



MINUTES OF THE ALABASTER

PLANNING AND ZONING
COMMISSION MEETING

TUESDAY, OCTOBER 24, 2023 | 6:30 PM
COUNCIL CHAMBERS | 1953 MUNICIPAL WAY

I. CALL TO ORDER

Meeting called to order at 6:30 pm

II. ROLL CALL

Staff Present

Vanessa McGrath, City Planner

Fred Hawkins, Director of Building, Engineering, & Environmental Services

Jeff Brumlow, City Attorney

PRESENT

Brian Binzer

Kerri Pate

Calvin Rumph

Tommy Ryals

Mike Allen

Larry Crawley

Thomas Lamb

Terrill Lane

Alan Tanner

III. APPROVAL OF MINUTES

- a. Approval of September 26, 2023, Planning Commission Minutes

Hwy 119 Overlay the consensus was that it should be 500 ft but request further discussion.

Motion made by Binzer, Seconded by Rumph

Voting Yea: Binzer, Pate, Rumph, Ryals, Allen, Crawley, Lamb, Lane, Tanner

Minutes were approved as amended.

IV. AGENDA ITEMS

items 2 & 3 moved.

2. PZ-2023-0127 - 1104 Kent Dairy Road

Address: 1104 Kent Dairy Road

Owner: Samuel Brown

Applicant: Samuel Brown

PIN: 23 5 15 0 001 021.000

Zoning: County

Request: Pre-Zone 2 acres from county zoning to R-3 (Single Family Residential) to match adjacent zoning.

Ms. Vanessa McGrath reviewed the request.

Samuel Brown 83 Norris Lane was present to represent the request. The legal description is for the blue and purple and not the pink. The legal description is for that portion that needs to be annexed and pre-zoned.

The Public Hearing was opened.

The Public Hearing was closed.

Motion made by Pate, Seconded by Crawley.

Voting Yea: Binzer, Pate, Rumph, Ryals, Allen, Crawley, Lamb, Lane, Tanner

Item was sent to City Council with favorable recommendation.

3. AX-2023-0116 - 1104 Kent Dairy Road

Address: 1104 Kent Dairy Road

Owner: Samuel Brown

Applicant: Samuel Brown

PIN: 23 5 15 0 001 021.000

Zoning: County

Request: Annexation 2 acres from county into City Limits of Alabaster.

Ms. Vanessa McGrath reviewed the request.

Mr. Samuel Brown was present to represent the request.

Motion made by Crawley, Seconded by Ryals.

Voting Yea: Binzer, Pate, Rumph, Ryals, Allen, Crawley, Lamb, Lane, Tanner

Sent to City Council with favorable recommendation.

4. RZ-2023-0069 - 101 Equestrian Drive

Address: 101 Equestrian Drive

Owner: Edna Allison S. Hollins

Applicant: Melisa Coyle

PIN: 22 3 05 4 001 001.005

Zoning: MR (Municipal Reserve)

Request: Rezone Property from MR (Municipal Reserve) to A (Agricultural)

Ms. Vanessa McGrath reviewed the request.

Mr. Mike Brown 1819 5th Ave North Birmingham was the attorney present to represent the owner's request. His client is seeking to have property rezoned from MR (Municipal Reserve) to A (Agricultural) This property was annexed prior to Saddle Lake to have land contiguous. The zoning within the county allows for growing crops and having farm animals so the agriculture zoning is what would be closest to the city zoning.

Mr. Rumph asked why this process was started years ago but was not finished.

Mr. Brown stated that a rezone was started in 2014 under a different owner and was not completed.

The Public Hearing was opened.

Melissa Coyle gave a presentation on the history of the property and what she and her sister envision for the property.

Alvin Harris 215 Saddle Lake Dr - President Homeowners Association (HOA) condominium. Ms. Coyle was hired by her sister Ms. Hollins to audit the books of the HOA. The HOA has a slightly adversarial relationship with Ms. Coyle and Ms. Hollins. Equestrian Drive (the road) is maintained by the HOA and therefore it is not a county road. The HOA and Ms. Hollins are in a law suite currently over the road. Mr. Harris requests that the commission does not make the recommendation to the city council on the rezoning until the lawsuit is settled. Mr. Harris is concerned that Ms. Hollins will not adhere to the city ordinances.

Gary Cain has lived in Saddle Lake for 20 years. He had pictures of the property taken at 4:30 pm today. He understands the idyllic farm and they are afraid of more of this a picture of the trailer on the land.

