

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – September 15, 2008 – 7:00 P.M.

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

Staff Present: Ray E. Hamilton, Manager, Manager; David Hunke, Development Services Supervisor; Tom Wilkins, Senior Planner; John Slaughter, Assistant County Engineer; Winston Sitton, Civil Engineer.

PUBLIC HEARING

The meeting was called to order at 7:00 p.m. by Ralph Thomas, Chairman. Mr. Thomas introduced the members of the Planning Commission and the staff. Four people were present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of August 18, 2008.

Commissioner Garrett made a motion to approve the minutes of the meeting of August 18, 2008. The motion was seconded by **Commissioner Chambers**. **Commissioner Taylor** asked that the minutes be amended to reflect his comments made regarding detention facilities to read: “Commissioner Taylor asked for consideration of a two-foot vertical depth at the water’s edge to reduce/eliminate the proliferation of weeds.” The Commission accepted this amendment and by a unanimous vote of seven (7), Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Wilder and Taylor in favor, the minutes of the meeting of August 18, 2008 were approved, as corrected.

2. S-57-08, Dunnivant Square – Commercial Subdivision

Purpose: A request from Jackie Davis, Surveying Solutions, Inc., representing Dunnivant Square LLC, for the approval of a preliminary plat to be called **Dunnivant Square Commercial Subdivision** subdividing approximately 8.26 acres into five (5) lots for the development of the commercial portion of a mixed-use development. The subject property is zoned *SD, Special District*.

Location: The subject property is located on the north side of County Road 41 (Dunnivant Valley Road), approximately 3.3 miles northeast of Highway 280, between The Village at Highland Lakes / Fowler Lake Estates and the Town of Mt. Laurel in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat, and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification No. 58-09-2-03-3-301-121.000.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins explained that this proposal is the non-residential portion of the mixed-use development called Dunnivant Square. He noted that the Commission approved the master plan for this portion of the development on August 4, 2008 and that the maps and documents submitted were consistent with the approved Master Plan. A traffic study will be required due to the total floor area of this proposed commercial development.

Commissioner Garrett asked about the presence of sidewalks, particularly on Dublin Way, and the ability of residents of Dunnivant Square to walk to the grocery.

Commissioner Land added that currently, there are sidewalks on both sides of Carlow Lane that permit access to CR 41. He noted that this smaller development, 8.26 total acres, is not nearly as dense as other retail developments in the area. Lot 5, that is the proposed site of a service station, is currently situated at a higher elevation than CR 41 and will have to be graded. He also pointed out that the townhomes to be built in Dunnivant Square are compatible with those that were built in the Town of Mt. Laurel.

Commissioner Thomas asked about vehicular circulation out of the facility for traffic that is north bound. **Commissioner Garrett** asked if there would be a median on CR 41 at the right-in/right-out drive. John Slaughter, Assistant County Engineer, noted that there would not be anything built within the right-of-way of CR 41; the barriers to control turning movements will be on the subject property.

Jackie Davis, Surveying Solutions, Inc. represented the developers, Dunnivant Square LLC. Ms. Davis pointed out that the development will include the construction of two street segments: the continuation of Dublin Way, between lot 4 and lot 5, to intersect with CR 41 and a driveway at the southeast corner of lot 5 that will be configured as a right-in/right-out access. She also noted that appropriate grading will enable the gas station that is proposed for lot 5 to be built at a lower elevation than CR 41. This elevation difference and the existing mature vegetation will provide good screening of the service station.

Commissioner Garrett asked about the nature and size of the proposed office/retail building proposed on lot 2. Ms. Davis stated that while she could not be certain exactly what will be built, the developer has proposed his best approximation of how all of the lots will be developed. Lot size and parking requirements are limiting factors of the building size. Staff pointed out that the approved master plan identified the general size of the building and that an amendment of the plan by the Planning Commission would be necessary for a larger building.

Commissioner Thomas identified the potential residential and commercial developments on both sides of County Road 41 that will continue in the future. He expressed his concern about the safety of pedestrians who will cross the highway and asked what the traffic study would include? Ms. Davis responded that the developer has been instructed to provide a signal warrant analysis. They have retained Skipper Consulting, Inc. to perform this evaluation. This study will examine traffic conditions at the subject property and the proposed development to determine if a traffic signal is warranted.

