



# **CITY OF LEEDS, ALABAMA**

## **PLANNING AND ZONING COMMISSION AGENDA**

1412 9th St - Annex

**June 13, 2024 @ 5:00 PM**

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### **CALL TO ORDER:**

### **ROLL CALL:**

### **DETERMINATION OF QUORUM:**

### **APPROVAL OF MINUTES FROM PREVIOUS MEETING(S):**

1. Minutes - May 9, 2024

### **OLD BUSINESS:**

### **NEW BUSINESS:**

2. SA24-000006 - A request by Mackenzie Kizer, Applicant, for one (1) lot subdivision at 401 Rodgers Way, 35094 (Site Only), TPID: 2500314000001000, A-1, Agriculture, Jefferson County
3. Proposed Amendment to the Zoning Ordinance Art. III Sec 7.03 and Sec. 9.00
4. Proposed Amendment to Zoning Ordinance - Tree Preservation

### **PUBLIC ADDRESS:**

### **OTHER BUSINESS:**

### **CHAIRPERSON'S COMMUNICATION:**

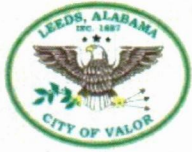
### **ADJOURNMENT:**

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 205-699-2585.

**File Attachments for Item:**

1. Minutes - May 9, 2024



## CITY OF LEEDS, ALABAMA

### PLANNING AND ZONING COMMISSION MINUTES

1412 9th St - Annex

May 09, 2024 @ 5:00 PM

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#### CALL TO ORDER:

The meeting was called to order at 5:01 PM.

#### ROLL CALL:

##### PRESENT

Commissioner Edward Cook  
Commissioner Ken Mudd  
Commissioner Mike Cauble  
Commissioner Dave Mackey  
Commissioner Roland Isbell  
Commissioner Kelly Washburn  
Commissioner Brad Watson

#### DETERMINATION OF QUORUM:

Quorum determined.

#### APPROVAL OF MINUTES FROM PREVIOUS MEETING(S):

Approved with corrections.

Motion made by Commissioner Cauble to approve with corrections, Seconded by Commissioner Mudd.  
Voting Yea: Commissioner Cook, Commissioner Mudd, Commissioner Cauble, Commissioner Mackey, Commissioner Isbell, Commissioner Washburn, Commissioner Watson

#### OLD BUSINESS:

None.

#### NEW BUSINESS:

None.

1. SA24-000004 - A request by Southeastern Surveyors Inc., Applicant, Say Properties Scott Young, Owner, for a resurvey of Lots 1-4 Block 7-A Leeds, located at 1621 9th St, Leeds, AL 35094, TPID: 2500211008007000, Zoned I-1 Light Industrial, Jefferson County.

Scott Young 1621 9th St owner to speak.

Motion made by Commissioner Mackey to approve as presented, Seconded by Commissioner Cauble.

Voting Yea: Commissioner Cook, Commissioner Mudd, Commissioner Cauble, Commissioner Mackey, Commissioner Isbell, Commissioner Washburn, Commissioner Watson

Motion passes.

2. SA24-000005 - A request by Southeastern Surveyors Inc., Applicant, WILKINSON DONALD & WILKINSON TERRY & WILKINSON DAVID, Applicant, for a three (3) lot subdivision, located at 7740 Mountain View Lane, TPID: 2700011000025000, Jefferson County, Zoned A-1, Agriculture.

Steven Gilbert 5160 Senic Dr. Owner of Southeastern Surveyors to speak.

Tammy Wilson 7439 Mt. View Lane asked to see the lot compared to where her property is located.

Michael Snowden 230 Mt. View Lane had concerns regarding water on his property.

Motion made by Commissioner Cook to approve as presented Seconded by Commissioner Washburn.

Voting Yea: Commissioner Cook, Commissioner Mudd, Commissioner Cauble, Commissioner Mackey, Commissioner Isbell, Commissioner Washburn, Commissioner Watson

Motion passes.

3. RA24-000001 - A request by Michael Myrick, Applicant and Owner, to rezone the identified parcels for future development in compliance with court order, to change the zoning from R-2 Single Family District/R-5 Garden Home District to PCD Planned Community Development, located at 1730 Jones St (Site Only), TPID(s) 26~05-16-1-001-029.000 , 26~05-16~1-001-037.000, 26-05-16-1-001-040.000 , and 26-05-16~1~001-037 .000, Zoned R-2, Single Family District and R-5 Garden Home District, St. Clair Co.

Legal counsel explained to the board members regarding the result of the court order on this case. He recommends that the board approve making the recommendation to the council.

Motion made by Commissioner Watson to make the recommendation to the City Council that they approve this request subject to the order of the St. Clair County court. Seconded by Commissioner Mudd.

