

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – September 18, 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.

Members Absent: Bill Kinnebrew.

Staff Present: David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner, 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 over 70 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 August 18, 2006 Regular Meeting

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

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

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. The subject property is located in an unzoned area.

Location: The subject property is located 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 Chairman amended the Agenda and called this case first.) The case was described by Sharman Brooks, Planner II of the Department of Development Services. The case was

September 18, 2006

Page 1

presented by the applicant James Cassidy. Mr. Cassidy requested that the case be continued until another meeting to permit him to make changes identified by the County Engineer.

Several adjoining property owners came forward to express concerns about the proposed development.

Commissioner Land made a motion that the case be *Continued* until the regularly scheduled meeting of November 6, 2006. The motion was seconded by **Commissioner Garrett** 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 Planning Commission has determined that based upon the comments of the County Engineer 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-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 *Continued until November 6, 2006*.

3. S-61-06, Whispering Pines, Resubdivision of Lots 10-4 and 10-5, Final Plat

Purpose: A request from Kerry Carter, Carter Homebuilders, Inc., for the approval of a final plat called *Whispering Pines*, a resubdivision of two (2) lots, 16.68 acres, into three (3) lots. This property is zoned "A-1", Agricultural District.

Location: The subject property is located on the south side of County Road 13, approximately ¼ mile east of the Shelby / Bibb County line, in the North Shelby – I-65 Corridor Zoning Beat, and situated in the SE ¼ of Section 11 and the SW ¼ of Section 12, Township 21 South, Range 5 West, Parcel Identification Numbers: 25-1-11-0-000-003.003, 25-1-12-0-000-005.020, 25-1-12-0-000-005.008.

(The Chairman amended the Agenda and called this case first.) The case was described by Sharman Brooks, Planner II of the Department of Development Services. The case was presented by the applicant Kerry Carter, Carter Homebuilders, Inc... Mr. Carter stated that they combined correcting an encroachment and providing sufficient setback and resubdividing two lots into three lots.

An adjoining property owner raised questions regarding resubdivision by the developer in identified in the restrictive covenants on the subject property. Mr. Carter responded by saying that he was acting as owner and that there was no involvement of a developer in this subdivision.

Commissioner Hale made a motion that the preliminary plat be *Approved*. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the following motion was approved:

WHEREAS, Kerry Carter, Carter Homebuilders, Inc., has petitioned the Shelby County Planning Commission for the approval of a final plat called **Whispering Pines - Resubdivision of Lots 10-4 and 10-5** to create three (3) residential lots, that are zoned "A-1", Agricultural District; and,

WHEREAS, the subject property is located on the south side of County Road 13, approximately ¼ mile east of the Shelby / Bibb County line, in the North Shelby – I-65 Corridor Zoning Beat, and situated in the SE ¼ of Section 11 and the SW ¼ of Section 12, Township 21 South, Range 5 West, Parcel Identification Numbers: 25-1-11-0-000-003.003, 25-1-12-0-000-005.020, 25-1-12-0-000-005.008; and,

WHEREAS, the Planning Commission has determined that the preliminary subdivision maps and documentation submitted meet the minimum standards of the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-61-06**, a request for the approval of a final plat called **Whispering Pines - Resubdivision of Lots 10-4 and 10-5** to create three (3) residential lots, that are zoned "A-1", Agricultural District, located on the south side of County Road 13, approximately ¼ mile east of the Shelby / Bibb County line, in the North Shelby – I-65 Corridor Zoning Beat, and situated in the SE ¼ of Section 11 and the SW ¼ of Section 12, Township 21 South, Range 5 West, Parcel Identification Numbers: 25-1-11-0-000-003.003, 25-1-12-0-000-005.020, 25-1-12-0-000-005.008, is hereby **Approved**, subject to:

- Applicant submitting a revised final plat addressing **all** comments.
- Compliance with the regulations, policies and guidelines of Shelby County.

NOTE:

The applicant should note that approval of the preliminary plat is authorization that the subdivider may proceed with the staking of streets and lots in preparation for construction. The County Engineer must approve construction of proposed improvements.

Prior to beginning any construction, a revised preliminary plat must be submitted for review and approval by staff, showing all conditions met.

