

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – May 1, 2006, 7:00 P.M.

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

Staff Present: Ray E. Hamilton, Manager, Todd L. McDonald, Supervisor of Planning Services, Michelle 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 Kenneth Wilder, Chairman. Mr. Wilder introduced the members of the Shelby County Planning Commission and staff. There were approximately sixty (60) 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 April 3, 2006 Regular Meeting

Commissioner Garrett made a motion to approve the minutes of the April 3, 2006 meeting, as amended. The motion was seconded by **Commissioner Land** and by a unanimous vote, the Minutes of the Meeting of April 3, 2006, as corrected, were *Adopted*.

2. Case No. Z-03-06, ProScape Landscaping – Rezoning from A-1 to M-1

Purpose: A request from Jackie Davis, Surveying Solutions, representing the owners, Daniel and Melanie Bowers, for the approval of the rezoning of a 5 acre tract of land, more or less, from the "A-1", Agricultural District to the "M-1", Light Industrial District to permit the establishment of a landscaping contractor's yard and office.

Location: The subject property is located in north Shelby County, at 1424 Dunnivant Valley Road, on the east side of Old Dunnivant Valley Road, at the intersection with Dunnivant Valley Road, (County Road 41) and Double Oak Way, in the Chelsea North – Dunnivant Valley South - Westover North Zoning Beat; situated in the NW ¼ of Section 10, Township 19 South, Range 1 West, Parcel Id. Numbers 58-09-2-10-0-000-007.000 and 58-09-2-10-0-000-006.000.

Michelle O'Neal, Department of Development Services, presented the staff report for this case. Jackie Davis, Surveying Solutions, presented on behalf of the applicant. Several people spoke in opposition to the request, citing concerns over property values, noise, and the effects of a commercial use in a residential area.

May 1, 2006

1M

Commissioner Land made a motion to *Deny* this rezoning request. The motion was seconded by **Commissioner Garrett** and, by a unanimous vote, the following resolution was approved:

WHEREAS, Jackie Davis, Surveying Solutions, representing the owners, Daniel and Melanie Bowers, has petitioned the Shelby County Planning Commission to rezone approximately 5 acres, more or less, from “A-1”, Agricultural District to “M-1”, Light Industrial District to permit the establishment of a landscaping contractor’s yard and office; and,

WHEREAS, the subject property is located in north Shelby County, at 1424 Dunnivant Valley Road, on the east side of Old Dunnivant Valley Road, at the intersection with Dunnivant Valley Road, (County Road 41)and Double Oak Way, in the Chelsea North – Dunnivant Valley South - Westover North Zoning Beat; situated in the NW ¼ of Section 10, Township 19 South, Range 1 West, Parcel Id. Numbers 58-09-2-10-0-000-007.000 and 58-09-2-10-0-000-006.000; and,

WHEREAS, the Planning Commission finds that the evidence presented does not substantiate the rezoning of the subject property from the "A-1", Agricultural District designation to the "M-1", Light Industrial District;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **Z-03-06**, a request to rezone approximately 5 acres, more or less, from “A-1 Agricultural District” to “M-1 Light Industrial District”, is hereby *DENIED*.

3. Case No. Z-04-06, Larry Young Photography – Rezoning from E-1 to B-1

Purpose: A request from Jack Harrison, for Larry Young, representing the owner Wayne J. Mauk, for the approval of the rezoning of a 1.84 acre tract, more or less, from the “E-1,” Estate District to the “B-1”, Neighborhood Business District, to permit establishment of a photographic studio.

Location: The subject property is located at 2415 Valleydale Road, which is approximately 1 mile east of I 65, within the North Shelby – I-65 Corridor Zoning Beat, situated in the NW ¼ of Section 21, Township 19 South, Range 2 West, Parcel Id. Number 58-10-5-21-0-002-004.000.

Sharman Brooks, Department of Development Services, presented the staff report for this case. Ms. Brooks noted that staff analysis of the request suggests that O-I (2), Office and Institutional District (2) zoning is a more appropriate zoning for the property. Jack Harrison, representing the property owner, agreed to the revised request and described the proposed use of the property as a photography studio. One person spoke in support of the application. No one spoke in opposition.

