

CITY COUNCIL MEETING APRIL 10, 2000

PUBLIC HEARING

Knight: At this time we will recess from our regular meeting into a Public Hearing concerning the rezoning of certain properties from R-1 to S-1. At this time the format will be anyone wishing to speak for this rezoning come to the microphone, give your name and address. If you have people that want to come in groups and talk, let one person be their spokesman. At this time anyone wishing to speak for this resubdivision. I mean rezoning.

Roy Williams: Yes sir, Mr. President my name is Roy Williams and I represent the property owners. I am an attorney here in Cullman, Alabama. Also \_\_\_\_\_ at 416 First Avenue SW, Cullman, Alabama. Before I start discussion. I would like to put a drawing, a symatic drawing what is proposed for this particular property and help, straighten some things that were brought up in the Planning Commission concerning some of the neighbors. While the planning commission has been address as far as this problem concern. If I could.

Knight: Ok

Williams: For those that are in the back of the room, the bottom portion of the property on this map is Swafford Road, the diangle road on the left northwest corner or the top left corner of the property is Cherokee Avenue and the top rows that you see there on top are the proposed extension of Olive Street. This property is currently located in a R-1 residential district and we are requesting that the property be rezoned to B-2 which would be for retail sales for building that is not more than 50% warehousing. At the initial Planning Commission hearing there were several things which was addressed by citizens that were concerned in this project. This is to be a Wal-Mart SuperCenter. I have been authorized to say that it is going to be. It is 200,004 square feet. This meet or exceeds all of the requirements of the zoning regulations regarding set back lines, buffer zones, etc. The main area of concern at the previous hearing was those people on the other aide of Swafford Road, they would be the only owners which were contiguous to the property, residential nature. all the other property adjoining the property is undeveloped. The developer in this case, which is Wal-Mart has chosen to turn the building to the east away from those houses and has chosen to put the dry holding pond against Swafford Road. As you will note there are no, and I repeat, entrances or exits on Swafford Road west of this curb are to eliminated any additional traffic \_\_\_\_\_ road to this property. As to the actual building itself, it will be located some 240 feet away from property line, which exceeds any normal buffer which would be like a residential district or residential housing. The buffer is going to be tree lined and bushes and they will meet or exceed the city codes, required 6 foot or larger vegetation with the small bushes underneath it to try to \_\_\_\_\_ or block the view. Also you will note on the brume that is there around the holding pond, it is approximately 6 feet above, is that right

: 6-8

Williams: 6 to 8 feet above the road level which also increase a buffer at the site and the trees will be on top of that. So on that side of the road you will have some areas as much as 14 feet buffer. Once they have matured, which will take a year or so, there should be a complete block the site from the road itself. The adjoining property to the site, which would be the right portion of this area that will be developed, is all one residential zoning, we also have there a more than sufficient, as shown, I believe, for the sufficient buffer as far as trees and other foliage in accordance to the city zoning regulations. Also as for a lighting, some people are concerned, voiced concerned to me, anyway, concerning lighting of the property and how they may or may not interfere with the property owner. The project is scheduled at this time to have only two lights at the back which will be non-directional toward the property owners who live across the street. So they will not reflect on the houses next door as far as the problem that. Some side of the property being R-1 not developed property will also, the residents rather than have regular lighting in the parking lot, that side the lights will not be glaring into that 333 feet of vacant property. The nearest house to this property or any development of this property is going to be well over a foot ball field from any house. That is including th eons across the street, the houses that are between Mr. Bland's property and this property. It will be over 330 to the buffer, it will be more than 360 feet to the nearest light shown. Concerning the traffic on Swafford, we again, I will mention the fact that we kept, not kept, we have discouraged the traffic to a minimal on Swafford Road by not putting any exits or entrances on that property. Instead we are going, offer to open up Olive Street, which would, should increase the contract of Swafford Road because we give another entrance, another, excuse me, another traffic right of way from 31 Highway to Cherokee. Which should diminish traffic on Swafford Road. OK as to, there is also a question of water flow with the property, \_\_\_\_\_ property already flows toward 31 Highway from, for this area and the retention to the west again, west toward Swafford Road, they are going to build a holding pond, which is probably two or three times the size of the current lake or pond that is on the property, that is currently holding the water. We should diminish or at least not create any addition water toward any of the residential districts. In fact should possibly diminish the water that is traveling east toward 31 Highway, at the current rate, where we do have a water problem over in another subdivision across the rail road tracts, it should help there a little bit. Anything else.

