

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

Minutes

Regular Meeting – June 20, 2005, 7:00 P.M.

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

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

The meeting was called to order at approximately 7:00 p.m. by Bob Land, Chairman. The Chairman introduced the members of the Shelby County Planning Commission and staff. There were approximately forty (40) people present at this 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 June 6, 2005 Regular Meeting

Commissioner Hale made a motion to approve the minutes of the June 6, 2005 meeting, as *amended* to correct a typographical error. The motion was seconded by **Commissioner Wilder** and by a unanimous vote the *amended* Minutes of the Meeting of June 6, 2005 were *Adopted*.

2. Case No. Z-09-05, Stillmeadow Sectors 1 & 2 – Rezoning A-R to A-1

Purpose: Consideration of the rezoning of 73.31 acres of land from “A-R Agricultural-Residential District” to “A-1 Agricultural District” initiated by the Shelby County Planning Commission. This includes all of the properties within Stillmeadow Sectors 1 and 2.

Location: The subject property is located off of Highway 32 on Dorough Road, and situated Sections 6 & 7, Township 20 South, Range 1 East, Parcel Identification numbers (1st Sector) 58-16-3-07-0-000-004.007, 58-16-3-06-0-000-006.003, 58-16-3-06-0-000-006.004, 58-16-3-06-0-000-006.005, 58-16-3-06-0-000-006.006, (2nd Sector) 58-16-3-06-0-000-006.008, 58-16-3-06-0-000-006.009, 58-16-3-06-0-000-006.010, 58-16-3-06-0-000-006.011, 58-16-3-06-0-000-006.012, 58-16-3-06-0-000-006.013, 58-16-3-06-0-000-006.014, 58-16-3-06-0-000-006.015, 58-16-3-06-0-000-006.016, 58-16-3-06-0-000-006.017, 58-16-3-06-0-000-006.018, 58-16-3-06-0-000-006.019, 58-16-3-06-0-000-006.020, 58-16-3-06-0-000-006.021, 58-16-3-06-0-000-006.022, 58-16-3-06-0-000-006.023, 58-16-3-06-0-000-006.024, 58-16-3-06-0-000-006.025, 58-16-3-06-0-000-006.026.

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The case was presented by Sharman Brooks of the Department of Development Services. Ms. Brooks stated that this subdivision was created as a single family residential development in May of 2000. It was then zoned to the "A-R", Agricultural-Residential District category in May 2002. While single family residences are permitted as a *Conditional Use* in the A-R Agricultural Residential District, requiring Planning Commission approval for construction, it is unreasonable to approve such a development and then implement zoning that requires additional review only two years later.

Colin Pearson, developer of this subdivision, stated that it was his feeling that the subdivision should be grand fathered, as it was approved prior to the implementation of the zoning.

The owner of one of the lots in this subdivision stated that they purchased their lot to enjoy the privacy that it afforded. He was concerned about the reduced setback requirements and the additional permitted uses in the A-1 zone district.

Commissioner Thomas made a motion to *Approve* this rezoning from the "A-R", Agricultural-Residential District to the "A-1" Agricultural District. The motion was seconded by **Commissioner Wilder** and by a vote of 5 in favor and 2 opposed, the following resolution was approved:

WHEREAS, the Shelby County Planning Commission has initiated consideration of the rezoning of Stillmeadow Sectors 1 and 2, 73.31 acres of land, from "A-R Agricultural-Residential District" to "A-1 Agricultural District"; and