Commissioner Taylor made a motion to *Deny* this rezoning request. The motion was not seconded and failed. Subsequently, **Commissioner Land** made a motion to *Approve* this rezoning request from E-1, Single Family Estate District to O-I (2), Office and Institutional District (2) with certain conditions. The motion was seconded by **Commissioner Kinnebrew** and, by a vote of 5 in favor and one opposed, the following resolution was approved:

WHEREAS, Jack Harrison, for Larry Young, representing the owner Wayne J. Mauk, has petitioned the Shelby County Planning Commission to rezone a 1.84 acre tract, more or less, from the “E-1,” Estate District to the “B-1”, Neighborhood Business District, to permit the establishment of a photographic studio; and,

WHEREAS, the subject property is located at 2415 Valleydale Road, which is approximately 1 mile east of I-65, within the North Shelby – I-65 Corridor Zoning Beat, situated

May 1, 2006

2M

in the NW ¼ of Section 21, Township 19 South, Range 2 West, Parcel Id. Number 58-10-5-21-0-002-004.000; and,

WHEREAS, the Planning Commission finds that the evidence presented does not substantiate the rezoning of the subject property from the "E-1", Single Family Estate District designation to the "B-1", Neighborhood Business District; and

WHEREAS, the Planning Commission finds that the evidence presented suggests that the appropriate zoning category for the intended use and that which is more compatible with the surrounding area is "O-I (2)", Office and Institutional District (2); and

WHEREAS, the applicant's representative, Jack Harrison, agreed to the proposed amendment to the requested rezoning;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **Z-04-06**, a request to rezone approximately 1.84 acres, more or less, from "E-1", Single Family Estate District to "O-I (2)", Office and Institutional District (2), is hereby **APPROVED** subject to the following condition:

- Compliance with Section 11, Bufferyards, Article XXI, Supplementary Regulations, *Shelby County Zoning Regulations*

4. Case No. Z-05-06, Highland Lakes, Sector 1, Ph. 6 – Rezoning from H-Z to "E-2-S-D"

Purpose: A request from the Department of Development Services to rezone a 19.32 acre tract of land from the "HZ", Holding Zone District to the "E-2-S-D", Single Family Estate District" to permit the development of single family residences.

Location: The subject property is located in the Highland Lakes community, near the Highway 280 entrance and south of Highland Lakes Court in the Chelsea North – Dunnavant Valley South - Westover North Zoning Beat and situated in Section 17, Township 19 South, Range 1 West, Parcel Id. No. 58-09-4-17-0-001-011.000.

Sharman Brooks presented the case for the Department of Development Services as the applicant for the requested rezoning. Ms. Brooks explained that the subject property was inadvertently overlooked in the zoning of Highland Lakes during the Chelsea-North-Dunnavant Valley South-Westover North zoning beat election. No one spoke in support or in opposition to the request.

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

WHEREAS, the Department of Development Services has petitioned the Shelby County Planning Commission to rezone a 19.32 acre tract of land from the "HZ", Holding Zone District to the "E-2-S-D", Single Family Estate Special District to permit the development of single family residences; and,

WHEREAS, the subject property is located in the Highland Lakes community, near the Highway 280 entrance and south of Highland Lakes Court in the Chelsea North – Dunnavant Valley South - Westover North Zoning Beat and situated in Section 17, Township 19 South, Range 1 West, Parcel Id. No. 58-09-4-17-0-001-011.000; and,

WHEREAS, the Planning Commission finds that the evidence presented substantiates the rezoning of the subject property from the "HZ", Holding Zone District to the "E-2-S-D", Single Family Estate Special District;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **Z-05-06**, a request to rezone approximately 19.32 acres from the "HZ", Holding Zone District to the "E-2-S-D", Single Family Estate Special District, is hereby **APPROVED**.

5. Case No. S-17-06; Highland Lakes, Sector 1 – Phase 6 – Preliminary Plat

Purpose: A request from Kenneth B. Weygand, Eddleman Properties Inc., for the approval of a revised preliminary plat, to be called Highland Lakes, Sector 1 – Phase 6, to subdivide 123.61 acres into 108 single family residential lots. This property is zoned "E-2-S-D", Single Family Estate District and "HZ", Holding Zone District.

