

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION
MINUTES

Regular Meeting – May 7, 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: David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; John Slaughter, Assistant County Engineer; Civil Engineer, Winston Sitton, Civil Engineer.

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 7:02 p.m. by Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Shelby County Planning Commission and staff. There were approximately 20 people present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of April 16, 2007.

Commissioner Kinnebrew made a motion to approve the Minutes of the Meeting of April 16, 2007. The Motion was seconded by **Commissioner Thomas** and by a vote of six (6), (Commissioners Garrett, Thomas, Kinnebrew, Land, Taylor and Wilder) in favor and none in opposition, the Minutes of the Meeting of April 16, 2007 were unanimously approved.

2. MP-01-07, The Summit at the Shoals - Master Plan

Purpose: A request from Steve Davis, Alabama Development Properties, for the approval of a master plan of a single-family residential subdivision consisting of 47 lots on 129.3 acres, more or less, to be called **The Summit at the Shoals**. This property is *not* zoned.

Location: The subject property is located in the switchback of Highway 25 at Lake View Circle in the Dunnivant Valley North and Sterrett-Vandiver Zoning Beats and is situated in Sections 9 and 10, Township 18 South, Range 1 East, Parcel Identification Numbers 58-04-2-10-0-000-005.000; 58-04-2-10-0-000-008.000; 58-04-2-10-0-000-009.000; 58-04-2-09-0-000-014.000; 58-04-2-09-0-000-014.001; 58-04-2-09-0-000-015.000; and 58-04-2-09-0-000-016.007.

The case was introduced by Sharman Brooks, Department of Development Services. The applicant, Steve Davis, Alabama Development Properties presented the case. Mr. Davis stated that the views will be spectacular from these lots. He noted that these lots would be marketed in a wide area. He expressed his view that they have addressed all of the issues that were raised at the March 19, 2007 meeting. He stated the he has been approached by Sterrett Water. They indicated that they would be interested in providing water service to this development. They were also interested in a possible reservoir at the crest of the mountain to serve their customers below. He indicated that he had spoken with the Shelby County School Board, and that they have generally agreed that there will be few, if any, school age children residing in this development.

Two adjoining property owners, across State Route 25 at the switchback, stated that they, and their neighbors, were in support of the development.

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

WHEREAS, Steve Davis, representing the owners, has petitioned the Shelby County Planning Commission for the approval of a master plan of a single family residential development to be called *The Summit at the Shoals*, dividing approximately 129 acres into 47 lots; and,

WHEREAS, the subject property is located in the switchback of Highway 25 at Lake View Circle in the Dunnivant Valley North and Sterrett-Vandiver Zoning Beats and is situated in Sections 9 and 10, Township 18 South, Range 1 East, parcel identification numbers 58-04-2-10-0-000-005.000; 58-04-2-10-0-000-008.000; 58-04-2-10-0-000-009.000; 58-04-2-09-0-000-014.000; 58-04-2-09-0-000-014.001; 58-04-2-09-0-000-015.000; and 58-04-2-09-0-000-016.007; and,

WHEREAS, the Commission has found that the master plan for the *The Summit at the Shoals* is consistent with the Comprehensive Plan of Shelby County; and,

WHEREAS, the evidence and testimony presented supports the approval of the master plan for *The Summit at the Shoals*;

NOW, THEREFORE, BE IT RESOLVED, that consideration of Case No. **MP-01-07**, a request for the approval of a master plan for *The Summit at the Shoals*, located in the switchback of Highway 25 at Lake View Circle, Parcel Identification Numbers 58-04-2-10-0-000-005.000; 58-04-2-10-0-000-008.000; 58-04-2-10-0-000-009.000; 58-04-2-09-0-000-014.000; 58-04-2-09-0-000-014.001; 58-04-2-09-0-000-015.000; and 58-04-2-09-0-000-016.007, is hereby *Approved*.

3. 3. S-14-07, The Summit at the Shoals, Phase I – Preliminary Plat

Purpose: A request from Steve Davis, Alabama Development Properties, for the approval of a preliminary plat for Phase I of a development, 24 lots on 47.59 acres, to be called **The Summit at the Shoals**. This property is *not* zoned.

Location: The subject property is located in the switchback of Highway 25 at Lake View Circle in the Dunnivant Valley North and Sterrett-Vandiver Zoning Beats and is situated in Sections 9 and 10, Township 18 South, Range 1 East, Parcel Identification Numbers 58-04-2-10-0-000-009.000; 58-04-2-09-0-000-014.000; 58-04-2-09-0-000-014.001; 58-04-2-09-0-000-015.000; and 58-04-2-09-0-000-016.007.

The case was introduced by Sharman Brooks, Department of Development Services. The applicant, Steve Davis, Alabama Development Properties stated that this was **Phase I** of the development and would answer any questions.

An adjoining property owner came forward to object to the subdivision. She stated that she and her husband had lived on the hillside for 11 years and this would destroy the ambiance and view from their property. Another area resident came forward to object to the adequacy of the publicity related to the proposed development.

Mr. Davis rebutted with assurances that site development would be controlled and they would keep the area as natural as possible. He noted that restrictive covenants would be placed upon the property to control the development and that an architectural review committee will consider and approve all proposed housing plans.