WHEREAS, the subject property is located off of Highway 32 on Dorough Road, and situated Sections 6 & 7, Township 20 South, Range 1 East, Parcel Identification numbers (1st Sector) 58-16-3-07-0-000-004.007, 58-16-3-06-0-000-006.003, 58-16-3-06-0-000-006.004, 58-16-3-06-0-000-006.005, 58-16-3-06-0-000-006.006, (2nd Sector) 58-16-3-06-0-000-006.008, 58-16-3-06-0-000-006.009, 58-16-3-06-0-000-006.010, 58-16-3-06-0-000-006.011, 58-16-3-06-0-000-006.012, 58-16-3-06-0-000-006.013, 58-16-3-06-0-000-006.014, 58-16-3-06-0-000-006.015, 58-16-3-06-0-000-006.016, 58-16-3-06-0-000-006.017, 58-16-3-06-0-000-006.018, 58-16-3-06-0-000-006.019, 58-16-3-06-0-000-006.020, 58-16-3-06-0-000-006.021, 58-16-3-06-0-000-006.022, 58-16-3-06-0-000-006.023, 58-16-3-06-0-000-006.024, 58-16-3-06-0-000-006.025, 58-16-3-06-0-000-006.026; and,

WHEREAS, the Planning Commission finds that the evidence presented substantiates the rezoning of the subject property from the "A-R Agricultural-Residential District" to "A-1 Agricultural District"; and

WHEREAS, the Commission also finds that the rezoning of the subject property is consistent with the goals and objectives of the Shelby County Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED, that **Case No. Z-09-05**, the rezoning of Stillmeadow Sectors 1 and 2, 73.31 acres of land, from the "A-R Agricultural-Residential District" to the "A-1 Agricultural District", is hereby **APPROVED**.

3. Case No. S-46-05, The Parc at Ridgeview – Preliminary Plat

Purpose: A request from Scott Johnson, Ridgeview, LLC, for the approval of a preliminary plat to be known as The Parc at Ridgeview. The purpose of this subdivision is to develop approximately 28.8 acres into 37 residential Lots.

Location: The subject property is located off Highway 26 on Camp Branch Road, situated in the

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Northwest Corner of the SE ¼ of the NE ¼ of Section 17, Township 21 South Range 2 West, parcel identification numbers 58-22-4-17-0-000-001.001 and 58-22-4-17-0-000-022.000.

The case was presented by Tripp Galloway, representing Scott Johnson, Ridgeview L.L.C. Mr. Galloway stated that his client recognizes the shortcomings of the proposed plan that was submitted. Areas of needed correction will be addressed. The applicants feel that this is a good project and noted that the adjacent owners are in support. Mr. Galloway requested that the case be continued.

Adjoining residents raised issues of overcrowding in the area and increased traffic on Camp Branch Road as well as County Road 26. Also noted were concerns about the blasting at the nearby quarry as well as low water pressure.

Commissioner Hale made a motion that the request be *Continued* and that the applicants review the viability of an alternative development plan. The motion was seconded by **Commissioner Wilder** and by a unanimous vote, the following resolution was approved:

WHEREAS, Scott Johnson, Ridgeview, LLC, has petitioned the Shelby County Planning Commission for the approval of a preliminary subdivision plat, to be known as **The Parc at Ridgeview**, to permit the development of approximately 28.8 acres into 37 residential lots; and,

WHEREAS, the subject property is located off Highway 26 on Camp Branch Road, situated in the NW Corner of the SE ¼ of the NE ¼ of Section 17, Township 21 South Range 2 West, parcel identification numbers 58-22-4-17-0-000-001.001 and 58-22-4-17-0-000-022.000; and,

WHEREAS, the Planning Commission has found that the proposed development will require significant alteration of existing natural steep slopes, which is in direct conflict with the Comprehensive Plan of Shelby County; and

WHEREAS, the Commission finds that the proposed development is not compatible with the surrounding properties, particularly relative to the residential density of the surrounding properties; and,

WHEREAS, issues relating to transportation layout and ownership of mineral rights are unresolved; and

WHEREAS, the Commission has found that the plans submitted do not substantially comply with the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that *Case No. S-46-05*, consideration of a preliminary plat to be known as The Parc at Ridgeview, to permit the development of approximately 28.8 acres into 37 residential lots, is hereby *CONTINUED* until *September 19, 2005* to provide the applicant with the opportunity to further explore the unresolved issues and review the viability of an alternative development plan.

4. Case No. ZAM-01-05, Amendment of the Zoning Ordinance – Kennels

Purpose: Amendment of the Zoning Ordinance of Shelby County to define and clarify the use of property as kennels and also to permit by right single family residential structures in the “A-R, Agricultural-Residential District”.

