

**STATE OF ALABAMA  
SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION**

**Minutes**

**Regular Meeting – May 16, 2005, 7:00 P.M.**

**Members Present:** Bob Land, Chairman; Kenneth Wilder, Vice Chairman; Ralph Thomas, 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, John Slaughter, Highway Department.

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. Forty three (43) people were present for 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 May 2, 2005 Regular Meeting**

**Commissioner Wilder** made a motion to approve the minutes. The motion was seconded by **Commissioner Taylor** and by a unanimous vote, the Minutes of the Meeting of May 2, 2005 were *Adopted*.

**2. Case No. Z-06-05, American Family Care @ Bowling Drive – Rezoning H-Z to B-2**

*Purpose:* A request from Randy Johnson, representing property owners James Carnes and Gordon Wayne Miller, to rezone 3.69 acres, more or less, from “H-Z Holding Zone District” to “B-2 General Business District”. The purpose of the proposed rezoning is to allow a medical clinic and future B-2 uses.

*Location:* The subject property is located at the intersection U.S. Highway 280 and Bowling Drive, and in Section 5, Township 19 South, Range 1 West, parcel identification number 58-09-3-05-0-001-025.000.

The case was presented by Darren Hamrich, Sain Associates. Mr. Hamrich stated that the access drive reflected on the site development plan, providing access to Highway 280 had been

April 4, 2005

1M

removed. The only access to this site will be off of Bowling Drive. No one spoke either for or against this request.

**Commissioner Taylor** made a motion to *Approve* the rezoning, subject to completion of the subdivision of the subject property and review and approval of a site development plan. The motion was seconded by **Commissioner Wilder** and by a unanimous vote, the following resolution was approved:

**WHEREAS**, Randy Johansen, American Family Care, Inc, representing the owners James Carns and Gordon Wayne Miller, has petitioned the Shelby County Planning Commission to rezone a 3.69 acre tract of land from “H-Z Holding Zone District” to “B-2 General Business District” to permit the development of a medical clinic and future commercial development; and

**WHEREAS**, the subject property is located at the southeast corner of the intersection of Highway 280 and Bowling Drive, across Highway 280 from the Village at Lee Branch Phase II, situated in the NE ¼ of the SE ¼ Section 5, Township 19 South, Range 1 West, parcel identification number 58-09-3-05-001-025.000; and,

**WHEREAS**, the Planning Commission finds that the evidence presented substantiates the rezoning of the subject property from the “H-Z, Holding Zone District” to “B-2, General Business 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-06-05**, a request to rezone a 3.69 acre tract of land located at the southeast corner of the intersection of Highway 280 and Bowling Drive, across Highway 280 from the Village at Lee Branch Phase II, situated in the NE ¼ of the SE ¼ Section 5, Township 19 South, Range 1 West, parcel identification number 58-09-3-05-001-025.000, from “H-Z Holding Zone District” to “B-2 General Business District” to permit the development of a medical clinic and future commercial development, is hereby **APPROVED**.

### **3. Case No. V-04-05, Stillmeadow Sector 2, Lot 11 – Side Yard Variance**

*Purpose:* A request from Sandra P. Fontaine, for the approval of a variance to permit the construction of a single family residential home having a 35 foot side setback, instead of the minimum 50 feet required in an "A-R Agricultural Residential District; variance of Article IX, Section 3, pursuant to Article XXIII, Section 3.

*Location:* The subject property is located in Stillmeadow Sector 2, on Stillmeadow Circle, and in Section 6, Township 20 South, Range 1 East, parcel identification number 58-16-3-06-0-000-006.019.

The case was presented by Michael Fontaine. Mr. Fontaine identified that due to the slope of the property, it was necessary to locate the proposed home in the subject location. Additionally, it was noted that the soil types affected the percolation of the septic tank field lines. The developer of the subdivision, Colin Pearson, came forward and spoke in support of Mr. Fontaine. Mr. Pearson stated that the slope of the property as well as the characteristics of the soil was considered when the subdivision was laid out. He further questioned why the property was “singled” out and zoned "A-R", Agricultural-Residential District, instead of "A-1" Agricultural District as the surrounding properties.

The Commission discussed the merits of the case and agreed that the characteristics of the property could best be dealt with if it were zoned "A-1" Agricultural District, instead of "A-R", Agricultural-Residential District.

