

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION

MINUTES

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

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

Staff Present: David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Christie Pannell, Planner II; Sharman Brooks, 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 7:06 p.m. by Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Planning Commission and the staff. Approximately twenty-six (26) people were present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of January 14, 2008.

Commissioner Land made a motion to approve the minutes of the meeting of January 14, 2008. The Motion was seconded by **Commissioner Thomas** 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 January 14, 2008 were approved.

2. S-97-07, Cahaba Beach Business Center – Preliminary Plat

Purpose: A request from Norman Tynes, Harris Tynes Realty, representing the owners, for the approval of a preliminary plat to be called Cahaba Beach Business Center dividing approximately 28 acres into four commercial lots. The subject property is zoned B-2, *General Business District*.

Location: The subject property is located at 3700 Cahaba Beach Road, in the North Shelby – I-65 Corridor Zoning Beat, situated in the SW ¼ of Section 30, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-30-0-001004.000.

The case was introduced by Sharman Brooks, Department of Development Services. Norman Tynes, representing Phil Cook Jr., owner, explained that this was the subdivision of a 28-acre tract that is bisected by Cahaba Beach Road. He identified the existing 90,000-square-foot single story structure as a 30,000-square-foot office building and an attached 60,000-square-foot warehouse. The immediate plans are to raze the 60,000-square-foot warehouse and upgrade the office space. The plans also include improvements to the façade of the structure as well as additional exterior windows. He identified the property being in the B-2, General Business District with a small portion, north of Cahaba Beach Road, as the HZ, Holding Zone.

Ms. Brooks noted that the structure has been zoned B-2, General Business District since the implementation of zoning in this area in 1988. The B-2 zone district permits a 75-foot-high or six-story building.

Commissioner Taylor asked about the nature and status of an existing easement that lies across the property. It was described as a right-of-way that was recorded in 1908 but never opened or improved. With the approval of the County Engineer, it will be advanced to the Shelby County Commission for vacation.

Several adjoining property owners came forward to generally speak in opposition to this proposal. These individuals were residents of either Cahaba Cove, along Beech Circle, or the new Edenton Condominiums that are presently under construction.

Mr. Tynes responded to their concerns that the development of the other three (3) lots is currently undefined. At this time they are focused on the rehabilitation of the existing structure and its disposition. He stated that there would be no mass grading. He also stated that future development planning will be mindful of the surrounding properties. When asked about potential residential development, Mr. Tynes stated that it would be very difficult to compete with the Edenton Condominiums that are under construction. He again noted that they are focused on renovation and locating a tenant for the existing structure.

Commissioner Thomas asked about potential transitional land use development on the other lots. Mr. Tynes stated that they have no plans for a mass grading type of development. He noted that the owner has the same environmental concerns as the adjoining property owners.

Commissioner Garrett asked if the other lots might be sold off and developed as B-2 property. Mr. Tynes said that was certainly possible. However, he noted, it would be desirable that the other properties be a planned development.

Commissioner Taylor asked Mr. Tynes to be mindful of his neighbors.

Commissioner Land made a motion to *Approve* the preliminary plat. 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, Norman Tynes, Harris Tynes Realty, representing the owner, Phil Cook, Jr., has requested the approval of a preliminary plat to be called **Cahaba Beach Business Center** dividing approximately 28 acres into four commercial lots; and,

WHEREAS, the subject property, located at 3700 Cahaba Beach Road, is within a B-2, General Business District and the HZ, Holding Zone in the North Shelby – I-65 Corridor Zoning Beat; situated in the SW ¼ of Section 30, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-30-0-001-004.000; and,

WHEREAS, the Shelby County Planning Commission finds that the evidence presented meets the minimum requirements of the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that consideration of Case No. **S-97-07**, a request for approval of a preliminary plat to be called **Cahaba Beach Business Center** dividing approximately 28 acres into four commercial lots, for property located at 3700 Cahaba Beach Road, situated in the SW ¼ of Section 30, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-30-0-001004.000 is hereby *Approved*, subject to:

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

3. **Z-01-08 - Bug Juice Rezoning – E-1 to B-1 SD**

Purpose: Application for a change in zone district boundaries from the **E-1, Single-Family Estate District** to the **B-1 SD, Neighborhood Special Business District** to permit a retail garden and gift shop, including the sale of specialty wines, on a 2.3-acre tract of land, filed by Jimmy Rockett, owner.

