

SHELBY COUNTY PLANNING COMMISSION

MINUTES

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

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

Staff Present: Ray E. Hamilton, Manager of Department of Development Services; David Hunke, Planning Services Supervisor; 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 Kenneth Wilder, Chairman. There were approximately 30 people present at this meeting.

1. Approval of Minutes of October 2, 2006 Regular Meeting

Commissioner Garrett made a motion to approve the minutes of the October 2, 2006 meeting. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the Minutes of the Meeting of October 2, 2006, were *Adopted*.

2. Approval of Minutes of October 16, 2006 Regular Meeting

Commissioner Garrett made a motion to approve the minutes of the October 2, 2006 meeting. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the Minutes of the Meeting of October 16, 2006, were *Adopted*.

3. S-65-06, Summerhill Subdivision, Preliminary Plat

(CONTINUED from the September 18, 2006 Meeting)

Purpose: A request from Randy Goodwin, Cornerstone, L.L.C., for the approval of a preliminary plat to be called *Summerhill*, subdividing approximately 80 acres into 52 residential lots.

Location: The subject property is located in an unzoned area, off and southeast of Highway 25, approximately 1 ½ miles southwest of Columbiana at Gould Road, in the Columbiana Zoning Beat, and situated in the NE ¼ of Section 4, Township 22 South, Range 1 West, Parcel Identification Number 58-29-2-04-0-000-001.000.

The case was introduced by Sharman Brooks. The case was then represented by James Cassidy, representing the applicant, Randy Goodwin, Cornerstone, L.L.C.. Mr. Cassidy stated that he had met with staff and the adjoining property owners regarding this development. The adjoining owners had asked the developers to provide a new “Dead End” sign on Gould Road to advise motorists.

Several members of the Gould family came forward to object to this proposed development. They

stated that the drainage was deficient and washes out during heavy rains. The grading of the property has caused silt to fill his lake. Although he is happy to see the road improved, unfortunately the improvements stop at his property. Concern was voiced regarding the proposed 52 septic tanks that are proposed to be installed above them. The problem of stormwater runoff was again brought up. It was noted that the entire hollow drains, though several meandering waterways down across the property south of the proposed development. It was noted that the County has put several pipes underground, but their capacity was questioned.

Mr. Cassidy stated that the proposed drainage of the site will have less post development runoff than pre development conditions. He stated that the only clearing would be for the proposed roadways. Lots would remain wooded until development.

Commissioner Land 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, Randy Goodwin, Cornerstone, L.L.C., has petitioned the Shelby County Planning Commission for the approval of a preliminary plat called *Summerhill* to subdivide approximately 80-acres into 52 residential lots; and,

WHEREAS, the subject property is located in an unzoned portion of Shelby County off and southeast of Highway 25, approximately 1 ½ miles southwest of Columbiana at Gould Road, in the Columbiana Zoning Beat, and situated in the NE ¼ of Section 4, Township 22 South, Range 1 West, Parcel Identification Number 58-29-2-04-0-000-001.000; and,

WHEREAS, the evidence and testimony presented meets the requirements of the Subdivision Regulations of Shelby County, Alabama;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-65-06**, a request for the approval of a preliminary plat called *Summerhill* to subdivide approximately 80-acres into 52 residential lots, located in an unzoned portion of Shelby County off and southeast of Highway 25, approximately 1 ½ miles southwest of Columbiana at Gould Road, in the Columbiana Zoning Beat, and situated in the NE ¼ of Section 4, Township 22 South, Range 1 West, Parcel Identification Number 58-29-2-04-0-000-001.000, is hereby *Approved*; subject to:

- Applicant submitting a revised preliminary plat addressing *all* comments.
- 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.

4. S-70-06, Highland Ridge Subdivision, Preliminary Plat (ref. MP-03-06)
(CONTINUED from the October 2, 2006, Meeting)

Purpose: A request from Leo Joseph, Shelby 39, LLC, for the approval of a preliminary plat to be called *Highland Ridge*, subdividing 63 acres into 45 single-family residential lots.

Location: The subject property is located in an unzoned area, on the west side of County Road 39, south of the High Chaparral subdivision and north of the Cameron Woods subdivision, in the Chelsea South Zoning Beat and situated in Sections 17 & 18, Township 20 South, Range 1 West, Parcel Identification No. 58-15-4-18-0-000-001.001.

The case was introduced by Sharman Brooks. The case was then represented by Leo Joseph, owner. Mr. Joseph noted that 5 acres would be preserved in a conservation easement. Bryan Harris, Gonzalez-

Strength, noted that the easements would be identified on deeds and that they would be posted for residents. Staff asked that when the Final Plat is advanced for recording that the conservaytion easement documents be likewise submitted for review. The applicants agreed.