Location: The subject property is located in the Highland Lakes community, near the Highway 280 entrance and south of Highland Lakes Court in the Chelsea North – Dunnivant Valley South - Westover North Zoning Beat and situated in Sections 8, 16, and 17, Township 19 South, Range 1 West, Parcel Identification No. 09-3-08-0-001-001.020, 58-09-4-17-0-001-001.004, 58-09-4-17-0-001-001.004, and 58-09-4-17-0-001-011.000.

Sharman Brooks, Department of Development Services, presented the staff report for this case. Ms. Brooks explained that revisions to the preliminary plat were not submitted in a timely manner; therefore, the staff has not had adequate time to review the revisions in order to make a recommendation. Dave Arrington, Arrington Engineering, presented the case for the applicant and stated that they concur with the recommendation to continue the case until the June 5, 2006 meeting of the Planning Commission. One person spoke in support of the application. No one spoke in opposition.

Commissioner Land made a motion to *Continue* this case until the June 5, 2006 meeting of the Planning Commission. The motion was seconded by **Commissioner Garrett** and, by a unanimous vote, the following resolution was approved:

WHEREAS, Kenneth B. Weygand, Eddleman Properties Inc., has petitioned the Shelby County Planning Commission for the approval of a revised preliminary plat, to be called Highland Lakes, Sector 1 – Phase 6, to subdivide 123.61 acres into 108 single family residential lots; and,

WHEREAS, the subject property is located in the Highland Lakes community, near the Highway 280 entrance and south of Highland Lakes Court in the Chelsea North – Dunnivant Valley South - Westover North Zoning Beat and situated in Sections 8, 16, and 17, Township 19 South, Range 1 West, Parcel Identification No. 09-3-08-0-001-001.020, 58-09-4-17-0-001-001.004, 58-09-4-17-0-001-001.004, and 58-09-4-17-0-001-011.000; and,

WHEREAS, the maps and documentation presented do not meet the requirements of the *Subdivision Regulations of Shelby County*;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-17-06**, a request for approval of a preliminary plat to be called Highland Lakes, Sector 1, Phase 6, to subdivide 23.61 acres into 108 single family residential lots is hereby **CONTINUED** to the June 5, 2006 Planning Commission meeting.

6. Case No. M-01-06, Lake Wellington Estates – Master Plan

Purpose: A request from Bobby Adams for the approval of a master plan of a single family residential subdivision consisting of 21 lots on a 15.3 acre, more or less, tract of land. This

property is zoned "E-2", Estate District.

Location: The subject property is located on the west side of Caldwell Mill Road, approximately 375 feet south of Heatherwood Drive, in the North Shelby – I-65 Corridor Zoning Beat and is situated in the NW ¼ of Section 10, Township 19 South, Range 2 West, Parcel Id. Number 10-2-10-0-001-005.000.

Sharman Brooks, Department of Development Services, presented the staff report for this case. Bobby Adams, Adams Homes, presented as the applicant. Commissioner Thomas questioned the lake access. Mr. Adams stated that lake access will be provided only for those lots that front the lake. Mr. Adams further explained that the access easement shown on Lot 21 is for the exclusive use of the adjacent property owner to the south of the lot. John Slaughter, Highway Department, stated that the access would be reviewed with the preliminary plat and is not approved at this time. No one spoke in support of the application. An adjacent property owner spoke in opposition citing concerns over use of the lake as a detention area.

Commissioner Land made a motion to *Approve* this Master Plan. The motion was seconded by **Commissioner Kinnebrew** and, by a unanimous vote, the following resolution was approved:

WHEREAS, Bobby Adams has petitioned the Shelby County Planning Commission for the approval of a master plan of a single family residential subdivision consisting of 21 lots on a 15.3 acre, more or less, tract of land; and,

WHEREAS, the subject property is located on the west side of Caldwell Mill Road, approximately 375 feet south of Heatherwood Drive, in the North Shelby – I-65 Corridor Zoning Beat and is situated in the NW ¼ of Section 10, Township 19 South, Range 2 West, Parcel Id. Number 10-2-10-0-001-005.000; and,

WHEREAS, the subject property is zoned "E-1", Single Family Estate District; and

WHEREAS, the proposed Master Plan meets the requirements of the "E-1", Single Family Estate District zoning; and

WHEREAS, the proposed Master Plan is consistent with the Shelby County Comprehensive Plan's policies regarding infill development; and

WHEREAS, the Planning Commission finds that the evidence presented substantiates the approval of the proposed Master Plan;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **MP-01-06**, a request Master Plan approval for a single family residential subdivision of 21 lots on approximately 15.3 acres, is hereby *APPROVED*.

