

STATE OF ALABAMA  
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – November 21, 2005, 7:00 P.M.

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

**Staff Present:** Ray Hamilton, Development Services Manager; Todd McDonald, Supervisor of Planning Services, Tom Wilkins, Senior Planner; Sharman Brooks, Planner II, Michele O'Neal, Planner II, and John Slaughter, Assistant County Engineer.

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 twenty (20) 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 November 7, 2005 Regular Meeting**

**Commissioner Wilder** made a motion to approve the minutes of the November 7, 2005 meeting. The motion was seconded by **Commissioner Kinnebrew** and by a vote of six (6) in favor and one (1) abstention, the Minutes of the Meeting of November 7, 2005 were *Adopted*.

**2. Case No. Z-13-05, H. Walker and Associates Game Property Rezoning – Request for Rezoning E-2 to O-I**

*Purpose:* This is a request from H. Walker & Associates to rezone approximately 3.95 acres from “E-2 Single-Family Estate District” to “O-I Office and Institutional District” to permit the development of mixed professional offices and condominium dwelling units.

*Location:* The property is located at 222 Rutherford Loop Road, at the intersection of Dogwood Circle and Valleydale Road, situated in the SW ¼ of Section 16, Township 19 South, Range 2 West; parcel identification numbers 58-10-5-16-0-004-053.000 and 58-10-5-16-0-004-054.000.

The case was presented by Dixie Walker Duncan, H. Walker & Associates. Ms. Walker stated that the proposal has been amended from the previous submission, by Rick Burch, in order to comply with the development regulations of Shelby County and to increase compatibility with the surrounding residential uses. One way to accomplish this compatibility was to reduce parking in exchange for buffers and storm water retention facilities. She felt that this was an

November 21, 2005

1M

appropriate area for a “live /work” style development. She stated that the proposal would tend to reduce traffic and that she felt it was consistent with the theme of the Shelby County Comprehensive Plan. Having met with the owners of the adjoining residential units, she was cognizant of their concerns. She was prepared to provide fencing and buffers to screen the proposed development from the adjoining residential uses.

Several adjoining owners came forward to express their concerns regarding grading, and excessive lighting, undesirable apartment development, ingress and egress, and the safety of their children.

**Commissioner Hale** made a motion to *Approve* this subdivision with certain conditions. The motion was seconded by **Commissioner Kinnebrew** and, by a vote of 6 in favor and one opposed, the following resolution was approved:

**WHEREAS**, Dixie Walker Duncan, H. Walker & Associates, has petitioned the Shelby County Planning Commission to rezone approximately 3.95 acres from “E-2, Single-Family Estate District” to “O&I, Office and Institutional District” to permit the development of mixed professional offices and condominium dwelling units; and

**WHEREAS**, the subject property is located at 222 Rutherford Loop Road, at the intersection of Dogwood Circle and Valleydale Road, situated in the SW ¼ of Section 16, Township 19 South, Range 2 West; parcel identification numbers 58-10-5-16-0-004-053.003 and 58-10-5-16-0-004-054.000; and,

**WHEREAS**, the subject property is a vacant 3.95 acre tract of land located on a major arterial roadway situated at a traffic light and adjoining office and institutional uses on the front and west side and residential uses on the rear and southwest side; and,

**WHEREAS**, the character of this portion of the Valleydale Road corridor has consistently shown a transformation from residential to office and institutional uses; and,

**WHEREAS**, the Commission finds that the proposed mixed development of professional offices and condominium dwelling units could be compatible with the abutting existing single family residential uses provided the scope of the development and parking spaces are limited, that proposed vehicular access be limited to Valleydale Road at the existing traffic light, that where possible mature vegetation be retained and adequate buffers provided where necessary, and that six (6) foot high vinyl clad chain link fencing be provided for the safety of the abutting single family residential dwelling units; and,

**WHEREAS**, the applicant’s proposed development mirrors the feelings of the Commission and acknowledged her assent to their vision of the proposed development;

**NOW, THEREFORE, BE IT RESOLVED**, that **Case No. Z-13-05**, a request to rezone approximately 3.95 acres from “E-2, Single-Family Estate District” to “O&I, Office and Institutional District” to permit the development of mixed professional offices and condominium dwelling units, located south of Highway 25 off of Newsome Road, and situated in the NE ¼ of Section 11, Township 21 South, Range 1 West, Parcel Identification number 58-20-1-11-0-000-003.008, is hereby **APPROVED**, with the following instructions to staff to be observed during site plan review, pursuant to Section 4. Site Plan Review and Approval, Article XXIV. Administration of the Zoning Ordinance of Shelby County:

- Development is limited to a maximum of 35,000 square feet of improvements;
- Parking is limited to a maximum of 115 spaces;
- Vehicular access shall be limited to Valleydale Road, at the existing traffic light;

- Six (6) foot high black vinyl clad chain link fencing shall be provided along the west and the west ½ of the south boundary.