Commissioner Hale made a motion to *Approve* the preliminary play. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote, the following resolution was approved:

WHEREAS, Leo E. Joseph, Jr. has petitioned the Shelby County Planning Commission for the approval of a Preliminary Plat Plan to be called **Highland Ridge**, a residential development consisting of 48 lots on a 63-acre, more or less, tract of land, that is located in an area of Shelby County that is *not zoned*; and,

WHEREAS, the subject property is located on the west side of County Road 39, south of High Chaparral and north of Cameron Woods, in the Chelsea South Zoning Beat and situated in Sections 17 & 18, Township 20 South, Range 1 West, Parcel Identification No. 58-15-4-18-0-000-001.001; and,

WHEREAS, the evidence and testimony presented meets the requirements of the Subdivision Regulations of Shelby County, Alabama;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-70-06**, a request for the approval of a Preliminary Plat to be called **Highland Ridge**, a residential development consisting of 48 lots on a 63-acre, more or less, tract of land,, located on the west side of County Highway 39, south of High Chaparral, and situated in Sections 17 & 18, Township 20 South, Range 1 West, Parcel Identification No. 58-15-4-18-0-000-001.001, is hereby *Approved*, subject to:

- Applicant submitting a revised preliminary plat addressing all comments.
- 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.
- Review and approval of the *Conservation Easement* documents prior to recording the Final Plat.

4. Case No. SAM-01-06; Amendment of the Subdivision Regulations of Shelby County.

Purpose: The amendment of the Subdivision Regulations of Shelby County.

The case was presented by Michele O'Neal. Ms. O'Neal outlined the provisions of the proposed regulations and was available for any questions. A citizen, who had been involved in the preparation of the Comprehensive Plan, came forward and voiced his favor of the new regulations. He noted changes were necessary to accommodate the growth of Shelby County.

Others, predominantly builders and developers, came forward and voiced their concerns that the proposed regulations would have a harmful affect upon the development community, especially smaller developers.

Commissioner Land made a motion to *Adopt* the proposed subdivision regulations, including the amendments that staff had identified. The motion was seconded by **Commissioner Hale**, and by a unanimous vote of six (6) in favor and one (1) opposed, the following resolution was approved:

WHEREAS, the Shelby County Planning Commission has recognized the need for a comprehensive plan to guide the public policy in making decisions consistent with the vision of the people of Shelby County; and,

WHEREAS, a Plan was developed through a three year process that included an extensive public involvement process, the creation of the Strategic Development Concept that responds to public input, and the development of specific strategies and action items required to implement the plan; and,

WHEREAS, the Commission has found that it is appropriate to envision a future for Shelby County that includes an aesthetically pleasing and functional rural landscape with a viable rural/agricultural economy, interspersed with compact walkable communities designed following the traditional town or village model; and,

WHEREAS, the Commission has found that the intentional concentration of development around traditional town or village centers will effectively accommodate expected future growth over the next 20 years; and,

WHEREAS, the Commission has found that this pattern is fiscally responsible in that it maximizes infrastructure utilization, minimizes infrastructure costs, internalizes traffic circulation, minimizes sprawl, and encourages opportunities to work with municipalities and communities to incorporate design into all of our communities; and,

WHEREAS, on September 30, 2004, the Planning Commission adopted the *Shelby County Comprehensive Plan, "A Path to the Future"*; and,

WHEREAS, the Shelby County Commission ratified this Plan on October 25, 2004; and,

WHEREAS, Part IV "Implementation Systems" of the Comprehensive Plan identifies the need for the revision of the *Subdivision Regulations of Shelby County*; and,

WHEREAS, subdivision regulations are designed to address the physical attributes of land development, such as street and roadway design and dimensions, block size and scale; and,

WHEREAS, the proposed *Subdivision Regulations* and notice of the Public Hearing were published in the Shelby County Reporter, a newspaper of general circulation, on October 18, 2006, and copies made available at various official County Offices and posted on the County website www.shelbycountyalabama.com and the website of the Shelby County Reporter; and,

WHEREAS a synopsis of the initial notice has been advertised in the Shelby County Reporter on October 25 and November 1, 2006; and,

WHEREAS, on November 6, 2006 the Shelby County Planning Commission held a public hearing at which time all individuals, in opposition or in support thereof, had the opportunity to speak regarding the proposed amendments to the *Subdivision Regulations of Shelby County*; and,

WHEREAS, the Planning Commission, following the public testimony, reviewed and adopted the proposed amendments herein to said *Subdivision Regulations of Shelby County, Alabama* and referred same to the Shelby County Commission for approval;

NOW THEREFORE BE IT RESOLVED, by the Shelby County Planning Commission that pursuant to Case No. **SUB-01-06** the *Subdivision Regulations of Shelby County, Alabama* are hereby amended to read as follows:

BE IT FURTHER RESOLVED, that the above amended *Subdivision Regulations of Shelby County, Alabama* are additionally amended as follows:

ARTICLE 1

1.07 LOTS OF RECORD

Lots of record, located in subdivisions that were recorded in the Office of the Judge of Probate prior to March 8, 1971, the date of the implementation of Subdivision Regulations in Shelby County, shall, upon application for any development approval ~~building permit~~ be reviewed on their own merits by the Manager of Development Services and the County Engineer. An agreement shall be executed between the County and the developer to describe the responsibilities of each. Any party aggrieved by the interpretation of the Manager of Development Services and the County Engineer may appeal this decision to the Shelby County Planning Commission.