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

WHEREAS, Steve Davis, representing the owners, has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called *The Summit at the Shoals, Phase I*, dividing approximately 47.59 acres into 24 lots for a single family residential development; and,

WHEREAS, the subject property is located in the switchback of Highway 25 at Lake View Circle in the Dunnivant Valley North and Sterrett-Vandiver Zoning Beats and is situated in Sections 9 and 10, Township 18 South, Range 1 East, parcel identification numbers 58-04-2-10-0-000-005.000; 58-04-2-10-0-000-008.000; 58-04-2-10-0-000-009.000; 58-04-2-09-0-000-014.000; 58-04-2-09-0-000-014.001; 58-04-2-09-0-000-015.000; and 58-04-2-09-0-000-016.007; and,

WHEREAS, the Planning Commission has found that the master plan for *The Summit at the Shoals* is consistent with the Comprehensive Plan of Shelby County; and,

WHEREAS, the maps and drawings submitted comply with the requirements of the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that consideration of Case No. **S-14-07**, a request for the approval of a preliminary of a single family residential development of 24 lots on 47.59 acres, more or less, to be called *The Summit at the Shoals - Phase I*, located at in the switchback of Highway 25 at Lake View Circle, Parcel Identification Numbers 58-04-2-10-0-000-005.000; 58-04-2-10-0-000-008.000; 58-04-2-10-0-000-009.000; 58-04-2-09-0-000-014.000; 58-04-2-09-0-000-014.001; 58-04-2-09-0-000-015.000; and 58-04-2-09-0-000-016.007, is hereby *Approved*, subject to the applicant:

- Providing approval of an access permit from the Alabama Department of Transportation (ALDOT) for this development;

- Designing cul-de-sacs at the temporary end of proposed Road “A”; “hammer head” designs will not be allowed.
- Applicant submitting a revised preliminary plat addressing all comments;
- The applicant submitting 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.

4. S-73-06, Deer Path Meadows. Final Plat

Purpose: A request from Allen Dennis, owner, for the approval of a final plat for the subdivision of an approximately 9.63-acre tract of land, into 5 lots, to be called **Deer Path Meadows**. This property is zoned "A-1," Agricultural District.

Location: The subject property is located on the south side of County Road 410, (Newsome Road), approximately 2,000 feet east of the intersection with State Route 25, in the Westover – South Wilsonville Zoning Beats; situated in the NE quarter of Section 1, Township 21 South, Range 1 East, Parcel Identification Number 58-20-1-11-0-000-003.008.

The case was introduced by Tom Wilkins, Department of Development Services. The applicant, Allen Dennis presented the case, stating that he will do whatever the Planning Commission directs him to do. He questioned the comments of the Shelby County Highway Department regarding the issue of sight distance. He noted that County Road 410 was posted at 35 mph and has now been changed to 30 mph. He felt that sight distance requirements should be based upon that speed limit. He felt that opposition to his proposed development was initiated by the town of Wilsonville. He also stated that the County had done a speed study of this road. He further stated that several people had intentionally sped during the time the speed study was being developed to affect the results.

A representative of the surrounding property owners came forward to object to the proposed development. He presented a petition of opposition to the character of the proposed development signed by 15 adjoining property owners. He also stated that he was opposed to the flag lots that were being proposed, but he was not opposed to a manufactured home community. Another property owner objected to the proposed development because of the negative effects it would have on the value of her home.

County Engineer representative John Slaughter identified that as a part of the normal review of a subdivision case, sight distances are reviewed. The review of this request, and complaints of speeding on this road segment, indicated that a speed study was necessary to accurately determine the actual speed of vehicles traveling along this road segment. After meeting with the applicant, an engineering study and two (2) additional speed studies were conducted on this segment of County Road 410.

Commissioner Wilder made a motion to *Continue* consideration of this request until the applicant can demonstrate safe sight distances by current engineering standards. 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 and none opposed the following resolution was approved:

WHEREAS, Allen Dennis, owner, has petitioned the Shelby County Planning Commission for the approval of a final plat to be called *Deer Path Meadows* subdividing approximately 9.63 acres into five (5) residential lots; and,

WHEREAS, the subject property is located on the south side of County Road 410, approximately 1,900 feet east of its intersection with County Road 25, situated in the NE quarter of Section 1, Township 21 South, Range 1 East, Parcel Identification No. 20-1-11-0-000-003.008; and,

WHEREAS, proposed development will include five residential lots that will access County Road 410, via a common driveway; and,

WHEREAS, proposed subdivision streets or drives in Shelby County that intersect with county roads shall do so at a point on the county road that will provide an acceptable sight distance, pursuant to the American Association of State Highway and Transportation Officials (AASHTO) guidelines; and,

WHEREAS, the County Engineer has found that the sight distance provided by the configuration of this subdivision, as submitted, is insufficient to provide safe egress and ingress by current engineering standards;

NOW, THEREFORE, BE IT RESOLVED, that consideration of Case No. S-73-06, a request for the approval of a final plat to be called Deer Path Meadows subdividing approximately 9.63-acres into five (5) residential lots, located on the south side of County Road 410, approximately 1,900 feet east of its intersection with County Road 25, situated in the NE quarter of Section 1, Township 21 South, Range 1 East, Parcel Identification No. 20-1-11-0-000-003.008, is hereby *Continued*, pending:

- *The applicant resubmitting an alternative layout and proposed access location which demonstrates sufficient sight distances to ensure safe ingress and egress to County Road 410, per current engineering standards (AASHTO "A Policy on Geometric Design of Highways and Streets" 2001, Fourth Edition), at the direction of the County Engineer.*

There being no further business, **Commissioner Wilder** made a motion to adjourn. 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 meeting was adjourned.

ADJOURNMENT 8:32 P.M. May 7, 2007.

David Hunke, AICP

Rachel Garrett, Chairwoman,

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