Voting Yea: Commissioner Cook, Commissioner Mudd, Commissioner Cauble, Commissioner Mackey, Commissioner Isbell, Commissioner Washburn, Commissioner Watson

#### **PUBLIC ADDRESS:**

Commissioner Watson wanted to bring to the attention of the board that the current ordinance has no requirement for notification to be sent out to adjacent properties regarding rezoning.

Legal counsel Scott Barnett explained that it was being done as a courtesy. The last ordinance was adopted in 2015.

#### **OTHER BUSINESS:**

None.

#### **CHAIRPERSON'S COMMUNICATION:**

None.

#### **ADJOURNMENT:**

The meeting was adjourned at 5:26

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Mr. Edward Cook, Chairman

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Ms. Kelly Washburn, Secretary

**File Attachments for Item:**

2. SA24-000006 - A request by Mackenzie Kizer, Applicant, for one (1) lot subdivision at 401 Rodgers Way, 35094 (Site Only), TPID: 2500314000001000, A-1, Agriculture, Jefferson County



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# NOTICE OF PUBLIC HEARING

City of Leeds, Alabama  
Planning and Zoning Commission

## Application for Subdivision John and Mackenzie

### APPLICATION

An application for subdivision plat approval has been filed with the City of Leeds Planning and Zoning Commission for "John and Mackenzie". This proposed subdivision consists of 1 lot.

### PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission is vested with the responsibility and authority of determining conformity with the City of Leeds Subdivision Regulations

<b>CASE #:</b>	SA24-000006
<b>APPLICANT NAME:</b>	Mackenzie Kizer
<b>PROPERTY OWNER:</b>	RODGERS JOHN T &
<b>TAX PARCEL ID#S:</b>	2500314000001000
<b>CASE ADDRESS:</b>	401 RODGERS LN; LEEDS, AL 35094

**NOTICE IS HEREBY GIVEN** that the Planning and Zoning Commission will hold a public hearing on the proposed preliminary plat. The hearing is scheduled on.

Date: 06/13/2024  
Time: 5:00 p.m.  
Place: Leeds Annex Meeting Room  
1412 9th St  
Leeds, AL 35094

**Public Information:** Any interested persons or their representative may appear at the meeting and comment on the application. Written comments may also be mailed to the Commission.

For more information about the application and related issues or to schedule an appointment:

