

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – March 16, 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; and Winston Sitton, Civil Engineer.

WORK SESSION

A work session was held prior to the regular meeting at 6:00 p.m. All interested parties were invited to attend. *Note: This was not a public hearing.*

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 seventeen (17) people present in addition to the Commission and the staff.

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

Commissioner Garrett made a motion to approve the *corrected* minutes of the meeting of February 16, 2009. The motion was seconded by **Commissioner Wilder** and by a vote of six (6), with Commissioners, Garrett, Kinnebrew Land, Taylor, and Wilder voting in favor, and Commissioner Chambers abstaining, the *corrected* minutes of the meeting of February 16, 2009 were approved.

2. Z09-00001; Dunnivant Square Amendment to SD Zoning

A request from Jackie Davis, Surveying Solutions, Inc., representing the owners, Dunnivant Square LLC, for the amendment of the adopted SD, Special District Plan for the residential portion of Dunnivant Square to include detached cottages within this townhome development.

The subject property is located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.3 miles northeast of U.S. 280, east of The Village at Highland Lakes and Fowler Lake Estates and west of Mt. Laurel, in the Chelsea North – Dunnivant Valley South – Westover North zoning beat and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification Nos. 58-09-2-03-3-301-(001.000 through 120.000).

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins explained that the request is to include detached cottages within this approved townhome development. The proposed cottages are designed for the 30 foot wide lots and no additional subdivision action is required to accommodate these units. This request is only to amend the

adopted Special District Plan for the residential portion of Dunnivant Square to include these proposed cottages.

Jackie Davis, Surveying Solutions, Inc., representing the owners, Dunnivant Square LLC, presented the request. Ms. Davis stated that the developers are only asking to include detached cottages within this approved townhome development and that nothing else is changed. There was no one present to speak either for or against.

Commissioner Wilder made a motion to *Approve* the amendment. The motion was seconded by **Commissioner Kinnebrew** 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, Jackie Davis, Surveying Solutions, Inc., representing the owners, Dunnivant Square LLC, has petitioned the Planning Commission for the approval of an amendment of the adopted SD, Special District Plan for the residential portion of Dunnivant Square to include detached cottages within this townhome development; and,

WHEREAS, subject property is located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.3 miles northeast of U.S. 280, east of The Village at Highland Lakes and Fowler Lake Estates and west of Mt. Laurel, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification Nos. 58-09-2-03-3-301-(001.000 through 120.000); and,

WHEREAS, on September 18, 2006, the Planning Commission approved a master plan for the residential phase of Dunnivant Square, a mixed use development; and,

WHEREAS, on August 20, 2007, the subject property was rezoned from the HZ, Holding Zone to the SD, Special District, based upon the approved master plan; and,

WHEREAS, the master plan identified the residential phase of this 36.5-acre development to include 120 townhome lots, having a minimum lot size of 30 feet by 80 feet (2,400 square feet); and,

WHEREAS, the applicants have determined that they would like to include a mix of free-standing cottages with the townhomes in this development to add diversity to the community; and,

WHEREAS, the proposed cottages are designed to be built on these 30 foot wide lots and *no* additional subdivision action is required to accommodate these units; and,

WHEREAS, the evidence and testimony presented support the approval of this amendment of the Special District Plan for Dunnivant Square;

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Planning Commission that the application Jackie Davis, Surveying Solutions, Inc., representing the owners, Dunnivant Square LLC, for the approval of an amendment of the adopted SD, Special District Plan for the residential phase of Dunnivant Square to include detached cottages within this townhome development located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.3 miles northeast of U.S. 280, and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification Nos. 58-09-2-03-3-301-(001.000 through 120.000) be, and the same is hereby *Approved* subject to:

- Applicant obtaining the appropriate building permits and inspections of work by the Department of Development Services for said improvements;

- Compliance with the regulations, policies and guidelines of Shelby County.

3. Z09-00003, Oaks at Greystone Amendment to Adopted Zoning Plan

This is a request from Ingram Tynes, Morrow - Greystone, LLC, for the approval of an amendment of the adopted R-4 SD, Multi-Family Special District Plan to modify the number and type of dwelling units in the proposed Oaks at Greystone, a mixed-use development.

The subject property is located at 7450 Cahaba Valley Road (State Route 119) approximately 1.5 miles east of U.S. 280 in the North Shelby – I65 Corridor Zoning Beat and situated in Section 29, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-29-0-001-003.002 (part).

