

STATE OF ALABAMA

SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – March 5, 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; Michele O'Neal, 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 by Rachel Garrett, Chairwoman to order at approximately 7:00 p.m. by. Ms. Garrett introduced the members of the Shelby County Planning Commission and staff. There were 8 to 10 people present at this meeting.

The Commission recognized Michele O'Neal, Planner II, who had accepted a position with the Westervelt Company and is leaving Shelby County. Ms. O'Neal was commended for her exceptional contributions and performance as staff and particularly for her tireless efforts in the preparation of the newly adopted Subdivision Regulations of Shelby County.

1. Approval of the Minutes of the Regularly Scheduled Meeting of February 19, 2006.

Commissioner Kinnebrew made a motion to approve the Minutes of the Meeting of February 5, 2007, as *corrected*. The Motion was seconded by **Commissioner Thomas** and by a vote of five (5) in favor and one (1) abstention, the Minutes of the Meeting of February 19, 2007 were approved, as *corrected*.

2. S-103-06, Dunnivant Square Preliminary Plat

Purpose: A request from Jackie Davis, Surveying Solutions, Inc., for the approval of a preliminary plat 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) approximately 3.3 miles northeast of U.S. 280 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 introduced by Tom Wilkins. Jackie Davis, Surveying Solutions, Inc. represented the owner in this case. Ms. Davis stated that the number of units in the development had been further reduced to 120 townhouses from the original proposed 158 units. The roadway at the south end of the property has been relocated to the western side of the property to reduce disturbances to the wetlands and flood prone areas. The proposed development, as revised, would include minor encroachments into these sensitive areas, but the applicant provided a letter from U.S. Corps of Engineers demonstrating that the Corps has approved the remediation of the encroachments. The development of the infrastructure and site preparation is anticipated to begin immediately and should be completed by the end of the summer. The final plat is projected to be submitted in September 2007.

The Commission raised questions regarding the open space and the preservation of mature vegetation. Ms. Davis stated that the intention is minimize disturbance of mature vegetation and other sensitive areas.

Property owners from the Mt. Laurel community came forward and raised several concerns. Pictures were circulated showing the disturbances to the stream that runs through the property as a result of grading activity by the developer of the subject property as well as disturbance activities on the adjacent property to the north. It was requested that the stream be protected in this area. Another expressed concern related to the flood hazard potential of this low lying area since a large portion of the property is located within the 100 year floodplain. It was requested that additional engineering data be submitted to support this development. The issue of burning waste materials was raised as having an adverse effect on those who live in the area with respiratory conditions. The issue of recreational areas was raised because the playground area in Mt. Laurel was already overcrowded. A request was made to include a developed playground in the development.

Mike Grey, Almon & Associates, the consulting engineer for the project, responded to the concerns about the flooding potential, noting that the site design incorporates information included in the September 2006 FEMA Flood Study. He also stated that the development sites would be elevated six to seven feet above the base flood elevation, (BFE). The wetland/flood plain areas would be contained within a number of retaining walls. The stream that runs through the property will be naturally buffered for protection on both sides.

Commissioner Land made a motion to *Approve* the preliminary plat. The motion was seconded by **Commissioner Wilder** and by a unanimous vote of six (6) in favor, 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 **Dunnivant Square**,

dividing a 36.5-acre tract into 120 lots for townhomes, a part of a mixed-use development having combining 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 preliminary plat creating 120 lots for townhomes, being a part of a 36.5-acre Traditional Neighborhood Development; and,

WHEREAS, the lots are configured to have a minimum size of 30 feet by 80 feet, (2,400 square feet), 88 lots for front-loaded townhomes and 32 for rear-loaded townhomes, situated around a combined wetland and flood prone area that will be designated as open space; and,

WHEREAS, on September 18, 2006 the Planning Commission approved the Master Plan for **Dunnivant Square**, (*Case No. MP-04-06*) 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;
- Compliance with all state and national 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; and,

WHEREAS, the Commission has found that the subject preliminary plat is in conformance with the conditions of the approval of said Master Plan for **Dunnivant Square**;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **S-103-06**, a request for approval of a preliminary plat, to be called **Dunnivant Square**, creating 120 lots for townhomes, located approximately 3.3 miles northeast of Highway 280, between The Village at Highland Lakes / Fowler Lake and Mt. Laurel 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 is hereby **APPROVED** subject to the following conditions:

- Compliance with the terms of approval of Master Plan for **Dunnivant Square**, (*Case No. MP-04-06*);
- Applicant submitting a revised Master Plan;
- Documentation of the approval of the U. S. Corps of Engineers for the mitigation of the wetlands encroachment;
- Applicant submitting a revised preliminary plat addressing all comments;
- The applicant submitting an application for final plat approval within two (2) years of the date of the approval of the preliminary plat. Failure to apply may necessitate reapplication for preliminary plat approval [§3:01(o)]; and,
- Compliance with the regulations, policies and guidelines of Shelby County.

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

ADJOURNMENT 8:00 p.m. February 19, 2007.

David Hunke, AICP
Planning Services Supervisor

Rachel Garrett, Chair
Shelby County Planning Commission