**Commissioner Thomas** made a motion to *Table* the case in point. The motion was seconded by **Commissioner Wilder** and was approved by a unanimous vote.

**Commissioner Thomas** then made a motion to initiate the rezoning of the subject property from "A-R", Agricultural-Residential District to the "A-1" Agricultural District. The motion was seconded by **Commissioner Wilder** and by a unanimous vote, the following resolution was approved:

**WHEREAS**, Sandra Fontaine, has petitioned the Shelby County Planning Commission for the approval of a variance to permit the construction of a single family dwelling having a 35 foot side setback, instead of the minimum 50 feet required in an "A-R", Agricultural-Residential District, a variance of Section 3, Article VII-2 pursuant to Section 3, Article XXIII; and

**WHEREAS**, the subject property, 220 Stillmeadow Circle, Lot 11, Stillmeadow - Sector 2, is located off of County Road 445 (Dorough Rd) and situated in the SW ¼ of the SE ¼ of Section 6, Township 20 South, Range 1 East, parcel identification number 58-16-3-06-0-000-006.019; and,

**WHEREAS**, the Planning Commission finds that the evidence presented demonstrates that it would be more appropriate for the Commission to consider the rezoning of the entire subdivision from "A-R", Agricultural-Residential District to the "A-1" Agricultural District than to consider granting multiple variances for the properties within this subdivision; and,

**WHEREAS**, the Commission finds that it is appropriate to *TABLE* the subject case in the interim of the rezoning of the subject subdivision;

**NOW, THEREFORE, BE IT RESOLVED**, that **Case No. V-04-05**, a request for the approval of a variance to permit the construction of a single family dwelling having a 35 foot side setback, instead of the minimum 50 feet required in an "A-R", Agricultural-Residential District, a variance of Section 3, Article VII-2 pursuant to Section 3, Article XXIII, is hereby *TABLED*; and,

**BE IT FURTHER RESOLVED**, that the Commission hereby initiates the procedures for the rezoning of **Stillmeadow** – Sectors 1 & 2 from the "A-R", Agricultural-Residential District to the "A-1" Agricultural District.

#### **4. Case No. MP-03-04, The Village at Highland Lakes – Amended Master Plan**

*Purpose:* A request from Kenneth B. Weygand, the Village at Highland Lakes, LTD, for the approval of a master plan to be known as **The Village at Highland Lakes**. This is a master plan of the development of 398.75, into 764 residential lots.

*Location:* The subject property is located on Highway 41 across from the Mt. Laurel Development, and in Sections 3 & 4, Township 19 South, Range 1 West, parcel identification numbers 58-09-2-03-0-000-013.000, 58-09-2-04-0-002-001.000

The case was presented by Bryson Weygand. Mr. Weygand identified that this is the same development that was approved on May 17, 2004, having the same number of residential and TND lots; it does add a commercial site proposed to be an office. He identified the fact that the initial master plan was designed by an architectural land planner and not an engineer. The amendments that have been made to the master plan are dictated by the topography of the

April 4, 2005

3M

property.

Adjoining property owners came forward and questioned the buffers surrounding this development. Particularly, they questioned the lack of buffers along the west property line. It was noted that the buffers were not necessary there, as the lots of the development are proposed to be larger and higher cost than those in the existing Highland Lakes. Concern was also raised about the affects on the enrollment at the Mt. Laurel School. Also mentioned were questions regarding the clearing and burning procedures that were employed.

**Commissioner Wilder** made a motion that the *Amended* Master Plan be approved, subject to the recommendations of the Department of Development Services. The motion was seconded by **Commissioner Taylor** and by a unanimous vote, the following motion was approved:

**WHEREAS**, Bryson Weygand, The Village at Highland Lakes, L.L.C., has petitioned the Shelby County Planning Commission for the approval of an *amended* master plan for The Village at Highland Lakes, a 400 acre, more or less, development, approximately 368 of which will be developed as single family residential lots and 32 acres as “TND”, (*Traditional Neighborhood Development*) mixed residential/commercial uses; and

**WHEREAS**, the subject property is located on the west side of County Highway 41 (Dunnivant Valley Road), approximately 3 miles north of U.S. Hwy. 280, and situated in the West ½ of Section 3 and the East ½ of Section 4, Township 19 South, Range 1 West, parcel identification numbers 58-09-2-03-0-000-013.000, 58-09-2-04-0-001-001.00; and,