7. Case No. M-02-06, Park Place – Master Plan

Purpose: A request from John Whately for the approval of a master plan of a town home development consisting of 94 units, in 17 buildings, on a 15 acre, more or less, tract of land. The subject property is *not zoned*.

Location: The subject property is located on the west side of Oak Mountain State Park Road, approximately 0.7 mile south of Highway 119, in the North Shelby – I-65 Corridor Zoning Beat and is situated in the Section 6, Township 18 South, Range 2 West, Parcel Id. Number 14-3-06-1-001-004.000.

Michelle O'Neal, Department of Development Services, presented the staff report for this case

May 1, 2006

5M

which addressed issues of topography, right-of-way, sinkholes, density and comprehensive plan compliance. Bob Easley, Alabama Engineering, presented on behalf of the applicant. Mr. Easley acknowledged the issues presented by staff and requested a continuance to work with staff on a more favorable layout. Several people spoke in opposition to the request citing concerns over traffic, density and aesthetics. No one spoke in support of the application.

Commissioner Kinnebrew made a motion to *Approve* this request. The motion was not seconded and failed. Subsequently, **Commissioner Land** made a motion to *Continue* this case to the June 5, 2006 Planning Commission meeting, noting the staff's recommendations regarding land disturbance and further noting that new plans would be required by May 5, 2006 in order to appear on the June 5, 2006 Planning Commission agenda. The motion was seconded by **Commissioner Garrett** and, by a vote of 5 in favor and one opposed, the following resolution was approved:

WHEREAS, John Whately has petitioned the Shelby County Planning Commission for the approval of a master plan of a town home development consisting of 94 units, in 17 buildings, on a 15 acre, more or less, tract of land that is located in an unzoned area of Shelby County; and,

WHEREAS, the subject property is located on the west side of Oak Mountain State Park Road, approximately 0.7 mile south of Highway 119, in the North Shelby – I-65 Corridor Zoning Beat and is and situated in the Section 6, Township 18 South, Range 2 West, Parcel Id. Number 14-3-06-1-001-004.000; and,

WHEREAS, the proposed Master Plan depicts a high density development on property identified as “green infrastructure” in the Shelby County Comprehensive Plan; and

WHEREAS, the Planning Commission finds that the proposed Master Plan does not conform to the goals and policies of the Comprehensive Plan; and

WHEREAS, the Planning Commission finds that an alternative layout may comply with the goals of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **MP-02-06**, a request for Master Plan approval for a town home development consisting of 94 units, in 17 buildings, on 15 acres, more or less, is hereby *CONTINUED* to the June 5, 2006 Planning Commission meeting subject to the following conditions:

- The applicant must meet with staff to discuss an alternative layout that conforms to the Comprehensive Plan; and
- No clearing, grading, or other land disturbance must take place until preliminary plat approval, with the exception of land disturbance required to undertake geotechnical studies on the subject property; and
- The applicant must submit revised drawings by Friday, May 5, 2006 in order to be placed on the June 5, 2006 Planning Commission agenda.

8. Case No. S-28-06, Mt. Laurel Phase I Block 1 – Revised Preliminary Plat

Purpose: This is a request from Robert Easley, Alabama Engineering Co. Inc., representing EBSCO Development Company, Inc., for the approval of a *revised* preliminary plat to be known as Mt. Laurel Phase I - Block 1, to divide 26.8 acres into 10 non-residential lots. This property is zoned "SD-HZ", Special Holding Zone District

Location: The subject property is located in Mt. Laurel, on the east side of Highway 41, approximately 3 ½ miles north of Highway 280 in the Chelsea North – Dunning Valley South - Westover North Zoning Beat and is situated in the NE¼ of Section 3, Township 19 South, Range 1 West, Parcel Identification Nos. 58-09-2-03-1-001-010.001; 58-09-2-03-1-001-010.002; 58-09-2-03-1-001-009 (part); and 58-09-2-03-1-001-008.

