

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – April 21, 2008 – 7:00 P.M.

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

Staff Present: David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Kristine Goddard, Planner II; Christie Pannell, Planner II; 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 7:15 p.m. by Ralph Thomas, Chairman. Mr. Thomas introduced the members of the Planning Commission and the staff. Approximately 18 people, in addition to the Shelby County Planning Commission and staff, were present.

1. Approval of the Minutes of the Regularly Scheduled Meeting of March 3, 2008.

Commissioner Land made a motion to approve the minutes of the meeting of March 3, 2008. The motion was seconded by **Commissioner Garrett** and by a unanimous vote of seven (7), Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder in favor, the minutes of the meeting of March 3, 2008 were approved.

2. Z-03-08, Blue Sky Rain – HZ to O & I

Purpose: A request from Jim and Holly McIlwain, Blue Sky Rain Sprinkler Specialists, for the approval of a change in the zone district boundaries for a 2.26-acre tract of land from the HZ, Holding Zone to the O & I, Office and Institutional District to permit the establishment of professional offices for service oriented businesses.

Location: The subject property is located at 2109 Smith Drive, off of County Road 41 (Dunnivant Valley Road) approximately three-quarters of a mile northeast of U. S. 280 in the Chelsea North - Dunnivant Valley South - Westover North zoning beat, and situated in the NE ¼ of Section 16, Township 19 South, Range 1 West; Parcel Identification No. 58-09-5-16-0-001-031.003.

The case was introduced by Kristine Goddard, Department of Development Services. Ms. Goddard noted that in order to provide the best assurance that the use of the property will continue as requested and the existing character will not change is to include the SD, Special District overlay to the zoning. The case was represented by the applicants Jim and Holly

McIlwain, proprietors of Blue Sky Rain Sprinkler Specialists and residents of Greystone Farms. Ms. McIlwain explained that much of their work is in the Dunnivant Valley along County Road 41. Their residence is not far away and this site will be a convenient location to operate their business. Ms. McIlwain noted that they do not propose any significant changes to the property other than additional landscaping and the improvement of the parking facilities. They had discussed their proposal with the surrounding neighbors, and the feedback was positive. No one present to speak in favor of or in opposition to the request.

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

WHEREAS, Jim and Holly McIlwain, Blue Sky Rain Sprinkler Specialists, applicants, have petitioned the Shelby County Planning Commission for the approval of a change in zone district boundaries for a 2.26-acre tract of land from the HZ, Holding Zone to the O & I, Office and Institutional District to permit the establishment of professional offices; and,

WHEREAS, the subject property is located at 2109 Smith Drive, off of County Road 41 (Dunnivant Valley Road) approximately three-quarters of a mile east of U. S. 280 in the Chelsea North - Dunnivant Valley South - Westover North zoning beat and situated in the NE ¼ of Section 16, Township 19 South, Range 1 West; Parcel Identification No. 58-09-5-16-0-001-031.003; and,

WHEREAS, the Shelby County Comprehensive Plan, *A Path to the Future*, identifies the subject property as being within the hinterlands of the of the US 280/County Road 41 Community Core; and,

WHEREAS, the rezoning of the subject property to the O&I, Office and Institutional District designation will help ensure a compatible transition to the surrounding residential properties; and,

WHEREAS, the best assurance of the continued compatibility of the proposed use of the subject property to the surrounding residential properties can be achieved through the implementation of the SD, Special District overlay;

NOW, THEREFORE, BE IT RESOLVED, that consideration of Case No. **Z-03-08**, a request for approval of a change in zone district boundaries for a 2.26-acre tract of land from the HZ, Holding Zone to the O & I, Office and Institutional District to permit the establishment of professional offices for property located at 2109 Smith Drive, off of County Road 41, approximately three-quarters of a mile east of U.S. 280, and situated in the NE ¼ of Section 16, Township 19 South, Range 1 West; Parcel Identification No. 58-09-5-16-0-001-031.003 be, and the same hereby is *Approved* to the **O & I SD, Office and Institutional Special District**, subject to:

- *Submission to and the approval by staff of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting, (to be directed downward and not extend to adjacent properties); and the location and screening of solid waste containers by a six-foot-high wood fence on three sides and double gated on the other. All on- and off-site*

improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than installed. Any amendments, additions, deletions, alterations or changes to any of the above standards of the approved site development plan shall require the review and approval of an amendment to the approved site development plan by the Shelby County Planning Commission.

- *All activities are to be conducted within a building; no outside storage of vehicles or equipment is permitted.*

3. Z-04-08, The Village at Lee Branch – Phase III; A-1 to B-2

Purpose: A request from Kevin Moore, Sain Associates, representing A.I.G. Baker, owners, for the approval of a change in the zone district boundaries for a 15.09-acre tract of land from the A-1, Agricultural District to the B-2, General Business District to permit the extension and expansion of a shopping center.