**WHEREAS**, the Planning Commission found that the proposed development represents an appropriate use of the subject property that clearly advances the vision of the Shelby County Comprehensive Plan and approved the initial master plan for The Village at Highland Lakes on May 17, 2004; and

**WHEREAS**, the Commission finds that the testimony presented justifies the proposed amendments to this approved plan;

**NOW, THEREFORE, BE IT RESOLVED**, that **Case No. MP-03-04**, the approval of an amended master plan for **The Village at Highland Lakes**, located west of County Highway 41 (Dunnivant Valley Road), approximately 3 miles north of U.S. Highway 280, and situated in the West ½ of Section 3 and the East ½ of Section 4, Township 19 South, Range 1 West, parcel identification numbers 58-09-2-03-0-000-013.000, and 58-09-2-04-0-001-001.00, is hereby **APPROVED**, subject to:

- Provide a connection between lots 103 and 107, in the *1<sup>st</sup> Sector* and the park area south of Community Drive and also the elimination of Lots 57-60 and 61-65, in the *Garden Sector* to preserve the previously approved open space/park entrance to the *Garden Home Sector*, as well as avoid land use conflicts with the proposed larger homes of the *1<sup>st</sup> Sector*.
- Connect the parks to the trail system via common areas and open space.
- The relocation of the entrance to the Fowler Lake properties, as reflected on the map entitled “*The Village at Highland lakes - Master Plan*”, dated April 2005;
- The relocation of Community Drive, as reflected on the map entitled “*The Village at Highland lakes - Master Plan*”, dated April 2005;

April 4, 2005

4M

**5. Case No. S-34-05, The Village at Highland Lakes - Sector 2, Preliminary Plat**

*Purpose:* A request from Bryson Weygand, The Village at Highland Lakes, LTD, for the approval of a preliminary plat to be known as **The Village at Highland Lakes Sector 2**. The purpose of this subdivision is to develop approximately 19.17 acres into 37 residential Lots.

*Location:* The subject property is located on Highway 41 across from the Mt. Laurel Development, situated in the NW ¼ of Section 3, Township 19 South, Range 1 West, parcel identification number 58-09-2-03-0-000-013.000.

The case was presented by Bryson Weygand. Mr. Weygand noted that the 2<sup>nd</sup> Sector was consistent with originally approved master plan as well as the *amended* master plan.

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

**WHEREAS**, Bryson Weygand, The Village at Highland Lakes, LTD, has petitioned the Shelby County Planning Commission for the approval of a preliminary subdivision plat to be known as **The Village at Highland Lakes - Sector 2**, subdividing approximately 19.17 acres into 37 single family residential lots; and

**WHEREAS**, the subject property is located on the west side of Highway 41, across from the Mt. Laurel development and situated in the NW ¼ of Section 3, Township 19 South, Range 1 West, parcel identification number 58-09-2-03-0-000-013.000; and,

**WHEREAS**, the Planning Commission has found that the evidence presented is consistent with the approved *amended* Master Plan for The Village at Highland Lakes; and

**WHEREAS**, the maps and documentation presented meet the requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that Case No. **S-34-05**, a request for the approval of a preliminary subdivision plat to be known as **The Village at Highland Lakes - Sector 2**, located on the west side of Highway 41, across from the Mt. Laurel development and situated in the NW ¼ of Section 3, Township 19 South, Range 1 West, parcel identification number 58-09-2-03-0-000-013.000, is hereby **APPROVED**, subject to:

- The applicant submitting an application for final plat approval within 2 years of approval of the preliminary plat. Failure to apply may necessitate reapplication for preliminary plat approval [§3:01(o)];
- Compliance with the regulations, policies and guidelines of Shelby County.

**NOTE:**

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

**6. Case No. S-37-05, Ledbetter's Resurvey of Lot 2, Indian Crest Estates – Final Plat**

*Purpose:* A request from Bobbie D. Ledbetter, for approval of a final plat to be known as **Ledbetter's Resurvey of Lot 2, Indian Crest Estates**. The purpose of the subdivision is to develop approximately 5.45 acres into 2 residential lots.

April 4, 2005

5M

*Location:* The subject property is located on Indian Crest Drive and Dogwood Circle, situated in the NE ¼ of the NE ¼ of Section 21, Township 19 South, Range 2 West, parcel identification number 58-10-5-21-0-001-003.000.