: \_\_\_\_\_

Williams: as you will note, on this colored diagram, we have increase the landscaping considerably more than required by City Building Code. I would like to remind father, this is not the first, now will it be the last, piece of property that is B-1 and was an R-1 Residential District, we have it all over the city of Cullman. I think most of the shopping centers that are located here, Town Square, the one that is being built on 157 right now, the North Shopping Center, all abut a residential district, which is primarily single families, that are single family residences. So this is not something that has not been done in the past, and has been accepted. By those residents without any \_\_\_\_\_. I know there is always concern about adjoining property owner, the unknown, but I believe this particular project has been done in a manner in which it is least accurse on the adjoining

property owners, can possibly be. It you have any questions, I will be more than happy to answer those questions. By the way, this only gives them 27 acres of the property, and this is all they are asking to be utilized is acres.

Knight: Thank you Mr. Williams, City Council Mr. Williams. Thank you.

Williams: is there anyone else that would like to speak with \_\_\_\_\_. There are people here in the audience that is in favor of this request and at this time rather than having them to come up, regurgitate maybe some of the *things* that I have already said, if you would, those persons that are in favor of this rezoning request, that are residences of the City of Cullman, would you please stand up.

Knight: Thank you Mr. Williams. Anyone else wish to speak for this rezoning.

Williams: By the way I have an engineer here, in case there is any questions that might come up.

Knight: Ok, Anyone else wishing to speak for this rezoning.

: Yes I am Anthony Grizzard, 1538 Veigle Drive

Knight: Name Again.

Anthony Grizzard

Knight: Ok, go ahead

Grizzard: I just think this project will be good for Cullman, for the business district, all the other business that we would have lost to other super centers, as far as Blountsville, use to come all the way from Blountsville to Cullman to the super center until they built the one in Oneonta. Same thing in Hartselle, we use to buy cars in Cullman, we have lost our business \_\_\_\_\_not having the same \_\_\_\_\_ facility that they have. So far as business it would be good for whole community.

Knight: Anyone else wishing to speak for this rezoning.  
Anyone wish to speak against the rezoning.

Before we go any further, somebody needs to adjust their hearing aid. Is it you?

Bland: It may be me.

Knight: Maybe, we its alright will go through. It is sort of like somebody that their hands is on a chalk board.

Bland: Can you still hear it.

Knight: A little bit. Just go ahead

Bland: There is a petition with 133 names on it, that I could present.

Knight: Put this in the record.

Bland: All the people that just stood up, how many of you work with Wal-Mart. Stand up. Now you can sit down. How many of you live on Swafford Road.

Knight: Mr. Bland, just

Bland: Do you work for Wal-Mart? Come up here every once in a while \_\_\_\_\_ . \_\_\_\_\_? So you all work for Wal-Mart.

Knight: Let's just keep the comments to the Council, please.

Bland: Beg you pardon.

Knight: Will keep the comments to the Council and actually they don't need to make any. You know

Bland: I want everybody to know in the beginning, that I have the upmost regard, in fact, I would not intentionally say anything that show any disrespect for you. But we are going to get down to brass tacks and what the facts are. And what the law says you can do and what you can't do. This is an unique situation, I moved to Swafford Road 45 years ago, 7 houses down there at that time, no water, but we would told if we would buy us a main out to 31 and put it in, that they would be so kind to put us on. So 2 of on this end, did that. After several years, they zoned it for us, which pleased us. All the old ones at that time was pleased with that zoning, it is gone except two of us. Me and Ms. Hardeman. The judges mother. Now since that time people relied on the fact, that they could build and have homes in a residential section. They had a right to rely on the fact that it was your duty, as Councilmen to protect them in their rights and protect their property rights. The place has built up until it is an enormous neighborhood. If you have not been down through there lately, you should go, over 100, I don't know how many 100 people live down there in subdivisions and use Swafford Road as an outlet to their subdivision. Everybody knows and you have been told before about the congested traffic on Swafford Road right now. Now, you can open Olive Street if you want to, that is not going to help, I tell you why, people coming the west of I-65 down to Swafford Road, south all the way into Blount County, will come 31 to get there, all they have to do is go out Swafford Road, slip around the corner and drive in. There is no way, of course now, you may check into it, you might not be able to rezone that, with the condition that you are going to build a road for it. I think the road is suppose to be there first. You have to check the law on that to see, some cases that is true and some cases it isn't. All these people have built homes down there and lived there for years. Under the law, they have an invested rights and that residential property down there, and they have an invested right that gives them the right to have a say so, after what you do with this 40 acres. One of the ladies that owns 10 acres, came to a zoning committee meeting, she had one reason why she wanted hers changed to commercial property, she was afraid that they would rezone the rest of it and if her property was still residential it would be valuated. and she is right. it will. You are in spec, having these people down

