

STATE OF ALABAMA  
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

**Regular Meeting – October 2, 2006, 7:00 P.M.**

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

**Staff Present:** David Hunke, Planning Services Supervisor; 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. Approximately 17 people were 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 September 18, 2006 Regular Meeting**

**Commissioner Thomas** made a motion to approve the minutes of the September 18, 2006 meeting. The motion was seconded by **Commissioner Garrett** and by a vote of six (6) in favor and one (1) abstention, the Minutes of the Meeting of September 18, 2006, were ***Adopted***.

**2. S-45-06, Lake Wellington Estates Preliminary Plat**

*Continued from August 21, 2006*

*Purpose:* A request from Bobby Adams for the approval of a preliminary plat to be called ***Lake Wellington Estates***, subdividing 15.3 acres, more or less, into 21 single-family residential lots. This property is zoned "E-2", Single Family 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 situated in the NW ¼ of Section 10, Township 19 South, Range 2 West, parcel identification number 58-10-2-10-0-001-005.000.

The case was presented by the applicant Mike Brant, an attorney representing Adams Homes. Mr. Brant distributed a memorandum to the Planning Commission. The memorandum stated that the submitted preliminary plat was in compliance with all of the requirements of the Highway Department as well as the Department of Development Services and requested that the Commission approve the plat.

An attorney, representing the abutting property owner, came forward and objected to the request. The primary objection raised was the utilization of the abutting property owner's lake as the drainage receptacle for the proposed subject development. The owner of the lake would have to upgrade the dam structure in order to improve his own property. The issue, simply stated, was can a developer utilize someone else's property for detention?

**Commissioner Hale** made a motion to *Approve* the preliminary plat, subject to the staff conditions. The motion was seconded by **Commissioner Thomas** and by a vote of five (5) in favor, one (1) in opposition and one (1) abstention, the following resolution was approved:

**WHEREAS**, Bobby Adams has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called ***Lake Wellington Estates***, subdividing 15.3 acres, more or less, into 21 single-family residential lots; the subject property is zoned "E-2", Single Family Estate District; 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 situated in the NW ¼ of Section 10, Township 19 South, Range 2 West, parcel identification number 58-10-2-10-0-001-005.000; and,

**WHEREAS**, the evidence and testimony presented meet the requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that **Case No. S-45-06**, a request for the approval of a preliminary plat to be called ***Lake Wellington Estates***, subdividing 15.3 acres, more or less, into 21 single-family residential lots; located on the west side of Caldwell Mill Road, approximately 375 feet south of Heatherwood Drive and situated in the NW ¼ of Section 10, Township 19 South, Range 2 West, parcel identification number 58-10-2-10-0-001-005.000, is hereby ***APPROVED***, subject to:

- The applicant must submit an application for final plat approval within two 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.

### **3. S-70-06, Highland Ridge Subdivision, Preliminary Plat (ref. MP-03-06)**

*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 not zoned and is located 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 is 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 presented by Leo Joseph, applicant. Mr. Joseph stated that the development is laid out as it was presented in the approved master plan.

Adjoining property owners came forward and spoke in opposition to the request. Their objections were based upon deficiencies of the utilities and preservation of the natural resources, particularly Bolivar Creek.

**Commissioner Hale** made a motion to *Continue* consideration of this the preliminary plat. 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 45 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 Highway 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 Planning Commission has determined that the preliminary subdivision maps and documentation submitted *do not* meet the minimum standards of the Subdivision Regulations of Shelby County;

**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 45 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 **CONTINUED**, until **November 20, 2006**.

### **Discussion Items**

Staff reported to the Commission that investigation had begun to review options to address developments along the County ridgetops. Policies that would be in keeping with the goals and objectives of the Comprehensive Plan will be reviewed and brought before the Commission for consideration.

Staff also reported that consideration of alternative categorization of areas that are currently zoned "HZ", Holding Zone in the Chelsea North - Dunnavant Valley South - Westover North zoning beat were being reviewed. Potential options would be reviewed for appropriateness and presented to the Commission for consideration.

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

**ADJOURNMENT 7:45 p.m. October 2, 2006.**

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David H. Hunke, AICP  
Planning Services Supervisor

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Kenneth F. Wilder, Chairman,  
Shelby County Planning Commission

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