

PLANNING & ZONING COMMISSION MINUTES

February 8, 2024

The Gardendale Planning & Zoning Commission met on Thursday Night, February 8, 2024, at 6:00 P.M. at Gardendale City Hall located at 925 Main Street.

Chairman Jack Fields called the meeting to order, and Richard Bradley gave the invocation.

Members present were Ronald Barnett, Richard Bradley, Bill Casaday, Alvin Currington, Jack Fields, Mike Osburn and Robbin Phillips. Members absent were Bob Moore and William Noble. Also present were Mayor Stan Hogeland and City Attorney Ken Thompson.

Building Superintendent Blake Castleberry was present.

Secretary Regina Graham was present.

Minutes of the January 11, 2024, meeting was distributed. A motion was made by Alvin Currington and seconded by Robbin Phillips to dispense with the reading and approve-as presented-with any corrections to be made at the next meeting. Vote was unanimous; motion carried.

CORRESPONDENCE

NONE

OLD BUSINESS

NONE

NEW BUSINESS

The first request before the board was that of HUNTER FARRIS KIRBY FARRIS, PROPERTY OWNER for "CONDITIONAL USE" approval in a C-2 [Community Business District] zoning district, [Article 6 table 6.16.2 C-2 Permitted Uses, Zoning Ordinance No. 2013-02] for a moving company. Parcel ID #14 00 13 3 007 004.000. [SITE ADDRESS: 613 MAIN STREET].

A roll of adjacent property owners was called, and the following was recorded:

Hunter Farris	-Present	Kirby Farris	-Present
JN Investments, LLC	-Absent	Debra Swanson & Martha Hubbard	-Absent
Michael & Timeka Campbell	-Absent	North Jefferson Properties, LLC	-Absent

The city departments had no comments.

Hunter and Kirby Farris came forward to present the request. Kirby Farris said that they were hoping to put in a moving company and a little bit of storage, as well, at this location. His son, Hunter, has been operating this moving company for six years. Currently, we have two trucks and two crews, which is why we need this building. We will be happy to accommodate anything that we need to do.

Alvin Currington asked what his cap on trucks would be since they were being stored on site. There was not a lot of space for a bunch of them.

Mr. Farris said that their plans were to get rid of some the old structures at the back of the property that were in extremely poor condition and unsafe. We asked a contracting company, if the conditional use is approved, to tear out those old structures and to clear the brush/trees to open the area behind the building where we could put four trucks. That way the trucks will not be on the street or visible from the street. The trucks will be behind the main structure itself so it would not be an eye sore.

Mr. Currington said that the property behind this property, if zoned differently than commercial, will have buffer requirements. Mr. Farris understood.

Chairman Jack Fields said that the building had been vacant for a long time, which use to be Swanson Hardware.

Mr. Farris said that the old signage is still in the building. He will have someone look at the building, and put a new roof on it, and paint it, and put-up new signage.

A motion was then made by Mike Osburn and seconded by Robbin Phillips to approve the Conditional Use request. Vote to approve was unanimous; motion carried.

Secretary Regina Graham informed Hunter Farris to contact the Inspection Services Department to schedule a business license/life safety inspection when the site is set up and ready to open for business.

The second request was that of JN INVESTMENTS, LLC for PRELIMINARY subdivision plat approval of THE TOWNES ON MAIN, situated in parts of the SE ¼ of the SW ¼ of the SW ¼, all in Section 13, Township 16 South, Range 3 West, Jefferson County, Alabama, in accordance with the Subdivision Regulations of the City of Gardendale. Parcel ID #14 00 13 3 007 005.000 and Parcel ID #14 00 13 3 010 002.001. [SITE ADDRESSES: 601 MAIN STREET & 111 MINOR ROAD.]

A list of adjoining property owners was called, and the following was recorded:

JN Investments, LLC	-Absent	Gardendale Masonic Lodge, ETC	-Absent
Standard Development Corp.	-Absent	Virginia & Melanie Renfrow	-Absent
R & E Company, LLC	-Absent	Daryl Lowe	-Absent
BBA Development, LLC	-Absent	Debra Swanson & Martha Hubbard	-Absent
Michael & Timeka Campbell	-Absent	Elizabeth Fortner	-Absent
Lindsay & Nicholas Smith	-Absent	Richard & Brenda Parker	-Absent
Bryant & Dawna Hill	-Present	Charlene Quinn	-Absent

Logan Gandy, engineer with Forty4 Engineering Design, was also present.

The City Engineer's comments are attached as "Exhibit A."

The Public Works Department concurred with the City Engineer's comments.

The Fire Department had no comments.

Mr. Gandy came forward as the representative for the developer because he came down with COVID.