The case was presented by Ms. Bobbie Ledbetter. Ms. Ledbetter stated that she wished to subdivide her property into two lots. There was no one present to object to this case.

**Commissioner Thomas** made a motion to approve this request. **Commissioner Wilder** seconded the motion and by a unanimous vote, the following resolution was approved:

**WHEREAS**, Bobbie Ledbetter, has petitioned the Shelby County Planning Commission for the approval of a final plat to be known as **Ledbetter's Re-subdivision of Lot 2, Indian Crest Estates**, the subdivision of Lot 2, Indian Crest Estates into 2 single family residential lots; and

**WHEREAS**, the subject property is located off of Caldwell Mill Road, approximately ½ mile south of the intersection of Caldwell Mill Road and Valleydale Road, and situated in the NE ¼ of the NE ¼ of Section 21, Township 19 South, Range 2 West, parcel identification number 58-10-5-21-0-001-003.000; and,

**WHEREAS**, the Planning Commission has found the maps and documentation presented meet the requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that Case No. **S-37-05**, a request for the approval of a final plat to be known as **Ledbetter's Re-subdivision of Lot 2, Indian Crest Estates**, located off of Caldwell Mill Road, approximately ½ mile south of the intersection of Caldwell Mill Road and Valleydale Road, and situated in the NE ¼ of the NE ¼ of Section 21, Township 19 South, Range 2 West, parcel identification number 58-10-5-21-0-001-003.000, is hereby **APPROVED**, subject to:

- Compliance with the regulations, policies and guidelines of Shelby County.

#### **7. Case No. S-38-05, The Village at Highland Lakes - Garden Home Sector, Preliminary**

*Purpose:* A request from Kenneth B. Weygand, Eddleman Properties, for the approval of a preliminary plat to be known as **The Village at Highland Lakes Garden Home Sector**. The purpose of this subdivision is to develop approximately 44 acres into 132 residential lots.

*Location:* The subject property is located on Highway 41 across the Mt. Laurel development, situated in the NE ¼ and the NW ¼ of Section 3, Township 19 South, Range 1 West, parcel identification numbers 58-09-2-03-0-000-013.000, 58-09-2-03-1-001-004.000.

The case was presented by Bryson Weygand. Mr. Weygand noted that the Garden Home Sector contained the same number of lots as were approved in the original master plan. However, it will now contain 9 fewer lots as requested by the Department of Development Services relative to the *amended* master plan. An adjoining property owner inquired if any one had considered the effects of these developments on County Road 41.

**Commissioner Taylor** made a motion to approve this preliminary plat, with the removal of the 9 lots. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the

April 4, 2005

6M

following resolution was approved:

**WHEREAS**, Bryson Weygand, The Village at Highland Lakes, LTD, has petitioned the Shelby County Planning Commission for the approval of a preliminary subdivision plat to be known as **The Village at Highland Lakes - Garden Home Sector**, subdividing approximately 44 acres into 132 single family residential lots; and

**WHEREAS**, the subject property is located on the west side of Highway 41, across from the Mt. Laurel development and situated in the NW ¼ of Section 3, Township 19 South, Range 1 West, parcel identification number 58-09-2-03-0-000-013.000; and,

**WHEREAS**, the Planning Commission has found that the evidence presented is consistent with the approved *amended* Master Plan for The Village at Highland Lakes; and

**WHEREAS**, the maps and documentation presented meet the requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that **Case No. S-38-05**, a request for the approval of a preliminary subdivision plat to be known as **The Village at Highland Lakes - Garden Home Sector**, located on the west side of Highway 41, across from the Mt. Laurel development and situated in the NW ¼ of Section 3, Township 19 South, Range 1 West, parcel identification number 58-09-2-03-0-000-013.000, is hereby **APPROVED**, subject to:

- The applicant submitting an application for final plat approval within 2 years of approval of the preliminary plat. Failure to apply may necessitate reapplication for preliminary plat approval [§3:01(o)];
- Compliance with the regulations, policies and guidelines of Shelby County.

**NOTE:**

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

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

**ADJOURNMENT 9:15 – May 16, 2005**

---

Todd McDonald,  
Planning Services Supervisor

---

James R. Land, Chairman  
Planning Commission