Robert Green moved in 1996 or 97 - Mike Fogle had a lot of that property. He made Fogle Lake and Saddle Lake. Mr. Green swapped his property in Fogle Lake for Saddle Lake. Mr. Fogle built the lakes. Rick Nicholson was in charge of developing the land The Barn burned and they did not build it back. The property was trees and red dirt. Rick wanted garden homes on this property and that was shot down. The HOA asked to purchase the land and it did not work out. Mr. Green requests the commission go with the zoning that is in Saddle Lake. The houses need to be comparable to the houses within Saddle Lake.

Karen Tucker 208 Saddle Lake - Vice President. The notifications were not delivered. The road is a private road owned by all the property owners and all of those owners should be notified since they own the road.

Tom Candler his property backs up to the other property. He moved in 2020. Saddle Lake Farms is unique, and he believes his property would be devalued with the requested zoning.

Matt Towey 113 Buckskin Trace states he was not notified; that the envelope was returned to the city and not delivered.

Vesta Ard 115 Equestrian Dr. stated they purchased property in 1998 and built the house. She did not receive the notice about the meeting. There was an equestrian center and a lake as amenities to the subdivision. There were stables and a meeting room on the land. The entrance was kept up by the HOA. The streets, streetlights and plantings are all taken care of by homeowners' dues. The county is not maintaining Equestrian Dr. The property is pastureland not like the land across the street. There has never been anything but horses that people ride on the land. There is only one house between her and the trailer; nothing Ms. Hollins has done is in keeping with the neighborhood. Their neighborhood increases the value of the pastureland and the land across the street. What benefit will pastureland bring to their neighborhood. The neighbors care about each other and want what is best for everyone and not move because the value declines due to what is going on the land.

Mr. Green 123 Canter Way - Equestrian Drive is a privately held road. There is a dispute and money from the HOA was used in paying for upkeep of that road and the HOA is asking the commission to not make a decision until the law suite is settled.

Michelle Weaver 111 Equestrian Dr. they just purchased their house in May of this year. The trailer was only for storage use. Code enforcement officers have been called many times. They have already planted 8 trees and the bees are already there. They are talking about a produce stand, and they will have people driving up to their neighborhood. Hold off on a decision until the lawsuit is finished so Ms. Hollins cannot access Equestrian Dr.

Ms. Jessica Searcy 125 Shetland Trail. She is thinking a fruit stand will bring people from other locations there. The neighborhood has taken care of the property and the fence and believes that the items are the ownership of the HOA.

Kevin Smith 232 Thourghbred Lane they have spent good money on their home and to come home and see the eye sore that is still there. If she has stated she is living in the trailer where is the sewage going? The was a beautiful pasture and now has been destroyed in 18 months.

Ms. Somer Turner 109 Bucksin Trace property backs up to this land and she received the certified letter today. She is concerned about the traffic and property values. The cows will be right behind her home and the smell that may be caused by them is also a concern.

John Wingard 110 Equestrian Dr. In 1995 there were 3 prices for the lots. 1 - next to the pasters 2 - next to the lakes and 3 - were not adjacent to either. All those people that purchased that land next to the paster and paid extra for that are not getting what they paid for when they purchased their lots.

Fredrick Ard 115 Equestrian Dr. bought a pasture lot. The comprehensive plan does not show agricultural but shows low density single family.

The Public Hearing was closed.

Mr. Allen asked about the status of the road and if it could be used by Ms. Hollins to access her property.

Mr. Jeff Brumlow stated the access of the property is not an issue due to the fact that the property has access from a public street that is not Equestrian Dr.

Mr. Ryals asked if the property is zoned will they have to come into compliance?

Mr. Brumlow stated it will have to be in compliance with what it is zoned.

Mr. Crawley stated the fruit trees will not make a good buffer due to the height of the canopy, so it is not a true buffer.

Ms. Hollins came to the city and asked for permission to put the trailer for storage. She stated she was told by her attorney she could keep the trailer on the land because there were trailers on there when there was a barn.

Ms. Pate asked Mr. Harris if this land was not to be into A and it has to be rezoned what would the neighborhood want?

Mr. Harris stated that the neighborhood as a whole would say estate lots with more density and larger lots. The land has a gate and drive from Massey and could use Avalon Rd was the construction entrance.

Mr. Ryals had the same question as to what zoning would the HOA neighborhood want. He remembers the request for garden homes and how the residents were against that zoning. Envirobuild came back twice, and they did not want to put the money in the estate lots. The developer is the cause of a lot of the problems and agriculture zoning is close to what is currently there with the density and use. But the HOA doesn't want access from Equestrian Dr on to this property?

Mr. Harris stated if he had a level of confidence in the owners then it may be different, but they don't have confidence in the current owner.