The case was introduced by Sharman Brooks, Department of Development Services. Ms. Brooks outlined the recent history of the subject property. The site (proposed Lot 1) was most recently approved for the development of 182 condominium units in 26 buildings. The applicants have requested an amendment of the approved SD, Special District Plan to change the tenure from condominium to rental and to increase the number of dwelling units to 240 while reducing the number of buildings to 20. The R-4 SD zoning permits this change of tenure.

Ingram Tynes, Greystone – Morrow LLC presented the case. Mr. Tynes stated that they have retained the same architect and have added more units while reducing the number of buildings. The applicants feel that the reduced number of buildings and the increased open space and green areas will improve the appearance of the development. The amended plan permitted the relocation of the pool and the community building. The traffic circulation pattern is not changed from the original plan and the overall impervious surface has been reduced.

Malcolm Morrow, owner of the adjoining property and a partner in the development, stated that he was in full support of this development.

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

WHEREAS, Ingram Tynes, Morrow - Greystone, LLC, has petitioned the Planning Commission for the approval of an amendment of the adopted R-4 SD, Multi-Family Special District Plan to modify the number and type of dwelling units in the proposed Oaks at Greystone, a mixed-use development; and,

WHEREAS, the subject properties are located at 7450 Cahaba Valley Road, (State Route 119), approximately 1.5 miles east of U.S. 280 in the North Shelby – I-65 Zoning Beat and situated in NE ¼ of Section 29, Township 18 South, Range 1 West, Parcel Identification No. 58-03-9-29-0-001-003.002 (part); and,

WHEREAS, on December 18, 2006, the Planning Commission approved the rezoning of the subject property from the E-1, Estate District to the R-4 SD, Multi-Family, subject to the submission and approval of a site development plan, to permit the development of the Oaks at Greystone, a mixed use development; and,

WHEREAS, a site development plan was submitted for review and approval and was *certified* for development on January 11, 2008; and,

WHEREAS, the applicants have determined that due to changes in the market conditions it will be more appropriate to develop a rental community instead of condominiums; and,

WHEREAS, the applicants have proposed an amended development plan that increases the number of units in the development while decreasing the number of buildings as well as increasing the amount of green space and open areas on a smaller impervious surface;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Ingram Tynes, Morrow-Greystone, LLC, for the approval of an amendment of the approved R-4 SD, Multi-Family Special District Plan to modify the number and type of dwelling units in the proposed Oaks at Greystone, a mixed-use development, located at 7450 Cahaba Valley Road, (State Route 119), approximately 1.5 miles east of U.S. 280 and situated in NE ¼ of Section 29, Township 18 South, Range 1 West, Parcel Identification No. 58-03-9-29-0-001-003.002 (part) be, and the same is hereby *Approved* subject to:

- Submission and approval of a site development plan to the Department of Development Services for certification to include, but not be limited to the location and height of all structures; landscaping, (*plans must be sealed by a landscape architect*); buffering and screening; storm water drainage; exterior lighting, (to be directed downward and not extend to adjacent properties); ingress and egress; parking, driveways and maneuvering areas and the location and screening of solid waste disposal container by a 6' high wood screen fence on three sides and double gated at the other. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping shall be in conformance with *Article XXIB*. Any amendments, additions, deletions, alterations or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the Planning Commission.
- Compliance with the regulations, policies and guidelines of Shelby County.

**(Commissioner Kinnebrew Recused Himself due to a
Personal Interest and left the Chambers)**

4. SP09-00004; Brook Highland Office Park

This is a request from Jackie Davis, Surveying Solutions, Inc., representing the owner, Joel C. McGriff, for the approval of a site development plan for the *proposed* Brook Highland Office Park, a condominium office development, located in the O&I (2), Office and Institutional District - 2 and the B-2, General Business District.

The subject property is located north of Brook Highland Parkway at the northwest corner of the intersection of Eagle Ridge Lane and Eagle Ridge Drive on Lot 1, McGriff Alliance Survey (MapBook 27, Page 65) in the North Shelby – I65 Corridor Zoning Beat and situated in the NW ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 03-9-31-0-001-019.001.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins explained that the request is for the approval of a site development plan for a two (2) building office park. It was noted that Development Services had been working diligently with the applicants to prepare a plan for development that would comply with the applicable development

regulations. Initially the application was a subdivision request to divide the subject property into three (3) lots for three (3) buildings. The proposed development has subsequently changed to a condominium form of ownership for two (2) buildings.

