

**STATE OF ALABAMA
SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION
MINUTES**

Regular Meeting – January 14, 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: Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Christie Pannell, Planner II; Sharman Brooks, Planner II; John Slaughter, Assistant County 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 Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Planning Commission and the staff. Approximately eight (8) people were present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of November 5, 2007.

Commissioner Thomas made a motion to approve the minutes of the meeting of November 5, 2007. 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 November 5, 2007 were approved.

2. V-05-07, Byrd - Yard Variance.

Purpose: A request from Robert & Sharon Byrd, owners, for a variance of the terms of the Zoning Regulations of Shelby County to permit the construction of an accessory structure in a front yard instead of the rear yard as may be permitted; a variance of Article XXI, Section 7, pursuant to Article XXIII, Section 3. The subject property is zoned A-R, Agricultural-Residential.

Location: The subject property, Lot 18, Hollybrook Lake Subdivision, located at 1000 Hollybrook Lake Road, south of County Road 41, approximately 7.5 miles northeast of U.S. 280 in the Chelsea North - Dunnington Valley South - Westover North Zoning Beat situated in the NW ¼ of Section 19, Township 18 South, Range 1 East, Parcel Identification No. 58-04-4-19-0-000-006.000.

The case was introduced by Christie Pannell, Department of Development Services. Robert Byrd, owner, explained that this was their retirement home. He noted that the Hollybrook Lake Corporation had approved the proposed development.

Commissioner Land asked about other structures built on the lake. Mr. Byrd noted that there were at least two (2) boathouses, but that such structures are no longer permitted by the Corporation. There was no one present to speak either in favor of or in opposition to this request.

Commissioner Wilder noted that the request met the three standards of a variance and that the evidence presented warranted granting the variance. **Commissioner Wilder** made a motion to Grant the variance. 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, Robert and Sharon Byrd, owners, have requested a variance of the terms of the Zoning Regulations of Shelby County to permit the construction of an accessory structure in a front yard instead of the rear yard as may be permitted; a variance of Article XXI, Section 7, pursuant to Article XXIII, Section 3; and,

WHEREAS, the subject property, 1000 Hollybrook Lake Road, Lot 18, Hollybrook Lake Subdivision, located south of County Road 41, approximately 7.5 miles northeast of U.S. 280 in the Chelsea North - Dunning Valley South - Westover North Zoning Beat and situated in the NW ¼ of Section 19, Township 18 South, Range 1 East, Parcel Identification No. 58-04-4-19-0-000-006.000; and,

WHEREAS, the Shelby County Planning Commission finds that the evidence presented warrants granting the requested variance; 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 consideration of Case No. **V-03-07**, a request for a variance of the terms of the Zoning Regulations of Shelby County to permit the construction of an accessory structure in a front yard instead of the rear yard as may be permitted; a variance of Article XXI, Section 7, pursuant to Article XXIII, Section 3, for property located at 1000 Hollybrook Lake Road, Lot 18, Hollybrook Lake Subdivision, situated in the NW ¼ of Section 19, Township 18 South, Range 1 East, Parcel Identification No. 58-04-4-19-0-000-006.000, is hereby **Granted**, subject to:

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

3. P-11-04, Lennox / Townhome Condominiums – Site Plan

Purpose: A request from Sam Posey, Posey Enterprises, Inc. for the approval of a site development plan for the construction of the Lennox / Townhome Condominiums, a 16.9-acre residential condominium development in an **R-4, Multiple Dwelling Zone District**.

Location: The subject property is located at 2395 Old Rocky Ridge Road, east of I-65 and north of the Cahaba River, in the North Shelby - I-65 Zoning Beat situated in the NW ¼ of Section 17, Township 19 South, Range 2 West Parcel Identification No. 58-10-4-17-0-001-006.000.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Mike Brown, Bradley, Arant, Rose and White, represented the applicants. Mr. Brown stated that the infrastructure has been completed and they are requesting the approval of the site development plan. He noted that final approval by Jefferson County was awaiting the completion of restrictive covenants that would be placed upon the property. Mr. Brown also noted this project was an older project that was initially identified as Windhover – Phase IV.

Jeff Havercroft, LAI, came forward to respond to questions regarding the engineering. **Commissioner Taylor** asked why there were no lot lines on the drawing being circulated. Mr. Havercroft noted that the project was a condominium and that it was all one (1) lot. **Commissioner Kinnebrew** asked if the project had been appropriately permitted. Mr. Havercroft noted that an Alabama Department of Environmental Management (ADEM) permit had been active for over three (3) years and that the appropriate inspections had been performed and the construction had been approved.