Mr. Ryals stated the request is rezone the property to A and mobile homes and manufactured homes are not allowed within A.

Mr. Crawley there has been no history of compliance with the city ordinance and what will happen moving forward.

Mr. Binzer stated the city wants it zoned something.

Mr. Tanner stated agriculture does not fit with the property that is around it that is residential.

Mr. Binzer asked, "can PC change the request?"

Mr. Brumlow stated the PC has to give a recommendation to the city council as to whether A (Agricultural) is the correct zoning for this property.

Mr. Binzer asked Ms. Hollins if she wanted to change the request.

Ms. Hollins stated she did not.

The motion was made to rezone the property from MR (Municipal Reserve) to A (Agricultural).

Motion made by Crawley, Seconded by Binzer.

Voting Yea: Binzer

Voting Nay: Pate, Rumph, Ryals, Allen, Crawley, Lamb, Lane, Tanner

A non favorable recommendation was sent to the city council to rezone the property from MR (Municipal Reserve) to A (Agricultural).

5. RZ-2023-0125 - 8365 Hwy 119

Address: 8365 Hwy 119

Owner: Larry & Patricia Edmondson

Applicant: Wedgeworth Brothers

PIN: 23 6 14 3 002 008.001

Zoning: B-3 (Community Business District) & State Route 119 Overlay

Request: Rezone 1.05 acres from B3 to B4 without State Route 119 Overlay

Ms. Vanessa McGrath reviewed the request.

Bobby Bynum, the realtor for the owner and was present to represent the request. They have had the property for sale for a while. They have a hardware store that wants the front portion. The owner wants to just sell the lots and retire. Another person wants to open a pest control company within Alabaster. Pest control is not allowed in B-3 or within the State Route 119 Overlay. Behind the property is a diesel repair shop.

Ms. Pate asked if this request is approved are both the hardware store and the pest control a done deal?

The people wanting to purchase the property want to put their business in the back and have commercial in the front along Hwy 119. The church has increased the number of people traveling in front of the property.

Mr. Ryals stated we have an ordinance that states that a lot must have access on a public road? How does this affect the lots shown.

Ms. McGrath answered that the property will have to be resurveyed to ensure the lot in the rear has access to Hwy 119.

Mr. Allen is not convinced that the B-4 is the best use of the property.

Mr. Crawley stated that if we make an exception to the State Route 119 Overlay, we are setting a precedence on this overlay.

Mr. Wedgeworth stated they just want a small office and can make the building meet the overlay requirements.

Mr. Binzer stated they may want to look at the uses within 119 Overlay.

Mr. Ryals stated he is hesitant to set a precedence by removing the overlay.

Mr. Binzer asked can the PC allow a use or do we have to rewrite the list.

Mr. Brumlow suggested the request is amended to:

Rezone 1.05 acres from B-3 to B-4 zoning contingent on only allowing Sec 111-80 (b) (1) Service and repair businesses including heating and cooling, plumbing, electrical, glass, flooring, painting and pest control and parenthetically State Route 119 Overlay district will still apply and contingent upon ownership of property by Wedgwood Brothers

The Public Hearing was opened.

The Public Hearing was closed.

Motion made by Tanner, Seconded by Crawley.

Voting Yea: Binzer, Pate, Rumph, Ryals, Allen, Crawley, Lamb, Lane, Tanner

The motion was sent to the city council with a favorable recommendation.

V. OTHER BUSINESS

6. The next regularly scheduled meeting date is November 28, 2023

Approve the 2024 Planning and Zoning Commission Calendar

The owners of the property at the Southwest corner of Hwy 119 and Mission Hills asked if the property was supposed to be within the 119 Overlay since the ordinance states that the State Route 119 Overlay ends at Hwy 80 (Mission Hills Rd).

The Planning Commission members agreed that as written this property will not be within the overlay since it is past Hwy 80.

Mr. Binzer and Ms. Pate asked if we want to make the 119 Overlay go farther down 119? What do they want and how do we make sure the ordinance agrees with the map? They would like to pick some dates to talk about 119 Overlay.

The 2024 Planning and Zoning Commission Calendar was presented by Ms. McGrath

Motion made by Pate, Seconded by Crawley.

Voting Yea: Binzer, Pate, Rumph, Ryals, Allen, Crawley, Lamb, Lane, Tanner


The 2024 calendar was approved as presented.


VI. ADJOURN MEETING

Motion made by Rumph, Seconded by Lane.

Voting Yea: Binzer, Pate, Rumph, Ryals, Allen, Crawley, Lamb, Lane, Tanner

Meeting was adjourned at 9:27 pm


Michael R. Allen, Chairman


Vanessa McGrath, Secretary