there. It has a right to rely on you to protect their property rights by the State of Alabama Law, then the Constitution. We have been betrayed by you. If you do that. Our property rights, you are going down there and you are telling all these people, we are going to consensate so much for the value of your property because we want to fix it so Wal-Mart can come down there and building a big, enormous shopping store. Now, if you have not read the Zoning Laws you could read them, there is one statute that tells you what you can do and what you can't do. You can do anything else according to the cases and your actions if arbitrary and compl\_\_\_\_. In our fact, that you are taking apart and punishing \_\_\_\_\_ to use as a reason to rezone that and that is collect revenue and increase your tax base, it is

on its face. There is no provision in all of the zoning laws where a city can rezone property for the city's benefit. It is not done for the city, the city has no interest in it. Only the components and people down there, that you are confiscating their property have an interest in it. That is one reason, you gentlemen, have that you are using for them, you are not suppose to be representing them, you are suppose to be representing the people that elected you. And protecting that subdivision that zoning down there. Because your prediseters. If, and they had implied contract to us, you come here you build your homes, we will everything else out and if something comes in, you will be under obligations to file an injunction against them and move them, under the law in the name of the city. If you think I am talking about something that I don't know anything about, read this book right here, the zoning laws of Alabama. Now, this body, you can do things, but your order is to \_\_\_\_\_ and completely arbitrary, unfair, down there. But you are betraying us. You betraying a whole community down there. By changing something that we were given to start with and have a right to believe it and we have applied and invested interest in it and you are going to destroy that. That is illegal, that is not right. You don't enlarge a city with the zoning laws. A city does not grow by its zoning laws. it grows by emit domain and acquisition. Zoning has nothing to do with the growth of the city. That is the reason that you folks are giving because the city wants the revenue. If you put that in your report, it is under the law and I can show them to you, that order is depreciate on its face. All the cases on \_\_\_\_\_ that where had resolutions or ordinances, that brought to attention that its arbitrary or com\_\_\_\_\_ that court will hesitate to declare invalid. That is that you are looking at, because I don't know this is one place to try to understand where we are going. What we are going to do, but the fact that you rezone it because that the highest \_\_\_\_\_ for it, too late for that. It is already been zoned like that in a comprehensive plan of zoning of the city. If you can do this, under this situation, with not \_\_\_\_\_, I am going to read them to you in just a minute, go over them, with you

Knight: We just want to give Mr. Bland all of his finest reasons for not doing it. What we would like for you to do is 90 ahead and kind of wind it up and get to the point because there is some other people that wish to speak.

Bland: I will quite pretty quick.

