

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – August 4, 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, Development Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, 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 7:10 p.m. by Ralph Thomas, Chairman. Mr. Thomas introduced the members of the Planning Commission and the staff. Six people were present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of July 21, 2008.

Commissioner Garrett made a motion to approve the minutes of the meeting of July 21, 2008. 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 minutes of the meeting of July 21, 2008 were approved.

2. MP-04-06, Dunnivant Square - Phase II

Purpose: A request from Jackie Davis, Surveying Solutions, Inc., representing Dunnivant Square LLC, for the approval of an amended Master Plan for **Dunnivant Square - Phase II**, the commercial segment of a mixed-use development that is zoned *SD, Special District*.

Location: The subject property is located on the north side of County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of Highway 280, between The Village at Highland Lakes / Fowler Lake and 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 No. 58-09-2-03-0-000-012.000.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins presented the case, noting that the master plan for Phase I, the residential portion of this mixed-use development was approved by the Commission on August 21, 2006. The infrastructure for the residential areas was completed and several of the townhomes were currently under construction. Jackie Davis, Surveying Solutions, Inc. represented the applicants, Dunnivant Square LLC. Ms. Davis stated that they felt this proposed plan was a good fit for this site and that potential businesses would view this as a desirable location. She noted, however, that the staff recommended limitation on parking could deter potential developers. Typically, developer's plans include a minimum number of required parking spaces. She also noted that the

applicants wanted the Phase II development to be as attractive as possible to enhance the sale of the residential units in Phase I. The developers are prepared to do whatever is necessary to make this proposed development work for the entire area.

Commissioner Land pointed out that those additional parking spaces could be used for other purposes if they were surplus, whereas limiting parking could be a hindrance. **Commissioner Land** also suggested that as a courtesy, a staff person could sit on the Architectural Review Committee (ARC) of Dunnivant Square to ensure that the development looks as proposed in the architectural renderings.

Commissioner Garrett commented that the Shelby County Comprehensive Plan is subtitled *Making Places* but that recent developments are not accomplishing that goal. These developments were creating a “bedroom community” where people still have to commute out of the area to go to work. She noted that the area has to import lower-wage employees to perform support tasks.

Commissioner Thomas questioned the mixed-use theme of this development. He asked about the potential for live-works or similar types of units. He asked the applicant if this was the extent of the Dunnivant Square development. Ms. Davis replied that Phase II would be the final phase of development for Dunnivant Square.

Commissioner Land retorted that there is no residential requirement for a live work. He noted that the live works in the area were slowly filling out and that they are not essential to a mixed-use development. He noted that Dunnivant Square is limited because it is only a 36.5-acre development.

Commissioner Garrett added that her comments were aimed at the three-mile-market area and were not necessarily directed at the immediate area surrounding the site.

Commissioner Chambers stated that this development represents a sharing of the success of the surrounding sustainable developments. He especially felt that Dunnivant Square should reflect the theme and architectural character of the surrounding properties.

Commissioner Land made a motion to *Approve* the amended master plan with no limitation of parking facilities. The motion was seconded by **Commissioner Garrett**. **Commissioner Chambers** moved for an amendment to the original motion to include a condition that the character and architectural style of the development reflect the portrayal shown on the renderings. There being no objection to this amendment, by a unanimous vote of seven (7), Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder in favor, the following resolution was approved:

WHEREAS, Jackie Davis, Surveying Solutions, Inc., representing the applicants Dunnivant Square LLC has requested the approval of an amended master for **Dunnivant Square - Phase II**, the commercial segment of a mixed-use development that is zoned *SD, Special District*; and,

WHEREAS, the subject property is located on the north side of County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of Highway 280, between The Village at Highland Lakes / Fowler Lake and 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 No. 58-09-2-03-0-000-012.000; and,

WHEREAS, the Planning Commission finds that the proposed development of Dunnivant Square is consistent with the Shelby County Comprehensive Plan, *Making Places*; and,