Jackie Davis, Surveying Solutions, Inc., representing the owner, Joel C. McGriff, presented the case. Ms. Davis explained that her client was David Keith, a developer who held a contract to purchase the property from Mr. McGriff for resale to others. Ms. Davis stated that they have been working on this site for several months. She agreed that the former three (3) buildings concept did not fit but that reducing the development to two (2) buildings will work. She also noted that the case may return as a subdivision case to divide the property into two (2) lots, in lieu of the condominium ownership.

Several adjoining property owners came forward to object to the proposed development. Their opposition was chiefly due to the increased traffic that will be created on this two-lane road. They noted that traffic was already a problem and the proposed development would only exacerbate the situation. They also were concerned about the effect of the development on the character of the area. They felt it would be more fitting to make the site a community open space for recreation.

Commissioner Thomas asked about the roadway and jurisdiction. Winston Sitton, Highway Department responded that it was a County roadway. Mr. Sitton was not aware of any capacity issues on this roadway and noted that the proposed development would have little impact.

Commissioner Thomas asked the adjoining residents if they were aware it was proposed to be an office development. They responded that they were not eager to come home to an office across the street.

Commissioner Land asked if the property was also zoned B-2, General Business District. Mr. Wilkins confirmed the B-2 zoning and noted that other more intense uses would be permitted.

Commissioner Thomas indicated that he thought this was a lot of traffic on this roadway. Winston Sitton stated that the Highway Department will review Eagle Ridge Drive and the intersection at Brook Highland Parkway. He noted that there is illegal parking on Eagle Ridge Drive and that other adjustments can be made that could improve the situation.

Commissioner Taylor made a motion to *Approve* the site development plan. The motion was seconded by **Commissioner Wilder** and, by a vote of five (5), with Commissioners Chambers, Land, Taylor, Thomas and Wilder, voting in favor and Commissioner Garrett voting in opposition, the following resolution was approved:

WHEREAS, Jackie Davis, Surveying Solutions, Inc., representing the owner, Joel C. McGriff, has requested the approval of a site development plan for the *proposed* Brook Highland Office Park, a condominium office development, located in the O&I (2), Office and Institutional District - 2 and the B-2, General Business District; and,

WHEREAS, the subject property is located north of Brook Highland Parkway at the northwest corner of the intersection of Eagle Ridge Lane and Eagle Ridge Drive on Lot 1, McGriff Alliance Survey (MapBook 27, Page 65) in the North Shelby – I65 Corridor Zoning Beat and situated in the NW ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 03-9-31-0-001-019.001; and,

WHEREAS, the applicants have presented a conceptual site development plan for the development of two (2) office buildings on Lot 1, McGriff Alliance Survey, a 1.21 acre lot, to be a condominium development; and,

WHEREAS, the testimony and evidence and submitted supports the approval of the proposed conceptual site development plan;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Jackie Davis, Surveying Solutions, Inc., representing the owner, Joel C. McGriff, for the approval of a site development plan for the *proposed* Brook Highland Office Park, a condominium office development, located on Lot 1, McGriff Alliance Survey and situated in the NW ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 03-9-31-0-001-019.001be, and the same is hereby **Approved** subject to:

- Review and analysis by the Highway Department of the traffic and roadway conditions on Eagle Ridge Drive, north of Brook Highland Parkway.
- Submission and approval of a site development plan to the Department of Development Services for certification to include, but not be limited to the location and height of all structures; landscaping, (*plans must be sealed by a landscape architect*); buffering and screening; storm water drainage; exterior lighting, (to be directed downward and not extend to adjacent properties); ingress and egress; parking, driveways and maneuvering areas and the location and screening of solid waste disposal container by a 6' high wood screen fence on three sides and double gated at the other. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping shall be in conformance with *Article XXIB*. Any amendments, additions, deletions, alterations or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the Planning Commission.
- Compliance with the regulations, policies and guidelines of Shelby County.

There being no further business, **Commissioner Wilder** made a motion to adjourn. The motion was seconded by **Commissioner Garrett** and by a unanimous vote of six (6), with Commissioners Chambers, Garrett, Land, Taylor, Thomas, and Wilder voting in favor, the meeting was adjourned.

ADJOURNMENT 7:40 P.M. March 16, 2009.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman
Shelby County Planning Commission