

The Saraland Planning Commission convened in regular session on January 11, 2022 at the Saraland City Court Room. The meeting was called to order at 6:00 p.m. by Chairman Scooter Thronson.

Roll call was as follows:

Present: Chairman Scooter Thronson  
Vice Chairman David Brown  
Secretary Julie McGuire  
Mayor Howard Rubenstein  
Councilman Wayne Biggs  
Barry Andrews

Absent: Chief Austin Sealey  
Dr. Wayne Lyssy  
Vincent Walker

Others present: Ian Cantrell, City Planner, Mike Black, Director Building Department, Laura Tarver, Permit Technician; Andy Rutens, City Attorney.

Motion was made by Wayne Biggs to approve the minutes for the December 14, 2021 meeting, seconded by David Brown. Motion carried.

Motion was made by David Brown to approve the agenda for the January 11, 2022 meeting, seconded by Julie McGuire. Motion carried.

Chairman Scooter Thronson called for conflicts of interest of any agenda item for members of the Planning Commission. David Brown asked to abstain from Item L under NEW BUSINESS – Recommendation to City Council for the petition of annexation of parcel R02203071000003.003, located at 1447 Industrial Pkwy, approximately 6.2 acres, filed by Sawgrass Consulting, LLC on behalf of owners Calvin J. and Cindy M. Hill.

Invocation by David Brown

Chairman Scooter Thronson recommended the **OLD BUSINESS** be moved to the end of the agenda after **NEW BUSINESS**. Motion was made by Wayne Biggs, seconded by David Brown. Motion carried.

**NEW BUSINESS:**

A – Public Hearing & Preliminary/Final Subdivision Plat Review to combine parcels at 300 Saraland Ave, parcels R021908330001085.01, R021908330001085, R021908330001084, and R021908330008021.001 filed by Bryce McMurry, Kinetic Capital on behalf of Diane Saranthus/Saranthus Investments INC/Equity Investments LLC.

Chairman Scooter Thronson asked for comments from Ian Cantrell, City Planner. Mr. Cantrell described the purpose of this application for 300 Saraland Ave, is to combine parcels R021908330001085.01, R021908330001085, R021908330001084, and R021908330008021.001 into one single parcel.

City Attorney, Andy Rutens addressed the Planning Commission members and the audience as reiterated as this parcel as been used as one lot and this application is only to remove the interior lot lines to make it one lot, as it has been used like this for the last couple decades.

Chariman Scooter Thronson opened the floor for the public hearing.

Charlotte Wilson spoke in regards to being confused about this application and the combination of the trailer parks and the one piece of property is to be sold as residential.

City Attorney, Andy Rutens stated there are two parts for the Planning Commission considering this piece of property at 300 Saraland Ave. The first objective is to Re-subdivide this property, which in this case is to take it from the current 4 parcels into one single lot like it has been since the 70's. The second objective is the developer has submitted an application for Site Plan approval. A revised Site Plan has been submitted to continue to operate as a mobile home park, which they are grandfathered to do under the current zoning ordinances. Andy Rutens addressed the dilapidated current structures and the general conditions of the site. As part of this Site Plan, other restrictions are to be considered concerning "new" or "like new" trailers as well as meeting City of Saraland's inspection requirements and standards. The purpose of the site plan is to reduce the density and reduce the placement of the pads, so adjoining properties are not being impacted, with regards to privacy fences and vegetive buffers.

City Attorney, Andy Rutens described the purpose of R5 zoning and the grandfathering status regarding mobile homes. Only the property owners have the authority to change their zoning status and not the City of Saraland.

Saraland resident, Spencer Tillman spoke in regards to viewing the site plans submitted along with the potential footprint. He voiced concerns in more trailers being placed the property once it is one lot, as opposed to the submitted less trailers being placed. Andy Rutens mentioned the revised site plans were issued January 7<sup>th</sup> to the Building Department with the potential orientation of pad placement, privacy fencing and vegetative buffers. Mr. Rutens let the citizens of Saraland know the trailers being placed will have to conform and comply and meet all of the current building codes, electrical codes, mechanical codes, and plumbing codes enforced by the Building Department. The plans submitted will be out for residential viewing in the building department within the next couple of days and anyone can come by to look at them and get a better concept of the project being proposed.

