

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

Minutes

Regular Meeting – February 7, 2005, 7:00 P.M.

Members Present: Ralph Thomas, Chairman; Bob Land, Vice Chairman; Russ Hale; Bob Taylor; Len Ward; Kenneth Wilder

Staff Present: Ray Hamilton, Development Services Manager; Todd L. McDonald, Supervisor of Planning Services, Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Michelle O’Neal, Planner II; Randy Cole, County Engineer; John Slaughter, Civil Engineer.

The meeting was called to order at approximately 7:00 p.m. by Ralph Thomas, Chairman, by introducing the members of the Shelby County Planning Commission and staff. Approximately 35 people were present for the meeting.

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

1. Approval of Minutes of January 10, 2005 Regular Meeting

Commissioner Land made a motion to approve the minutes as presented with no additions, deletions or corrections. The motion was seconded by **Commissioner Ward**, and by a vote of 5 – 0 with Commissioner Hale abstaining the Minutes of the meeting of January 10, 2005 were *Adopted*.

2. Case No. S-75-04, Timberlake Sector 5 – Preliminary Plat

Purpose: A request from Timberlake Development LLC, for the approval of a preliminary plat to be known as Timberlake Sector 5. The purpose of this subdivision is to develop approximately 47.5 acres into 36 residential lots.

Location: The property is located on County Road 2, (South Shades Crest Road), and situated in the NW ¼ of the SW 1/4 of Section 28, Township 20 South, Range 4 West, parcel identification number 58-12-8-28-0-000-020.000.

The case was presented by the applicant, Kerry Carter. Mr. Carter stated that all necessary corrections would be made on the map per the County Engineer’s comments. There were no questions from the public either for or against this proposed development.

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Commissioner Land made a motion to approve the preliminary plat. The motion was seconded by **Commissioner Wilder** and by a vote of 4 in favor and 2 opposed, the following resolution was approved:

WHEREAS, Kerry Carter, representing the owners, Swift Creek Development L.L.C., has petitioned the Shelby County Planning Commission for the approval of a preliminary subdivision plat, to be known as **Timberlake Sector 5** for the purpose of developing approximately 47.5 acres into 36 residential lots; and,

WHEREAS, the subject property is located at the Jefferson County line, approximately 1 mile northeast of the intersection of County Road 1 and Shades Crest Road, situated in the NW ¼ of the SW ¼ of Section 28, Township 20 South, Range 4 West, parcel identification number 58-12-8-28-0-000-020.000; and,

WHEREAS, the Shelby County Highway Department has determined that the proposed subdivision does not substantially comply with the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that Case No. S-75-04, consideration of a preliminary subdivision plat, to be known as **Timberlake Sector 5** for the purpose of developing approximately 47.5 acres into 36 residential lots, is hereby **APPROVED** subject to:

- *The applicant submitting an application for final plat approval within two (2) years of the date of the approval of the preliminary plat. Failure to apply may necessitate reapplication for plat approval [§3.01(o)];*
- *Compliance with the regulations, requirements, policies and guidelines of Shelby County.*

NOTE:

The applicant should note that the approval of the preliminary plat is authorization to proceed with the staking of streets and lots in preparation for improvements. The County Engineer must approve the construction of all street improvements. Prior to beginning any construction, a revised preliminary plat must be submitted for review and approval by staff showing all conditions of approval have been met.

3. Case No. S-87-04, Mt. Laurel – Phase I, Block 4 – Preliminary Plat

Purpose: A request from John O. Freeman, Sr., EBSCO Development Co., Inc., for the approval of a preliminary plat to be known as Mt. Laurel Phase I, Block 4. The purpose of this subdivision is to develop approximately 1.85 acres into 20 mixed use lots.

Location: The property is located in Mt. Laurel, at the Corner of Hawthorn Street and Olmsted Street, and situated in the NE ¼ of Section 3, Township 19 South, Range 1 West, parcel identification number 58-09-2-03-4-002-019.000.