Location: The subject property is located west of U.S. 280 and south of the Village at Lee Branch – Phase II in the Chelsea North – Dunnivant Valley South – Westover North zoning beat and situated in the S ½ of Section 5, Township 19 South, Range 1 West; Parcel Identification Nos. 58-09-3-05-0-001-043.000 and 58-09-3-05-0-001-044.000.

The case was introduced by Sharman Brooks, Department of Development Services. Ms. Brooks noted that while this case was consideration of a change in zone district boundaries only, it also demonstrates the feasibility of a connection between Farley Lane and Eagle Point Drive.

Commissioner Land noted that the recommendation of the staff to include the SD, Special District overlay to this property was commendable. He did, however, question the need for the staff comments requiring the resurvey of the two subject properties into one lot. **Commissioner Land** also raised the issue of the effect of the potential annexation of the subject property into the City of Hoover.

Commissioner Taylor, relative to Commissioner Land’s comments, noted that the County would retain control of Farley Lane, regardless of jurisdiction. He also noted the advantages that this connection of Farley Lane to Eagle Point Drive would provide to the residents of Eagle Point with an alternative access to the Village at Lee Branch, U.S. 280 and State Route 119.

While **Commissioner Thomas** pointed out that this was just a zoning case, **Commissioner Land** noted that including of the SD, Special District overlay made it a much more significant action.

Kevin Moore, Sain Associates, representing the owners, A.I.G. Baker, stated that the access from Farley Lane into the Village at Lee Branch would remain a private access. He also noted that it was the desire of the owners to “clean up” the configuration of the property and that it was their intention to resurvey the property it into one lot because it would provide them with more flexibility with respect to setbacks, buffers and other design and layout considerations.

Mr. Hue Van Le, an adjacent property owner across Farley Lane, came forward to ask about the traffic impacts to Farley Lane and the alignment of the access, that will connect Farley Lane with the Village at Lee Branch Shopping Center. Mr. Le was told that this was only the rezoning of

the property and that the alignment of the intersection will be identified on the site development plan that would be advanced at a later date.

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

WHEREAS, Kevin Moore, Sain Associates, representing the owners, A.I.G. Baker, has petitioned the Shelby County Planning Commission for a change in the zone district boundaries for a 15.09-acre tract of land from the A-1, Agricultural District to the B-2, General Business District to permit the extension and expansion of the Village at Lee Branch shopping center; and,

WHEREAS, the subject property is located west of U.S. 280 and south of the Village at Lee Branch – Phase II in the Chelsea North – Dunnavant Valley South – Westover North zoning beat and situated in the S ½ of Section 5, Township 19 South, Range 1 West; Parcel Identification Nos. 58-09-3-05-0-001-043.000 and 58-09-3-05-0-001-044.000; and,

WHEREAS, the subject property abuts the Village at Lee Branch Shopping Center, a successfully developed commercial facility that has been annexed into the City of Hoover; and,

WHEREAS, the proposed development is consistent with the Shelby County Comprehensive Plan, *A Path to the Future*, in that infill development is concentrated in an established area of the U.S. 280 corridor, making use of existing infrastructure; and,

WHEREAS, the applicants have submitted a *conceptual* development plan in consideration of the change in the zone district boundaries only; and,

WHEREAS, the *conceptual* development plan is not an approved site development plan; and,

WHEREAS, the proposed expansion and enlargement of the shopping center requires careful and deliberative planning characterized by a unified building and site development program providing for coordinated architectural treatment and traffic engineering to provide safe and efficient access; and,

WHEREAS, the SD, Special District overlay provides a valuable level of oversight necessary to ensure the compatible and seamless expansion of the existing facilities;

NOW, THEREFORE, BE IT RESOLVED that Case No. **Z-04-08**, a request for a change in the zone district boundaries for a 15.09-acre tract of land from the A-1, Agricultural District to the B-2, General Business District, to permit the extension of the Village at Lee Branch shopping center, located west of U.S. 280 and south of the Village at Lee Branch – Phase II, and situated in the S ½ of Section 5, Township 19 South, Range 1 West; Parcel Identification Nos. 58-09-3-05-0-001-043.000 and 58-09-3-05-0-001-044.000 be and the same hereby is *Approved* to the **B-2 SD, General Business – Special District** subject to:

- *Submission to and the approval by the Shelby County Planning Commission of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting, (to be directed downward and not extend to adjacent properties); and the location and screening of solid*

waste containers by a six-foot-high wood fence on three sides and double gated on the other. All on- and off-site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than installed. Any amendments, additions, deletions, alterations or changes to any of the above standards of the approved site development plan shall require the review and approval of an amendment to the approved site development plan by the Shelby County Planning Commission.

- The resurvey of the subject properties into one lot pursuant to the Subdivision Regulations of Shelby County.

4. V-01-08, Scotch – Side Yard Variance

Purpose: A request from Wayne Scotch, Jr., owner, for the approval of a variance to permit the construction of a single family residence on a 17.3-acre tract of land having a nine-foot-east side yard setback instead of the minimum 20 feet required in the A-1, Agricultural District; a variance of Article VII, Section 3, pursuant to Article XXIII, Section 3.