Chairman Scooter Thronson explained the Site Plans have been on the Planning Commission's agenda for the past several months and have been discussed extensively with very little public interest and feels this needs to be voted on. However, with the heavy public interest in this meeting, Barry Andrews explained that a vote will need to be done amongst the Planning Commission to possibly hold a Special Session meeting in order to give the citizens of Saraland an appropriate amount of time to view the Site Plans located at the Building Department.

Cameron Hughes of 248 Saraland Ave wants to know a time frame for this project.

City Attorney, Andy Rutens, explained the developers Bryce McMurry, Kinetic Capital have 12 months from the approval date to start development. However, if no development has started, the site plan is null and void. The developers are eager to get started as soon as possible.

Attorney representing the developer Bryce McMurry and Kinetic Capital, Mr. Doug Anderson, assured the citizens of Saraland about the decreasing of the number of trailers, the trailers no longer will be removed and replace with newer ones, property management will be onsite at all three properties. Also, the rules and regulations and specs will be part of the approval.

Chairman Scooter Thronson closed the public hearing.

Motion was made by Wayne Biggs, to postpone the Preliminary/Final Subdivision Plat for 300 Saraland Ave to combine the 4 parcels into 1, to a special called meeting in consideration for additional public viewing, at the call of the Chairman. Barry Andrews seconded the motion. All in favor. Motion carried.

Mayor Howard Rubenstein expressed his appreciation for the citizens of Saraland and encouraged them to review the rules and regulations, provided to the Planning Commission in regards to the new owners' requirements for the residents and safety requirements for all the trailers.

B. – Public Hearing & Preliminary/Final Subdivision Plat Review to combine parcels at 247 Saraland Ave, consisting of parcels R021908330008022.02, R021908330008022.01 and R021908330008022.001, filed by Bryce McMurry, Kinetic Capital on behalf of Diane Saranthus/Saranthus Investments INC/Equity Investments LLC.

Chairman Scooter Thronson described this application as three parcels being combined into one lot. Similar to previous agenda item A, however this is only three parcels. Same concept, discussion, and details as Item A.

Chairman Scooter Thronson opened the floor for public hearing. No speakers.

Chairman Scooter Thronson closed the public hearing.

Motion was made by Wayne Biggs, to postpone Item B, the Preliminary/Final Subdivision Plat for 247 Saraland Ave to combine the 3 parcels into 1, to a special called meeting in consideration for additional public viewing, at the call of the Chairman. Barry Andrews seconded the motion. All in favor. Motion carried.

C. - Public Hearing & Preliminary/Final Subdivision Plat Review to combine parcels at 108 Saraland Blvd, consisting of parcels R022202032000091 and R022202040001003, filed by Bryce McMurry, Kinetic Capital on behalf of Diane Saranthus/Saranthus Investments INC/Equity Investments LLC.

Chairman Scooter Thronson described this application as two parcels being combined into one lot. Similar to previous agenda items A and B. Same concept, discussion, and details as Item A and B.

Chairman Scooter Thronson opened the floor for public hearing. No speakers.

Chairman Scooter Thronson closed the public hearing.

Motion was made by Wayne Biggs, to postpone Item C, the Preliminary/Final Subdivision Plat for 108 Saraland Ave to combine the 2 parcels into 1, to a special called meeting in consideration for additional public viewing, at the call of the Chairman. Barry Andrews seconded the motion. All in favor. Motion carried.

D. - Public Hearing & Preliminary/Final Subdivision Plat Review for the creation of an approximately 12 acre lot from parcel R02190203000001, located on Radcliff Rd, filed by Jason Linder/Linder Surveying on behalf of owner Hatters Pond LLC.