**NOTE:**

*The applicant should note that the approval of this rezoning requires that a site development plan be submitted for review and approval prior to the issuance of any building permits. Said site plan must be submitted for review and approval within one (1) year of the date of this resolution; failure to comply with this scheduling may result in the rescission of this resolution.*

**3. Case No. S-91-05, Bana Creek Estates Resurvey of Lot 1**

*Purpose:* This is a request from David H. Finley for the approval of a final plat to be known as Bana Creek Estates. The purpose of this subdivision is to divide 14.94 acres into two lots for single family residential uses.

*Location:* The subject property is located on the west side of Arabian Road approximately 1,400 feet north of Highway 26, situated in the S ½ of Section 11, Township 21 South, Range 2 West, parcel identification number 58-22-1-11-0-000-009.002.

The case was presented by the applicant, David Finley. Mr. Finley stated that it was his desire to construct another home on his property. There was no one present to speak either in favor of or in opposition to this request.

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

**WHEREAS**, David H. Finley, owner, has petitioned the Shelby County Planning Commission for the approval of a final plat to be known as **Bana Creek Estates - Resurvey of Lot 1**, to subdivide the 14.94 acre Lot 1 into two (2) lots for single family residential uses; and,

**WHEREAS**, the subject property is located on the west side of Arabian Road approximately 1,400 feet north of Highway 26, situated in the S ½ of Section 11, Township 21 South, Range 2 West, parcel identification number 58-22-1-11-0-000-009.002; 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-91-05**, a request for the approval of a final plat to be known as **Bana Creek Estates - Resurvey of Lot 1**, to subdivide the 14.94 acre Lot 1 into two (2) lots, located on the west side of Arabian Road approximately 1,400 feet north of Highway 26, situated in the S ½ of Section 11, Township 21 South, Range 2 West, parcel identification number 58-22-1-11-0-000-009.002, is hereby **APPROVED** subject to:

- Remove "SPEED LIMIT 35 MPH" note; Arabian Road is not posted.
- Add driveway note: Driveways shall be restricted to the locations as shown on this plat. Driveway access permit required prior to installation of driveways. Contact Shelby County Highway Department at 669-3880 to obtain access permits.
- Compliance with the regulations, policies and guidelines of Shelby County.

**4. Case No. P-07-05, Ballard Mobile Home Park**

*Purpose:* This is a request from Joe Ballard to establish a Manufactured Home Community that will

November 21, 2005

3M

allow the placement of five manufactured homes on 2.82 acres.

*Location:* The subject property is located on the west side of Camp Branch Road approximately 1,000 feet north of Camp Branch Circle, situated in the SW ¼ of Section 9, Township 21 South, Range 2W; parcel identification number 58-22-2-09-0-000-004.029.

The case was presented by the owner, Joe Ballard. Mr. Ballard stated that his 2.82 acre property is the site of his single family residence and one manufactured home. It is his desire to expand the use of his property to permit the addition of five (5) manufactured homes, driveways, parking and recreational facilities. He stated that the development will not be visible from Camp Branch Road due to mature vegetation .

Several of adjoining property owners came forward and objected to this request. They felt that this would lower their property values, cause additional traffic, and affect utilities, eg: water and electricity. They also were concerned about the elevation of the subject property and it's ability to be adequately served by septic tanks.

**Commissioner Wilder** made a motion to *Approve* this Manufactured Home Community. The motion was seconded by **Commissioner Garrett** and by a unanimous vote, the following resolution was approved:

**WHEREAS**, Joe Ballard, owner, has petitioned the Shelby County Planning Commission for the approval of a manufactured home community that will allow the placement of five (5) mobile homes on 2.82 acres; and,

**WHEREAS**, the subject property is located on the west side of Camp Branch Road approximately 1,000 feet north of Camp Branch Circle, situated in the SW ¼ of Section 9, Township 21 South, Range 2W; parcel identification number 58-22-2-09-0-000-004.029; and,

**WHEREAS**, the subject property is the site of a single family residence and one manufactured home; and,

**WHEREAS**, the applicant proposes to improve the property to facilitate the location of five (5) additional manufactured homes, providing driveways, parking facilities and recreational area; and,

**WHEREAS**, the maps and documentation presented meet the requirements of the Manufactured Home Community Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that **Case No. P-07-05**, a request for the approval of a manufactured home community that will allow the placement of five (5) mobile homes, in addition to a single family residence and one manufactured home, on 2.82 acres, located on the west side of Camp Branch Road approximately 1,000 feet north of Camp Branch Circle, situated in the SW ¼ of Section 9, Township 21 South, Range 2W; parcel identification number 58-22-2-09-0-000-004.029, is hereby **APPROVED** subject to compliance with the regulations, policies and guidelines of Shelby County.

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

**ADJOURNMENT 8:15 – November 21, 2005**

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Todd McDonald,  
Planning Services Supervisor

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James R. Land, Chairman  
Planning Commission

November 21, 2005

4M