Mike Osburn asked if this plat reflected the items mentioned in the City Engineer's comments, "Exhibit A." Mr. Gandy said that those items were revised on the plat, and he

received a revised comment letter from the city engineer recommending approval. Mr. Osburn said that he did not see the revisions.

Secretary Regina Graham provided the board with a copy of the revised comment letter from the city engineer.

Mr. Osburn said that when they met before with the developer at the rezoning hearing there was a lot of concern about access and assumed that the right-of-way easement had been taken care of.

Mr. Gandy confirmed that the access easement had been recorded.

Alvin Currington said that thinking back several months ago when we were negotiating the conditions on the through road being used for the property owners and the Masonic Lodge, there was never anything mentioned about the new wording on this preliminary plat, *“Through traffic shall not be permitted until all construction activities have been completed.”*

Mr. Currington asked about how long construction would take from beginning to end. He said that this wording had him worried a little bit and thought this would be problematic.

Mr. Gandy said that the developer was not here to answer this question, but we were willing to work with the board on the wording. The wording on the subdivision plat was for safety, but if the through access needs to be priority number one then we will make sure that gets done. He did not see that being a problem.

Mr. Currington said that just because it was never mentioned or discussed and while we were now working out the details, he would hate that the folks that were agreeable to the terms find out that the road was going to be closed completely for twelve or eighteen months.

Mr. Gandy said that he did not know about the timeline on that. They were redoing some utilities, the road, and grading activities.

Mr. Currington thought that it was perfectly understandable and reasonable that the road may be closed from time to time due to construction.

Robbin Phillips said that it looked like the existing road was going to stay there up to a point and that should remain open until construction is completed there.

Mr. Gandy agreed and said the note was pertaining to just the crossing through of the property. The wording can be revised to accommodate the neighbor.

Mr. Phillips said that the portion of West Minor Road to be removed is to be removed toward the end of the construction.

Mr. Gandy replied that will have to be done towards the beginning for grading activities and utilities, but that can be accommodated by a reasonable schedule to still allow access.

Mr. Currington understood the road may need to be closed from time to time, but most of your work is going to be done outside of your utilities and off that beaten path. With proper signage and good common courtesy just let the neighbor down the hill know the road is going to be closed whatever week because we are doing whatever. Mr. Gandy agreed.

Chairman Fields said that he was a little confused about where West Minor terminates, and Charleston Way would pick up. He referred to the slanted lines *“This portion of West Minor Road to be removed.”*

Mr. Currington said that is clearer on the second page. He thought that was going to be removed for grading purposes and then a drivable roadway would be put up to pass through.

Chairman Fields said that communication to the lodge members was extremely important because they are overly concerned about there being continued access there.

Mr. Currington said that he will contact the lodge to see who they want the point of contact to be and give it to Mr. Gandy so he can communicate with that person regarding the temporary closure times of the access due to construction.

Ronald Barnett asked if there were any prices on the townhomes. Mr. Gandy replied around \$250,000 per unit, 3 bedrooms, 1200 square feet, 1 to 2 stories.

Mr. Currington wanted to confirm that the development would be built out all at one time, not phased in with two or three buildings.

Mr. Gandy understood that Building 4 to the north had significant grading to be done there. We will use some of the excess soil from Building 5 to push back in that area. Buildings 1, 2, 7, & 8 really work out where they can be balanced out while doing those grading activities. It was not aware if this development was going to be in multiple phases.

Chairman Fields said that this request is for a preliminary subdivision plat and the Commission has total approval.

Mr. Currington asked, "When will construction begin?" Mr. Gandy replied that they do not have a date yet and that they still need to produce construction documents and go through the permitting process with the city, Jefferson County, and Birmingham Water Works.

A motion was then made by Alvin Currington and seconded by Robbin Phillips to approve the preliminary subdivision. Vote was unanimous; motion carried.

The last request was that of CURTIS SMITH | CCH ENTERPRISES, LLC, PROPERTY OWNER for a "favorable recommendation to City Council" to REZONE from R-1 [Single-Family Residential District] to C-2 [Community Business District] to install an Off-Premises Sign (an electronic billboard), according to Zoning Ordinance No. 2013-02, Article 10, §10.8 Off-Premise Sign Regulations. Parcel ID #14 00 24 4 004 018.000. [SITE ADDRESS: 2120 DECATUR HWY.]:

A list of property owners within 500' was called, and the following was recorded:

Curtis Smith	-Present	CCH Enterprises, LLC	-Present
Horace Lee & kay Pannell	-Absent	Douglas & Judith Pennington	-Absent
Stephen Arnold McNutt	-Absent	Christopher Alan Brasfield	-Absent
Patricia Harden	-Absent	Michael Sparks	-Present
Barbara Wordell & Brian	-Absent	Molly James	-Absent
James Carver & Rachel	-Absent	Joy Pate Morris	-Absent
Corporation of the Presiding	-Absent	City of Gardendale	-Present
Ridouts Brown Service, Inc.	-Absent	McCullough Snappy Service Oil	-Absent

Also present was Duwain Brundage, 2050 Highland Drive.