Michelle O’Neal, Department of Development Services, presented the staff report for this case. Bob Easley presented for the applicant, EBSCO Development Company, Inc. Mr. Easley explained the revisions to the previously approved preliminary plat. No one spoke in support or in opposition to the request.

Commissioner Land made a motion to *Approve* the revised preliminary plat. The motion was seconded by **Commissioner Thomas** and, by a unanimous vote, the following resolution was approved:

WHEREAS, Robert Easley, Alabama Engineering Co. Inc., representing EBSCO Development Company, Inc., has petitioned the Shelby County Planning Commission for the approval of a revised preliminary plat to be known as Mt. Laurel Phase I - Block 1, to divide 26.8 acres into 10 non-residential lots; and,

WHEREAS, the subject property is located in Mt. Laurel, on the east side of Highway 41, approximately 3 ½ miles north of Highway 280 in the Chelsea North – Dunning Valley South - Westover North Zoning Beat and is situated in the NE¼ of Section 3, Township 19 South, Range 1 West, Parcel Identification Nos. 58-09-2-03-1-001-010.001; 58-09-2-03-1-001-010.002; 58-09-2-03-1-001-009 (part); and 58-09-2-03-1-001-008; and,

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

WHEREAS, the Planning Commission has found that the evidence presented warrants the approval of this subdivision;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **S-28-06**, a request for approval of a revised preliminary plat to be known as Mt. Laurel Phase I - Block 1, to divide 26.8 acres into 10 non-residential lots is hereby **APPROVED** subject to the following conditions:

WHEREAS, Robert Easley, Alabama Engineering Co. Inc., representing EBSCO Development Company, Inc., has petitioned the Shelby County Planning Commission for the approval of a revised preliminary plat to be known as Mt. Laurel Phase I - Block 1, to divide 26.8 acres into 10 non-residential lots; and,

WHEREAS, the subject property is located in Mt. Laurel, on the east side of Highway 41, approximately 3 ½ miles north of Highway 280 in the Chelsea North – Dunning Valley South - Westover North Zoning Beat and is situated in the NE¼ of Section 3, Township 19 South, Range 1 West, Parcel Identification Nos. 58-09-2-03-1-001-010.001; 58-09-2-03-1-001-010.002; 58-09-2-03-1-001-009 (part); and 58-09-2-03-1-001-008; and,

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

May 1, 2006

7M

WHEREAS, the Planning Commission has found that the evidence presented warrants the approval of this subdivision;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **S-28-06**, a request for approval of a revised preliminary plat to be known as Mt. Laurel Phase I - Block 1, to divide 26.8 acres into 10 non-residential lots is hereby **APPROVED** subject to the following conditions:

- Applicant submitting a revised preliminary plat addressing all comments.
- Applicant submitting an amended master plan.
- The applicant must submit 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.

9. Case No. S-16-06, Saunders Bridge 1st Sector – Preliminary Plat

Purpose: A request from Jackie Davis, Surveying Solutions, Inc. for the approval of a preliminary plat to be called Saunders Bridge 1st Sector to subdivide 256 acres into 36 lots. A master plan of this subdivision was approved by the Shelby County Planning Commission in September 2005. The property is *not zoned*.

Location: The subject property is located in northeast Shelby County, on Twin Pines Road, County Highway 45 in the Sterrett – Vandiver Zoning Beat and is situated in the S ½ of Section 23, the NW ¼ of Section 26, and the NE ¼ of Section 27, Township 18 South, Range 1 East, Parcel Identification Nos. 58-04-6-23-0-000-003.000, 58-04-6-23-0-000-003.011, 58-04-6-23-0-000-003.013, 58-04-6-23-0-000-006.000, 58-04-7-26-0-000-002.000; and 58-04-8-27-0-000-001.002.

Sharman Brooks, Department of Development Services, presented the staff report for this case. Ms. Brooks explained that revisions are required to the proposed plat. While the applicant has addressed the majority of those comments, there are still significant comments that must be addressed before staff can recommend approval. John Slaughter, Highway Department, echoed those concerns. Jackie Davis, Surveying Solutions, presented on behalf of the applicant. Ms. Davis discussed adjoining property owner concerns regarding access and detailed that the proposed access would better serve the adjoining owners. No one spoke in support of or in opposition to the request.