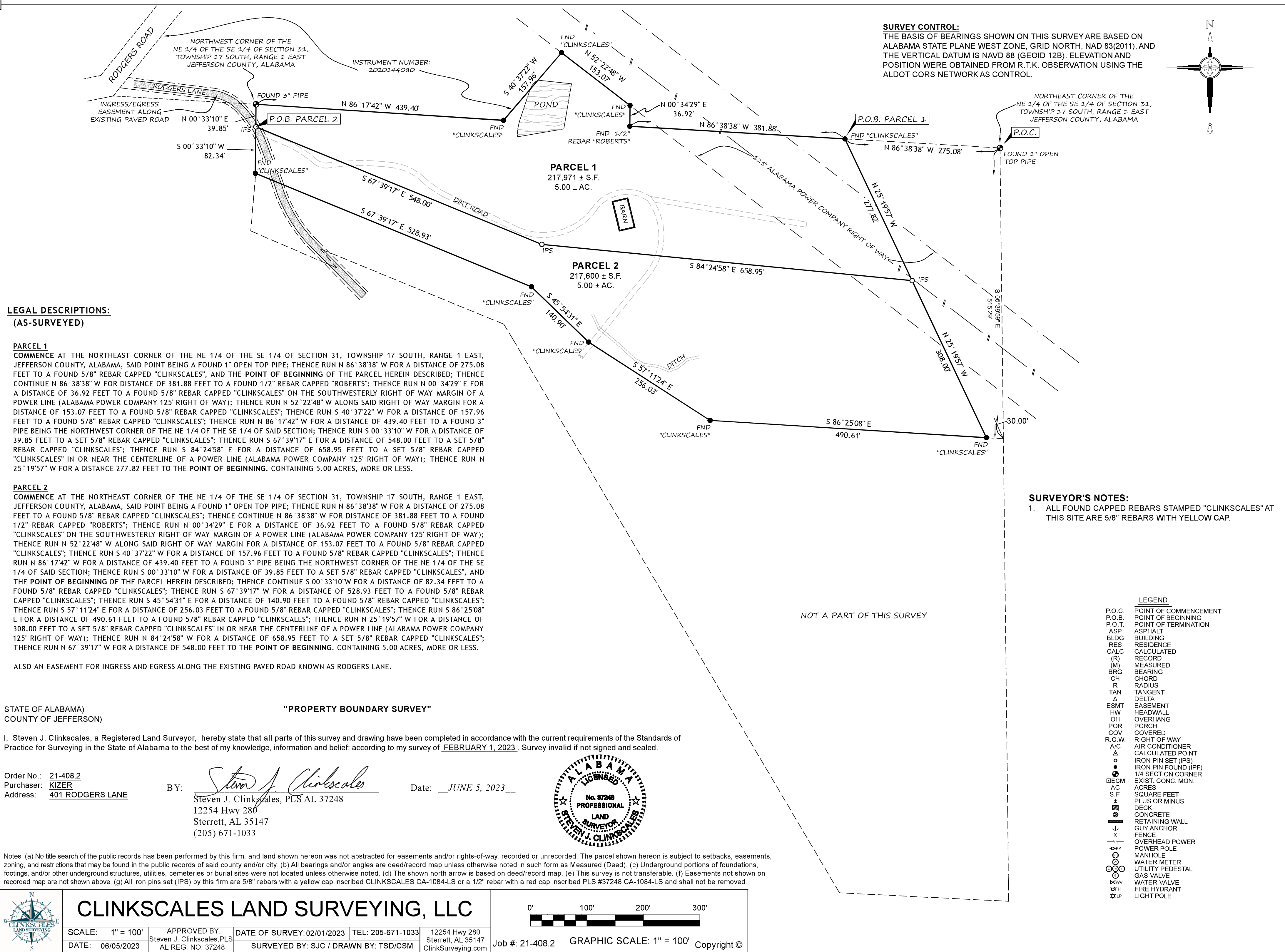
**Contact Person:** Brad Watson

**Phone:** 205-699-0907

**E-mail:** development@leedsalabama.gov

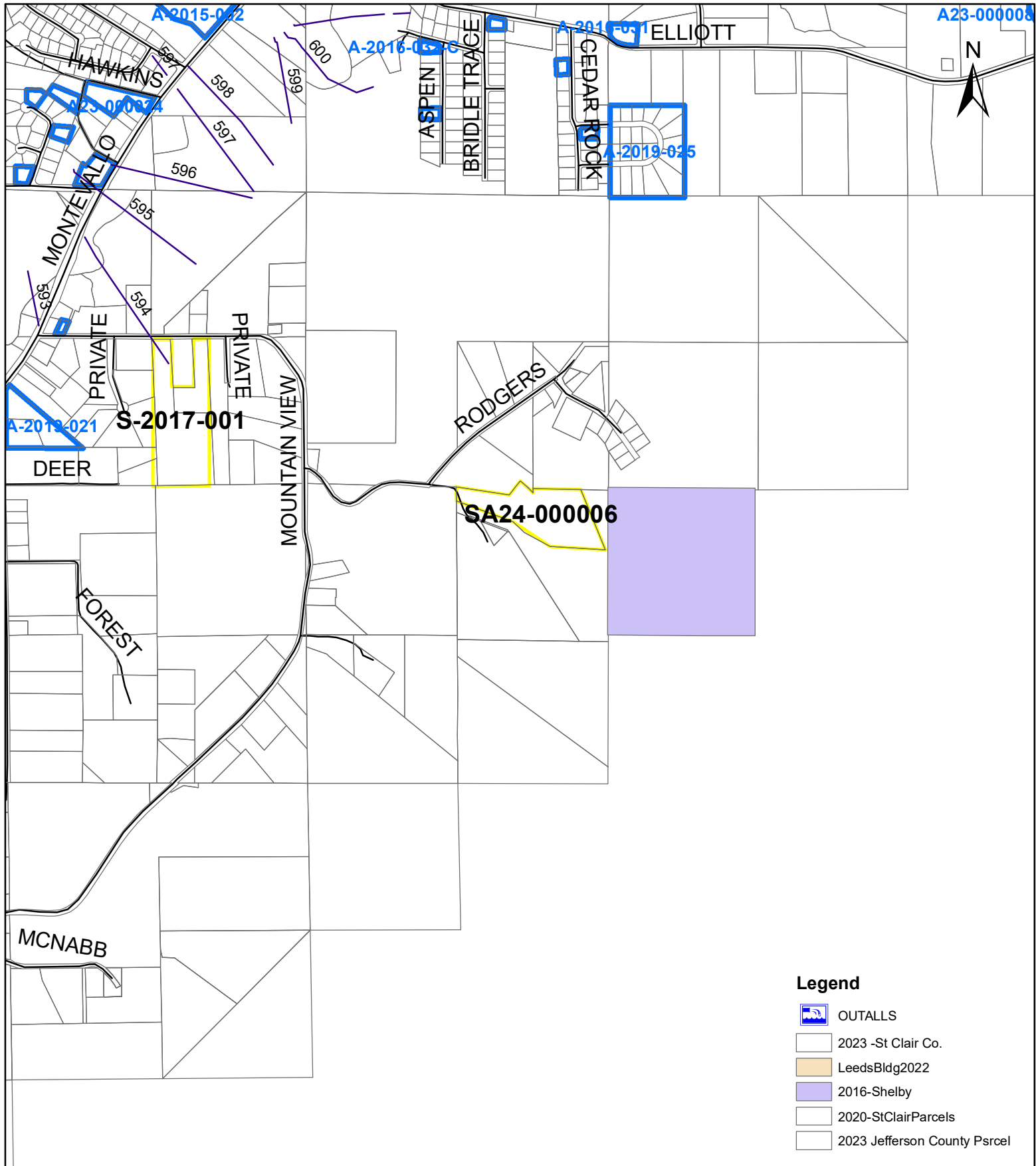
**Mailing Address:**

City of Leeds  
Planning and Zoning commission  
1404 9th Street  
Leeds, AL 35094

