

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION
MINUTES

Regular Meeting – June 2, 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, Planning Services Supervisor; Tom Wilkins, Senior Planner; 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 7:00 p.m. by Ralph Thomas, Chairman. Mr. Thomas introduced the members of the Planning Commission and the staff. Approximately 4 people, in addition to the Shelby County Planning Commission and staff, were present.

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

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

2. Z-09-03, Granger Property – Withdrawal / Rescission of an Approved Rezoning

Purpose: Jackie Davis, Surveying Solutions, Inc., representing David Keith, applicant, petitions the Shelby County Planning Commission to accept the withdrawal the original case and rescind their resolution of June 2, 2003 rezoning approximately 28 acres from the A-1, Agricultural District to the R-1 SD, Single Family-Special District to permit the development of a 38-lot, single family residential subdivision, and thereby return the subject property to the original A-1, Agricultural District designation.

Location: The subject property is located on Cahaba Valley Road (State Route 119), approximately 2,000 feet northeast of Cahaba Valley Trace (County Road 14) at John Findley Drive and situated in Section 13, Township 19 South, Range 2 West; Parcel Identification No. 58-10-6-13-0-001-003.004.

Commissioner Kinnebrew recused himself from consideration of Case No. Z-09-03.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins explained that the originally proposed development has not transpired. The applicants have determined that alternatively they would prefer to divide the property into four – five acre lots. Staff asked the applicants to request the Planning Commission to accept the withdrawal of their

original application of May 4, 2003 to rezone the property to the R-1 SD, Single Family Special District and rescind their Resolution of June 2, 2003. The property would then revert back to the A-1, Agricultural District, as it was originally zoned in 1982 when zoning was implemented.

Jackie Davis, Surveying Solutions, Inc. represented the applicant. She acknowledged that the original intent just didn't work out. Ms. Davis presented a map showing the proposed alternative subdivision of the property into four (4) lots.

Commissioner Thomas asked if the proposed four (4) lot development would include the previously identified park site. Ms. Davis stated that it would and that two of the homes would probably be built on the ridgeline near the Oak Mountain State Park boundary.

Commissioner Taylor asked if the project would include a connection to the properties to the north. Ms. Davis stated that it was necessary to perform a flood study for this project. North of the subject property is an extensive floodway and floodplain that posed difficulties to access the adjoining properties. Consequently, access to the properties to the north will be available through the subject property. No one was present to speak in favor of or in opposition to the request.

Commissioner Land made a motion to **Accept** the withdrawal of the applicants application of May 4, 2003 and **Rescind** the Planning Commission Resolution of June 2, 2003, rezoning the subject property from A-1, Agricultural District to R-1 SD, Single Family Special District. The motion was seconded by **Commissioner Chambers** and by a unanimous vote of six (6), Commissioners Garrett, Thomas, Chambers, Land, Taylor and Wilder in favor, the following resolution was approved:

WHEREAS, Jackie Davis, Surveying Solutions, Inc., representing David Keith, applicant, requests that the Shelby County Planning Commission accept the withdrawal of the May 4, 2003 application of David Keith, petitioning the Shelby County Planning Commission to amend the zone district boundaries from the A-1, Agricultural District to the R-1 SD, Single Family-Special District and rescind their resolution of June 2, 2003 that rezoned the subject 28 acres, more or less, to the R-1 SD, Single Family-Special District; and,

WHEREAS, the subject property is located on Cahaba Valley Road (State Route 119), approximately 2,000 feet northeast of Cahaba Valley Trace (County Road 14) at John Findley Drive and situated in Section 13, Township 19 South, Range 2 West; Parcel Identification No. 58-10-6-13-0-001-003.004; and,

WHEREAS, the Planning Commission accepts the withdrawal of the May 4, 2003 application of David Keith petitioning the Commission to amend the zone district boundaries from the A-1, Agricultural District to the R-1 SD, Single Family-Special District;

NOW, THEREFORE, BE IT RESOLVED, that the Shelby County Planning Commission hereby rescinds the Resolution of June 2, 2003 that rezoned the subject property to R-1 SD, Single Family-Special District, located on Cahaba Valley Road, approximately 2,000 feet northeast of Cahaba Valley Trace and situated in Section 13, Township 19 South, Range 2 West; Parcel Identification No. 58-10-6-13-0-001-003.004, to the R-1 SD, Single Family-Special District; and,

BE IT FURTHER RESOLVED, that the zone district boundaries of the subject property thence revert to the original designation of A-1, Agricultural District.