Commissioner Thomas made a motion to *Continue* this case until the June 5, 2006 meeting of the Planning Commission. The motion was seconded by **Commissioner Land** and, by a vote of five in favor, one abstention, and none opposed, the following resolution was approved:

WHEREAS, Jackie Davis, Surveying Solutions, Inc. has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called Saunder's Bridge 1st Sector to subdivide 256 acres into 36 lots; and,

WHEREAS, the subject property is located in northeast Shelby County, on Twin Pines Road, County Highway 45 in the Sterrett – Vandiver Zoning Beat and is situated in the S ½ of Section 23, the NW ¼ of Section 26, and the NE ¼ of Section 27, Township 18 South, Range 1 East, Parcel Identification Nos. 58-04-6-23-0-000-003.000, 58-04-6-23-0-000-003.011, 58-04-6-

May 1, 2006

8M

23-0-000-003.013, 58-04-6-23-0-000-006.000, 58-04-7-26-0-000-002.000; and 58-04-8-27-0-000-001.002; and,

WHEREAS, the maps and documentation presented do not meet the requirements of the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-16-06**, a request for approval of a preliminary plat to be called Saunder's Bridge 1st Sector, to subdivide 256 acres into 36 lots is hereby **CONTINUED** to the June 5, 2006 Planning Commission meeting.

10. Case No. S-27-06; Resurvey of Lot 3, Carter's Add to South Shades Crest, Phase II

Purpose: A request from Barton Carr for the approval of a final plat, to be called Resurvey of Lot 3, Carter's Add to South Shades Crest, Phase II, to create two single family residential lots. The subject property is zoned "E-1, Estate District".

Location: The subject property is located in the 5200 block of South Shades Crest Road, approximately 4.3 miles southwest of County Road 52, in the North Shelby – I-65 Zoning Beat and situated in the southeast ¼ of Section 28, Township 20 South, Range 4 West, Parcel Identification No. 12-8-28-0-000-013.005.

Michelle O'Neal, Department of Development Services, presented the staff report for this case. Ms. O'Neal explained that previous Highway Department comments regarding access to one of the proposed lots has been addressed. John Slaughter, Highway Department, concurred. Bart Carr, Carr and Associates, presented the case for the applicant. No one spoke in support or in opposition to the request.

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

WHEREAS, Barton Carr has petitioned the Shelby County Planning Commission for the approval of a final plat, to be called Resurvey of Lot 3, Carter's Add to South Shades Crest, Phase II, to create two single family residential lots; and,

WHEREAS, the subject property is located in the 5200 block of South Shades Crest Road, approximately 4.3 miles southwest of County Road 52, in the North Shelby – I-65 Zoning Beat and situated in the southeast ¼ of Section 28, Township 20 South, Range 4 West, Parcel Identification No. 12-8-28-0-000-013.005 and 12-8-28-0-000-013.000 (part); 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-27-06**, a request for approval of a final plat to be called Resurvey of Lot 3, Carter's Add to South Shades Crest, Phase II, to subdivide 4.44 acres into 2 single family residential lots is hereby **APPROVED**, subject to:

- 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)].

11. Consideration of the imposition of a temporary suspension of development in the Camp Branch Zoning Beat.

Chairman Wilder discussed the County Commission's recent action to impose a temporary suspension of development in the Camp Branch Zoning Beat.

Commissioner Land made a motion to *Approve* the temporary suspension of development in the Camp Branch zoning beat. The motion was seconded by **Commissioner Garrett** and, by a unanimous vote, the following resolution was approved:

WHEREAS, Act 82-693, 1982 Second Special Session, as amended, provides and requires that the master plan and zoning regulations provided and adopted by the Planning Commission shall not be applicable in any beat of Shelby County until the majority of the qualified electors of the beat voting in a special election have signified by their vote that they desire the authority of the Planning Commission and the *Zoning Ordinance of Shelby County* to apply to their beat; and,