John Posey, owner, came forward to show a drawing depicting the elevations of the proposed units. He also noted that the project was formerly considered Windhover – Phase IV. Due to access issues, the subject property was separated from Windhover and renamed as Lennox.

The County Engineer noted that access and road issues pertaining to this development have persisted unresolved for years. He also noted that correspondence from the City of Hoover Engineer noted that the application for approval of access to the condominiums had not been completed. There was no one present to speak either in favor of or in opposition to this request.

Commissioner Land made a motion to *Approve* the site development plan subject to conditions. The motion was seconded by **Commissioner Wilder** and by a vote of six (6) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, and Wilder) in favor and one (1) opposed (Commissioner Taylor), the following resolution was approved:

WHEREAS, Sam Posey, Posey Enterprises, Inc., owner, has petitioned the Shelby County Planning Commission for the approval of a site development plan for the construction of the Lennox / Townhome Condominiums, a 16.9-acre residential condominium development with a portion of the site in an **R-4, Multiple Dwelling Zone District**; and,

WHEREAS, the subject property is located at 2395 Old Rocky Ridge Road, east of I-65 and north of the Cahaba River, in the North Shelby - I-65 Zoning Beat situated in the NW ¼ of Section 17, Township 19 South, Range 2 West; Parcel Identification No. 58-10-4-17-0-001-006.000; and,

WHEREAS, the Shelby County Planning Commission approved the rezoning of the subject property from the **A-1, Agricultural District** to **R-4, Multiple Dwelling District** on January 6, 2003 (*Case No. Z-11-02*); and,

WHEREAS, Sam Posey, Posey Enterprises, Inc., owner applied for the approval of a site development plan for the construction of an apartment development, that is bisected by the

Jefferson – Shelby County line and accessed through the City of Hoover, on November 22, 2004; and,

WHEREAS, the project having been dormant for nearly two (2) years, was revised by the applicant from apartments to condominiums and now comes forward to requests favorable consideration from the Commission for the approval the proposed development plan;

NOW, THEREFORE, BE IT RESOLVED, that the request of Sam Posey for the approval of a site development plan for the construction of the Lennox / Townhome Condominiums in an ***R-4, Multiple Dwelling Zone District***, located at 2395 Old Rocky Ridge Road, east of I-65 and north of the Cahaba River, situated in the NW ¼ of Section 17, Township 19 South, Range 2 West Parcel Identification No. 58-10-4-17-0-001-006.000, is hereby approved, subject to:

- Submission of a completed site development plan, including a landscaping plan, for certification by the Planning Services Supervisor.
- Posting of a bond instrument in the amount of 125% of said plant costs and installation.
- Approval of the record map (*Case No. S-54-07*)
- Documentation of formal approval of access by the City of Hoover and Jefferson County.
- The inclusion of provisions for the care, maintenance and preservation of the banks of the Cahaba River in the *condominium by-laws* pursuant to appropriate standards to be determined by the Department of Development Services.
- Approval of the site development plan by the Shelby County Highway Department.

4. C-03-07, Wireless Telecommunication Facility – Conditional Use

Purpose: A request from Ard Contracting, representing Shelby County for the approval of a *Conditional Use* to permit the relocation of a 60-foot-high self-supporting communications tower in an ***E2-SD, Special Estate District***.

Location: The subject property is located atop Oak Mountain, east of U.S. 280, off of Crest Road in the North Shelby - I-65 Zoning Beat, situated in the NE ¼ of Section 8, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-08-0-001-001.000.

The case was introduced by Sharman Brooks. (Captain Ken Burchfield had addressed the Planning Commission during the pre-meeting. Capt. Burchfield identified that the original tower was abandoned and donated to Shelby County. It was located on property controlled by Highland Lakes Development. The new tower has also been donated to the County. Highland Lakes Development is donating a small piece of property to the County for the location and operation of the tower.

The tower is used by the Sheriff's Department and the Emergency Management Service (EMS) for Very High Frequency (VHF) transmissions. The tower is one of only two (2) communications towers that transmit all emergency radio traffic. Due to the location of this tower (elevation) it serves the primary role in this system.

Reed Prince, Manager of General Facilities Services, respectfully asked the Commission to approve this conditional use. There was no one present to speak either in favor of or in opposition to this request.