Lots of record that were recorded in the Office of the Judge of Probate on or after March 8, 1971, the date of the implementation of Subdivision Regulations in Shelby County, shall be subject to the procedures and policies herein; and,

ARTICLE 2

2.01 DEVELOPMENT PATTERNS

B. Development Patterns. All subdivisions must implement one of three possible development patterns:

1. *Conventional Development* represents the development occurring prior to the adoption of the Shelby County Comprehensive Plan. The following subdivision types follow the conventional subdivision process as **detailed in Article 3, Administrative and Conventional Subdivision Standards.**

b. Non-Administrative Subdivisions involve more than five lots, require infrastructure improvements, or otherwise require Planning Commission approval. These subdivisions require staff review and Planning Commission approval. Depending on the scale of the proposed project, the plat types identified in **Table 2-2** below may be required. **See Article 3, Administrative and Conventional Subdivision Standards.**

(2) ~~Major~~ Non-Administrative Subdivisions involve more than five lots and/or require infrastructure improvements.

(3) Non-Administrative Subdivisions, which are intended for use as manufactured home communities shall be subject to the provisions of the “Shelby County Regulations for Manufactured Home Communities” which are hereby incorporated into these regulations by reference and can be found in Appendix I.

TABLE 2-7: IMPLEMENTATION FRAMEWORK AND DEVELOPMENT INTENSITY			
	CONVENTIONAL SUBDIVISION	CONSERVATION SUBDIVISION	FORM-BASED SUBDIVISION
TIER I	<ul style="list-style-type: none"> Residential subdivisions with a minimum ¼ acre lot size. Supporting non-residential development Sewers may be permitted in a public right-of-way. 	<ul style="list-style-type: none"> Clustered residential subdivisions with a minimum ¼ acre lot size calculated at 4 lots per acre, (gross calculation). Supporting non-residential development. Sewers may be permitted in a public right-of-way. 	<ul style="list-style-type: none"> Core Areas and Focus Areas of the “Communities of Place” concept of the Comprehensive Plan. <ul style="list-style-type: none"> Mixed-use Cores Focus Areas of supporting neighborhoods Sewers are permitted in a public right-of-way.
TIER II	<ul style="list-style-type: none"> Residential subdivisions with a minimum 2 acre lot size. Supporting non-residential development at a rural scale Sewers may be permitted in a public right-of-way, depending on 	<ul style="list-style-type: none"> Clustered residential subdivisions with a minimum 1 acre lot size calculated at a density of 1 lot per acre, (gross calculation). Supporting non-residential development at a rural scale Sewers may be permitted in a public right-of-way. 	<ul style="list-style-type: none"> Transition Areas of the “Communities of Place” concept of the Comprehensive Plan. <ul style="list-style-type: none"> Rural Conservation residential subdivisions Deferred growth areas as future extensions of Focus Area Neighborhoods. Sewers are permitted in a public right-of-way.

	surrounding development patterns.		
TIER III	<ul style="list-style-type: none"> Residential subdivisions with larger than 10 acre lots Sewers may be permitted in a public right-of-way, depending on surrounding development patterns. 	<ul style="list-style-type: none"> Clustered residential subdivisions with a minimum 3-acre lot size calculated at a density of 1 lot per 3 acres (gross calculation). Sewers may be permitted in a public right-of-way. 	<ul style="list-style-type: none"> Rural Areas of the “Communities of Place” concept of the Comprehensive Plan. Sewers are permitted in a public right-of-way.

ARTICLE 4

4.04 STREET NETWORK, BLOCKS, LOTS

D. Housing Density Determination. In zoned areas, the maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant. In unzoned areas, the conventional yield plan shall be used.

- 1. Calculation:** The maximum number of lots in zoned areas is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In unzoned areas, the maximum number of lots is determined pursuant to Table 2.7. ~~In making this calculation, primary conservation area elements (see 4.05 C) shall not be included in the total area of the parcel.~~

4.05 OPEN SPACE

B. Conservation Area Criteria. All Conservation Areas shall meet the following criteria:

- ~~Up to~~ No more than 50% of the conservation area ~~may~~ shall be land that is undevelopable due to other laws or ordinances.

E. Uses of Conservation Area.

2. Prohibited Uses. Uses of Conservation Areas shall not include the following:

- Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- ~~Impoundments;~~
- ~~Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.~~

ARTICLE 6

6.07 UTILITIES

2. All utilities shall be placed underground, except in Administrative Subdivisions, Tier II and III Conventional Subdivisions, subdivisions that are zoned, or as otherwise approved by the Planning Commission.
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There being no further business, **Commissioner Kinnebrew** made a motion to adjourn. The motion was seconded by **Commissioner Garrett** and, by a unanimous vote, the meeting was adjourned.

ADJOURNMENT 9:05 p.m. November 6, 2006.

David Hunke, AICP
Planning Services Supervisor

Kenneth F. Wilder, Chairman,
Shelby County Planning Commission