

**STATE OF ALABAMA  
SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION**

**MINUTES**

**Regular Meeting – April 6, 2009 – 7:00 P.M.**

**Members Present:** Bob Land, Chairman; Kenneth Wilder, Vice-Chairman; Scott Chambers; Rachel Garrett; Bill Kinnebrew; Robert Taylor; and Ralph Thomas.

**Staff Present:** Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Christie Pannell, Planner II; Kristine Goddard, Planner II; and Winston Sitton, Civil Engineer.

**PUBLIC HEARING**

The meeting was called to order at approximately 7:00 p.m. by Bob Land, Chairman. Mr. Land introduced the members of the Planning Commission and the staff. There were approximately fifteen (15) people present in addition to the Commission and the staff.

**1. Approval of the Minutes of the Regularly Scheduled Meeting of March 16, 2009.**

**Commissioner Thomas** made a motion to approve the minutes of the meeting of March 16, 2009. The motion was seconded by **Commissioner Taylor** and by a unanimous vote of seven (7) with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder voting in favor, the minutes of the meeting of March 16, 2009 were approved.

**2. S09-00012; Lots 19-B & 19-C, A Resurvey of Lot 19, Jessica Ingram Survey**

*Purpose:* A request from Frank Comensky, Walter Schoel Engineering Co., representing the owner, Clark Parker, Wynstarr, LLC for the approval of a preliminary plat to be called **Lots 19-B & 19-C, Resurvey of Lot 19, Jessica Ingram Survey** dividing 1.32 acres into two commercial lots. The subject property is zoned **B-2, General Business District**.

*Location:* The subject property is located on the south side of Meadowlark Lane approximately 0.5 miles north of U.S. 280 in the North Shelby – I65 Corridor Zoning Beat and situated in the NE ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-31-0-001-003.003.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins explained that the request is a resurvey of an existing lot that was recorded in 1945. The subdivision will create two commercial lots. The applicant intends to develop the proposed Lot 19-C as a storage facility for these automobiles and equipment. The use of Lot 19-B will also be commercial although a proposed tenant is not identified at this writing.

Frank Comensky, Walter Schoel Engineering, Co., represented the owners. Mr. Comensky said they were applying for approval to create the two lots and build the infrastructure and access points to Meadowlark Lane.

Mark Clayton came forward to speak in opposition to the request. Mr. Clayton was concerned about the traffic and the condition of the Meadowlark Lane and Drive. As an owner of adjacent

properties, he was concerned that the proposed development could generate traffic to the extent that it would hinder his ability to develop his property. Winston Sitton, Highway Department noted that road improvements were a part of the approval of this case. He also noted that the traffic generated would be of no significance. He explained that as development occurs, the owners of the property being developed are required to dedicate property to the County as right-of-way and make the necessary improvements.

**Commissioner Taylor** made a motion to *Approve* this case. The motion was seconded by **Commissioner Wilder** and, by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder, voting in favor, the following resolution was approved:

**WHEREAS**, Frank Comensky, Walter Schoel Engineering Co., representing the owner, Clark Parker, Wynstarr, LLC has petitioned the Planning Commission for the approval of a preliminary plat to be called **A Resurvey of Lot 19, Jessica Ingram Survey; Lots 19-B & 19-C**, dividing 1.32 acres into two commercial lots in a **B-2, General Business District**; and,

**WHEREAS**, subject property is located on the south side of Meadowlark Lane approximately 0.5 miles north of U.S. 280 in the North Shelby – I65 Corridor Zoning Beat and situated in the NE ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-31-0-001-003.003; and,

**WHEREAS**, the application and materials submitted meets the minimum requirements of the Shelby County Subdivision Regulations; and,

**WHEREAS**, the evidence and testimony presented supports the approval of this subdivision application;

**NOW, THEREFORE, BE IT RESOLVED**, by the Shelby County Planning Commission that the application of Frank Comensky, representing the owner, Clark Parker, Wynstarr, LLC for the approval of a preliminary plat to be called **A Resurvey of Lot 19, Jessica Ingram Survey; Lots 19-B & 19-C**, dividing 1.32 acres into two commercial lots in a **B-2, General Business District**, for property located on the south side of Meadowlark Lane approximately 0.5 miles north of U.S. 280 and situated in the NE ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-31-0-001-003.003 be, and the same is hereby *Approved* subject to:

- Conformance with *all* requirements of the Shelby County Engineer
- Applicant submitting a revised preliminary plat addressing *all* comments
- Applicant submitting an application for final plat approval within two years of approval of the preliminary plat; failure to apply may necessitate reapplication for preliminary plat approval
- Compliance with the regulations, policies and guidelines of Shelby County Alabama.