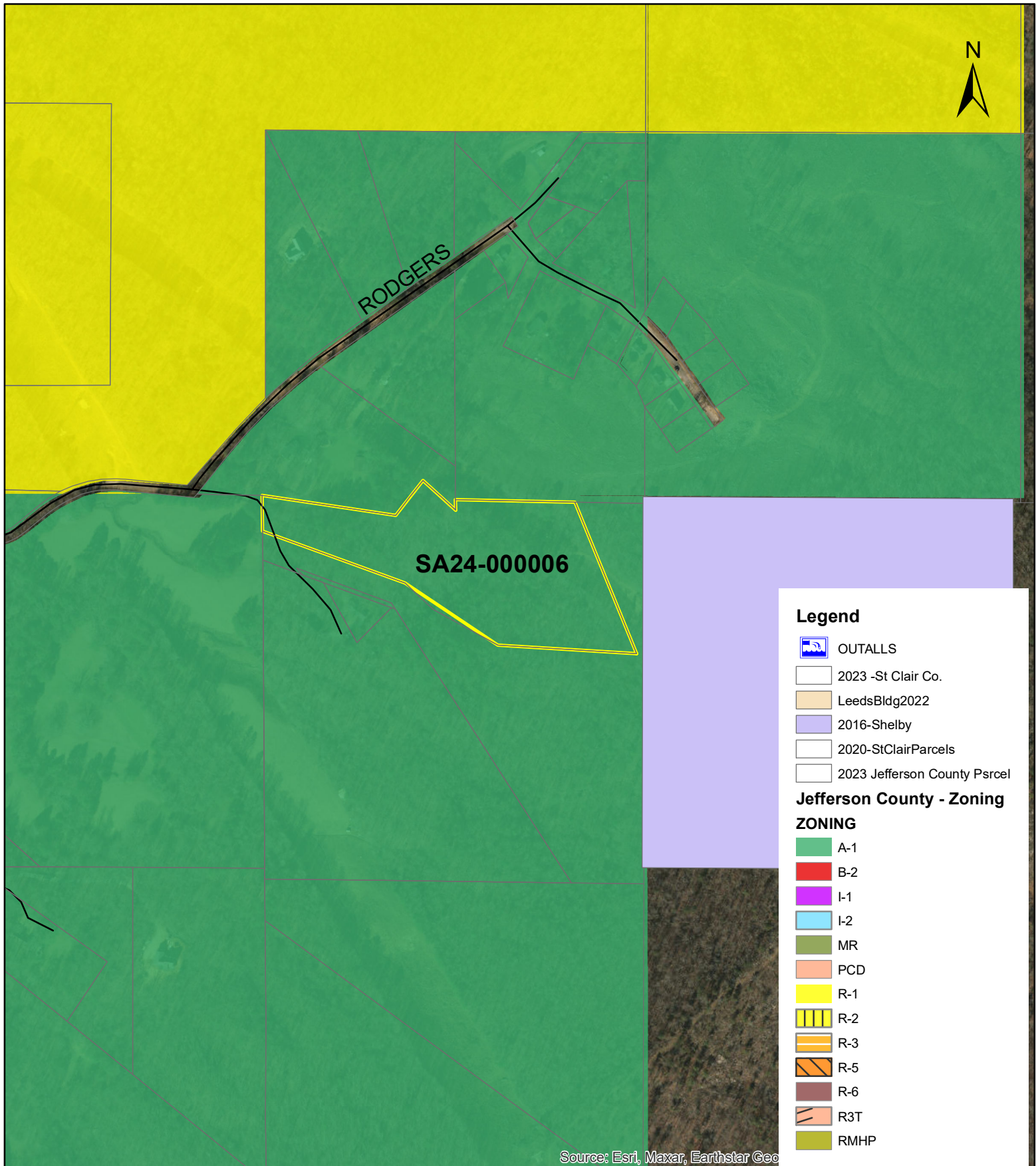




# SA24-000006 401 RODGERS WAY (SITE ONLY) STREET

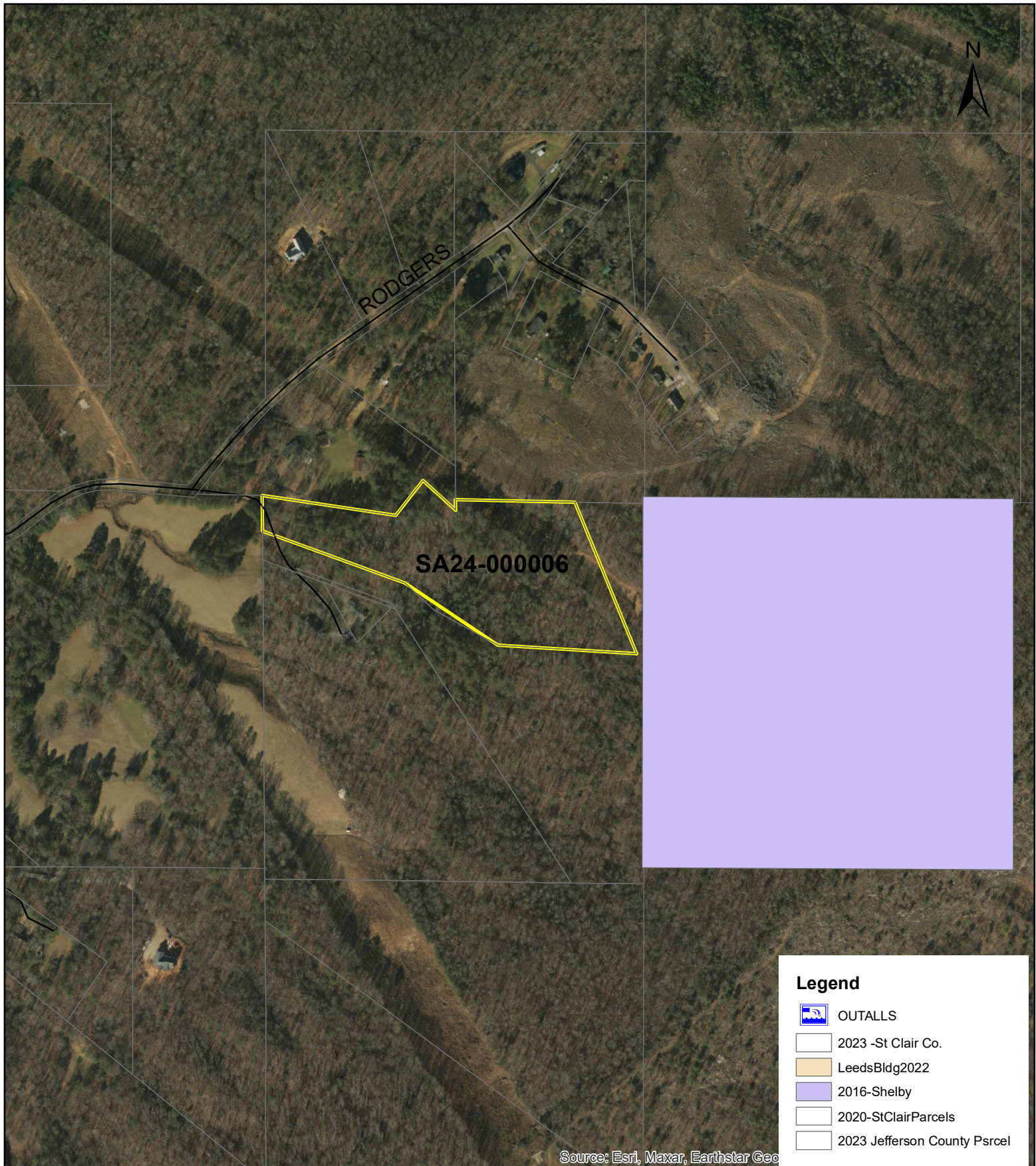


# SA24-000006 401 RODGERS WAY (SITE ONLY) ZONING





SA24-000006  
401 RODGERS WAY (SITE ONLY)  
AERIAL



**File Attachments for Item:**

3. Proposed Amendment to the Zoning Ordinance Art. III Sec 7.03 and Sec. 9.00

### **Add to Article III Sec. 7.03**

**C. Planning Commission Meeting Notification** - A minimum of 14 days before the Planning Commission meeting at which a public hearing on the rezoning request is held, the applicant, at their expense, shall mail notification by certified mail, to all persons included on the list of adjacent property owners as indicated on the most current tax assessor roll. The applicant shall provide to the city the certified mail receipt ten (10) days before the meeting. The notice shall state:

1. **Location of rezoning request:** by mailing address and legal description.
2. **Nature of the rezoning request:** indicating the current zoning of the site and the proposed rezoning classification.
3. **Time, date, and location:** of the Planning Commission meeting at which the rezoning request is to be reviewed.