Knight: Ok

Bland: If you want to know where this is, write this down, Title 11, chapter 54 of the Alabama Code. You turn over here to Section 70, which is the only power, and only way and you can rezone this property. 52- 70, 71 you have to see a lot of cases, purpose of Zoning Regulations, you can't make zoning regulations, the State does that. You have no right to change them, if you do your order is \_\_\_\_\_, such regulations, if you are to rezone a piece of property, like you did down here, and \_\_\_\_\_ plan and divine, now here is what you have to take evidence to prove to put in your report. You have to make a finding of facts to show that you have complied with this, lesson congestion in the streets, that is the first one. Secure safety, \_\_\_\_\_ and other dangers, to promote health, and general welfare. The cases have added to that, you can't create a nescience or an annoyance. The people next to us have a right enjoy the peace and comfort of their home. without, now in your ordinance you got, you have got to say you have prove now, that all of this has been met, if you don't the law unless you comply with this right here, no other grounds, this is all, that your order arbitrary and com\_\_\_\_\_ and the courts will not hesitate in declaring void. That does not do it, the fact that you are going collect revenue from it, is not a ground to do it. Cases say you can't do it unless this is complied with, right here. that is all it is. You can do it because the growth of the town, 80 I say this, we are hurt down there, we are \_\_\_\_\_, damaged if you do this, that will last a life time. You can go out and make an ordinance, I don't think there is anyway you can fix one, that want be arbitrary and com\_\_\_\_\_. Because there has been nothing put in here by the opponents to satisfy that section of the law like that. But when you do, you got a finding and you show it, in there where it lessens the traffic, it was for the public health to do it, when we approved, it is against everyone one of these things. Nuisance, noise, all of it, and when you do that you make your findings, you make your findings of fact, that gives us a right to appeal, to the Circuit Court, so everything, I will say again, that has been mentioned, before the Planning Commission and before this right here. Including that map, does not have a thing to do with that \_\_\_\_\_ when you start changing residential property to commercial property. You can go ahead and do it, try it, I don't know how you are going to write an order, explaining it and justify it but turn your back on the people that put there then to protect their property, that constitutional law. You are suppose to recommend Wal-Mart, you are not suppose to furnish them grounds to do this, you are suppose to sit back as a judgmental, legislative backer and let them bring you the proof, if it hasn't been. Now I don't know what you are going to put in your order to justify it and meet the requirements of this, but when you do, you can't go home and forget about it because it doesn't hurt you or you are not concerned because we are not going to let you forget about it for a long time. The law decided what is right, so we will appeal you opinion, to the Circuit Court of this county and let a court decide this thing, Thank you for your attention. We have done everything that we can do, we have complied with the law by building homes down there and everything, and right now we are being betrayed on the promise of your predators that it would not happen. You are suppose to protect that, until somebody brings in you some proof that to meet this status, it is the only status that you got, you can do it under. Thank you gentlemen.

Knight: Anyone else wish to speak against this rezoning.

Danny Speakman, 1928 Dialsdale Drive, Mr. Chairman, Members of the Council, Mayor Sides, thanks for giving me the opportunity to speak to you tonight. I no longer \_\_\_\_\_ about what is going on or what is suppose to be done and everything. I do know that we purchased out house three years ago, with the understanding that property around us was residential. That is the only reason why we moved into Cullman. We lived out at Eva, our son goes to school here in Cullman, and we moved here because Cullman is a good community. It is a good community for families, good community for residents, where nice family plans. That is the only reason that we moved here, there is other people that is here tonight that has recently moved in that same area for the same reason, because the have families and they want to be in a secure neighborhood. They did not want a lot of traffic, there is plenty of other towns that we could have moved to, if we wanted those kind of things, but Cullman is a progressive town, that has seemed to always care about the citizens that live here, and we just, we do not want a big business there. It is not the Wal-Mart Super Center, we support Wal-Mart, we want a Wal-Mart Super Center here in Cullman, we don't want it in our back yard. We don't want it when we go out, in the evening on the front porch, we don't want to have to look out there and see these bring lights and see these freight trucks going up Olive Street in the future. We don't have to, in the morning when we are carrying our children to school, coming out of Dialsdale and out of Larry Avenue and all the other streets down through there, we don't want to have to sit and wait 10-15 minutes, waiting for traffic to clear up, having to jump out in front of. It is pretty bad now, it is only going to get worst. As Judge Bland said everybody that lives to the west or to the east, excuse me to the east of to the south, on 31, I don't cut across Swafford, but if I lived down there I would too, I would not go on down to Cherokee, come down, \_\_\_\_\_, that would just make sense. We have a lot of people that walk on the street in the evening. Bob Heatherly walk, get out an exercise too. These things will be taken away from us, we plea with you. please vote no on the rezoning. Once again it is not Wal-Mart, it could be anybody, it could be Home Depot, it would be K-Mart, if they chose to locate there, it would be anything, we just don't want big business in our back yard. If everybody that is opposed to the rezoning, would you please stand up. Now everybody does not live around Swafford, Dialsdale in that area would you please sit down, You see sir, most everybody, here that did stand up they do have an invested interest in their property and this just \_\_\_\_\_ said that \_\_\_\_\_ property owners they did come to you, come to the Planning Commission asked that their property be rezoned but their concern with their property being devalued. But we are too. Holding we can live there forever, but maybe some day in the future we will have to, we bought our house three years ago, understanding it was an residential area, we want to stay there forever, we have remodeled the kitchen, remodeled the basement, if we had to sell, now, or even in the future, with the property being devalued like it is, I don't think that we could ever recover what we put into it. So once again, please just have an open mind, we beg of you, please vote no. Thank you.