3. S-53-06, Narrows Reach Sector, Phase III

Purpose: Jackie Davis, Surveying Solutions, Inc., representing Kimbrell, LLC, requests a one year extension of the requirement that final plats be approved within two years of preliminary plat approval by the Planning Commission. The Narrows Reach Sector, Phase III (an additional 13.5-acre, 42-unit townhome sector of the Narrows) is located in an unzoned area. The preliminary plat for the Narrows Reach sector was approved by the Planning Commission on August 21, 2006.

Location: The subject property is located west of the intersection of U.S. 280, Old Highway 280, and County Road 41 in the Chelsea South Zoning Beat and situated in the SW ¼ of Section 17 and the NW ¼ of Section 20, Township 19 South, Range 1 West; Parcel Identification Number 58-09-4-17-3-003-021.001.

The case was introduced by Christie Pannell, Department of Development Services. Ms. Pannell acknowledged that the applicants are requesting a one year extension of the requirement that final plats be approved within two years of preliminary plat approval by the Commission.

Jackie Davis, Surveying Solutions, Inc., representing the owner Kimbrell, LLC, identified that the amount of rock that had to be excavated was more than originally estimated. This required re-engineering the site preparation and delayed the work schedule. The geotechnical and engineering issues have been resolved and work is being advanced. The developer will not, however, be able to apply for approval of the final plat within the required two-year time frame and requests a one year extension.

Commissioner Wilder asked if the work could be completed in a year. Ms. Davis stated that it could.

Commissioner Taylor asked if a revised preliminary plat had been submitted, as required by the Resolution of August 21, 2006 that approved the preliminary plat. Ms. Davis stated that it was her understanding that it had been submitted and approved by the Highway Department.

Winston Sitton, Civil Engineer with the Shelby County Highway Department, said that the necessary earthwork for the project was completed and installation of the infrastructure was nearly finished. He stated that it was also his understanding that all engineering documents had been submitted and approved by the Highway Department.

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

Commissioner Land made a motion to *Grant* the extension of the time period. 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, Jackie Davis, Surveying Solutions, Inc., representing the owner Kimbrell, LLC, has petitioned the Shelby County Planning Commission for an extension of the requirement that a final plat be approved within two years of the date of approval of the preliminary plat by the Commission, for a subdivision to be called Narrows Reach Sector, Phase III, an additional 13.5-acre, 42-unit townhome sector of the Narrows that is located in an unzoned area; and,

WHEREAS, the subject property is located west of the intersection of U.S. 280, Old Highway 280, and County Road 41 in the Chelsea South Zoning Beat and situated in the SW ¼ of Section 17 and the NW ¼ of Section 20, Township 19 South, Range 1 West, Parcel Identification Number 58-09-4-17-3-003-021.001; and,

WHEREAS, on August 21, 2006 the Shelby County Planning Commission approved a preliminary plat of a subdivision to be called The Narrows Reach Sector Phase III, a 13.5-acre development of 42 townhome lots; and,

WHEREAS, the terms of the resolution of August 21, 2006 that approved the subject preliminary plat require that the applicant submit an application for final plat approval within 2 years of approval of the preliminary plat; failure to do so may necessitate reapplication for preliminary plat approval;

WHEREAS, the geotechnical conditions of the site were found to contain more rock than originally estimated; and,

WHEREAS, in order to make the necessary engineering modifications to the site preparations to deal with the soil conditions it was necessary to delay the construction process to such an extent that will prevent the applicants from making application for the approval of the final plat within the required two years from the date of approval of the preliminary plat; and,

WHEREAS, the Planning Commission finds that evidence and testimony presented warrant the approval of an extension of the requirement that a final plat be approved within two years of the date of approval of the preliminary plat;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-53-06**, a request for an extension of the requirement that final plats be approved within two years of preliminary plat approval by the Commission for a subdivision to be called The Narrows Reach Sector Phase III, a 13.5 acre development of 42 townhome lots; located west of the intersection of U.S. Highway 280, Old Highway 280, and County Road 41 and situated in the SW ¼ of Section 17 and the NW ¼ of Section 20, Township 19 South, Range 1 West, Parcel Identification Number 58-09-4-17-3-003-021.001, is hereby **Approved**, subject to:

- Applicant submitting a revised preliminary plat addressing all comments.
- The applicant must submit an application for final plat approval within 3 years of August 21, 2006, the date of approval of the preliminary plat; failure to apply may necessitate reapplication for preliminary plat approval;
- Compliance with the regulations, policies and guidelines of Shelby County.

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

ADJOURNMENT 7:25 P.M. June 2, 2008.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman,
Shelby County Planning Commission