The city departments had no comments.

Curtis Smith came forward to represent his request. He said that he started this process backwards by going to the variance board first and found out that was not the proper way

to go, and he needed to come to this board first. He said that he had a small sliver of property on the very corner of Mount Olive Blvd. and Hwy. 31. The Future Land Use Map showed it being commercial, as well as the adjacent property which is on the market as proposed commercial now as we speak. He was trying to get rezoning approval contingent upon variance approval.

Alvin Currington said that the request for rezoning would not be contingent upon variance approval. If the rezoning is approved, the variance board would then make their decision.

Mr. Smith said that he did not want to rezone and his property taxes double if he cannot get the variances.

Mr. Currington said that if the property is rezoned and you do not utilize the property for the purpose you rezoned it for within a year the rezoning would revert to its original zone. Secretary Regina Graham said that was correct.

Mr. Smith said that if that was the law, he was okay with that. He did not want to get stuck with a commercial property that he cannot utilize.

Mr. Smith said that the billboard would be one-sided and facing Bill Noble Park and Hwy. 31 for now out of respect for the community and not wanting to invade anybody. His goal is to catch people coming out of the ball tournaments at Bill Noble Park. Later, when a commercial building is built next door, he would love to have a two-sided billboard.

Chairman Fields asked if anyone had questions or comments.

Mike Osburn said that he did not have any problems with the rezoning request because it is part of the land use plan. The rezoning does not necessarily mean the sign is going up because variances are needed which may or may not happen. This is just the first step in the process.

Chairman Fields asked the audience if they had any questions.

Duwan Brundage asked, "What kind of sign is this and how high is it?" Mr. Smith replied that it was an electronic 10' x 22' billboard.

Mr. Brundage asked if the sign was like the one on Fieldstown Road. Mr. Smith replied yes, and said that he got the idea from Brookwood Baptist Church which it is identical to, also.

Mr. Brundage emphasized that this road is a boulevard, a French word which meant tree lined street. This is Gardendale. You get off at the Interstate and there is no other exit out there like this with trees on both sides of the road with crepe myrtles down the middle of a four lane. Now, a blinking sign is going up on the corner. Fieldstown Road is where the billboard needs to be because there are a lot of people. Here, you have a boulevard lined with trees and vegetation going right up to Bill Noble Park, the grandest park in all the southeastern of the United States right here in Gardendale. Mr. Brundage said that he lived on top of the hill on Belcher Hill Road and everyday he drove on this beautiful road which is an entrance into the park where competitions are being held with families, moms, dads, kids, aunts/uncles. You want to commercialize it. He guaranteed that there would be more commercial rezoning down the boulevard. He had rather the boulevard be lined with camellias or some other Gardendale type plant than a sign. I am not against progress at all, I am a business owner in Hayden. Commercial should not be on the boulevard, there is no other exit like it. When you get off this exit there is a beautiful boulevard and I want to keep it that way. What else can happen along this road if variances are granted?

Chairman Fields asked about the notification process for the Board of Appeals & Adjustments meeting for variance requests. Secretary Regina Graham replied that adjoining property owners would be notified, and public notices would be posted in the

following conspicuous places: City Hall, Post Office, Police Department, Civic Center, and Library.

Chairman Fields informed Mr. Brundage that at the Board of Appeals & Adjustments meeting he would have an opportunity to express his concerns. He said that the frontage along Highway 31 was approved in the comprehensive plan of 2014 to allow the residential property to be rezoned to commercial and it would not be spot zoning.

Michael Sparks, 204 Lee Drive, introduced himself and described the location of his property and said that he would be able to see the billboard from his backyard. He would like to echo what Mr. Brundage said, that it is not a good look for the City of Gardendale for the first thing you see. He is sure that tens of thousands of dollars of signage was spent at Bill Noble Park, which is very classic and belongs in any city in the United States. As the kids are playing ball, do you want a flashing billboard right over the “Welcome to Gardendale” sign? As you are attending a family funeral right across the road, do you want an LED billboard to be the first thing you see? I reached out to the Church of Jesus Christ of Latter-Day Saints, and he did not think anyone was present for them, their beautiful temple the only one in the state of Alabama is right across from that. Do you want every person leaving a baptism or a wedding to be met by an LED billboard? Most of the communities around us have guidelines in place to prevent LED billboards. They are known to be distractions to drivers. They are known to be a danger to wildlife. In this area, Gardendale used to have a bird sanctuary sign because the wildlife in this area is immense. The owls and other nocturnal creatures that an LED billboard will distract from could be detrimental. The biggest thing is, as we all look at the development of this corridor, a billboard should not be the first thing.

