

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – March 6, 2006, 7:00 P.M.

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

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

The meeting was called to order at approximately 7:00 p.m. by Bob Land. Mr. Land introduced the members of the Shelby County Planning Commission and staff. There were approximately thirty two (32) 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 February 20, 2006 Regular Meeting

Commissioner Kinnebrew made a motion to approve the minutes of the February 20, 2006 meeting. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the Minutes of the Meeting of February 20, 2006 were *Adopted*.

2. Case No. P-01-05, Burch Development – Site Plan Review

Purpose: A request from Rick Burch for a favorable review of a site development plan for the construction of a 14 building office complex on approximately 8.12 acres in an "O & I - (2)", Office and Institutional District (2).

Location: The subject property is located on the northwest side of the 2500 block of Valleydale Road, across from the Southeastern Bible College, and situated in the SE ¼ of Section 16, Township 19 South, Range 2 West, Parcel Identification number(s): 10-5-16-0-001-013.000, 10-5-16-0-001-014.000, 10-5-16-0-001-015.000, 10-5-16-0-001-016.000, 10-5-16-0-001-016.001, and 10-5-16-0-001-018.000.

The case was presented by Laurie Sharp, representing the applicant, Rick Burch. Ms. Sharp stated that while the original buffer area cannot be repaired, it can be corrected. The landscaping plan that has been submitted exceeds Shelby County requirements and is designed to completely screen the proposed development from the adjoining properties. The drainage plan, that has been reviewed and approved, will eliminate harmful runoff from adversely affecting the adjoining

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properties. The development of these 14 single story office buildings will be constructed by one builder and will maintain the design character; exterior lighting fixtures will be limited to 20 feet in height. A traffic study has been completed and will be followed for the ingress and egress to the development.

Adjoining property owners came forward and stated that their property has been under attack since this development began. They were quite critical of the developer's behavior as well as the actions of the staff of Shelby County in the enforcement of the development. It was stated that their property has been damaged and that ADEM has identified violations of State Environmental Law.

Commissioner Thomas made a motion to *Approve* the proposed site development plan, subject to the staff recommendations. The motion was seconded by **Commissioner Kinnebrew** and, by a vote of four (4) in favor and two (2) opposed, the following resolution was approved:

WHEREAS, on October 1, 2001, the Shelby County Planning Commission approved the rezoning of a tract of property, located on the northwest side of the 2500 block of Valleydale Road, across from Southeastern Bible School, and situated in the SE ¼ of Section 16, Township 19 South, Range 2 West, parcel identifications #'s: 10 5 16 0 001 013.000, 10 5 16 0 001 014.000, 10 5 16 0 001 015.000, 10 5 16 0 001 016.000, 10 5 16 0 001 016.001, 10 5 16 0 001 017.000, and 10 5 16 0 001 018.000, from the "E-2", Estate District to the "O & I - (2)", Office and Institutional District (2), *Case No. Z-08-01*, to permit the development of an office facility; and,

WHEREAS, in rezoning the subject property, the Planning Commission's Resolution specifically stated that the Design Review Committee was to ensure that there will be a *minimum* 50 foot setback adjacent to all residential property, *undisturbed if possible*, and that following review the site plan be scheduled for final approval by the Planning Commission to provide a reasonable assumption of privacy by the adjoining residential properties; and,

WHEREAS, on March 11, 2005, Rick Burch applied to the Shelby County Planning Commission for the favorable review of a site development plan for the construction of a 14 building office complex on the subject property; and,

WHEREAS, at the regularly scheduled meeting of September 19, 2005, the Planning Commission found that the evidence and testimony presented clearly showed that the applicant had disregarded the intent of the Planning Commission for the provision of an undisturbed buffer and had significantly encroached into the buffer; and,

WHEREAS, on September 19, 2005 the Planning Commission *Tabled Case No. P-01-05*, a request for the favorable review of a site development plan for the construction of a 11 building office complex on 8.12 acres in an "O & I - (2)", Office and Institutional District (2), until the applicant provides an acceptable landscaping plan, grading plan and to demonstrate resolution of the repairs to the buffer; and,

WHEREAS, the applicant subsequently submitted revised drawings and engineering reports that provided an acceptable landscaping plan, and grading plan and demonstrates how resolution of the repairs to the buffer will be accomplished; and,

WHEREAS, on February 20, 2006, the Commission voted unanimously to *Remove the Case from the Table* for consideration at the regularly scheduled meeting of March 6, 2006; and,

WHEREAS, the Commission found that the landscaping plan, and grading plan presented as evidence sufficiently demonstrated acceptable resolution of the repairs to the buffer;

