

STATE OF ALABAMA

SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – June 4, 2007, 7:00 P.M.

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

Members Absent: Russ Hale.

Staff Present: Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II..

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

The meeting was called to order at approximately 7:10 p.m. by Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Shelby County Planning Commission and staff. There were approximately 4 people present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of May 21, 2007.

Commissioner Kinnebrew made a motion to approve the Minutes of the Meeting of May 21, 2007. The Motion was seconded by **Commissioner Thomas** and by a vote of five (5), (Commissioners Garrett, Thomas, Kinnebrew, Land, and Wilder) in favor and one (1) abstention, (Commissioner Taylor), the Minutes of the Meeting of May 21, 2007 were unanimously approved.

2. Z-05-07 – New Level LLC – Rezoning A-1 to B-2

Purpose: A request of Daniel Acton, Acton Partnership Highway 280, for the approval of the rezoning of a 2,278-square-foot parcel of land from “A-1”, Agricultural District to “B-2”, General Business District to be combined with a 7-acre, more or less, tract of land to be used for an automobile sales facility.

Location: The subject property is located on the east side of Highway 280 across from Eagle Point Parkway in the North Shelby – I 65 Corridor Zoning Beat and situated in the SE quarter of Section 5, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-05-0-001-047.000 (part).

The case was introduced by Sharman Brooks, Department of Development Services. Jackie Davis, Surveying Solutions, representing the owners, Acton Partnership Highway 280, presented

the case. Ms. Davis expressed her regret that she had overlooked this small part of the tract in a previous rezoning, (*Case No. Z-11-06.*) This 2,278 square foot tract was purchased over six (6) years ago to provide access to the larger 7-acre, more or less, tract to the north. This smaller subject tract was acquired to ensure a 90 degree alignment to access U.S. 280. The proposed development of the properties is to be an automobile sales and service facility. There was no one present to speak in favor of or in opposition to this request.

Commissioner Land asked if the property could be rezoned to the "B-2 SD", General Business Special District category to ensure appropriate site plan review. Staff responded that it would be appropriate.

Commissioner Land made a motion to *Approve* the rezoning of the subject property. The motion was seconded by **Commissioner Thomas** and by a unanimous vote of six (6), (Commissioners Garrett, Thomas, Kinnebrew, Land, Taylor and Wilder), in favor the following resolution was approved:

WHEREAS, Daniel Acton, Acton Partnership Highway 280, owners, has petitioned the Shelby County Planning Commission to rezone approximately 2,278 square feet from "A-1", Agricultural District to the "B-2", General Business District to be combined with a 7-acre, more or less, tract of land to be used for an automobile sales facility; and,

WHEREAS, the subject property is located on the east side of Highway 280 across from Eagle Point Parkway in the North Shelby – I 65 Corridor Zoning Beat and situated in the SE quarter of Section 5, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-05-0-001-047.000 (part); and,

WHEREAS, the abutting property was rezoned from the "A-1," Agricultural District to the "B-2 SD", General Business Special District on December 18, 2006, (*Case No. Z-11-06*), to permit the development of an automobile sales and service facility; and,

WHEREAS, the subject 2,278 square foot tract was acquired over six (6) years ago as a part of the development on the abutting property, specifically for the alignment of the access drive serving the larger tract; and,

WHEREAS, the a resurvey of the subject properties is pending to combine the subject property with the abutting 7-acre, more or less, tract that has been rezoned to "B-2 SD", General Business Special District to permit said automobile sales and service facility; and,

WHEREAS, the Planning Commission finds that the testimony and evidence presented substantiates the rezoning of the subject property from the "A-1," Agricultural District to the "B-2 SD", General Business Special District, to ensure consistency of the development with the abutting property;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **Z-05-07**, a request to rezone approximately 2,278 square feet from "A-1", Agricultural District to the "B-2 SD", General Business Special District to be combined with a 7-acre, more or less, tract of land to be used for an automobile sales facility, located on the east side of U.S. 280, across from Eagle Point Parkway and situated in the SE quarter of Section 5, Township 19 South, Range 1 West, Parcel Identification No. 58-09-3-05-0-001-047.000 (part), be and the same is hereby **APPROVED** as "B-2 SD", General Business Special District subject to the following condition:

- *Submission to and the approval by the Shelby County Planning Commission of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting, (to be directed downward and not extend to adjacent properties); and the location and screening of solid waste containers by a six-foot-high wood fence on three sides and double gated on the other. All on- and off-site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the*

approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than installed. Any amendments, additions, deletions, alterations or changes to any of the above standards of the approved site development plan shall require the review and approval of an amendment to the approved site development plan by the Shelby County Planning Commission.

- *Compliance with the U.S. Highway 280 Overlay District Guidelines, (Article XVIII-B).*

There being no further business, **Commissioner Land** made a motion to adjourn. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of six (6), (Commissioners Garrett, Thomas, Kinnebrew, Land, Taylor, and Wilder) in favor, the meeting was adjourned.

ADJOURNMENT 7:20 P.M. June 4, 2007.

David Hunke, AICP
Planning Services Supervisor

Rachel Garrett, Chairwoman,
Shelby County Planning Commission