4. Z-08-06, E & R Properties LLC, Rezoning Request

Purpose: A request from Eddie Gentry for the rezoning of a one-acre parcel of land from "A-1", Agricultural District to "A-1 SD", Agricultural Special District, to permit the development of a three (3) residential lots.

Location: The subject property is located in the Calera area on Highway 25 approximately ½ mile north of Hwy. 86, in the North Shelby – I-65 Corridor Zoning Beat and situated in the W ¼ of Section 13, Township 22 South, Range 2 West, parcel identification number 58-28-6-13-0-000-007.003.

The case was described by Tom Wilkins, Senior Planner of the Department of Development Services. The case was presented by Eddie Gentry. Mr. Gentry stated that he had purchased the

subject property for another development but did not wish to rezone the property. He proposes to place three (3) trailers on the subject property and rent them out. The units will meet the setback requirements defined in the Zoning Regulations.

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

Commissioner Land made a motion that the requested rezoning be *Approved* with the staff recommendations. The motion was seconded by **Commissioner Taylor** and by a vote of four (4) in favor and two (2) opposed, the following motion was approved:

WHEREAS, Ed Gentry, representing E & R, Inc., has petitioned the Shelby County Planning Commission for the approval of the rezoning of a one-acre parcel of land from “A-1”, Agricultural District to “A-1 SD”, Special Agricultural District, to permit the development of three (3) residential lots; and,

WHEREAS, the subject property is located in the Calera area on Highway 25 approximately ½ mile north of County Road 86, in the North Shelby – I-65 Corridor Zoning Beat and situated in the W ½ of Section 13, Township 22 South, Range 2 West, parcel identification number 58-28-6-13-0-000-007.003; and,

WHEREAS, the evidence presented demonstrates that the development of three (3) residential lots on the subject property is consistent with the Comprehensive Plan of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that the request of Ed Gentry, E & R, Inc., for the approval of the rezoning of a one-acre parcel of land from “A-1”, Agricultural District to “A-1 SD”, Special Agricultural District, to permit the development of a three (3) residential lots on the property situated in the W ½ of Section 13, Township 22 South, Range 2 West, parcel identification number 58-28-6-13-0-000-007.003, be and same is hereby **APPROVED**, subject to:

- **Tie-Downs.** Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home based on the requirements of the manufacturer or the installation standards of the Alabama Manufactured Housing Commission.
- **Foundations.** Foundations shall be installed in accordance with the standards set forth in the manufacturer’s set-up requirements, or the installation standards of the Alabama Manufactured Housing Commission.
- **Skirting.** Installation of skirting on all manufactured homes shall be required. Installation shall be in accordance with the manufacturer’s installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.

5. MP-04-06, Dunnivant Square, Master Plan

CONTINUED from August 21, 2006 Meeting

Purpose: A request from Jackie Davis, Surveying Solutions, Inc., for the approval of a master plan for a development to be called Dunnivant Square, a 36.5-acre mixed-use development having residential and commercial uses. The property is zoned “HZ (SD)”, Special Holding Zone District.

Location: The subject property is located on Highway 41 (Old Dunnivant Valley Road) east of

The Village at Highland Lakes/Fowler Lake Estates and west of Mt. Laurel in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Section 3, Township 19 South, Range 1 West; Parcel Identification No. 58-09-2-03-0-000-012.000.

The case was described by Tom Wilkins, Senior Planner of the Department of Development Services. The case was presented by Jackie Davis, Surveying Solutions, Inc. Ms. Davis described the proposed development as a revision of the originally submitted proposal. She noted that the streets will be 36 feet wide to provide for off-street parking. She also identified that the adjoining development, The Village at Highland Lakes, had begun making plans to connect to the proposed development. It was noted that the units would sell for more than \$250,000. It was also noted that applications would be made to the U. S. Corps of Engineers and that the development would conform to the requirements of the Flood Damage Prevention Ordinance of Shelby County.

A number of adjoining residents came forward and expressed questions and opposition. Issues of opposition involved flood prone areas, traffic generation, capacity of surrounding schools, commercial development, phasing of development along County Road 41 and effect upon property values.

