

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – August 18, 2008 – 7:00 P.M.

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

Members Absent: Kenneth Wilder

Staff Present: Ray E. Hamilton, Manager, Manager; 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 7:17 p.m. by Ralph Thomas, Chairman. Mr. Thomas introduced the members of the Planning Commission and the staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of August 4, 2008.

Commissioner Garrett made a motion to approve the minutes of the meeting of August 4, 2008. The motion was seconded by **Commissioner Land**. During discussion **Commissioner Thomas** requested that the minutes reflect his request for staff to contact the Highway Department to provide their plans for the Highway 41 corridor as it relates to Mt. Laurel and Dunnavant Square pedestrian safety concerns in writing. Staff acknowledged the omission and agreed to make this correction. By a unanimous vote of six (6), Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, and Taylor in favor, the minutes of the meeting of August 4, 2008 were approved, as corrected.

2. Case No. ZAM-01-08 - The Amendment of Section 11. Bufferyards, Article XXI, Supplementary Regulations and Modifications; Section 8, Buffer and Parking Area Landscaping Requirements, Article XVIII-B, U.S. Highway 280 Overlay District, of The Zoning Regulations Of Shelby County, Alabama; and also Appendix “F”, Engineering Standards of The Subdivision Regulations of Shelby County, Alabama

The case was introduced by Sharman Brooks, Department of Development Services. Ms. Brooks presented an overview of the proposed amendments to the current Bufferyard requirements. She noted that current Bufferyard Requirements were implemented February 2003. Their chief purpose was to protect property from the detrimental impacts and the environmental effects of new development. Since 2003 staff has identified inefficiencies and inadequacies in these requirements that must be addressed.

The current requirements primarily address landscaping and do not adequately address buffers that are essential to minimize the adverse effects that new developments may impose on existing

developments. They are also based upon complicated and time consuming mathematical calculations to determine the intensity of proposed and adjacent uses. Initial attention focused primarily on adjusting the length of time that landscape bonds were required to be held (five years) because staff considered this an excessive and unnecessary financial burden. As the review process advanced, however, it became evident that a complete rewrite of the requirements was necessary. The proposed regulations are more efficient and user friendly, including numerous illustrations and tables.

Local practicing landscape architects have reviewed the proposed requirements. Representatives of the Green Building Coalition of the Greater Birmingham Homebuilders Association (**GBHBA**) also reviewed the proposed requirements. Their supportive and substantive comments were considered and, in most cases, incorporated into the proposed requirements.

The proposed Landscape and Buffer Requirements are more *effective* and *functional* than the current U.S. 280 Overlay District landscaping requirements. The U.S. Highway 280 Overlay District landscape requirements will be *deleted* and the proposed Article XXI-A will *supersede* the former Section 8 of the U.S. Highway 280 Overlay District.

Finally, the Storm Drainage Facilities requirements outlined in Section 11, Storm Drainage Facilities, Appendix “F”, Engineering Standards, of the Subdivision Regulations are proposed to be amended to reflect the landscaping requirements identified in the proposed Article XXI-A of the Zoning Regulations.

No one was present to speak in favor of or in opposition to this request.

Commissioner Garrett asked about the reasoning behind the proposed 10-acre minimum for buffers in Section 2-A. **Commissioner Taylor** asked for consideration of a two-foot clear zone around detention pond to reduce/eliminate the proliferation of weeds. Upon further discussion, **Commissioner Garrett** withdrew this consideration.

Commissioner Land requested a change in the wording for Section 6.A. Topsoil to replace the word “shall” with “should” in recognition of the difficulty in mandating that all topsoil be replaced on every development site. The Commission approved of the change in wording. **Commissioner Land** also questioned the source of the proposed 30-percent reduction in the buffer depth as a result of natural or man-made topographic considerations as stipulated in Section 8.B.4. After some discussion the Commission agreed to modify the proposed section by eliminating “up to thirty (30) percent.”

Commissioner Land made a motion to **Approve** the amendments to Section 11. Bufferyards, Article XXI, Supplementary Regulations and Modifications; Section 8, Buffer And Parking Area Landscaping Requirements, Article XVIII-B, U.S. Highway 280 Overlay District, by adding Article XXI-A, Landscape and Buffer Requirements, as amended, to the Zoning Regulations of Shelby County, Alabama; and also the amendment of Appendix “F”, Engineering Standards of the Subdivision Regulations of Shelby County, Alabama and also to recommend these amendments to the Shelby County Commission. The motion was seconded by **Commissioner Kinnebrew** and, by a unanimous vote of six (6), Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, and Taylor in favor, the following resolution was approved:

WHEREAS, on February 10, 2003 the Shelby County Commission adopted Section 11. Bufferyards, Article XXI, Supplementary Regulations and Modifications of the Zoning Regulations of Shelby County; and,

WHEREAS, the subject regulations have proven to be inadequate and inefficient, and do not adequately address buffers that are necessary for the protection of existing properties from new developments; and,

WHEREAS, the Comprehensive Plan of Shelby County strongly discourages clear cutting practices and advocates the retention of existing mature vegetation to ensure the continued functional integrity of the County's Green Infrastructure; and,

WHEREAS, the Commission finds that it is timely and appropriate to amend the requirements for landscaping and buffers to provide more functional, user friendly and efficient requirements; and,

WHEREAS, the Commission finds that the proposed Article XXI-A, Landscape and Buffer Requirements are more effective and functional than Section 8, Buffer and Parking Area Landscaping Requirements, Article XVIII-B, U.S. Highway 280 Overlay District and should appropriately supersede said Section 8; and,

WHEREAS, the Commission also finds that it is appropriate to require adequate landscaping of drainage facilities that are clearly in view of the general public; and,

WHEREAS, the Commission finds that the requirements of the proposed Article XXI-A should be reflected in the requirements for storm drainage facilities outlined in Section 11, Storm Drainage Facilities, Appendix "F", Engineering Standards, of the Subdivision Regulations of Shelby County, Alabama; and,

WHEREAS, the proposed amendments to Section 11. Bufferyards, Article XXI, Supplementary Regulations and Modifications; and Section 8, Buffer and Parking Area Landscaping Requirements, Article XVIII-B, U.S. Highway 280 Overlay District of the Zoning Regulations of Shelby County; and also the amendment of Appendix "F", Engineering Standards of the Subdivision Regulations of Shelby County and notice of the Public Hearing were published in the Shelby County Reporter, a newspaper of general circulation, on July 30, 2008, and copies made available at various official County Offices and posted on the County website www.shelbyal.com; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that Section 11. Bufferyards, Article XXI, Supplementary Regulations and Modifications of the Zoning Regulations of Shelby County, Alabama be replaced in entirety by Article XXI-B, Landscaping and Buffer Requirements of the Zoning Regulations of Shelby County to read as follows: *<Document>*

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

ADJOURNMENT 8:15 P.M. August 18, 2008.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman,
Shelby County Planning Commission