City Planner, Ian Cantrell described this application as a large lot with over 100 acres on the North side of Radcliff Rd, currently owned by Hatters Pond, LLC, and there is a 12 acre section on Radcliff Rd that the owner would like to have split off to be its own out parcel and will have their own ingress and egress on Radcliff Rd. Currently the property is zoned M2. Planning gives a favorable recommendation to the Planning Commission.

Chairman Scooter Thronson opened the floor for public hearing.

Chairman Scooter Thronson closed the public hearing.

Motion was made by David Brown to approve the Preliminary/Final Plat Subdivision for the 12 acre plot located on Radcliff Rd, filed by Jason Linder/Linder Surveying on behalf of owner Hatters Pond, LLC. Barry Andrews seconded the motion. All in favor. Motion carried.

E. - Public Hearing & Preliminary/Final Subdivision Plat Review for Bear Run Subdivision, 4 lots to replat parcels R02190419000001.098, R021904190000001.236, R021904190000001.054, and R021904190000001.065, R021904180000001.078, R021904180000001, R02190420000002.004, located at and to the east of 8380 Celeste Rd, filed by Dewberry/Linder Surveying on behalf of owner Moore Properties, LLC.

City Planner, Ian Cantrell described this application as approximately a 500 acre tract of land located on the East side of Celeste Rd, owned by Moore Properties, LLC. The applicant requests that the plat be replated into 4 separate plots. Three of which would have ingress and egress on Celeste Rd. One lot (lot 3) of the subdivision, would be setback from Celeste Rd. The applicant has dedicated a strip of right of way that would extend from Celeste Rd across the borders of Lots 1 and 2 and would connect to Lot 3, giving Lot 3 access to a right of way. Planning has a favorable recommendation subject to one contingency-No further subdivision of Lot 3 to be done without staff ensuring there is an appropriate connection to that existing strip of right of way for ingress and egress.

Chairman Scooter Thronson opened the floor for public hearing.

Robert Stillman of 8470 Celeste Rd expressed his concerns regarding the existing traffic and congestion on Celeste Rd and its infrastructure.

Clint Presnall (Deer Run) expressed his concerns regarding the intersection of Forest Run and Celeste Rd and the traffic.

Wayne Biggs described that the engineering has been done and the project is in the near future to add a third lane on Celeste Rd, west of the Interstate. The “new” Forest Ave will line up with Shell Rd and will have a traffic light.

Saraland resident, Brandon Biggs, President of the Charleston Ridge Subdivision) spoke on behalf of the residents concerns that Durham Dr and Biltmore Dr will connect to this subdivision.

City Planner, Ian Cantrell explained that the plans for the actual subdivision that will border Charleston Ridge, has not been formally submitted yet and is only in the early discussion phase.

Chairman Scooter Thronson closed the floor for public hearing.

Motion was made by Barry Andrews with the restrictions of no further subdivision of Lot 3 to be done with out staff ensuring there is an appropriate connection to that existing strip of right of way for ingress and egress. Seconded by Wayne Biggs. All in favor. Motion carried.

F. - Recommendation to City Council on the Petition for Rezoning of property at and to the east of 8380 Celeste Rd, Lot 1 of the Bear Run Subdivision, to be rezoned from R-1 low Density Single Family Residential District to R-2, Medium Density Single Family Residential District, filed by Dewberry on behalf of owner Moore Properties, LLC.

City Planner, Ian Cantrell, described this application to rezone Lot 1 of the plat previously approved, Item E, from R1 to R2. Planning gives a favorable recommendation.

Motion was made by David Brown to give a favorable recommendation to City Council for the rezoning of property at and to the east of 8380 Celeste Rd., Lot 1 of the Bear Run Subdivision, to be rezoned from R1 to R2. Barry Andrews seconded the motion. All in favor. Motion carried.

G. – Recommendation to City Council on the Petition for Rezoning of property east of 8380 Celeste Rd, Lot 2 of the Bear Run Subdivision, to be rezoned from R-1 Low Density Single Family Residential District to R-2, Medium Density Single Family Residential District, filed by Dewberry on behalf of owner Moore Properties, LLC.

City Planner, Ian Cantrell states this application mirrors the previous item (F) and is just to the South of that strip of right of way. It has the same background as previous item (F). Planning gave a favorable recommendation.