Knight: Anyone else wishing to speak against the rezoning.

Gwendol Echols, 1929 Dialsdale Drive -I need to ask you, \_\_\_\_\_, this gentleman, the right hand side of that drawing over there, the east side, is that facing Dialsdale Drive, you mentioned earlier property between Mr. Bland and the proposed site, is that right?

Williams: No there is 330 feet from even Dialsdale property

Echols: Which side is Dialsdale drive?

Williams; There, on the lower side. Swafford Road is on this side

Echols: As I understand the south side and east side, what is on the east side of that building?

Williams:

Echols: Then it is Dialsdale drive

Williams: No

: Can I point that out

Williams: Yes, Dialsdale Drive is south of Swafford,

: No to the east.

Knight: Dialsdale is 10 acres pass the

: Right here

Knight: That is where Swafford is.

: Ok Dialsdale drive is going to be right here.

Knight: No, 10 acres and then Dialsdale. 10 acres of subdivision

: Ok, he was saying something about it earlier, 300 and something feet, buffer zone is that that 10 acres.

Williams: Yes, I am not saying the buffer, I am saying 330 feet of residential R-1, that has not been approved.

Echols: But if it is along the other 27 acres, what will the buffer zone be between this building and what is now, if that is included 10 acres \_\_\_\_\_.

Williams:

Knight: To clear up this, go ahead

Williams: This project has nothing to do with that 10 acres. We are not here to request any zoning concerning that 10 acres. We are not going to come to this City Council, at this point and request rezoning of the 10 acres. That has nothing to do with this project. 330 feet is owned by another lady who is related to the two ladies that I represent. Who owns that \_\_\_\_\_?

Echols: My question is that she wants hers rezoned the same at that. That is my understanding.

Knight: She has not requested it.

Echos: And if there is, it is outside my back yard. If that 10 acres is rezoned, that is what she is requesting too, along with the \_\_\_\_\_ I was \_\_\_\_\_ this lady wants to be in to rezone the same thing. Am I understanding right?

Knight: She has requested that.

Echols: If that happens, how close is that coming to my back yard.

Knight: Ever how far the buffer is allowed from the property line and the set backs.

Echols: Do you know what that is?

Knight: No, I don't

Echols: That is my concern because I am the last house on Dialsdale Drive

My name is Tony Johnson, 1938 Popular Street Drive SW - I got a big concern about that water problem. I have been \_\_\_\_\_ water for the past two years, I moved down there. Right now the city seems to have the problem with even guttering what water we got coming down there, must less they have 30 acres of concrete and asphalt, where is that water going.

Williams:

Johnson: Alright I would like for somebody to answer to correct. Can you answer what the problem is down there now.

Knight: Make sure that you are clear about this, let Mr. Williams address the water problem. Did you come in late? He has already addressed it one time.

Williams: ok

Johnson: This building pond, I can not make heads or tails about that thing over there. I would like to know how it is going to effect me.

Williams: ok. the majority of the water this on that property now, \_\_\_\_\_ it is going to go toward 31

Johnson: This is where I live toward 31

Knight: It is going in a different direction.

Williams: Cherokee Avenue.

Johnson; That is toward 31. Where it crosses under the rail road, comes up behind Wal-Mart now. crosses under the rail road track, and all the water tries. I drove through 18 inches of water last week at my house.

Williams: I understand, I own the property right before you. the majority of the water currently goes in that direction now. There is a pond, that is a natural holding pond right now on the property. Their engineers at the present, and I agree for him to explain it. We had a system that they put in, that takes a natural drain most of the water stood and continue to go in. Where it was originally. But if we have a large rain like we had the other night, it runs back to the holding area, and the holding area had such as small pipe to let it out, that it is not going to increase the flow per minute, of what is naturally flowing into Swafford Road area. \_\_\_\_\_

: I think this is getting into the site plan, I don't need to stand here \_\_\_\_\_ Thorsby, Alabama. We are doing the site plans for this job. Aliofyour work on this, as far as drainage, will be at the same rate or less rate than it is now. the reason is because, he is worried about the north side, actually it is north of there, look at the south side which is residential area, vary emall little drainage ditch running through there, so we are going hold our post development run off predevelopment conditions and I think I don't know what the Ordinance requires, I think there is, what \_\_\_\_\_ did and the cost \_\_\_\_\_ . No \_\_\_\_\_ store, there is quite a bit of area back there, there is over 140 feet, first place you get to the back of the curb, that is a lot of area both dry detention because what they is going to do is a brume right there fill up with a little water \_\_\_\_\_ and that is the reason \_\_\_\_\_ . As we go through the site plan process, with the Planning Commission we will have more detail engineering calculation at that time showing. I think it is a requirement, if not a requirement it is a suggestion in your ordinances or should be, I think when you develop the site.