**C. Planning Commission Hearing:** The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with the notice provisions set forth herein. An application shall not be continued more than three times at the request of the applicant.

**D. City Clerk's Role:** Upon receipt of a favorable recommendation from the Planning Commission, the City Clerk shall, by state law, schedule and advertise the proposed amendment for a public hearing before the City Council. A proposed amendment shall not be continued more than three times at the request of the applicant.

**E. Negative Recommendations:** Upon receipt of a negative recommendation from the Planning Commission, the City Council review process must be initiated at the request of the applicant. A negative recommendation occurs when a majority of the Planning Commission members present do not vote in the affirmative for a motion to approve the request. When the City Council denies a rezoning request, the Planning Commission shall not reconsider the same request for a period of six months.

### **Add to Article III Sec.9.00**

Each time the city considers a zoning request, a new application fee per the city fee schedule in effect at that time, and an administrative fee must be paid.



**File Attachments for Item:**

4. Proposed Amendment to Zoning Ordinance - Tree Preservation

## **§1.00 Tree Conservation**

Tree conservation aims to incentivize retaining a small percentage of trees during the land development process by establishing a minimum percentage of each lot or parcel that must have trees after development is complete. This minimum percentage can comprise retained trees, planted trees, or a combination of both.

In residential development, techniques such as retaining trees in areas of severe terrain, flood areas, and along rear property lines, drainage ways, and the periphery of the project are the most practical ways to comply with the minimum standards of this Article. Trees required in the front yard of each dwelling also count toward the minimum requirement for the subdivision.

In nonresidential projects, trees within parking areas and buffers may be applied to the required minimum coverage. Retention and planting of trees in areas of severe terrain and along the periphery of the project will facilitate compliance with the minimum standards.

In all districts, planning for the location of tree save areas before land disturbance is the most practical way to comply with the requirements of this Article. This approach is reinforced by the requirement to submit a tree conservation plan to the city before land disturbance.

### **§01.02.01 Method**

A land disturbance permit shall be required before any land disturbance is regulated by this Article. The permit shall only be issued by the City upon receipt and approval of a land disturbance permit application. If the property is the subject of a conditional use, special use, special exception, variance, or Mixed-Use District zoning application, a tree conservation plan shall be submitted as part of said application.

### **§01.02.02 Applicability**

The land disturbance is defined as making any material change to the natural surface of the land or removing trees and other woody vegetation, including clearing, grading, excavating, filling, borrowing, creating spoil areas, and dumping materials. The following land disturbances are exempt from the provisions of this Article:

1. Land disturbance on an occupied single-family residential lot, provided such disturbance is conducted by the owner/occupant or their agent.
2. Enlargement of a single-family residential dwelling or the construction or placement of an accessory building or structure on the premises of an existing single-family dwelling.

3. Repair and maintenance of public utilities and storm drainage structures.
4. Installation and maintenance of structures and facilities of a railroad company.
5. Construction of streets within a public right-of-way or an area approved by the city as a public street right-of-way on a preliminary subdivision plat.
6. Emergency work to protect life, limb, or property and emergency repairs.
7. Each PUD approved after the effective date of this Article shall adopt and enforce tree conservation requirements that meet or exceed the requirements of Section 01.02 but may be exempt from the requirements of §13.06 Enforcement. Such requirements shall be submitted for review by the City as part of the PUD zoning application.

#### **§01.02.03 Tree Conservation Plan**

A tree conservation plan as defined in §01.02.04 or §01.02.05, as applicable, shall be approved before the issuance of a land disturbance permit, clearing permit, grading permit, or building permit. The purpose of the plan is to incorporate tree conservation with site development to provide an economically feasible project with the least amount of site disturbance. The tree conservation plan is intended to provide a site development plan for the property, delineating areas of site disturbance, tree save areas, and/or areas for the replanting of trees in compliance with the requirements of this and all other land development regulations. If a buffer or landscaping within a parking or vehicle maneuvering area is required for the proposed development, those requirements shall be part of the tree conservation plan.

#### **§01.02.04 Land Disturbance Permit Application**

The land disturbance permit application shall be filed on forms provided by the city and accompanied by a tree conservation plan drawn to a scale no smaller than one inch equals 50 feet with topographic information at five-foot contour intervals. For residential uses in the A-1 District and permitted uses in the E-1, E-2, R-1, R-2, R-5, PUD, and PCD districts, a tree conservation plan may be approved for individual lots or more than one lot.