Motion was made by David Brown to give a favorable recommendation to City Council for the rezoning of property east of 8380 Celeste Rd., Lot 2 of the Bear Run Subdivision, from R1 to R2. Julie McGuire seconded the motion. All in favor. Motion carried.

H. – Recommendation to City Council on the Petition for Rezoning of property to the east of 8380 Celeste Rd, Lot 3 of the Bear Run Subdivision, to be rezoned from R-1 Low Density Single Family Residential District to R-3, Limited Multi-Family Residential District, filed by Dewberry on behalf of owner Moore Properties, LLC.

City Planner, Ian Cantrell states this application mirrors the previous two items (F & G) however, this parcel is setback from Celeste Rd and is slightly smaller than the others. Planning gives a favorable recommendation.

Motion was made by Barry Andrews to give a favorable recommendation to City Council for the rezoning of property east of 8380 Celeste Rd, Lot 3 of the Bear Run Subdivision, from R1 to R3. David Brown seconded the motion. All in favor. Motion carried.

I. – Recommendation to City Council on the Petition for Rezoning of parcel R021208340000001.001, approximately 88 acres, from M-2 General Industrial District to R-1 Low Density Single Family Residential District, filed by Jason Linder/Linder Surveying on behalf of owner Foxtrap Investments, LLC.

City Planner, Ian Cantrell states the request of this application is to rezone approximately 88 acres adjacent to Creax Rd. Estates. The applicant, Foxtrap Investments, LLC., is interested in pursuing Phase Three and would like to rezone from M2 to R1 to further develop. Planner gives a favorable recommendation.

Motion was made by Barry Andrews, seconded by Julie McGuire to give a favorable recommendation to City Council for the rezoning of parcel R021208340000001.001, from M-2 General Industrial District to R-1 Low Density Single Family Residential District, filed by Jason Linder/Linder Surveying on behalf of owner Foxtrap Investments, LLC. All in favor. Motion carried.

J. – Recommendation to City Council on the Application for Vacation of Right of Way, concerning Ash Ave, an unopened right of way, approximately 60' by 180', filed by Kenneth Gates.

City Planner, Ian Cantrell, stated a section was preserved along the side of Kali Oka Rd, called Ash Ave., and it was never opened. Property owner, Kenneth Gates owned property on both sides and eventually purchased property South of the Right of Way, and

now owns property on all three sides of the Right of Way. The applicant is requesting the city to vacate that Right of Way so a quick claim deed can be done for Mr. Gates to take over ownership. Public Works has evaluated the drainage issue and does not see any problems. City Planner, Ian Cantrell gives a favorable recommendation.

Chairman Scooter Thronson motioned to have the City Engineer, Kirby Latham, to inspect this property to make sure the city will not need this right of way for future city use.

Motion was made by Barry Andrews, seconded by Julie McGuire to give a favorable recommendation to City Council for the Vacation of Right of Way, concerning Ash Ave., filed by Mr. Kenneth Gates upon the additional review of City Engineer, Kirby Latham, inspection of this property to make sure that the city will not need this right of way for future city use. All in favor. Motion carried.

Wayne Biggs stated that since this is a dedicated street, or right of way, he advises this be approved without any contingencies.

Mayor Howard Rubenstein addressed the Planning Commission and stated that based on the legal advice of Mr. Andy Rutens, this property can only be used for road and not drainage uses by the city. Mayor Rubenstein withdrew his previous request for City Engineer, Kirby Latham to do an inspection, and recommends approval without any contingencies.

Barry Andrews amended his motion to exclude the approval from Mr. Latham, and gave a favorable recommendation without any contingencies. Julie McGuire seconded the motion. All in favor. Motion carried.

K. – Recommendation to City Council for the Petition for Annexation for a section of parcel R021807260002009, located at 7737 Kali Oka Rd to be zoned R1, filed by Owner Kenneth Gates.

