homes’ impact on hers and other neighbors’ property values. She said that the driveway creates a dangerous road situation. Lisa Townsend (6672 Service Road) echoed her neighbors’ opposition. Jeff Jones (6696 Service Road) Ken Lancaster informed the Board and public that when he sold the property to the current ownership, he advertised it as a possible two-residential lot, not three-. He sounded rueful. Hood spoke up again, saying his neighborhood is supposed to be a “forever neighborhood” which the proposed subdivision is out of synch with. He asked rhetorically if there was a way to de-annex out of Trussville if the subdivision gets approved. Since nobody else spoke up, Skipper closed the public hearing.

The Board deliberated. Short made a motion to deny the proposed subdivision, based on public safety concerns. Meads seconded the motion. **UNANIMOUS** Skipper then instructed Johnson to take back the various feedback from the Board and neighbors to his employer, including shoring up the public safety and compatibility aspects of their plans, before possible re-submission.

Under rezoning, the Board reviewed the application by Little Goose Development to get two parcels associated with 8080 Gadsden Highway rezoned to R-2 (Single Family) from C-1 (Commercial) Nick Kennemur approached the Board to introduce himself. He informed the Board that he intends to develop 2200-sq ft homes with garages. The City Clerk shared with the Board his intended preliminary plat, which has 22 lots. Skipper suggested that Kennemur look at the Maplewood subdivision and re-design the entry to allow for vegetation & privacy for future residents living closer to Highway 11. The conversation with the Board ventured to the future need for a detention pond during construction as well as widening of Highway 11 to allow easier traffic entry & exiting.

Skipper opened the public hearing. Various neighbors spoke up. Stan Smith (5213 Peppertree Lane) showed a terrain image of his neighborhood. He has concerns about water flow & drainage during construction. Roy Eady (8040 Balsam Trace) echoed those drainage concerns. The Board then reminded him that the only issue is rezoning, not drainage. Warrick Pettus (8041 Balsam Trace) echoed those drainage concerns yet agreed that the residential zoning is more compatible than commercial for that area. Since nobody else spoke up, Skipper closed the public hearing.

The Board deliberated. Turner moved and Reeves seconded the motion to give the City Council a favorable recommendation for a proposed rezoning ordinance, to re-classify the subject properties as R-2. **UNANIMOUS**

The Board then reviewed the application by Pankey Properties LLC to get a parcel associated with 6560 Husky Parkway rezoned to C-4 (Commercial) from A-1 (Agricultural). Simmons Pankey approached the Board to introduce himself. He informed the Board that he intends to develop a self-storage warehouse business. While the plans have not been finalized, it would be bi-level. Upon questioning, Pankey confirmed there would be 30-foot-wide drives between buildings. Skipper told Pankey his plans would need the city fire marshal's sign-off. He also recommended a driver-accessible security key pad and non-chain link perimeter fencing. Pankey said his buildings would have sprinklers. Skipper said there must not be any general retail other than selling boxes and general moving or packaging supplies. Pankey said there would be an undeveloped five-acre buffer between the business and the high school as well as the church day care next door.

Skipper opened the public hearing. Since nobody else spoke up, Skipper closed the public hearing. The Board deliberated among themselves and expressed concerns of unintended consequences. C-4 zoning would allow for incompatible businesses to locate there, near the school and city civic center. The developer indicated he was receptive to qualified C-4 zoning. The Board members aired concerns about buffers, road frontage appearances (aesthetics) and fencing. One board member listed the number of other self-storage businesses already in the community; a colleague reminded him that another one is under construction. After extended discussions, Pankey agreed to withdraw his application for now, then re-submit in June, providing additional details, including renderings.

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 8:03 pm.