Commissioner Kinnebrew made a motion to *Approve* the *conditional use*. 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, Ard Contracting, representing Shelby County has requested the approval of a *conditional use* to permit the establishment of a sixty (60) foot high tower for the transmission of emergency communications in an *E2-SD, Special Estate District* ; and,

WHEREAS, the subject property is located atop Oak Mountain, east of U.S. 280, off of Crest Road in the North Shelby - I-65 Zoning Beat, situated in the NE ¼ of Section 8, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-08-0-001-001.000; and,

WHEREAS, the Shelby County Sheriff's Department and the Emergency Management Services (EMS) rely on a two-way VHF radio system to communicate directly with personnel who provide these essential emergency services; and,

WHEREAS, the Shelby County Sheriff's Department radio system is composed of only two (2) radio towers to broadcast these essential services; and,

WHEREAS, due to the location of the subject tower on the crest of Oak Mountain (\pm 1,200 feet AMSL), this tower is the primary broadcast tower for emergency communications in Shelby County; and,

WHEREAS, the Shelby County Planning Commission recognizes the essential nature of this facility in the protection of the public health, safety, morals and general welfare of the County;

NOW, THEREFORE, BE IT RESOLVED, that the request of Ard Contracting for the approval of a *conditional use* to permit the establishment of a sixty-foot-high tower for the broadcasting of emergency communications in an *E2-SD, Special Estate District*, located atop Oak Mountain, off of Crest Road and situated in the NE ¼ of Section 8, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-08-0-001-001.000 is hereby *Approved*, subject to:

- Application for review and approval of a request for the subdivision of the subject property;
- Application for the review and approval of site plan for said tower site.

Staff presented a *proposed* schedule of the regularly scheduled meetings for calendar year 2008. **Commissioner Thomas** made a motion to adopt the schedule. 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 schedule was adopted:

2008 Planning Commission Meeting Dates

The following meeting dates and submission deadlines for the 2008 regularly scheduled meetings of the Shelby County Planning Commission were approved by the Commission on **January 14, 2008**. Meetings are normally held at 7:00 p.m. in the Community Room, on the second floor of the Shelby County Services Building in Pelham on the first and third Mondays of each month. A work session is conducted prior to the regular meeting at 6:00 p.m. All interested parties are invited to attend. However, this work session is not a public hearing.

A scheduled pre-application conference, well in advance of the proposed application is strongly suggested for all regulatory cases. Only complete applications meeting the requirements of the Subdivision Regulations and the Zoning Regulations of Shelby County and any other supplementary documentation or information will be accepted. Additionally, the applicant must meet for a submittal conference by appointment with staff to review the scope and accuracy of the application materials. The Wednesday, Thursday and Friday prior to the closing date have been identified for these scheduled Submittal Conferences. Staff will be specifically available to meet with applicants and review case applications on these days.

Note:

All Subdivision cases involving property that is not zoned must be reviewed for Land Suitability Analysis prior to the design and preparation of any land development. Furthermore, any subsequent subdivision submittal will not be assured of a position on the Planning Commission agenda. All cases must be adequately reviewed for accuracy and scope prior to being placed on a Planning Commission agenda.

MEETING DATE	SUBDIVISION APPLICATION DEADLINE	REGULATORY APPLICATION DEADLINE
*January 14, 2008	*November 30, 2007	*December 14, 2007
February 4, 2008	December 21, 2008	January 4, 2008
February 18, 2008	January 4, 2008	January 18, 2008
March 3, 2008	January 18, 2008	February 1, 2008
March 17, 2008	February 1, 2008	February 15, 2008
April 7, 2008	February 22, 2008	March 7, 2008
April 21, 2008	March 7, 2008	March 21, 2008
May 5, 2008	March 21, 2008	April 4, 2008
May 19, 2008	April 4, 2008	April 18, 2008
June 2, 2008	April 18, 2008	May 2, 2008
June 16, 2008	May 2, 2008	May 16, 2008
July 21, 2008	June 6, 2008	June 20, 2008
August 4, 2008	June 20, 2008	July 3, 2008
August 18, 2008	July 3, 2008	July 18, 2008
September 15, 2008	August 1, 2008	August 15, 2008
October 6, 2008	August 22, 2008	September 5, 2008
October 20, 2008	September 5, 2008	September 19, 2008
November 3, 2008	September 19, 2008	October 3, 2008
November 17, 2008	October 3, 2008	October 17, 2008
December 1, 2008	October 17, 2008	October 31, 2008
December 15, 2008	October 31, 2008	November 14, 2008

There being no further business, **Commissioner Wilder** made a motion to adjourn. 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 meeting was adjourned.

ADJOURNMENT 8:30 P.M. January 14, 2008.

David Hunke, AICP
Planning Services Supervisor

Rachel Garrett, Chairwoman,
Shelby County Planning Commission