The case was presented by Bob W. Easley, representing the owners, EBSCO Development Co.. Mr. Easley stated that at this time the developers were prepared to begin construction on one building only. The building is to be a two story mixed use structure. Mr. Easley added that this style building had sold quickly in the preceding developments. There were no speakers either for or against this development.

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Commissioner Wilder made a motion to approve this preliminary plat. The motion was seconded by **Commissioner Ward** and by a unanimous vote, the following resolution was approved:

WHEREAS, Bob Easley, Alabama Engineering, Inc., representing the owners, EBSCO Development Co., Inc., has petitioned the Shelby County Planning Commission for the approval of a preliminary subdivision plat, to be known as **Mt. Laurel Phase I, Block 4** for the purpose of developing approximately 1.85 acres into 20 mixed use lots; and,

WHEREAS, the subject property is located off of County Road 41 (Dunnavant Valley Road), situated in the NE ¼ of Section 3, Township 19 South, Range 1 West; parcel identification number 09-2-03-4-002-019.000; and,

WHEREAS, the Planning Commission has found that the evidence presented is consistent with the approved Master Plan for Mt. Laurel as well as the long range plans for this area; and

WHEREAS, the maps and documentation presented fully meets the requirements of Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that Case No. S-87-04, consideration of a preliminary subdivision plat, to be known as **Mt. Laurel Phase I, Block 4** for the purpose of developing approximately 1.85 acres into 20 mixed use lots, is hereby **APPROVED** subject to:

- *The applicant submitting an application for final plat approval within two (2) years of the date of the approval of the preliminary plat. Failure to apply may necessitate reapplication for preliminary plat approval [§3.01(o)];*
- *Compliance with the regulations, requirements, policies and guidelines of Shelby County.*

NOTE:

The applicant should note that the approval of the preliminary plat is authorization to proceed with the staking of streets and lots in preparation for improvements. The County Engineer must approve the construction of all street improvements. Prior to beginning any construction, a revised preliminary plat must be submitted for review and approval by staff showing all conditions of approval have been met.

4. Case No. S-96-04, Lakeview Family Subdivision – Final Plat

Purpose: A request from James R. England for the approval of a family subdivision plat to be known as Lakeview Family Subdivision. The purpose of this subdivision is to develop approximately 5.24 acres into 2 single family residential lots.

Location: The property is located off of County Road 280 on Old Oak Cove, and situated in the NW ¼ of the NW ¼ of Section 29, Township 19 South, Range 1 West, parcel identification number 58-09-9-29-0-000-001.000.

The case was presented by Mrs. James England. Ms. England stated that she and her husband had purchased the subject property with her sister and brother-in-law, with the intention of living on the property in their respective homes. No one came forward to speak either for or against the subdivision.

Commissioner Ward made a motion to approve this subdivision. The motion was seconded by **Commissioner Taylor** and by a unanimous vote, the following resolution was approved:

WHEREAS, Mr. & Mrs. James R. England, have petitioned the Shelby County Planning Commission for the approval of a family subdivision to be known as **Roberts Resurvey of Lot 1, Lakeview Family Subdivision** to develop approximately 5.24 acres into 2 residential family lots; and,

WHEREAS, the subject property is located off of County Road 11 on Old Oak Cove, and situated in the NW ¼ of the NW ¼ of Section 29, Township 19 South, Range 1 West, parcel identification number 58-09-9-29-0-000-001.000; and,

WHEREAS, the Planning Commission has found that the maps and documentation presented meets the minimum requirements of the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that Case No. S-96-04, approval of a family subdivision to be known as **Roberts Resurvey of Lot 1, Lakeview Family Subdivision** to develop approximately 5.24 acres into 2 residential family lots, is hereby **APPROVED** subject to:

- *The applicant submitting an application for final plat approval within two (2) years of the date of the approval of the preliminary plat. Failure to apply may necessitate reapplication for plat approval [§3.01(o)];*
- *Compliance with the regulations, requirements, policies and guidelines of Shelby County.*

NOTE:

The applicant should note that the approval of the preliminary plat is authorization to proceed with the staking of streets and lots in preparation for improvements. The County Engineer must approve the construction of all street improvements. Prior to beginning any construction, a revised preliminary plat must be submitted for review and approval by staff showing all conditions of approval have been met.

