

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION
MINUTES

Regular Meeting – July 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: Ray E. Hamilton, Manager; David Hunke, Development Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Christie Pannell, Planner II; Kristine Goddard, 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 7:05 p.m. by Ralph Thomas, Chairman. Mr. Thomas introduced the members of the Planning Commission and the staff. Two people were present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of June 16, 2008.

Commissioner Garrett made a motion to approve the minutes of the meeting of June 16, 2008. 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 minutes of the meeting of June 16, 2008 were approved.

2. S-10-08, Kulenek Rural Subdivision

Purpose: A request from Rick Kulenek for the approval of a final plat to be called **Kulenek Rural Subdivision** subdividing 20 acres into two 10-acre lots; the subject property is *not* zoned.

Location: The subject property, 240 Horseback Trail, is located south of County Road 46 and east of County Road 47, approximately 800 feet southeast of their intersection in the Columbiana zoning beat and situated in the S ½ of Section 4 and the N ½ of Section 9, Township 24 North, Range 15 East; Parcel Identification No. 58-33-2-09-0-000-003.001.

The case was introduced by Kristine Goddard, Department of Development Services. Ms. Goddard presented the case and noted that a Rural Subdivision is defined in the Subdivision Regulations as “*Subdivision of land into five (5) lots or less, which do not front on a paved public road, and require no infrastructure improvements. Each lot in a rural subdivision must total at least 10 acres and score as Tier II or Tier III in the Land Suitability Criteria discussed in Article 2.*” She stated that the subject request met all of the requirements for a rural subdivision. **Commissioner Taylor** asked if the property had access to County Road 47 on the west side of

the property. Ms. Goddard stated that it did not. **Commissioner Thomas** also asked if the easement was recorded. The applicant, Rick Kulenek confirmed the easement was recorded.

Mr. Kulenek stated that the subject property was for sale. He and his wife felt that the property would be easier to sell as two ten acre lots than as a 20 acre lot. He noted that the property was already configured as two lots but the existing lot line was very close to their existing home. He said the resurvey would move the lot line but still maintain the two ten acre lots.

Commissioner Garrett asked who maintains the access easement. Mr. Kulenek stated that the abutting property owner to the north maintains that portion of the easement that is on her property, he maintains that portion on his property and the owners to the south of his property maintain their portion. He noted that the new property owners will have to maintain their portion of the easement when the property is sold. Mr. Kulenek pointed out that they were on Columbiana Water, not the Spring Creek system.

Commissioner Wilder made a motion to *Approve* the final plat. 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, Rick Kulenek has requested the approval of a final plat to be called **Kulenek Rural Subdivision** subdividing 20 acres into two 10 acre lots; and,

WHEREAS, the subject property is located at 240 Horseback Trail, south of County Road 46 and east of County Road 47, approximately 800 feet southeast of their intersection in the Columbiana zoning beat and situated in the S ½ of Section 4 and the N ½ of Section 9, Township 24 North, Range 15 East; Parcel Identification No. 58-33-2-09-0-000-003.001; and,

WHEREAS, the Planning Commission finds that the documentation and testimony presented meets the minimum requirements of a Rural Subdivision, pursuant to the *Subdivision Regulations of Shelby County, Alabama*;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-10-08**, a request for the approval of a final plat to be called **Kulenek Rural Subdivision** subdividing 20 acres into two 10 acre lots, located at 240 Horseback Trail, south of County Road 46 and east of County Road 47 and situated in the S ½ of Section 4 and the N ½ of Section 9, Township 24 North, Range 15 East; Parcel Identification No. 58-33-2-09-0-000-003.001, be, and the same is hereby *Approved*, subject to:

- Applicant submitting a final plat addressing all comments.
- Compliance with the regulations, policies and guidelines of Shelby County.

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.

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 stated that the applicants had requested a Continuation of consideration of this request until the next regularly scheduled Planning Commission meeting of August 4, 2008. Wade Lowery, LAI, Engineering, representing the applicants, respectfully requested that the Commission continue consideration of the case until the next meeting.

Commissioner Thomas asked why the applicants wished to continue the case. Mr. Lowery stated that the applicants were resolving issues with the potential developer. **Commissioner Taylor** noted that when the Commission considered the rezoning of this property, there were several people in attendance and that they were directed back to the applicant for information. Ms. Pannell noted that the applicants had notified the adjoining property owners that they were requesting the continuance of the case until the August 4, 2008 meeting.

Commissioner Kinnebrew made a motion to *Continue* the case until **August 4, 2008**. 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; 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 applicants have requested that the Planning Commission *Continue* consideration of the requested approval of a site development plan until the meeting of August 4, 2008 to permit further discussions and review of the proposed development;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. Z-04-08**, a request 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, 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 *Continued* until **August 4, 2008**.

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

ADJOURNMENT 7:35 P.M. July 21, 2008.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman,
Shelby County Planning Commission