WHEREAS, the zoning election hereinabove provided must be held not less than ninety (90) days nor more than one hundred twenty (120) days after a petition seeking the election is filed in the Office of the Judge of Probate of Shelby County, which petition must be signed by at least fifteen percent (15%) of the electors who reside outside the limits of any municipal corporation and outside any existing unincorporated zoned portion of the beat and who owns real estate located in the beat, the existence of which said facts and legal qualifications shall be verified by the Probate Judge of Shelby County after the filing of said petition and prior to the establishing by the Probate Judge of a date for such election; and,

WHEREAS, the Shelby County Planning Commission has been informed that a petition meeting the requirements of Act 82-693, supra, has been submitted to the Probate Judge of Shelby County, resulting in the ordering of a zoning election to be held within the "Camp Branch" zoning beat as provided by law; and,

WHEREAS, the Shelby County Planning Commission has conducted a public hearing concerning the possible imposition of a temporary suspension of development approvals upon certain development and activities as described herein and has solicited and allowed comments from all persons desiring to be heard relative thereto; and,

WHEREAS, the Shelby County Planning Commission finds that the aforesaid beat is under unprecedented development pressure for both residential and commercial projects; and,

WHEREAS, the Shelby County Planning Commission finds that adopting a temporary suspension of development in the aforesaid beat will create a more stable environment during this period so that revisions to the Official Zoning Map, being a part of the *Zoning Ordinance of Shelby County* can be formulated, considered, and adopted in an orderly and thorough manner and submitted to a vote of the qualified electors in said beat; and,

WHEREAS, considerable study is needed to determine the appropriate uses and the kinds of criteria that should be adopted to regulate the height, area, bulk, location and use of buildings and land within said beat; and,

WHEREAS, the Shelby County Planning Commission finds that it is in the best interest of the health, safety, morals, convenience, order, prosperity, and general welfare of Shelby County and the citizens of the aforesaid beat that such a temporary suspension of development be placed upon development as hereinafter provided, with specific exceptions and conditions as herein noted;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission as follows:

1. That the Shelby County Commission be requested to impose a temporary suspension of development effective immediately upon its adoption for the purpose of evaluating current land use within the aforesaid "Camp Branch" zoning beat, conducting an appropriate land use survey and development of a proposed zoning map for said beat which will be designed to:

- Lessen congestion in the streets and highways;
- Secure the safety of its citizens;
- Provide for the health and general welfare of the citizens;
- Provide adequate light and air; prevent the overcrowding of land; avoid undue mixed use of land;
- Facilitate the adequate provision of transportation, water supply, sewage, schools, parks, and other public requirements, taking into consideration the character of the land and the district and its peculiar suitability for particular uses and with the view of promoting desirable living conditions;
- Sustaining the stability of neighborhoods;
- Protecting property against blight and depreciation;
- Establish preferred locations for the various types of residential and economic activities;
- Protect the character of new and existing residential neighborhoods against intrusive and disruptive surrounding development;
- Ensure that future development of the beat will be accomplished so as to create the least degradation of the environment and promote better integration of land development and transportation facilities;
- Secure economy in governmental expenditures; and,
- Conserve the value of buildings and encourage the most appropriate use of land and buildings and structures throughout said beat;

Said temporary suspension of development to be imposed subject to the following:

- (a) Unless specifically provided for or allowed herein, the Shelby County Planning Commission shall not accept, review, or continue to review any application for development of planned residential, commercial, institutional, or industrial development within the said "Camp Branch" zoning beat, and Shelby County shall not issue any building permits on or allow any construction or building projects within said beat during said period of temporary suspension of development unless specifically provided for or allowed herein.
- (b) Said temporary suspension of development shall not apply to construction:
 - Located within the corporate limits of a municipality or on an existing unincorporated zoned parcel;