Commissioner Land made a motion to *Approve* Case Nos. MP-04-06, subject to staff recommendations, and that the development comply with all State and Federal flood and wetland requirements. The motion was seconded by **Commissioner Hale** and by a unanimous vote, the following resolutions were approved:

WHEREAS, Jackie Davis, Surveying Solutions, Inc., has petitioned the Shelby County Planning Commission for the approval of a 36.5 acre mixed-use development having residential and commercial uses, that is zoned “HZ (SD)”, Special Holding Zone District; and,

WHEREAS, the subject property is located on County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of Highway 280, between The Village at Highland Lakes / Fowler Lake and Mt. Laurel in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat, and situated in the N ½ of Section 3, Township 19 South, Range 1 West; Parcel Identification No. 58-09-2-03-0-000-012.000; and,

WHEREAS, the applicant has requested the approval of a Master Plan for the residential phase of a 36.5-acre Traditional Neighborhood Development, reflecting 126 townhome lots, having a minimum size of 30 feet by 80 feet, (2,400 square feet), 82 lots for front-loaded townhomes, in six (6) groupings, occupying a total of 5.28 acres, and 44 rear-loaded townhomes, in four (4) groupings, occupying 4.11 acres, situated around a 6.66 acre combined wetland and flood prone area that will be designated as open space; and,

WHEREAS, the approximately 10.36-acre mixed-use portion of this Traditional Neighborhood Development, will be identified as a later phase of development;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. MP-04-06**, a request for the approval of a approval of a 36.5-acre Traditional Neighborhood Development, that is zoned “HZ (SD)”, Special Holding Zone, located on County Road 41, west of Mt. Laurel, Phase 1, and situated in Section 3, Township 19 South, Range 1 West; Parcel Identification No. 58-09-2-03-0-000-012.000, is hereby *Approved*, subject to:

- The proposed development providing stub-outs to the adjacent properties and developments located to the north and south to promote connectivity;
- Linkages being included for pedestrian and bicycle traffic;
- Compliance with Shelby County’s Flood Damage Prevention Ordinance;

September 18, 2006

Page 5

- Compliance with all State and Federal flood and wetland requirements.
- The planning and design of the mixed-use TND sector of this development being coordinated with the adjoining developments and the surrounding property owners through a *charrette* or another public involvement process.

6. MP-06-06 Highland Lakes, *REVISED* Master Plan, (See P-01-90)

Purpose: A request from Bryson Weygand, Eddleman Properties, for the approval of a revised master plan for the **Highland Lakes** community, including **The Village at Highland Lakes**; the subject properties are zoned "E2-SD" Special Estate District and "HZ-SD", respectively.

Location: The subject properties are located generally north and east of Highway 280 and west of Highway 41, (Dunnivant Valley Road), in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, and situated in Sections 3, 4, 5, 8 and 9, Township 19 South, Range 1 West.

7. S-67-06, The Crest at Highland Lakes (Condominiums), Final Plat

Purpose: A request from Kenneth B. Weygand, Eddleman Properties, Inc., for the approval of a final plat to be called **The Crest at Highland Lakes**, a 40.52-acre subdivision with one office and four residential condominiums. The subject property is zoned "E2-SD", Special Estate District.

Location: The subject property is located on the crest of Oak Mountain, off of Highway 280 West, and north of Highland View Drive, in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, and situated in Sections 5 and 8, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-08-0-001-001.000.

(These two cases were considered jointly, as they involve the development of the same property.)

The cases were described by Sharman Brooks, Planner II of the Department of Development Services. The cases were presented by Kenneth B. Weygand, Eddleman Properties, Inc... Mr. Weygand identified that the originally approved master plan identified the proposal to develop 80 patio homes atop the crest of Double Oak Mountain. The developers now request to revise the plan to build four (4) – 20 unit condominium buildings on the subject property instead of the 80 patio homes. The companion case (S-67-06) is the subdivision case accompanying this revision of the master plan.

A number of adjoining property owners were present to object to these requests. Their claims of objections included traffic safety, congestion and capacity, view sheds, property values, and the issue of disclosure to purchasers of property in this development.