Location: The subject property is located at 1402 Dunnivant Valley Road (County Road 41), approximately 3.5-miles north of the intersection of U.S. 280 and County Road 41 in the Chelsea North-Dunnivant Valley South-Westover North zoning beat, situated in the SE ¼ of Section 34, Township 18 South, Range 1 West; Parcel Identification No. 58-03-8-34-0-001-006.005.

The case was introduced by Sharman Brooks, Department of Development Services. Mr. Jimmy Rockett, owner, said that he wants to add boutique wines, imported coffee and cheese to his sales merchandise. Presently, his inventory is limited to flowers, plants and accompanying gift products.

Commissioner Wilder asked about the effect that additional customers would have upon traffic conditions. Mr. Rockett said he hoped offering these new products would generate additional customers. He also stated that he would like to see traffic slowed; noting that cars are speeding at this location. He felt that this would benefit the shops visibility as well.

Commissioner Thomas asked about the Alabama Beverage Control (ABC) license. Mr. Rockett stated that he has made the application. Ms. Brooks noted that the application process was pending the rezoning of the property to an appropriate zoning category.

Commissioner Chambers asked if the shop would have wine tastings. Mr. Rockett said that they intend to offer periodic wine tastings, probably during daytime hours. Ms. Brooks noted that for a facility to offer wine tastings requires a “Retail Table Wine – (On or Off Premises)” license from the ABC. No one spoke in favor of or in opposition to this request.

Commissioner Land made a motion to *Approve* the rezoning of the subject property from the E-1, Estate District to the SD, Special District subject to certain conditions. The motion was seconded by **Commissioner Chambers** and by a vote of seven (7) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the following resolution was approved:

WHEREAS, Jimmy Rockett, owner, has petitioned the Shelby County Planning Commission for a change in zone district boundaries from the E-1, Single-Family Estate District to the B-1 SD, Neighborhood Special Business District to permit a retail garden and gift shop, including the sale of specialty wines, on a 2.3-acre tract of land; and,

WHEREAS, the subject property is located at 1402 Dunnivant Valley Road (County Road 41) in the Chelsea North-Dunnivant Valley South-Westover North Zoning Beat, situated in the SE ¼ of Section 34, Township 18 South, Range 1 West; Parcel Identification No. 58-03-8-34-0-001-006.005; and,

WHEREAS, on January 28, 2005, the Shelby County Commission implemented zoning in the Chelsea North - Dunnivant Valley South - Westover North zoning beat at the recommendation of the Shelby County Planning Commission; and,

WHEREAS, the use of the subject property is unchanged since the implementation of zoning as a retail garden and gift shop; and,

WHEREAS, the owner desires to expand the sales items to include boutique wines, coffees and cheeses in addition to flowers, plants and gifts; and,

WHEREAS, the Commission finds that the use is appropriate for the area and is not inconsistent with the Shelby County Comprehensive Plan; and,

WHEREAS, to avoid the introduction of a commercial zoning category into this community of planned developments, it is preferable to utilize the SD, Special District for this compatible use;

NOW, THEREFORE, BE IT RESOLVED, that the request of Jimmy Rockett for a change in zone district boundaries from the E-1, Single-Family Estate District to the B-1 SD, Neighborhood Special Business District to permit a retail garden and gift shop, including the sale of specialty wines, is hereby more appropriately *Approved* changing to the SD, Special District, for

property located at 1402 Dunnavant Valley Road (County Road 41), situated in the SE ¼ of Section 34, Township 18 South, Range 1 West; Parcel Identification No. 58-03-8-34-0-001-006.005, subject to:

- Submission of a completed site development plan, including a landscaping plan, for certification by the Planning Services Supervisor
- Limited to the existing commercial uses with the addition of the retail sale of specialty wines, coffees and cheeses.
- No changes, enlargement, extension or structural alteration to the existing facility are permitted without prior approval of the Shelby County Planning Commission.

4. Z-02-08 – Denney Rezoning – A-1 to B-1

Purpose: Application for a change in zone district boundaries from the A-1, Agricultural District to the B-2, General Business District to permit an automobile repair facility on a 1.25-acre tract of land, filed by James & Helen Denney, owners.