The case was presented by Kristine Goddard, of the Department of Development Services. Ms. Goddard reviewed the proposed amendments and the reasoning behind them. She identified that these amendments were consistent with the regulations of surrounding jurisdictions as well as accepted planning practices.

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Larry Dillard spoke in opposition to the proposed amendments. He observed that the proposed amendments to the Zoning Regulations would be an imposition upon the sportsmen of Shelby County, whom he was representing. Mr. Dillard suggested these issues might best be addressed through state legislation.

Commissioner Wilder made a motion to Table discussion of the proposed amendments to the Zoning Regulations regarding Kennels and the keeping of dogs and cats. The motion was seconded by **Commissioner Taylor** and by a unanimous vote, the following resolution was approved:

WHEREAS, the Planning Commission has requested that staff research the regulations pertaining to kennels and the keeping of dogs and cats within unincorporated Shelby County and review possible amendments to improve said regulations; and,

WHEREAS, staff has presented certain amendments to the regulations of the Zoning Regulations of Shelby County pertaining to kennels and the keeping of dogs and cats; and,

WHEREAS, the requirements of Article XXVI of the *Zoning Ordinance of Shelby County* regarding procedures for amending the regulations, including the requirement to hold a public hearing, which public hearing was held on June 20, 2005, have been met; and,

WHEREAS, the Commission, based upon the testimony presented by all those who wished to speak at said public hearing, does not feel compelled to amend the regulations regarding kennels and the keeping of dogs and cats at this time;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. ZAM-01-05**, the amendment of the regulations of the Zoning Regulations regarding the keeping of dogs and cats is hereby **TABLED**.

Furthermore, **Commissioner Hale** made a motion amend that the amendments to the Zoning Regulations regarding single family residential structures being a permitted use in the "A-R", Agricultural-Residential District zone be approved. The motion was seconded by **Commissioner Wilder** and by a unanimous vote, the following motion was approved:

WHEREAS, the Article VII-2, "A-R", Agricultural-Residential District was prepared to permit a combination of agricultural and residential uses; and

WHEREAS, Section 2. Use Regulations of the A-R zone district permits the raising and grazing of animals, non-commercial green houses and the cultivation of crops, excluding wholesale or retail sales; and,

WHEREAS, the regulations of the A-R zone district are so constructed that to build a single family residential structure requires that the applicant apply to the Planning Commission for a *Conditional Use* to build such a structure; and,

WHEREAS, the Commission has found that it is appropriate that the uses of right for property within the A-R zone district include single family residential structures on minimum of three (3) acres of land;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. ZAM-01-05**, the amendment of Section 2.(a). Use Regulations, Article VII-2, "A-R", Agricultural-Residential District of the Zoning Regulations of Shelby County, Alabama be, and the same hereby is amended to include the following as permitted uses and read as follows:

ARTICLE VII-2. "A-R, AGRICULTURAL-RESIDENTIAL DISTRICT

Section 2. Use Regulations.

(a) Permitted Uses.

- (5) Single family structures on a minimum of three (3) acres.

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(6) Accessory structures and uses which are an ancillary function of the primary use of the subject property; and,

BE IT FURTHER RESOLVED, that Section 2.(b). Conditional Uses, Article VII-2, "A-R", Agricultural-Residential District of the Zoning Regulations of Shelby County, Alabama be, and the same hereby is amended by limiting the conditional uses to read as follows:

ARTICLE VII-2. "A-R, AGRICULTURAL-RESIDENTIAL DISTRICT

Section 2. Use Regulations.

(b) Conditional Uses.

(1) Outdoor recreation. (MB 8/199 or Resolution # 93-04-12-20)

There being no further new business, **Commissioner Wilder** made a motion to adjourn. The motion was seconded by **Commissioner Hale** and by a unanimous vote, the meeting was adjourned.

ADJOURNMENT 8:40 – June 20, 2005

Todd McDonald,
Planning Services Supervisor

James R. Land, Chairman
Planning Commission