City Planner, Ian Cantrell, described this property as being the same property as previous agenda item J, owned by Kenneth Gates. The property as it stands now, is partially in the city limits and partially outside the city limits. The Planning Commission previously approved a subdivision plat that moved 10+ acres that was in the county and added it to what was already in the city. Mr. Gates is requesting the additional outstanding property to be annexed into the city. Mr. Cantrell gives a favorable recommendation to the City Council.

Barry Andrews gave a favorable recommendation to City Council for the petition of annexation for a section of parcel R021807260002009, located at 7737 Kali Oka Rd, filed by Owner Kenneth Gates. David Brown seconded that motion. All in favor. Motion carried.

L. – Recommendation to City Council on Petition for Annexation of parcel R02220307100003.003, located at 1447 Industrial Pkwy, approximately 6.2 acres, filed by Sawgrass Consulting, LLC on behalf of owners Calvin J and Cindy M Hill.

City Planner, Ian Cantrell reminded the Planning Commission members that this applicant issued a Site Plan review to the Planning Commission for a storage facility, on the South side of Industrial Pkwy. This was previously approved at that time contingent on the basis the Building Department receive a new letter of service from a water provider. After the meeting, it was discovered that because this property was not in the city limits, Saraland Water & Sewer were not able to provide service. Owners Calvin J and Cindy M Hill then came back to the Planning Commission asking for that previous condition of the approval to be removed, which at that time, the Planning Commission rejected that request on the grounds of public safety, fire suppression, etc. The applicant has reconsidered and resubmitted the application for annexation, so they will be able to approach Saraland Water & Sewer for the revised water service letter and can continue with their already approved site plan.

David Brown requested to abstain from this agenda item.

Barry Andrews gave a favorable recommendation to City Council on the petition for annexation of parcel R02220307100003.003, located at 1447 Industrial Pkwy, filed by Sawgrass Consulting, LLC on behalf of owners Calvin J and Cindy M Hill. Julie McGuire seconded that motion. All in favor. Motion carried.

M. – Planning Approval for QuikTrip, for a gasoline station/convenience store to be located at 1403 Industrial Pkwy, parcel R022203071000003.005, zoned B-2, filed by Erik Eckhart/QuikTrip Corporation on behalf of owner McKenzie Realty Co., LLP.

City Planner, Ian Cantrell stated the applicant is requesting Planning approval for the QuikTrip and this type of use in a B-2.

Motion was made by Barry Andrews to give Planning approval for the QuikTrip to be located at 1403 Industrial Pkwy, zoned B-2, filed by Erik Eckhart on behalf of owner McKenzie Realty Co., LLP. David Brown seconded that motion. All in favor. Motion carried.

N. – Site Plan Review for QuikTrip, for a gasoline station/convenience store to be located at 1403 Industrial Pkwy, parcel R022203071000003.005, zoned B-2, filed by Erik Eckhart/QuikTrip Corporation on behalf of owner McKenzie Realty Co., LLP.

City Planner, Ian Cantrell, stated the QuikTrip applicants have revised their submittals and the Building Department, Planning Department, and the Engineer, conclude that they

were all too significant to not run back thru for revised site plan approval. Planning recommends approval with a few conditions-

1. Staff receives all state permits-ALDOT, ADEM
2. Add as a condition of approval, planning has time to re-inspect the deed to ensure the property has not changed hands, and owners are listed on application.
3. Planning would like to see approved landscape plan
4. Planning would like to see revised utility letter from water provider.
5. Request as a condition of approval, that Public Safety take another look at the plans.
6. Request approval from the CORE of Engineers

Wayne Biggs questioned if ALDOT is responsible for the ingress/egress at Shelton Beach Rd Ext. and 158?

Ian Cantrell reassured they will need an ALDOT permit finalized for their ingress/egress and working within the right of way can be included as part of our requirements. Per Mr. Cantrell, the applicant has already applied for those permits.

Chairman Scooter Thronson entertained a motion.

Barry Andrews recommended site plan approve for QuikTrip based on the contingencies listed. David Brown seconded that motion. All in favor. Motion carried.