NOW, THEREFORE, BE IT RESOLVED, that the Site Development Plan submitted for the Burch office development be, and the same hereby is, *Approved*, subject to:

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1. The berm and entire northern property boundary must be planted as shown on the landscape plan and inspected by Development Services staff **before building permits will be released.**
2. Permanent or temporary soil stabilization must be applied to disturbed areas within seven (7) days on areas that will remain unfinished for more than thirty (30) calendar days.
3. Applicant must submit the following items to the Department of Development Services prior to site plan certification:
 - a. three copies of the revised site plan and landscape plan, incorporating all previously discussed requirements and additional Planning Commission requirements, for certification by the Planning Services Supervisor; and
 - b. cost estimates for right-of-way improvements; and
 - c. cost estimates for landscape materials and installation; and
 - d. performance agreements for right-of-way improvements and landscaping; and
 - e. Bufferyard Minimum Maintenance Activities agreement; and
 - f. Separate bond instruments for right-of-way improvements and landscape materials/installation;
4. This approval ***does not*** include the ½ acre out parcel located in the center of this development.

3. Case No. S-96-05, Plantation Manor Subdivision, *REVISED* Preliminary Plat

Purpose: This is a request from Mike Craft for the approval of a preliminary plat to be called **Plantation Manor**, to subdivide 17.37 acres into 9 lots for single family residential use. The subject property is located in the Harpersville – Vincent Zoning Beat, which is an unzoned area.

Location: The subject property is located in northeast Shelby County, at the St. Clair County line; 4878 Highway 231, and situated in the NE ¼ of Section 24, Township 18S, Range 2 East; parcel identification number: 05-6-24-0-000-001.000.

The case was presented by the applicant, Mike Craft. Mr. Case stated that when he came before the Planning Commission on January, he had a contract to purchase the lot with the home on it. The contract failed and he now wishes to divide that lot into two lots.

The Highway Department stated that the remnant portion of the parent tract, located at the southwest corner, must also have a lot number, or otherwise be resurveyed in the abutting property. Mr. Craft acknowledged this request in an affirmative manner.

There was no one present to speak in favor of or in opposition to this request.

Commissioner Hale made a motion to ***Approve*** the subject preliminary plat, subject to the inclusion of the 10th lot if necessary. The motion was seconded by **Commissioner Taylor** and, by a unanimous vote, the following resolution was approved:

WHEREAS, Mike Craft has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be known as **Plantation Manor**, to develop approximately 17.37 acres into nine (9) single family residential lots; and,

WHEREAS, the subject property is located in northeast Shelby County, at the St. Clair County line; 4878 Highway 231, and situated in the NE ¼ of Section 24, Township 18S, Range 2 East; parcel identification number: 58-05-6-24-0-000-001.000; and,

WHEREAS, on January 9, 2006, the Planning Commission approved the subdivision of the subject 17.37 acre tract into eight (8) residential lots; and,

WHEREAS, the applicant has determined that it would now be more appropriate to subdivide the subject property into nine (9) single family residential lots, instead of eight (8); and,

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

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-96-05**, a request for the approval of a preliminary plat to be known as **Plantation Manor**, to develop approximately 17.37 acres into nine (9) single family residential lots, located in northeast Shelby County, at the St. Clair County line; 4878 Highway 231, and situated in the NE ¼ of Section 24, Township 18S, Range 2 East; parcel identification number: 58-05-6-24-0-000-001.000, is hereby **APPROVED** subject to:

- Assigning a lot number to that portion of the property at the southwest corner of the site;
- Applicant submitting a revised preliminary plat reflecting common drives and easements to avoid individual driveways;
- Coordination of all access, common driveways, and easements with the Alabama Department of Transportation;
- Compliance with the regulations, policies and guidelines of Shelby County;
- 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)].

4. V-01-06, Oak Harbor Phase I, Front Variance

Purpose: A request from John P. & Patricia A. Duke, owners, for the approval of a 15-foot front-yard variance to permit the construction of a residence having a 20-foot front setback instead of the minimum 35 feet required in the "E-2 Single-Family Estate District", a variance of Article IX, Section 3, pursuant to Article XXIII, Section 3.

Location: The subject property is located on Lay Lake, at the south end of Harbour Drive, Lot 3-A, Oak Harbour Phase I, and situated in the SE ¼ of Section 23 Township 21 South Range 1 East; parcel identification number 20-6-23-0-002-003.000.

