

INDIAN SPRINGS VILLAGE
TOWN COUNCIL MEETING
November 5, 2019

The Indian Springs Village Town Council met Tuesday, November 5, 2019. Mayor Brenda Bell-Guercio called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. All councilmembers were in attendance.

The minutes from October 1, 2019 were reviewed. Councilmember Elliott made a motion to approve the minutes as presented. Robins seconded and the vote was unanimous. The minutes from October 15, 2019 were reviewed. Elliott made a motion to approve the minutes as presented. Councilmember McClurkin seconded and the vote was unanimous.

Chief Tyler reported the new fire truck has been ordered and should arrive between May and July of 2020. Tyler reported the NSFD received a 15K grant from Firehouse Subs and will be purchasing a chest compression device. He also reported they are turning hydrants this month. There were 203 calls in the month of October.

Bell-Guercio recognized Boy Scout Ethan Jensen of troop 505 who was in attendance in order to earn his communication and community service badge.

Bell-Guercio opened the public hearing regarding the petition for rezoning of the property described by the Shelby County Property Tax Assessor as ID 10-8-28-0-001-012.009 as owned by CAPE Group LLC., which consist of a parcel of land which runs along Cahaba Valley road for a distance of 303.69 feet and is 323.18 feet deep from its current zoning district to a B-2 Zoning District of 3125/3127 Cahaba Valley Road, Indian Springs Village Alabama. Bell-Guercio recognized Ben Goldman, attorney representing ISV, and Bert Boykin attorney representing Cape Group LLC. Goldman explained the current property is within a Judgement Order which has classified the property as commercial retail. Cape Group LLC has agreed to rezoning the property from E-1 under the judgement order to B-2 Zoning District under the current ISV zoning ordinance, subject to the property owner obtaining a special exception use for mini-warehouses and a variance for setback and buffers. Goldman addressed a question the PAZ had with regard to height of the structures. The height will be one story. Goldman noted that the negotiated agreement will have the least impact on the neighbors and highway traffic. The Mayor asked for any other comments, since there were no additional comments, she declared the public hearing closed. After the second reading of Ordinance 2019-001 which rezones the above-mentioned property to B2-General Business District with ZBA approval of special exceptions allowing mini-warehouses and a ZBA variance for rear and side setbacks, Elliott moved to adopt the ordinance as presented. Whatley seconded and the vote was unanimous. The ordinance is attached to the minutes.

Robins advised a final walk through will be made this week with Precision Homecrafters, LLC and the renovations will be complete. Robins also thanked Don Jones for the work and the oversight of the new landscaping. Robins also thanked Christy DeNard and Joan Downs for work on Founder's Day. It was a huge success.

Whatley reviewed the year end September financial statements. Whatley made a motion to accept financials as presented and Elliott seconded. The vote was unanimous.

The Council was presented with a list of equipment that the town no longer needs for the use by the town. After discussion Robins made a motion to dispose the equipment as follows and Elliott seconded. The vote was unanimous.

Street signs – given to ISV Kiwanis Club

Filing Cabinet – Give to Charity

Desk – Give to Charity

ADS Fire System – dumpster

80 Flags – Fire Dept. will give them to boy scouts for disposal

Print – Robert Burr donated the print and will be donated back to him.

Mayor Bell-Guercio adjourned the meeting at 8:15 pm.

Respectfully submitted,

Joan Downs, Town Clerk

ORDINANCE NO. 2019-001

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 2015-002 AND THE ZONING MAP OF INDIAN SPRINGS VILLAGE HERETOFORE ADOPTED ON JULY 21, 2015, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA, TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING TO B-2 GENERAL BUSINESS DISTRICT.

BE IT ORDAINED by the Town Council of the Town of Indian Springs Village, Alabama, as follows:

Section 1. That the Town Council finds as follows:

a. That the requested change in zoning classification is compatible with the Town of Indian Springs Village's comprehensive plan in that i.) the Subject Property (as defined below) has been consistently used for commercial uses for many years, ii.) this rezoning will help resolve disagreements regarding the application or interpretation of purported judicial zoning and legislative zoning as it relates to the Subject Property, iii.) the Subject Property currently has a gas station with a convenience store located on the front of the parcel while the rear of the parcel has

been used for other commercial purposes for a number of years, iv.) the owner of the Subject Property desires to build a mini warehouse on the back of the parcel, which is only allowed in a B-2 General Business District as a special exception, v.) this appears to be a low impact use that will be a substantial improvement for the adjoining property owners, and vi.) the Subject Property is unique in its history, uses, and regulations;

b. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there is available and adequate public infrastructure and services, including water, sewer, roads, police and fire protection, etc., to support the proposed rezoning classification, and to the extent that improvements are required, the owner has agreed to make such improvements; and

c. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there will be no significant impact of the requested change in zoning classification on neighboring properties and the surrounding area, including traffic, noise, light, odors, etc.

Section 2. That Zoning Ordinance No. 2015-002, adopted July 21, 2015, and the Zoning Map of Indian Springs Village be amended so that the area described below be rezoned from its present zoning to B-2 General Business District:

Parcel Number:

10-8-28-0-001-012.009

Property Address:

3125/3127 Cahaba Valley Road
Indian Springs Village, Alabama

(“the Subject Property”);

Section 3. That this ordinance shall be effective only when all of the following conditions have occurred:

a. This ordinance has been published by posting the same as required by law following its adoption;

b. Cape Group, LLC has paid all fees required of it in connection with making its petition related to this ordinance;

c. The Board of Zoning Adjustment of Indian Springs Village, Alabama (the “Board”), upon the application of Cape Group, LLC, has approved a special exception for the Subject Property to permit its use for a mini warehouse upon such conditions as the Board deems necessary;

d. The Board, upon the application of Cape Group, LLC, has approved variances for the Subject Property to make necessary accommodations to the rear and side setbacks on such conditions as the Board deems necessary; and

e. The Town Council recongizes by resolution that the Subject Property is, for purposes of its subdivision regulations, “grandfathered” as currently occupied by two separate uses, so long as the two uses contemplated (gas station and mini warehouse facility) are continued.

ADOPTED: This 5th day of November, 2019.

Herb Robins
Council Chairman Pro Tem

ADOPTED: This 5th day of November, 2019.

Brenda Bell-Guercio
Mayor

ATTESTED: This 5th day of November, 2019.

Joan Downs
Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 5th day of November, 2019.

The above and foregoing ordinance was published on the _____ day of November, 2019, by posting copies thereof in four public places within the Town:

1. Indian Springs Village Town Hall,
2. Marathon Gas Station,
3. Shelby County Fire Station No. 1, and
4. Shelby County Fire Station No. 2.

Witness my hand and seal of office this _____ day of November, 2019.

Joan Downs, Town Clerk