### 3. **Z09-00004, Parade Office Park – E-2 to O & I**

*Purpose:* A request from Brian Harris, Gonzalez-Strength & Associates, representing the owner, Moiz Foulad, Parade Home Builders, for the approval of a change in the zone district boundaries of a 2.16-acre tract of land from the **E-2, Estate District** to the **O & I, Office and Institutional District** to permit the development of professional office buildings.

*Location:* The subject property is located on the north side of Valleydale Road,

approximately one mile northeast of I65, just past the intersection with Indian Lake Drive in the North Shelby – I65 Corridor Zoning Beat, and situated in the SE ¼ of Section 20, Township 19 South, Range 2 West; Parcel Identification No. 58-10-4-20-0-001-033.001.

The case was introduced by Sharman Brooks, Department of Development Services. Ms. Brooks explained that the applicants had submitted a conceptual site development plan. This conceptual plan, however, could not be approved as a result of the combined setback requirements of the O&I, Office and Institutional District and the Landscaping and Buffer Requirements. Ms. Brooks also stated that historically the Planning Commission had been quite cautious in rezoning property along Valleydale Road, particularly regarding compatibility with adjoining properties. She particularly noted the responsibility of the Planning Commission and the Department of Development Services to protect the adjoining residential structures to the west and asked for consideration of a 10 foot “A” Buffer along the western edge of the subject property. While there is a 13-foot strip of property that lies in between the subject property and the residential structures, it belongs to Valleydale Baptist Church. The Church property was developed prior to landscaping regulations and is not subject to any requirements.

**Commissioner Taylor** asked about the history of rezoning cases on the subject property and the property across Valleydale Road. It was noted that the subject property was considered as a day care facility several years ago, but the case was denied. The property across Valleydale Road was rezoned seven years ago.

Brian Harris, Gonzalez-Strength Engineering, representing the owner presented the case. He graphically noted that the surrounding uses are generally O&I, Office and Institutional, although the property across the street is vacant. Mr. Harris noted that the previous rezoning was prior to the development of the Valleydale Church. The owner did not advance development plans until the church was completed. He stated that they felt the development of an office use was appropriate for this site. He also stated that they have met with the Highway Department regarding the development and they were aware of the issues that they must address.

**Commissioner Thomas** made a motion to *Approve* the rezoning of the subject property to O&I, Office and Institutional District. The motion was seconded by **Commissioner Garrett** and, by a vote five (5), with Commissioners, Garrett, Land, Taylor, Thomas and Wilder, voting in favor, and Commissioners Chambers and Kinnebrew opposed, the following resolution was approved:

**WHEREAS**, Brian Harris, Gonzalez-Strength & Associates, representing the owner, Moiz Foulad, Parade Home Builders, has petitioned the Planning Commission for the

**WHEREAS**, the subject property is located on the north side of Valleydale Road, approximately one mile northeast of I65, just past the intersection with Indian Lake Drive in the North Shelby – I65 Corridor Zoning Beat, and situated in the SE ¼ of Section 20, Township 19 South, Range 2 West; Parcel Identification No. 58-10-4-20-0-001-033.001; and,

**WHEREAS**, the applicants have proposed the development of three (3) office buildings, having access to Valleydale Road; and,

**WHEREAS**, the applicants have submitted a conceptual site development plan for review and said plan did not meet the minimum requirements of the Zoning Regulations; and,

**WHEREAS**, the applicants have determined that they can make the necessary modifications and amendments to said plan to comply with the Zoning Regulations of Shelby County; and,

**WHEREAS**, the case has been properly advertised to the surroundings property owners;

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the application of Brian Harris, Gonzalez-Strength & Associates, representing the owner, Moiz Foulad, Parade Home Builders, for the approval of a change in the zone district boundaries of a 2.16-acre tract of land from the **E-2, Estate District** to the **O & I, Office and Institutional District** to permit the development of professional office buildings for property located on the north side of Valleydale Road, approximately one mile northeast of I65, and situated in the SE ¼ of Section 20, Township 19 South, Range 2 West; Parcel Identification No. 58-10-4-20-0-001-033.001 be, and the same is hereby *Approved* subject to:

- Submittal of an application and final plat for the resurvey of the subject property into three (3) lots.
- Revise the conceptual site plan to demonstrate meeting the minimum requirements of the Zoning Ordinance.
- Provide a 10 foot wide Buffer “A” along western property line of the subject property.

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Lisa Harris, Board Member of the Alabama Beautiful, a not for profit civic organization, made a presentation to the Planning Commission presenting the harmful effects on the environment of digital billboards.

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There being no further business, **Commissioner Garrett** made a motion to adjourn. The motion was seconded by **Commissioner Thomas** and by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder voting in favor, the meeting was adjourned.

**ADJOURNMENT 8:20 P.M. April 6, 2009.**

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David Hunke, AICP  
Planning Services Supervisor

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Ralph Thomas, Chairman  
Shelby County Planning Commission