Commissioner Thomas made a motion to **Approve** Case Nos. MP-06-06 and S-67-06. The motion was seconded by **Commissioner Taylor** and by a vote of five (5) in favor and one (1) opposed, the following resolutions were approved:

MP-06-06 Highland Lakes, *REVISED* Master Plan

WHEREAS, Bryson Weygand, Eddleman Properties, has petitioned the Shelby County Planning Commission for the approval of a *Revised* Master Plan for the Highland Lakes community, that is zoned "E2-SD" Special Estate District; and,

WHEREAS, the subject properties are located generally north and east of Highway 280 and west of County Road 41, (Dunnivant Valley Road), in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, and situated in Sections 3, 4, 5, 8 and 9, Township 19 South, Range 1 West; and,

WHEREAS, the original Master Plan for Highland Lakes, a residential development of over 1,592 lots on approximately 1,750 acres, was approved by the Planning Commission in April 1991; and

WHEREAS, the originally approved Master Plan included 80 patio homes and one (1) commercial structure on the Crest of Oak Mountain; and,

WHEREAS, the applicant has requested the approval of a *Revised* Master Plan for the Highland Lakes residential community that replaces the 80 patio homes with 4 residential condominium buildings, each having a maximum of 20 residential units; and,

WHEREAS, the commercial structure is reflected as a two-story structure with a 5,500 footprint, (approximately 11,000 square feet total); and

WHEREAS, the condominium buildings will result in considerably less impervious surface and not present the imposing vision of 2,400 linear feet of development atop Oak Mountain;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. MP-06-06**, a request for the approval of a revised Master Plan for the Highland Lakes community, that is zoned "E2-SD" Special Estate District, located generally north and east of Highway 280 and west of County Road 41, (Dunnivant Valley Road), in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, and situated in Sections 3, 4, 5, 8 and 9, Township 19 South, Range 1 West, is hereby *Approved*.

S-67-06, The Crest at Highland Lakes – Final Plat

WHEREAS, Bryson Weygand, Eddleman Properties, has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called *The Crest at Highland Lakes*, a 40.52-acre subdivision consisting of one (1) lot for the purpose of developing four (4) residential condominium buildings and one (1) office condominium building; and,

WHEREAS, the subject property is zoned "E2-SD" Special Estate District, and located on the crest of Oak Mountain, off of Highway 280 West, and north of Highland View Drive, in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, and situated in Sections 5 and 8, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-08-0-001-001.000; and,

WHEREAS, the documents and maps submitted meet the requirements of the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-67-06** a request for the approval of a preliminary plat to be called *The Crest at Highland Lakes*, a 40.52-acre subdivision consisting of one (1) lot for the purpose of developing four (4) residential condominium buildings and one (1) office condominium building, located generally on the crest of Oak Mountain, off of Highway 280 West, and north of Highland View Drive, in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, and situated in Sections 5 and 8, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-08-0-001-001.000, is hereby *Approved*, subject to:

- Applicant submitting a revised final plat addressing all comments;

- Compliance with the regulations, policies and guidelines of Shelby County.

NOTE:

The applicant should note that approval of the preliminary plat is authorization that the subdivider may proceed with the staking of streets and lots in preparation for construction.

The County Engineer must approve construction of proposed improvements.

Prior to beginning any construction, a revised preliminary plat must be submitted for review and approval by staff, showing all conditions met.

Discussion Items:

Commissioner Land voiced concern regarding *development on ridge tops*. He noted that previous discussions and considerations were soundly rejected by large property owners and others involved in the formulation of the Comprehensive Plan. It was suggested that staff review opportunities in the regard and report back to the Planning Commission.

Commissioner Land made a motion to request that staff review options for the review of developments along County ridge tops. The motion was seconded by **Commissioner Garrett** and the **Commission** voted unanimous in assent of this request.

Commissioner Land addressed the "HZ", Holding Zone category that is prevalent in the Dunnivant Valley. The Commissioner reflected the definition of the H-Z designation as a category to identify property that "...should be held in a primarily undeveloped state for an interim period of time pending development and/or completion of the comprehensive land use plan for the respective zoning jurisdiction." It was noted that the Comprehensive Plan has been completed and is being implemented. Discussion included the use of 'overlays' to ensure the protection of residential areas where the dynamics of surrounding developments are a concern.

Commissioner Garrett made a motion for staff to review the initiation of a rezoning of those areas in the Chelsea North - Dunnivant Valley South - Westover North zoning beat that are currently zoned "HZ", Holding Zone to another more appropriate category. The motion was seconded by **Commissioner Land** and the **Commission** voted unanimously in favor of this request.

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

ADJOURNMENT 10:15 p.m. September 18, 2006.

David Hunke, AICP
Planning Services Supervisor

Kenneth F. Wilder, Chairman,
Shelby County Planning Commission

September 18, 2006
Page 8