The case was presented by Phil Duke. Mr. Duke stated that his original request for a 20 foot front yard variance, (**Case No. V-03-05**), was **Denied** on March 2, 2005. He retained an architect to design a home that would meet the setback requirements. Unfortunately, the newly designed home has a rear deck, which must be fully located outside of the APCO easement. He stated that he has tried to comply with all regulations but must still request a 15 foot front setback variance.

The Builder that Mr. Duke has selected to build the home pointed out the property line is

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John Slaughter of the Highway Department pointed out that the APCO easement identifies a 400 foot elevation. This, however, is not the Base Flood Elevation recognized by the Corps of Engineers and which must be complied with pursuant to the Flood Damage Prevention Ordinance of Shelby County.

Commissioner Garrett made a motion to *Grant* the variance. The motion was seconded by **Commissioner Kinnebrew** and, by a unanimous vote, the following resolution was approved:

WHEREAS, John P. & Patricia A. Duke, requests the approval of a 15-foot front-yard variance to permit the construction of a residence having a 20-foot front setback instead of the minimum 35-feet required in the "E-2 Single-Family Estate District", a variance of Article IX, Section 3, pursuant to Article XXIII, Section 3; and,

WHEREAS, the subject property, 151 Harbour Drive, is located off of County Road 416 on Lay Lake, northeast of the Beeswax Recreation Facility and situated in Section 23, Township 21 South, Range 1 East, parcel identification number 58-20-6-23-0-002-003.000; and,

WHEREAS, the Commission found that there are special circumstances applicable to this lot, (namely, lot shape and the Alabama Power Company 400 foot flood contour), such that the granting of this variance is necessary for the preservation and enjoyment of the most basic property right of ownership and that this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion in public streets, etc.;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **V-01-06**, a request for the approval of a variance to permit the construction of a single family dwelling having a 20-foot front setback, instead of the minimum 35-feet required in an "E-2", Single Family Estate District; a variance of Article IX, Section 3, pursuant to Article XXIII, Section 3, is hereby **APPROVED**, subject to:

- The applicant complying with the *Flood Damage Prevention Ordinance of Shelby County*.

5. Case No. Z-01-06, The Preserve at Brook Highland

Purpose: A request from Eddleman Properties, Inc., for the approval of the rezoning of 253 acres, more or less, from "R-1 Single Family Residential District" and "HZ Holding Zone District" to "R-4 (SD) Multiple Dwelling Special District" to permit the planned development of single-family residential dwellings.

Location: The subject property is located in north central Shelby County, off of Cahaba Beach Road, approximately 1 mile northeast of U.S. Highway 280 in the North Shelby – I-65 Corridor Zoning Beat and situated in Section 30, Township 18 South, Range 1 West, parcel identification numbers, 03-9-30-0-001-001.000 and 03-9-30-0-002-001.111.

The case was described by Sharman Brooks, Department of Development Services. Ms. Brooks stated that the number of units proposed in this development requires the submission of a Traffic Impact Analysis to appropriately review the application; the applicants have not submitted a Traffic Analysis. Furthermore, the applicants have submitted correspondence requesting that the Planning Commission continue consideration of this request until April 3, 2006, to permit the applicants to meet with adjoining property owners and describe the proposed development.

Commissioner Kinnebrew made a motion to *Grant* the variance. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the following resolution was approved:

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WHEREAS, J Eddleman Properties, Inc., has petitioned the Shelby County Planning Commission to rezone approximately 253 acres, more or less, from “R-1 Single Family Residential District” and “HZ Holding Zone District” to “R-4 (SD) Multiple Dwelling Special District” to permit the planned development of single-family residential dwellings; and,

WHEREAS, the subject property is located in north central Shelby County, off of Cahaba Beach Road, approximately 1 mile northeast of U.S. Highway 280 in the North Shelby – I-65 Corridor Zoning Beat and situated in Section 30, Township 18 South, Range 1 West, parcel identification numbers, 03-9-30-0-001-001.000 and 03-9-30-0-002-001.111; and,

WHEREAS, the number of units proposed in this development requires the submission of a Traffic Impact Analysis to appropriately review the application; and

WHEREAS, the applicants have requested that the Planning Commission continue consideration of this request until April 3, 2006, to permit the applicants to meet with adjoining property owners and describe the proposed development;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **Z-01-06**, a request to rezone approximately 253 acres, more or less, from “R-1 Single Family Residential District” and “HZ Holding Zone District” to “R-4 (SD) Multiple Dwelling Special District”, is hereby **CONTINUED** until April 3, 2006.

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

ADJOURNMENT 8:35 March 6, 2006.

Todd McDonald,
Planning Services Supervisor

Kenneth F. Wilder, Chairman
Planning Commission