

CITY OF TRUSSVILLE
PLANNING & ZONING COMMISSION
APRIL 2025 MINUTES

The Trussville Planning & Zoning Commission met for an **agenda workshop** session on **Thursday, April 10, 2025**, at 6 pm at Trussville City Hall Annex.

Those members present:	Vice Chair & City Engineer Jim Meads Brett Isom Brian Jackson Wayne Taylor
Also present:	Fire Marshal Jesse Clifton Director of Planning, Building & Sustainability J.R. Malchus City Clerk Dan Weinrib City Attorney Chesley Payne
Those absent:	Chairman Darrell Skipper Cameron Cohron Kris Reeves Ralph Robson Councilor Ben Short Police representative

Vice Chair Meads brought the meeting to order. Prior to the meeting, applicant Barrett Milam pulled his subdivision application regarding properties on Honor Keith Road from consideration. After explaining the Commission's roles and responsibilities, he asked the members to review the drafted minutes from the previous month's meetings.

The Commission decided to keep Steve Jones' annexation petition on its docket. They expressed concerns about his Mary Taylor Road property's zoning (R-6) and the fact it has a mining permit. Jones agreed he would seek rezoning & that he would pay to install a fire hydrant prior to pulling a building permit. The Commission reviewed the proposed Highway 11 Project rezoning and preliminary plat applications. They asked questions about the developer's intentions and his need to rezone to C-2 from Q-C-2. The developer also proposed qualifying the R-4 area to prevent duplexes or other forms of denser housing. The Commission also reviewed the proposed PUD for the antique mall property on North Chalkville Road. Everyone in the room agreed that the application remains incomplete; thus it was pulled from this agenda. Prior to reviewing Miscellaneous, Taylor stepped down from the dais. He presented a prospective client's property on Happy Hollow Road for a possible resurvey. The Commission gave feedback, to his satisfaction.

With nothing left to discuss, Meads adjourned the workshop just before 7 pm.

The Trussville Planning & Zoning Commission met in **regular session** on **Monday, April 14, 2025**, at 6 pm at the Trussville City Hall Annex.

Those members present:	Chairman Darrell Skipper Vice Chair Jim Meads Cameron Cohron Brett Isom Brian Jackson Councilor Ben Short Wayne Taylor
Also present:	Fire Marshal Jesse Clifton Director of Planning, Building & Sustainability J.R. Malchus City Clerk Dan Weinrib
Those absent:	Kris Reeves Ralph Robson Police representative City Attorney Chesley Payne

Chairman Skipper introduced minutes from the March 2025 meetings. **Isom moved & Taylor seconded the motion to approve the drafted minutes, as submitted. UNANIMOUS**

The Commission then took up the annexation petition for the 20-acre property located at 3101 Mary Taylor Road. Matt Jones appeared on behalf of Ann Clark Investments LLC. The property is zoned R-6 by the county, which permits single-family residential or mobile home subdivision. Jones' family business, MSE Building Company Inc. (Irondale), uses it to unearth and relocate dirt to their work sites. Further research revealed that MSE has an active non-ferrous ADEM permit & that they already built a pole-barn without construction permits from Jefferson County. Knowing they were in trouble with county code enforcement, these owners were motivated to seek annexation. Skipper noted that even though the property has a Mary Taylor Road address, its access comes from 9th Street, off Queenstown Road. The property acts as a buffer between the Magnolia South neighborhood & Birmingham's sanitation landfill. If Trussville were to deny annexation, there would be a risk that Birmingham instead would annex it then eventually try to expand its own landfill. The Trussville Fire Department did not recommend annexation because the subject property does not comply with Fire Department Requirements - Appendix D; also, the property is well beyond the minimum distance to the nearest fire hydrant. Clifton stated it is impractical to run three trucks' worth of fire hose to the property from the closest available hydrant. During question time, Jones stated they only use the property as a dirt pit; they have no plans to build any structure with plumbing or climate control. If they or a future owner were to construct anything, they would first agree to obtain water & fire flow tests and install a fire hydrant close to the subject property's access. They also agreed to apply for & obtain rezoning to A-1 (Agricultural) with the stipulated prohibition on mobile or manufactured homes, before its annexation ordinance got recorded at Probate.

Even though no public hearing is required for any annexation petition, Chairman Skipper opened a public hearing to the audience as a courtesy, then promptly closed it due to lack of interest.

Short made the motion to recommend annexation with the following stipulations:

- **Owner(s) successfully obtaining all proper County permitting regarding road access**
- **Petitioner applies for and obtains rezoning to A-1 (Agricultural), with no manufactured or mobile homes, prior to Probate recording by the city clerk**
- **All property engineering plans obtain approval from the City Engineer**
- **Property meets all City subdivision regulations**
- **Property meets all Zoning regulations**
- **Prior to any construction plans or development, owner(s) is/are required to demonstrate adequate water access & fire flow, as well as to install fire hydrant close to the property access point at his/her/their own expense**
- **Prior to construction, owner(s) is/are required to obtain Design Review Committee approval**
- **Owner(s) must successfully obtain a A-1 special exception for a permitted pit from the Board of Zoning Adjustment**
- **Owner(s) must maintain a minimum 50-foot buffer on the eastern & southern sides of their own property, thus protecting the interests of nearby Trussville residents**
- **All stipulated conditions must be enumerated on a deed and recorded promptly at Probate**

Taylor seconded the motion. By roll call vote, UNANIMOUS Ergo, the City Council will receive a favorable annexation recommendation for consideration.