Commissioner Thomas acknowledged that CR 41 was a minor artery. As time goes on, he felt that the County would have to do something. He asked where a traffic signal would be placed. Winston Sitton, Shelby County Highway Department, stated that the traffic study will review the conditions at the main entrance to Dunnivant Square as well as the other points of access to the facility to determine if a traffic signal is needed. If a signal is not warranted and at some point in the future the situation at this location changes, another traffic study would be called for.

Commissioner Taylor asked if there has been any discussion with the Town of Mt. Laurel and if there were any sidewalks on that side of the street? John Slaughter, Assistant County Engineer, came forward to address the Commission. Mr. Slaughter stated that sidewalks at Mt. Laurel have been discussed several times over the years. At the present time, pedestrian traffic at this location is zero. At some time in the future, however, the Highway Department may have to do something about pedestrian traffic. He stated that CR 41 is a minor artery and it is the Highway Department's charge to maintain that artery to accommodate the flow of traffic from

Dunnivant to U.S. U.S. 280. He acknowledged that he does not anticipate that the traffic signal analysis will identify a requirement for a traffic signal. The Highway Department will strive to provide safe conditions for both automobiles and pedestrians while they maintain the capacity of the artery.

Mr. Slaughter reported that currently, there are no sidewalks on the opposite side of CR 41 at Mt. Laurel. He stated that this issue has been reviewed over the years but that there are really no good locations for sidewalks on the east side of the CR 41 at Mt. Laurel. Additionally, current pedestrian traffic does not warrant sidewalks at this location.

Commissioner Kinnebrew said he felt that the County should be proactive regarding the traffic studies and a traffic signal. He suggested that the funds that the County Commission has set aside to provide incentives, resources and assistance to entice the participation of the development community in the implementation of the *Shelby County Comprehensive Plan* be considered a partial funding source for such action.

Commissioner Land made a motion to *Approve* the preliminary plat. The motion was seconded by **Commissioner Garrett** and, by a unanimous vote of seven (7), Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Wilder and Taylor in favor, the following resolution was approved:

WHEREAS, Jackie Davis, Surveying Solutions, Inc., representing Dunnivant Square LLC, has petitioned the Shelby County Planning Commission for the approval of a preliminary plat, to be called **Dunnivant Square – Commercial Subdivision** dividing an 8.26-acre tract into five lots for non-residential commercial development as a part of a 36.5-acre mixed-use development having residential and commercial uses that is located within the **SD, Special District**; and,

WHEREAS, the subject property is located on County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of U.S. 280, between The Village at Highland Lakes / Fowler Lake Estates and Town of Mt. Laurel in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat, and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification No. 58-09-2-03-3-301-121.000; and,

WHEREAS, on August 4, 2008 the Planning Commission approved the amendment of the Master Plan for this non-residential commercial portion of Dunnivant Square, (Case No. MP-04-06); and,

WHEREAS, the applicant has requested the approval of a preliminary plat creating five lots for non-residential commercial development as a part of this 36.5-acre mixed-use development; and,

WHEREAS, the evidence and testimony presented to the Commission is consistent with the approved Master Plan and meets the minimum requirements of the *Shelby County Subdivision Regulations*;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **S-57-08**, a request for approval of a preliminary plat, to be called **Dunnivant Square – Commercial Subdivision**, dividing an 8.26-acre tract into five lots for non-residential commercial development, located approximately 3.3 miles northeast of U.S. 280, and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification 58-09-2-03-3-301-121.000 is hereby **APPROVED** subject to the following conditions:

- Compliance with Shelby County's Flood Damage Prevention Ordinance
- Conformance with the requirements of the Shelby County Engineer
- Applicant submitting a revised preliminary plat addressing *all* comments

- The applicant submitting an application for final plat approval within two years 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
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Commissioner Thomas stated that the testimony provided by the Assistant County Engineer regarding pedestrian safety in the County Road 41 corridor was sufficient response to the request that he had made on August 4, 2008.

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, Wilder and Taylor in favor, the meeting was adjourned.

ADJOURNMENT 7:45 P.M. September 15, 2008.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman,
Shelby County Planning Commission