A tree conservation plan for an individual lot according to a building plan shall not require topography and shall contain the following information:

1. The boundaries of all tree-save areas
2. All dimensions and distances, property lines, easements, and rights-of-way
3. Existing and proposed buildings and structures

4. Bodies of water, including water detention and retention areas
5. Driveways and parking areas
6. Sufficient information and detail to demonstrate that all applicable requirements and standards of this Section are fully satisfied.

The plan shall be accompanied by quantitative data that certifies compliance with the tree conservation standards of §01.02.09. A tree conservation plan covering more than one lot shall be a conceptual plan showing how the tree conservation standards of §01.02.09 will be fulfilled. The plan shall contain the following information:

1. The boundaries of all tree-save areas
2. All dimensions and distances, property lines, easements, and rights-of-way
3. Bodies of water, including water detention and retention areas
4. Sufficient information and detail to demonstrate that all applicable requirements and standards of this Section are fully satisfied.

The plan shall be accompanied by a statement describing how the tree conservation standards of §13.02.09 are to be met and certification that the tree conservation plan complies with those standards. For uses other than a dwelling in the A-1 district and for conditional uses in the districts and all uses in the A-1, E-1, E-2, R-1, R-2, R-3, R-5, PUD and PCD, I-1, I-2, and Mixed-Use districts, the tree conservation plan according to a building plan shall contain the following information:

1. The boundaries of all tree-save areas
2. All dimensions and distances, property lines, easements, rights-of-way, and buffers
3. Existing and proposed buildings and structures, including signs, dumpsters, light and power poles, and utility and drainage structures.
4. Existing and proposed buildings and structures on adjacent property are affected by a required buffer. When the finished floor elevation of buildings on the subject property differs by ten feet or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include an elevation accurately showing the comparative elevations of the buildings.
5. Bodies of water, including water detention and retention areas
6. Driveways, parking areas, existing and proposed parking spaces, access aisles, and other vehicle maneuvering areas.

7. The location, species, size, description, and spacing of all required ground covers, shrubs, and trees to be planted. Shrub bed plantings at a scale of one-inch equals 20 feet and sections of planting through typical berms and slopes greater than a ten percent gradient shall be provided at the request of the administrator.
8. Sufficient information and detail to demonstrate that all applicable requirements and standards of this Article are fully satisfied.

The plan shall be accompanied by:

1. A grading plan showing all areas of cut and fill as well as borrow areas and areas for stockpiling of soil and materials.
2. Quantitative data certifying compliance with the tree conservation standards of §01.02.09.
3. Detailed drawings and specifications of tree protection measures, including protective tree fencing, erosion control fencing, tree protection signs, transplanting specifications, tree wells and aeration systems, staking specifications, and other applicable drawings.

#### **§01.02.05 Speculative Land Disturbance**

The following restrictions shall apply to land disturbance on property for which building plans are not available:

1. Speculative land disturbance in the A-1, E-1, E-2, R-1, R-2, R-3, R-5, PUD, and PCD districts shall leave 20% of the land area in tree cover as required in §01.02.09. The tree cover area shall be located along the rear and side property lines of a tract or parcel and the rear property line of a lot.
2. Speculative land disturbance in the A-1, E-1, E-2, R-1, R-2, R-3, R-5, PUD, and PCD districts on property owned by an entity which is a conditional use in those districts shall not be permitted within 50 feet of an adjacent single-family residential district boundary nor any required buffer.
3. Speculative land disturbance in the B-2, I-1, and I-2 districts and those areas not yet zoned by the City shall not be permitted within 100 feet of an adjacent single-family residential district boundary nor any required buffer.

A tree conservation plan drawn to a scale no smaller than one-inch equals 50 feet containing the following information shall be approved by the administrator before any speculative land disturbance:



1. The boundaries of all tree-save areas.
2. All dimensions and distances, property lines, easements, and rights-of-way.
3. Bodies of water, including water detention and retention areas.
4. Sufficient information and detail to demonstrate that all applicable requirements of this §01.02.05 are fully satisfied.

A complete tree conservation plan as required in §01.02.04 shall be submitted as part of any subsequent conditional use, special use, special exception, or variance application and before issuing any building permits.

#### **§01.02.06 Land Disturbance Guidelines**

1. Land disturbance shall not include any unnecessary clearing.
2. Water retention and detention areas and sedimentation basins shall be constructed to take advantage of the natural terrain to minimize grading and vegetation removal.
3. Proposed utilities shall be located to have minimal impact on existing vegetation. Adequate clearing shall be shown for the installation of utilities, including equipment access, excavating, and deposition of soil.

#### **§01.02.07 Review of Land Disturbance Permit Applications**

Upon receipt of a complete land disturbance permit application, the administrator shall either approve, return for revisions, or deny the application. All tree protection measures as required in the administrative guidelines shall be installed and inspected by the administrator before land disturbance.