Chairman Fields, again, informed Mr. Sparks to get the date of the variance meeting and make them aware of your concerns.

Secretary Regina Graham said that adjacent property owners would receive public notice and it would be posted in four conspicuous places. A sign would not be posted at the site for the variance meeting.

Mr. Currington asked Ms. Graham if she could give a projected date for the variance meeting if the rezoning is approved by the council.

Secretary Regina Graham briefly explained the other steps needed to take place before a variance meeting date could be scheduled.

Mr. Currington understood with the other steps needed it was difficult to project a date.

Juliana Sparks, 204 Lee Drive, introduced herself and asked if the board had looked at any safety altercations at that intersection since the ballpark has gone in with the increased traffic. Does anybody know if there have been any traffic accidents there?

Chairman Fields was sure there were traffic studies done with the expansion of the ball facility but was not aware.

Ms. Sparks understood that it was up to the variance board to decide whether the billboard goes up or not and the rezoning is the first step. She said that any accidents that happened there would leave this board responsible for approving that piece. As you come off the Interstate and as you turn onto Decatur Hwy. the billboard is right there, which will be very distracting when you are trying to get over to merge and then Lee Drive is right there. You have tons of teen drivers going to that ballpark that are not your most experienced drivers. On top of all the beautification pieces, safety is my key factor. Again, if the board cannot reject the rezoning, she completely gets that. She said that they lived in Atlanta and moved back here to the house that belonged to her husband’s family. Her husband was raised in this house and instead of selling it at bargain price and devaluing that community, we invested and remodeled it to help bring up property values in that community. Her

husband's parents are buried across the Interstate at the cemetery which is so peaceful to visit with the flowers and trees and now you want to put a billboard right there. There are so many other places with business to put a billboard for visibility. This is not the place to do it.

Chairman Fields asked if they lived in the rustic A-framed house. Ms. Sparks replied yes.

Mr. Smith said that he kept hearing the word blinking. He said that the law will not allow it to blink, it is stationary every eight seconds. He informed Mr. Sparks that he was probably not going to like what he was going to say, but the two properties beside his could become a drive-through restaurant that will be attached to their property.

Mr. Sparks said that Mr. Smith shared with him over the phone the one reason he wanted it rezoned was to block access to the additional lots on Mount Olive Blvd. which would limit their resulting ability for good development in that area, not a billboard.

Chairman Fields said that we are going to move forward unless anyone on the commission has any statements or questions.

A motion was then made by Mike Osburn and seconded by Alvin Currington to forward a favorable recommendation to the City Council for approval of the rezoning. Chairman Fields said that he would abstain from voting because he was involved with the property next door. Vote was unanimous; motion carried.

Chairman Fields asked Secretary Regina Graham when this would go before the Council.

Ms. Graham replied that the City Clerk would need to be contacted for that public hearing date. Property owners within five hundred' would receive public notice by certified mail.

Chairman Fields recognized Mayor Stan Hogeland for being present and asked if he had any comments. He also said that City Attorney Ken Thompson was present.

With no further business to be considered, a motion was made by Alvin Currington and seconded by Bill Casaday to adjourn the meeting. Vote was unanimous; motion carried.

Meeting Adjourned!


CHAIRMAN JACK FIELDS

2/18/24

DATE

Revised



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Parkway, Ste 350
Hoover, AL 35242
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www.ttlusa.com

February 7, 2024

Mr. Blake Castleberry
Building Inspections Superintendent
City of Gardendale
925 Main Street
Gardendale, Alabama 35071

RE: *The Townes on Main*
Preliminary Plat Review

Dear Blake:

I have reviewed the Preliminary Plat dated January 8, 2024 (revised February 7, 2024) prepared by Forty*4 Engineering Design for the proposed 8-building townhome development located at the intersection of Main Street and West Minor Road in Gardendale, AL. The Preliminary Plat has been reviewed per the requirements of Section 3 Preliminary Plat Approval of the City of Gardendale Subdivision Ordinance dated March 12, 2015 and Appendix A of said ordinance.

I would recommend approval of the Preliminary Plat (sheet C1.1) and the Easement Exhibit (sheet C1.3). Note that additional comments will be provided as part of the sitework construction document review.

Please let me know if you have any further questions.

Sincerely,
TTL, Inc.

Rick Nail, PE, LEED BD+C (AL #23130)
Senior Vice President/Civil Business Unit Leader
City of Gardendale Consulting City Engineer

"EXHIBIT A"