5. Case No. V-01-05, Johnson Property – Front Yard Variance

Purpose: A request from Kenneth W. Martin, representing the property owners David K. & Jill R. Johnson, for approval of a variance to permit the placement of a single family residential home having a 29.3 foot front setback, instead of the minimum 35 feet required in an "E-2", Estate District, variance of Article IX, Section 3, pursuant to Article XXIII, Section 3.

Location: The property is located on Dogwood Circle, and situated in the NE ¼ of the NE ¼ of Section 21, Township 19 South, Range 2 West, parcel identification number 58-10-5-21-0-001-008.000.

The case was presented by the applicant, Mr. Kenneth Martin. Mr. Martin stated that the home was purchased and moved to this site from another location. Mr. Martin admitted that his measurements were incorrect and that the footings the house was to sit on were improperly located to meet the minimum

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setback requirements. Mr. Martin pointed out that there is another small piece of property located at the front of his property that is not identified in the surveying records. Mr. Martin also stated that he would try to acquire this property.

Commissioner Ward made a motion to deny this request, subject to Article XXIII §3. The motion was seconded by **Commissioner Taylor** and by a vote of 2 in favor and none opposed, the motion failed.

Commissioner Land made a motion that the request be granted. The motion was seconded by **Commissioner Wilder** and by a vote of 3 in favor and 3 opposed, the motion failed. The following resolution was submitted:

WHEREAS, Kenneth W. Martin, representing the property owners David K. & Jill R. Johnson, has petitioned the Shelby County Planning Commission for the approval of a variance to permit the placement of a single family residential home having a 29.3 foot front setback, instead of the minimum 35 feet required in an "E-2", Estate District; a variance of Article IX, Section 3, pursuant to Article XXIII, Section 3; and,

WHEREAS, the subject property is located on the north side of the 400 block of Dogwood Circle, and situated in the NE ¼ of the NE ¼ of Section 21, Township 19 South, Range 2 West, parcel identification number 58-10-5-21-0-001-008.000; and,

WHEREAS, the Commission found that the testimony presented did not sufficiently identify the necessary hardship or practical difficulty to warrant granting a variance from the minimum requirements of the Zoning Ordinance of Shelby County; and

WHEREAS, the applicant identified that there were alternative solutions to resolve the identified situation besides granting the variance;

NOW, THEREFORE, BE IT RESOLVED, that Case No. V-01-05, consideration of a variance to permit the placement of a single family residential home having a 29.3 foot front setback, instead of the minimum 35 feet required in an "E-2", Estate District;, variance of Article IX, Section 3, pursuant to Article XXIII, Section 3, is hereby **DENIED**.

6. Case No. MP-01-05, The Narrows Commercial Lot 4 – Master Plan

Purpose: A request from Margie Ingram, Ingram & Associates, representing the property owner MASI, for the approval of the amendment of the master plan of The Narrows, changing Commercial Lot 4 from commercial development to town homes. The purpose of the subdivision is to develop approximately 2.157 acres, formerly identified as commercial, into 14 residential townhouse lots.

Location: The property is located on the west side Highway 280 at County Road 41 and situated in NW ¼ of the NE ¼ of Sections 20, Township 19 South, Range 1 West, parcel identification number 58-09-4-20-1-004-003.000.

Bill Thornton presented the case. Mr. Thornton stated that the proposed townhouses are proposed based upon observations of the real estate market. He noted that access to the subject property would not be altered from what was originally presented as a part of the master plan. Adjoining property owners questioned the reason for developing additional town homes in the area formerly identified for commercial uses. It was also noted that the homeowners in the development were not notified in a timely fashion and that they were not familiar with the

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proposed changes to the development master plan. Additionally, questions were raised as to who actually owns this property.