Knight: Dues that sort of answer your question?

Johnson: Sort

Knight: Anybody else wishing to speak against this rezoning.

S Coogler, 1974 Popular Drive SW - I would like to speak on the water issue, as well. Seems you have questions that were not quite answered. I came here with two questions - 1) has been addressed with the detention \_\_\_\_\_ pond, that they have so grateful place at the base of Swafford road. What still concerns me, even after a \_\_\_\_\_ brume, a engineer firm come in and designs this with the appropriate ordinances in place to carry this out at the beginning stages, measuring the runoff before he goes to the site after it is completed, who maintains it after that point? Does it already belong to the city? To have someone maintain it that holding pond, that base right there that holds the water, continue it works properly. Or is going to fall in some sort of trap and continue to plague this area of town with water problems since last 15-20 years ago and continue to be more and more building growing and more and more parking lots, causing more and more water problems in our end of town. You made have noticed in last weeks newspaper, my neighbor standing in about 3-4 inches of water, unfortunately they are still cleaning up that mess. That is some what related, we know large it can effect us on Swafford Road, and anybody that joins that. I just want you to take into consideration a couple of things. Is there anybody in place that can maintain this water? Is

flexible device, this pond that is placed at the base on Swafford Road? To insure all of us, that it will continue to hold water and release it only at the rate that it needs to before flooding again if it comes a heavy rain fall? Like it has two time in the last month? If you don't have anybody that is full time that works for the city that is entirely devoted to that, who is going to be paying for this on a consultant \_\_\_\_\_ over a period of time as *this* particular area develops. the 10 acres next to it, the 20 that is at the other end. Any more areas that are actually effect the drainage flow in this area. Thank you.

Knight: Anyone else.

Dana Byerley, 2002 Sandy Avenue SW - basically my concern is the same as his, as far as the water flow, we have a drainage ditch behind our property between Larry and Sandy Avenue and after a heavy rain that you were talking about last week and with all that going to be made into asphalt, there is not going to be ground over there to absorb all the water in the run of the asphalt. You are going to have some kind of \_\_\_\_\_ concern I just \_\_\_\_\_ property and who is going to be responsible for it. The other thing that I wanted to say is, I am not against Wal-Mart, I shop at Wal-Mart, and it is my understanding a long time ago that this was going to be on 157 on the other aide of town. Commercial \_\_\_\_\_ area, which would be great. I would not mind driving to the other side of town, rather than having it sitting in my back yard. So don't think there is anyone here tonight against have a Super Center it is just the location. Too many people \_\_\_\_\_ other people have kinds are not here tonight and we are concerned about the safety of them and the traffic and the safety of our \_\_\_\_\_ So that *is* my comment and pretty much everything has been covered before. I think everything has been gone over with the whole \_\_\_\_\_ We want you to think about that before you vote, We appreciate that. Thanks

Knight: Anyone else.

Andy Odis, 2020 Adelshiem Circle SW - Thank you for the opportunity to address the Council. My appeal here tonight is obviously that you not rezone this property for the benefit of building a Wal-Mart Super Center. I think that Wal-Mart has developed an excellent presentation. Obviously the homework has been done, it is an excellent building site. , It is an excellent plan and I am favor of building a Wal-Mart Super Center in Cullman, Alabama. I would like though, to have that Wal-Mart Super Center in an area that is more suitable, such as Highway 157 to commercial development. One of the, what appears here is a sense of community. My wife and I moved to Cullman, we made a dogmatic decision to move to Cullman, we are from Birmingham. We wanted to get out of Birmingham and live in wholesome community type environment. We, again, as we were ready to move out home, we beginning looking at all the communities south of Birmingham. We looked at communities, north of Birmingham until we arrived at Cullman. And we found that Cullman is an ideal place to settle and raise a family, which we are planning to do. We wish to remain here for quite some time. So the community environment is what intrigues us. We enjoy Cullman and we really like in the area that we live in and we would like to see that grow up into more a residential development as opposed to commercial zone. I would like to see a additional residential housing on Swafford Road. To add additional families, because it is a very family environment living