**O. – Recommendation to City Council on an amendment to Article XIX (19) of the Land Use and Development Ordinance**

City Planner, Ian Cantrell described the amendment to Article XIX (19) is to change the language in our tree protection policy currently in our Land Use and Development Ordinance to allow a tree to possibly require or be eligible for a permit, or if in the case of a development project, replacement trees may be required. This change would allow give the option for the department staff to allow for protection/preservation for the tree(s) to be removed subject to a contribution to a fund which would be used for the purpose of items related to landscaping, purchasing of other trees and flowers for the City of Saraland. The proposed amount would be \$300 per tree for an understory tree and \$350 per tree for an overstory tree.

Chairman Scooter Thronson entertained a motion.

Motion was made by Wayne Biggs to give a favorable recommendation to City Council on an amendment to Article XIX (19) of the Land Use and Development Ordinance. David Brown seconded the motion. All in favor. Motion carried.

P. – Discussion/Recommendation to the City Council on an amendment to Article XI (11) of the Land Use and Development Ordinance.

City Attorney, Andy Rutens stated this was for discussion only and if anyone had questions to please let him know.

**OLD BUSINESS:**

A. – Site Plan Review for Saraland Mobile Home Park, located at 108 Saraland Blvd N, zoned R5, consisting of parcels R022202032000091 and R022202040001003, filed by Bryce McMurry, Kinetic Capital on behalf of Diane Saranthus/Saranthus Investments INC/Equity Investments LLC.

B. Site Plan Review for Saraland Mobile Home Park, located at 247 Saraland Ave, zoned R5, consisting of parcels R021908330008022.02, R021908330008022.01 and R021908330008022.001, filed by Bryce McMurry, Kinetic Capital on behalf of Diane Saranthus/Saranthus Investments INC/Equity Investments LLC.

C. – Site Plan Review for Saraland Mobile Home Park, located at 300 Saraland Ave, zoned R5, consisting of parcels R021908330001085.01, R021908330001085, R021908330001084, and R021908330008021.001 filed by Bryce McMurry, Kinetic Capital on behalf of Diane Saranthus/Saranthus Investments INC/Equity Investments LLC

Chairman Scooter Thronson grouped Items A, B, and C together for discussion.

City Attorney, Andy Rutens, suggested to postpone for consideration of the three Site Plans in Items, A, B, and C at the specially scheduled meeting forthcoming.

Motion was made by Mayor Howard Rubenstein to postpone the three site plans for the Saraland Mobile Home parks until the specially scheduled meeting forthcoming. Wayne Biggs seconded that motion. All in favor. Motion carried.

D. – Public Hearing & Preliminary Subdivision Plat Review for Rolling Hills Estates Phase I, 30 lots, parcel R021904180000001.078, zoned R1, located approximately 400 feet east of Celeste Rd, filed by owner Moore Properties, LLC

City Planner, Ian Cantrell reminded the Planning Commission board this application was previously heard and postponed for consideration at the January 11, 2022 meeting due to lack of information. With all the new information presented, Planning gives a favorable recommendation contingent on a few conditions:

1. Acceptance of a sufficient grading plan by the City Engineer before hearing of a final plat
2. Acceptance of a revised utility plan showing corrected number of lots , before hearing of a final plat
3. Provide a road specification plan for review and acceptance by public safety and City Engineer, before hearing of a final plat. Ex. Road testing, emergency vehicles, etc.
4. Acceptance of a revised landscape plan before hearing of a final plat
5. Acceptance of a plan or form of compliance with the Land Use and Development Ordinance regarding sidewalks, before hearing of final plat
6. Engineering has requested an approved and current traffic study, before hearing of the final plat

Chairman Scooter Thronson opened the floor for the public hearing. No speakers. Public hearing closed.

Motion was made by Barry Andrews to approve the Preliminary Subdivision Plat for Rolling Hill Estates, Phase I, filed by owner Moore Properties, LLC, contingent upon the addressed conditions. David Brown seconded that motion. All in favor. Motion carried.

There being no further business to come before the Planning Commission, the meeting adjourned at 8:30 p.m.

**ACCEPTED AND APPROVED:**

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