Mr. Thornton identified the principals of the property owners, MASI, as Margi and Sally Ingram. Mr. Thornton described the design of the town homes, as 2 ½ story units, having wrought iron and brick fences and appropriate landscaping. He also stated that they would be willing to present the proposed case to the property owners at the annual homeowners meeting on February 16, 2005, and asked that the case be continued until the next meeting.

Commissioner Land made a motion to continue consideration until the next regularly scheduled meeting of February 21, 2005. The motion was seconded by **Commissioner Ward** and by a unanimous vote, the following resolution was approved:

WHEREAS, Margie Ingram, Ingram & Associates, representing the property owners, MASI, has petitioned the Shelby County Planning Commission for the approval of the amendment of the master plan of **The Narrows**, changing the development of the approximate 2.157 acre Lot 4 from a commercial development to 14 residential townhouse lots; and,

WHEREAS, the subject property is located on the west side of U.S. Highway 280 at County Road 280, situated in NW ¼ of the NE ¼ of Sections 20, Township 19 South, Range 1 West; parcel identification number 58-09-4-20-1-004-003.000; and,

WHEREAS, the surrounding property owners of The Narrows Subdivision in attendance did not fully understand the plans and intentions of the developer, and,

WHEREAS, the developers agreed to meet with the homeowners to present an explanation of their plans for development;

NOW, THEREFORE, BE IT RESOLVED, that Case No. MP-01-05, consideration of an amendment of the master plan of **The Narrows**, changing the development of the approximate 2.157 acre Lot 4 from a commercial development to 14 residential townhouse lots, is hereby **CONTINUED** until February 21, 2005.

The following resolution of appreciation for Mr. Russ Hale's service as the Chairman of the Planning Commission was read into the minutes of the meeting and approved:

WHEREAS, Mr. Russ Hale has served with distinction as Chairperson on the Shelby County Planning Commission from February 4, 2002 until February 17, 2003; and,

WHEREAS, during this period of public service he has made significant contributions to a more effective planning program for the future of Shelby County through his experience, knowledge and active dedication; and

WHEREAS, his concern for Shelby County and its citizens is further reflected in his continued service on the Shelby County Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that said Planning Commission hereby recognizes and publicly expresses its gratitude and appreciation to Russ Hale as chairperson of the Shelby County Planning Commission.

BE IT FURTHER RESOLVED that the Shelby County Planning Commission hereby directs that this resolution be incorporated into the permanent minutes of this meeting and that a

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copy of this resolution be presented to Mr. Hale as an expression of this organization's deep affection and esteem.

The following resolution of appreciation for Mr. Jack Lenton Ward's service as Chairman of the Planning Commission was read into the minutes of the meeting and approved:

WHEREAS, Mr. Jack Lenton Ward has served with distinction as Chairperson on the Shelby County Planning Commission from March 3, 2003 until March 1, 2004; and,

WHEREAS, during this period of public service he has made significant contributions to a more effective planning program for the future of Shelby County through his experience, knowledge and active dedication; and

WHEREAS, his concern for Shelby County and its citizens is further reflected in his continued service on the Shelby County Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that said Planning Commission hereby recognizes and publicly expresses its gratitude and appreciation to Jack Lenton Ward as chairperson of the Shelby County Planning Commission.

BE IT FURTHER RESOLVED that the Shelby County Planning Commission hereby directs that this resolution be incorporated into the permanent minutes of this meeting and that a copy of this resolution be presented to Mr. Ward as an expression of this organization's deep affection and esteem.

Commissioner Hale made a motion to adjourn the meeting. **Commissioner Wilder** seconded the motion and by a unanimous vote the meeting was **adjourned**.

ADJOURNMENT 9:00 – February 7, 2005

Todd McDonald,
Planning Services Supervisor

Ralph Thomas, Chairman
Planning Commission