Location: The subject property is located on the south side of the Shelby – Jefferson County line, east of Caldwell Mill Road on the southeastern bank of the Cahaba River, in the North Shelby – I-65 Corridor zoning beat and situated in the NE ¼ of Section 3, Township 19 South, Range 2 West; Parcel Identification No. 58-10-2-03-0-001-001.001.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins explained the context of this request, noting the flood hazard area, the environmentally sensitive Cahaba River and the terrain of the site. Wayne Scotch, Jr., co-owner of the property represented the request. He added that the area was also underlain with a number of shallow mines. He stated that he intended to build his home in this location on the property because of the floodplain, the elevation of the selected homesite and the view. Mr. Scotch stated that he intends to pursue a family subdivision and divide the property into at least two lots. Mr. Scotch also noted that his sister, who is the other co-owner, intends to build a home on this 17.3-acre tract as well. No one was present to speak in favor of or in opposition to the request.

Commissioner Garrett questioned why he knowingly built the home so close to the east property line. **Commissioner Taylor** asked Mr. Scotch if the owner of the abutting thirty-acre tract knew where he had built his home. Mr. Scotch said he was not sure. He went on to explain that the access easement is recorded in the Office of the Judge of Probate and that the driveway would soon be improved with a concrete surface. There was no one present to speak in favor of or in opposition to this request. **Commissioner Garrett** and **Commissioner Kinnebrew** asked if he and his sister had determined the potential of the perspective second home. Mr. Scotch replied that only a general area had been identified.

Commissioner Wilder made a motion to *Grant* the variance. The motion was seconded by **Commissioner Taylor** and by a vote of six, Commissioners Chambers, Kinnebrew, Land, Taylor, Thomas and Wilder in favor and one abstention, Commissioner Garrett, the following resolution was approved:

WHEREAS, Wayne Scotch, Jr., co-owner of the subject property, has petitioned the Shelby County Planning Commission for the approval of a variance to permit a single family residence on a 17.3-acre tract of land having a 9-foot-east side yard setback instead of the minimum 20 feet required in the A-1, Agricultural District; a variance of Article VII, Section 3, pursuant to Article XXIII, Section 3; and,

WHEREAS, the subject property is located at 360 Scotch Clemmer Way, on the south side of the Shelby – Jefferson County line, east of Caldwell Mill Road, on the southeastern bank of the Cahaba River, in the North Shelby – I-65 Corridor zoning beat, and situated in the NE ¼ of Section 3, Township 19 South, Range 2 West; Parcel Identification No. 58-10-2-03-0-001-001.001; and,

WHEREAS, the Planning Commission has found that owing to the special conditions of the subject property a literal enforcement of the provisions of the Zoning Regulations of Shelby County will result in unnecessary hardship; and,

WHEREAS, the Commission finds in granting this variance:

- *that special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity;*
- *that the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant; and,*
- *that the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Shelby County;*

NOW, THEREFORE, BE IT RESOLVED, that Case No. **V-01-08**, a request for the approval of a variance to permit the construction of a single family residence on a 17.3-acre tract of land having a 9-foot-east side yard setback instead of the minimum 20 feet required in the A-1, Agricultural District; a variance of Article VII, Section 3, pursuant to Article XXIII, Section 3, for property located at 360 Scotch Clemmer Way, on the southeastern bank of the Cahaba River and situated in the NE ¼ of Section 3, Township 19 South, Range 2 West; Parcel Identification No. 58-10-2-03-0-001-001.001 is hereby **GRANTED**.

During the pre-meeting, Sharman Brooks, Department of Development Services, gave a brief overview of the *proposed Article XXI – A, Landscape and Buffer Requirements*. Ms. Brooks noted that the review of the current Buffer requirements that began in the fall of 2007, was primarily directed towards the duration of landscaping bonds that are presently held for five (5) years. During the review, however, it became obvious to staff that the current requirements do not provide adequate buffers but were more driven towards landscaping. Furthermore, Section 11, Bufferyards of Article XXI, of the Zoning Regulations are complicated and difficult to understand, much less to apply. The requirements are based on the intensity of land uses that are determined by mathematical calculations.

The *proposed* requirements are appropriately renamed as Article XXI – A, Landscape and Buffer Requirements. These new requirements provide for more significant buffers between incompatible uses. Incentives will be provided to encourage retaining natural vegetation as opposed to mass grading and re-planting development sites. The *proposed* will requirements offer a user-friendly, illustrated format that will be much easier to apply. Development Services staff will complete the final editing and formatting of the proposed requirements, and they will be presented to the Commission for consideration in a few weeks.

Commissioner Thomas introduced Tom Traylor of Lamar Advertising. Mr. Traylor made a presentation to the Planning Commission regarding electronic billboards. **Commissioner Thomas** asked the Commissioners to bring any questions they might have regarding electronic billboards to staff for research.

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

ADJOURNMENT 8:50 P.M. April 21, 2008.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman,
Shelby County Planning Commission