WHEREAS, the Commission has determined that the evidence and testimony presented warrants the approval of the amended master plan of Dunnivant Square – Phase II, proposing the development of a gas station, a grocery store, a bank, a retail/office building and a pharmacy on a 10.3-acre tract of land;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. MP-04-06**, a request for the approval of an amended master plan for **Dunnivant Square - Phase II**, the commercial segment of a mixed-use development that is zoned **SD, Special District**, located on the north side of County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of Highway 280, and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification No. 58-09-2-03-0-000-012.000 be, and the same is hereby **Approved**, subject to:

- The architectural character and design of the proposed development of Dunnivant Square – Phase II being consistent with the renderings of the proposed improvements, marked “*Received – Case No. MP-04-06 – July 9, 2008.*”
- Linkages being included for sidewalks and other walking/biking trails;
- Compliance with Shelby County’s Flood Damage Prevention Ordinance; and,
- Completion of Subdivision Case No. S-57-08.

3. Z-04-08, The Village at Lee Branch – Phase III; Amended Special District

Purpose: A request from Philip McAfee, A.I.G. Baker, for the approval of a site development plan for a 15.09-acre tract of land that has been rezoned to the **B-2 SD, General Business - Special District** to permit the development of the extension of a shopping center, including a hotel.

Location: The subject property is located west of U.S. 280 and adjacent to the Village at Lee Branch – Phase II in the North Shelby – I-65 Zoning Beat 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 presented by Christie Pannell, Department of Development Services. Ms. Pannell noted that the subject properties were rezoned to the **B-2 SD, General Business – Special District**, to permit the development of a hotel and other commercial and retail uses. Mr. Philip McAfee represented the applicants A.I.G. Baker. Mr. McAfee stated that the reason only a hotel identified is because that is all that they have to present at this time. He noted that Farley Lane was a substandard right-of-way and that A.I.G. Baker was prepared to bring the road to County standards for safe and efficient use by the general public. The proposed intersection with Eagle Point Drive was proposed to provide safe access to U.S. U.S. 280. They also realized that they would benefit from the new roadway because it would increase exposure to their shopping center.

Commissioner Taylor asked about an old law that required the owner of a private right-of-way to close it from public use at least once a year to maintain the private status. Neither the applicant nor the staff was aware of this requirement. Mr. McAfee stated that the developers choose to maintain the roadway as private to increase their flexibility for future potential development of the property.

Mr. John Olmstead, former president of the Eagle Point Home Owners Association, stated that the residents of the subdivision have worked for years to get this alternative access implemented, and they highly supported the proposed development and associated road improvements.

Commissioner Land made a motion to *Approve* the amended site development plan. The motion was seconded by **Commissioner Wilder** 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, Philip McAfee, A.I.G. Baker, has requested the approval of a approval of a site development plan for a 15.09-acre tract of land that has been rezoned to the ***B-2 SD, General Business - Special District*** to permit the development of the extension of a shopping center, including a hotel; and,

WHEREAS, the subject property is located west of U.S. 280 and adjacent to the Village at Lee Branch – Phase II in the North Shelby – I-65 Zoning Beat 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 Planning Commission finds that the evidence and testimony presented warrants the approval of the amended site development plan;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. Z-04-08**, a request for the approval of an amended site development plan for a 15.09-acre tract of land that has been rezoned to the B-2 SD, General Business - Special District to permit the development of the extension of a shopping center, including a hotel, located west of U.S. 280 and adjacent to 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 is hereby ***Approved***, subject to:

- *Submission to and the approval by the Shelby County Department of Development Services 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 minimum 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 Department of Development Services.*
- *The completion of the necessary subdivision action to resurvey/re-subdivide the subject properties, including the dedication of the proposed right-of-way improvements.*

NOTE: The above approval is for site development plan designation only. This approval does not include approvals of any proposed layouts or roadway connections.

Commissioner Thomas raised the issue of the safety of pedestrians that could be crossing County Road 41 between Mt. Laurel and the proposed commercial development at Dunnivant

Square. To this end, **Commissioner Thomas** asked that the County Highway Department provide the Commission with their plans for pedestrian safety in the Highway 41 corridor, as it relates to the Mt. Laurel and Dunnivant Square developments, in writing. Staff acknowledged that they would advance this request to the Highway Department.

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 seven (7), Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder in favor, the meeting was adjourned.

ADJOURNMENT 8:05 P.M. August 4, 2008.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman,
Shelby County Planning Commission