The Commission then took up the proposed rezonings & preliminary plat for the Highway 11 Project. Chairman Skipper started with rezoning. Charles Kirksey of KADKO, realtor Libby Lassiter & engineer Mike Thomas represented themselves. The subject properties, next to the Publix-anchored shopping center on Gadsden Highway, were rezoned to Q-C-2 back in 2003 & 2007. Kirksey initially sought regular C-2 zoning for property fronting Gadsden Highway. After the workshop, he instead sought to expand the list of permitted uses, while maintaining the Q-C-2 designation; for the back portion, he requested Q-R-4 (Qualified Single-Family Residential), with these stipulations:

- Developer agreed to go to Design Review with his potential home designs
- All homes will have a minimum of 1800 square feet of heated & cooled space
- Developer will build only single-family homes – no duplexes
- All residences will have a minimum of 75% stone/brick/masonry
- There will be no exposed concrete or concrete block
- All residences will use dimensional roofing

Kirksey and the Commission then turned their attention to rezoning the remaining Q-C-2 property, along Gadsden Highway. They reviewed the current list of permitted uses under C-P, C-1 & C-2, quickly reaching consensus.

Chairman Skipper then opened the rezoning public hearing. Lou Ferreira (7316 Gadsden Highway) opposed rezoning, telling the Commission she did not want to be forced to move. Chairman Skipper gently reassured the 80-something-year-old lady that nobody was doing that. Her daughter Laura Garner (500 Cherokee Drive) also expressed opposition. Tim Smith (7127 Crown Lane) asked about

residential setbacks for the proposed residential subdivision, which would be directly below his property. The proposed preliminary plat showed acceptable rear setbacks and already excludes Smith's 80-foot bluff. He then asked whether the subdivision would be on septic. Kirksey answered that it would be on sewer, tied to either the shopping center's or (more likely) directly to the sewer running along Gadsden Highway. Greg Harp (7124 Crown Lane) asked the Commission to require an additional buffer for his next-door neighbor Smith. Harp also gave a briefing about their homeowner association. Georganne Dye (7128 Crown Lane) expressed her opposition, based on her concerns about traffic impact. The more she talked about rezoning & residential development, it became clear that she opposed change. She really wanted the entire area to remain raw & undeveloped. Since nobody else spoke up, Chairman Skipper closed the public hearing.

He then solicited Commission discussion and asked for a motion. **Taylor made the motion to recommend Q-R-4 with all stipulations Kirksey listed on his rezoning application, as well as amending the Q-C-2, as follows:**

- all professions listed under C-P Section 3.2
- these C-1 permitted professions -- art supply and/or frame shop; barber and beauty shop; bicycle chop, including repairs; card, gift shop; clothing shop; cosmetic studio; craft or hobby shop; dance studio; day care center; duplicating or copying service; florist shop; health food store; interior decorating store; medical clinic; optician; pastry shop; pharmacy; photographic studio; restaurant – standard; shoe repair shop; specialty shops, with the exception of vape and CBD establishments; and public utility service
- these C-2 permitted professions -- bakery, retail; clothing store; department store; hardware store; indoor sports facilities: bowling, health club or spa, racquet club, skating rink, etc; jewelry store; pet store (no outside kennels or housing of pets); print shop, retail; sales showrooms (retail/rental/wholesale) for appliances, furniture, carpet, lighting fixtures, medical and office equipment, etc.; shopping center; sporting goods store
- these C-2 professions, as exceptions granted by BZA -- gasoline service station/convenience store; hotel and motel; restaurant fast-food; domiciliary care facility; public building; public building facility
- small box discount general retailers & neighborhood general stores are prohibited
- a 15-foot landscaped buffer approved by Design Review
- an undisturbed natural buffer protecting the R-2 zoned property on the easterly side of the commercial development.

Meads seconded the motion. Upon roll call vote, the Commission voted 5-1-1 (Isom dissenting, Skipper abstaining) to give a favorable recommendation for rezonings.

Next, the Commission took up the related preliminary plat for the proposed 39-lot neighborhood. Kirksey and his team gave a summary: there would be 60-foot lots with valley gutters throughout the double dead-end street. The two detention ponds would also serve as buffer space to the commercial area. They showed a conceptual draft of the gated entrance, fencing and landscaping. The Commission reviewed their plans. Vice Chair Meads shared Sain engineer Ryan Medley's comments, including the need to adjust setbacks for corner lots 1 & 39. When asked, Fire Marshal Clifton offered that no building can take place without required water pressure and fire flow. Chairman Skipper noted that the developer must first obtain ALDOT permitting for turn-lane access to Gadsden Highway, mentioning ALDOT would want the highway width to match identically to the Publix turn-lane area. Kirksey quickly acknowledged. During question time, Kirksey estimated that based on current values, the residences would sell in the mid-to-high \$600k range. The target market would be middle-aged & older empty-nest adults. He committed to develop in order to sell to prospective homeowners, not to operate 39 rentals.

Chairman Skipper then opened the subdivision public hearing. Laura Garner (500 Cherokee Drive) & Tim Smith (7127 Crown Lane) expressed their opposition. Dawn Kirksey White (7298 Gadsden Highway) supported it, to nobody's surprise. Since nobody else spoke up, Chairman Skipper closed the public hearing.

He then solicited Commission discussion and asked for a motion. **Short moved and Meads seconded the motion for preliminary plat approval. Upon roll call vote, the Commission voted 5-2 (Isom & Jackson dissenting) to APPROVE**

With nothing else to review, Chairman Skipper adjourned the meeting at 7:51 pm.

Respectfully submitted,



Dan Weinrib CMC

City Clerk & Recording Secretary

PS After adjournment, Ms. Ferreira told the city clerk, “You look exactly like (actor) Tom Cruise.”
Despite being elderly, her vision is still perfect.