- On land in subdivisions which have been duly recorded and which existed prior to certification of the petition for zoning election;
 - Additions to or expansions of existing housing, buildings, barns, or other structures or emergency replacement or repair because of flood, fire, wind, storms or other acts of God provided the expansion, repair or replacement does not unreasonably encroach on existing property boundaries;
 - Houses, buildings, barns, or other structures for which a building permit was issued prior to the certification of the petition for election by the Probate Judge;
 - Houses, buildings, barns, or other structures incidental or accessory to an existing use;
 - Any other application deemed to be consistent with the comprehensive plan or any approved master plan;
 - Any application for preliminary subdivision which substantially complies with the *Subdivision Regulations of Shelby County* and which was filed and pending prior to the certification by the Probate Judge of the petition for zoning election as provided herein, which said latter application shall proceed before the Planning Commission, and upon compliance with existing subdivision regulations and upon approval of the preliminary plat therefore, the applicant shall have the right to develop and complete the subdivision according to the plat and in compliance with the requirements of the *Subdivision Regulations of Shelby County*.
2. In the event any person, firm, or corporation shall be aggrieved by the imposition of this temporary suspension of development provided herein, they shall be allowed to appeal to the Planning Commission seeking a waiver of the limitation imposed by this temporary suspension of development for a particular building facility or project. In the event the Planning Commission deems said appeal worthy of merit and finds that a waiver should be issued, a request for such waiver approval shall be initiated by resolution of the Planning Commission and submitted to the Shelby County Commission reciting the reasons therefore. If, upon consideration thereof, the Shelby County Commission shall determine that said waiver should be granted, an appropriate resolution to such effect shall be made and entered upon the records of the Shelby County Commission.
3. That as soon as possible after the certification of the Probate Judge of Shelby County of the zoning election in the above beat, the Shelby County Planning Commission and its staff shall conduct a land use survey of all current property use existing within said beat as of a current time specified therein. That subsequent to said land use survey, the Planning Commission and its staff shall develop a proposed zoning map for the subject beat and after due notice conduct public meetings in order to take comments from the public concerning said proposed zoning map, which said zoning map and said comments offered by the public shall then be submitted to the Shelby County Planning Commission for consideration and the adoption of a recommended zoning map for said beat; that said proposed zoning map shall be made available to the public by the Planning Commission prior to the referendum or election on zoning within said beat and, should zoning be approved by a majority of the voters voting in said election as provided in Act 82-693, *supra*, said zoning map shall be submitted to the Shelby County Commission for its consideration and ratification.

4. That said temporary suspension of development herein provided shall automatically be lifted and cease upon the failure or the affirmation of the majority of the qualified electors of the beat voting in a special election to signify by their vote that they desire the authority of the Planning Commission, its master plan and the zoning regulations to apply to said beat, whichever shall occur first.

12. Recognition of Todd McDonald's service to the Shelby County Planning Commission

Commissioner Wilder presented the following resolution to Todd McDonald in recognition of his outstanding service to Shelby County.

WHEREAS, Todd McDonald, AICP, has rendered distinguished service to Shelby County as a professional planner since September of 1988; and,

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

WHEREAS, Shelby County has greatly benefited from his valuable leadership and guidance as the Supervisor of Planning Services; and,

WHEREAS, under his able leadership, Shelby County has initiated and implemented a variety of programs, projects, and plans, including the administration and planning of the Shelby County Airport, the County Jail, Juvenile Detention Center, Sheriff's Training Facility, Shelby West Corporate Park, and the Shelby County Comprehensive Plan that have been designed to stabilize, enhance and preserve the character and growth of Shelby County;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that said Commission hereby recognizes and publicly expresses its appreciation and gratitude to Todd McDonald for his service to Shelby County and the citizens of Shelby County and his continuing efforts to improve the public welfare of this community.

BE IT FURTHER RESOLVED that the Shelby County Planning Commission hereby congratulates and extends its best wishes to Mr. McDonald upon his appointment as Director of Planning and Zoning for the City of Dothan, and directs that this resolution be incorporated into the permanent minutes of this meeting and that a copy of this resolution be presented to Mr. McDonald as an expression of this organization's deep affection and esteem.

BE IT FURTHER RESOLVED that a copy of this resolution shall be presented to the Shelby County Commission.

Discussion Items:

1. Composition of the Planning Review Board.

Commissioner Wilder distributed a proposed Shelby County Commission resolution regarding the composition of the Planning Review Board. Commissioner Wilder stated that the item will be presented for action at the June 5, 2006 Planning Commission meeting.

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

ADJOURNMENT 9:30 p.m. May 1, 2006.

Todd McDonald,
Planning Services Supervisor

Kenneth F. Wilder, Chairman
Planning Commission