Location: The subject property is located on County Road 25, approximately three miles northeast of I-65 and northeast of the intersection with the Norfolk Southern RR, located in the North Shelby – I-65 Zoning Beat and situated in the SE ¼ of Section 14, Township 22 South, Range 2 West; Parcel Identification No. 58-28-6-14-0-000-025.001.

The case was introduced by Christie Pannell, Department of Development Services. James Denney, owner, represented the request. Mr. Denny stated that he had formerly done automobile repair in this structure as a hobby. He now wants to open an automobile repair business. The Planning Commission approved the rezoning of the abutting property to the M-1, Light Industrial District in 2006 for an industrial business. Mr. Denny stated that is trying to acquire this property as the former developer is deceased. Mr. Denny said that he would do whatever landscaping was necessary. There was no one present to speak in favor of or in opposition to this request.

Commissioner Kinnebrew made a motion to *Approve* the rezoning of the subject property from the A-1, Agricultural District to the B-2, General Business District. 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, James & Helen Denney, owners have requested the approval of a change in zone district boundaries from the A-1, Agricultural District to the B-2, General Business District to permit an automobile repair facility on a 1.25-acre tract of land; and,

WHEREAS, the subject property is located on County Road 25, approximately three miles northeast of I-65 and northeast of the intersection with the Norfolk Southern RR, in the North Shelby – I-65 zoning beat and situated in the SE ¼ of Section 14, Township 22 South, Range 2 West; Parcel Identification No. 58-28-6-14-0-000-025.001; and,

WHEREAS, the Planning Commission has determined that the requested use and zone district is compatible with the surrounding properties; and,

WHEREAS, the Commission is mindful of the concerns expressed by the abutting property owners;

NOW, THEREFORE, BE IT RESOLVED, that the request of James & Helen Denney, owners for the approval of a change in zone district boundaries from the A-1, Agricultural District to the B-2, General Business District to permit an automobile repair facility on a 1.25-acre tract of land, located on County Road 25, approximately three miles northeast of I-65 and northeast of the intersection with the Norfolk Southern RR; situated in the SE ¼ of Section 14, Township 22 South, Range 2 West; Parcel Identification No. 58-28-6-14-0-000-025.001 is hereby *Approved*, subject to:

- The submission of a site development plan for the review and approval by the Department of Development Services defining the areas which will be developed for parking and the proportionate amount thereof; the location of roads, driveways and the points of ingress and egress; the location, size, character and number of signs; and the location and character of exterior lighting. (*Article XXIV, Section 4*)
- The submission of a landscape plan for review and approval providing the character and extent of landscaping, planting and other treatment for protecting adjoining properties and the public view (*Article XXIV, Section 4*).
- All activities are to be conducted within a building; no outside storage of vehicles or equipment is permitted. (*Article XV*)

Pursuant to the bylaws of the Shelby County Planning Commission, the “Vice-Chairman shall be elected by the Commission from among its regular members during the last meeting in the month of February.” **Commissioner Taylor** made a motion to nominate **Commissioner Land** to serve as Vice-Chairman. There being no further nominations, the motion was seconded by **Commissioner Wilder** and by a vote of six (6) in favor and one (1) abstention, **Commissioner James R. Land** was elected to serve as Vice-Chairman for the 2008-09 session of the Shelby County Planning Commission. The Planning Commission warmly recognized the quality of **Commissioner Rachel Garrett’s** term in office.

Commissioner Taylor condoled the passing of the Probate Judge of Shelby County Patricia Fuhrmeister and asked the staff to prepare a letter of sympathy to the Judge’s family from the Planning Commission.

Staff informed the Commission that the County had been approached by a billboard company regarding the use of electronic digital billboards. **Commissioner Garrett** asked for volunteers to serve on a Committee to review the Sign Regulations of the Zoning Regulations. **Commissioners Kinnebrew, Chambers and Garrett** volunteered to sit on this Committee. Staff will prepare an information package and convene a meeting to review the issues.

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

ADJOURNMENT 8:47 P.M. February 18, 2008.

David Hunke, AICP
Planning Services Supervisor

Rachel Garrett, Chairwoman,
Shelby County Planning Commission