#### **§01.02.08 Maintenance**

Except for occupied single-family dwellings, the owner shall be responsible for maintaining all plant material required by this Section. All plant material shall be tended and maintained in a healthy growing condition and replaced when dead.

#### **§01.02.09 Tree Conservation Standards**

All land-disturbing activities regulated by this Article shall include the preservation and/or planting of trees on the site to the extent that minimum tree cover is provided as detailed in Table 01-1:

**Table 01-1 Tree Conservation Standards**

<b>Zoning Districts</b>	<b>Percent Coverage</b>
Permitted Uses in the A-1, E-1, E-2, R-1, R-2, R-3, R-5, and PCD districts	20%
Permitted and Conditional Uses in the A-1, E-1, E-2, R-1, R-2, R-3, R-5, and PCD districts	15%
Permitted and Conditional Uses in the B-2, I-1, I-2, and I-1 districts	10%
Mixed Use District	See paragraph H

For detached single-family residential dwellings and subdivisions, the percent coverage shall be applied to gross land area minus public street rights-of-way. For all other uses, the percent coverage shall be applied to the adjusted gross site area, defined as gross site area in square feet minus:

1. The footprint area of all buildings excluding parking deck structures.
2. Public street, utility, and drainage easements and rights-of-way
3. Lakes, detention, and retention ponds based upon the normal surface elevation.
4. Absorption fields for on-site sewage disposal systems
5. Baseball, softball, football, soccer, and similar athletic fields

Enlargement of a building other than a single-family residential dwelling or accessory building by 20% or less of the building floor area shall be exempt from the percent coverage requirements of this Section, provided no trees are cleared as part of the development process. If trees are cleared, trees equaling the tree cover area of the cleared trees shall be planted on the property in a location determined by the administrator. Enlargement of a building other than a single-family residential dwelling or accessory building by more than 20% of the building floor area shall require the premises of the enlarged building to comply with the percent coverage requirements of this Section.

The 20% tree coverage requirement for single-family detached dwellings may be applied to each lot or to the area covered by the tree conservation plan. If applied to the area, a tree conservation plan shall be submitted and approved for the entire area within the boundary of the tree conservation plan before clearing any lots within that area. The minimum number of trees specified in Table 13-2 shall apply to each front yard of all residential lots

in the A-1, E-1, E-2, R-1, R-2, R-3, R-5, and PCD zoning districts. Trees required for each lot by this subsection may be reallocated to other yards besides the front yard or other planting areas within the boundary of the tree conservation plan.

**Table 01-2 Minimum Number of Trees for A-1 and Residential Districts**

<b>Lot Width</b>	<b>Minimum Number of Large Deciduous Trees</b>
70 ft or less	1
More than 70 ft	2

When a tree conservation plan is submitted for an individual single-family residential lot, compliance with the tree conservation standards of this Section shall not result in the requirement to plant more than four large deciduous trees on the subject lot. When a tree conservation plan is submitted for more than one single-family residential lot, compliance with the tree conservation standards of this Section shall not result in the requirement to plant a total number of large deciduous trees greater than the number of lots in the tree conservation plan multiplied by four.

In the Mixed-Use District, pedestrian-oriented open space, including parks, plazas, courtyards, outdoor dining areas, and landscaping, shall comprise at least 10% of the gross land area of the Mixed Use District.

#### **§01.02.10 Tree Preservation Credit**

Existing trees may meet all or part of the tree cover requirements of this Section. Existing trees shall qualify for tree cover credit if they are located within a tree save area identified on the tree conservation plan, protected during land disturbance as required in the administrative guidelines, and meet the minimum requirements of this Section. The credit allowed for a freestanding tree or cluster of trees shall be 1.25 multiplied by the area defined by the boundaries of the existing drip line of a freestanding tree or group of trees as delineated on the tree conservation plan. The minimum size tree to be allowed for tree cover credit shall be two inches DBH.

When existing trees are to be preserved for tree cover credit, efforts should be made to avoid fragmentation of the preservation areas from other woodlands within or contiguous to the site. Tree cover credit shall only be given to trees with main trunks located on the subject property. If during construction trees that are shown to be preserved are cleared or removed so that the tree cover standard is no longer met, then replacement trees shall be required. Conversely, if additional trees are preserved in compliance with the

administrative guidelines, then tree cover credit may be added to the calculations per this Section.

#### **§01.02.11 Tree Planting Credit**

Tree cover credit shall only be given to trees with main trunks located on the site being developed, except that required trees may be planted within an adjacent public street right-of-way if shown on the approved tree conservation plan and approved by all applicable governments and utilities. The tree cover calculations for planted trees shall be based upon the tree coverage area for each tree as shown in the tree selection and cover guide. Other trees and larger tree sizes may be given tree cover credit with the submission of supporting tree cover data to the administrator. The trees to be planted shall be selected from species suitable for the proposed site conditions.