habitation. And one of the gentlemen tonight spoke, there are many people that walk that road, there is many people that walk through our subdivision, that walk through the other subdivisions and it is very pleasant, to interact with those people with reduce traffic flow. As you know if you drive down Swafford it is an excellent cut through from 31 over the 69. There is a tremendous amount of traffic as it is. One gentlemen pointed out tonight, even if you do open up another street that can cross over to the Wal-Mart Super Center, it is very enticing to go down Swafford Road. I know lot of people chose that path, so navigate over to the Super Center. So I would appeal to you, to leave this property zoned as it is and promote residential development here, bring in additional families. There is lots of growth, that is coming into this area, there is growth that is happening in the Decatur area, we are going to need additional residential housing, we are going to need residential housing inside the City limits of Cullman and growing our school systems here. So I will appeal to you that we move the Wal-Mart Super Center or have it located in a predominate on Highway 157 area or some place that is already zone commercial development. Thank you.

Knight: Anyone else.

Richard Milliken, 2000 Adelsheim Circle SW - I hope at Wal-Mart and I use them all the time. I personal shop there. I do not support the rezoning. I personally believe that the changes on Swafford and Adelsheim is normal and \_\_\_\_\_ that live there \_\_\_\_\_ and children that are ages 9-10 more and more \_\_\_\_\_ kids riding bicycles, \_\_\_\_\_ crossing into the other areas \_\_\_\_\_. One of the other issues I have is, with the other distance spaces, when Wal-Mart \_\_\_\_\_ (CAN NOT UNDERSTAND, TAPE 1 SIDE 2 AT 5.0 SETTING) The water issue, has already been hit on.

Knight: Thank you, anyone else.

Meagan Rodgers, 228 Olive Street SW - \_\_\_\_\_ our house in January and as you see we have a one year old and two year old child and we bought a house and there is nothing \_\_\_\_\_ go outside and play and if you do this, is going to be to risky for them \_\_\_\_\_ outside \_\_\_\_\_ . Thank you

I am Donna Speakman, 1928 Dialsdale Drive- and if Wal-Mart \_\_\_\_\_ is build those lights, the trees never cover the lights that will shine directly in front of our house, we live on dead end Dialsdale. Those same people elected you to protect us, everyone here, I would say 90% do vote, please we are asking for your help to keep our neighborhood and residential area, please do not vote it to be a commercial area. We did not move there to see that happen. Thank you.

Knight: Anyone else. I declare this Public Hearing closed

PUBLIC HEARING CLOSED

RECONVENED THE REGULAR MEETING

Knight: Next item of business is the zoning ordinance pertaining to the Wood property, this is the property that we had the Public Hearing on. This will be the second reading. The Council may act on it if so desired.

Lowry: Could we table this until another time? Do they need it now?

Knight: If you make a motion Mr. Lowry.

Clark: Mr. President, I would like to make a motion concerning this ordinance or the passing of this ordinance. Unfortunately this is the worst part of being a Councilman, but the reason, I am going to make a motion to favor the ordinance being passed is because that is a \_\_\_\_\_ property. I got the impression that there never was going to be anything on the property, if we did not change the zoning ordinance, it may stay vacant, I just don't think there is going to be 20 or 30 house that is going to be built on it in the next year or two. I believe this is a favorable development, so I am in favor of rezoning the property. And I make the motion.

Knight: Motion by Mr. Clark.

Lowry: Well I was against it until they changed over to Olive Street and after they took the traffic off Swafford, I am going to second that. I second your motion.

Knight: Second by Mr. Lowry. Any other discussion on this motion.

Green: Mr. President I think the, Mr. Williams and the people concerned with this project did any excellent job addressing the things that the people ask them to address. Traffic pollution is addressed, water pollution was addressed, light pollution was addressed, noise pollution was addressed, I personally don't think it would be a negative situation but I don't live there. These all one built or bought their homes with the understanding that the other properties were R-1 and they desire to keep this unless they chose to have it changed.

Knight: Any other discussion. May we have a roll call.

Alderman Parris: Ayes  
Alderman Clark: Ayes  
Alderman Knight: Ayes  
Alderman Lowry: Ayes  
Alderman Green: Nays

Knight: Ok, this property is rezoned.

