

**STATE OF ALABAMA**

**SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION**

**MINUTES**

**Regular Meeting – April 16, 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.

**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 7:00 p.m. by Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Shelby County Planning Commission and staff. There were approximately 65 people present.

**1. Approval of the Minutes of the Regularly Scheduled Meeting of April 2, 2007.**

**Commissioner Thomas** made a motion to approve the Minutes of the Meeting of April 2, 2007. The Motion was seconded by **Commissioner Wilder** and by a vote of five (5), (Commissioners Garrett, Thomas, Land, Taylor and Wilder) in favor, and one (1) abstention, (Commissioner Kinnebrew), the Minutes of the Meeting of April 2, 2007 were approved.

**2. WT-01-07 Sprint-Nextel / Crest Road – Cellular on Wheels**

**Purpose:** The application of Wm. Cory Troiano, Baran Telecommunications, representing Nextel South Corporation, for approval of the location of a Cellular on Wheels, (C.O.W.), on Crest Road, four (4) months, (120 days), to prepare for the location of antennae on an adjacent tower, also on Crest Road; pursuant to Section 9, Wireless Telecommunication Facilities, Sub-Section 3.(b) Temporary Installations, of Article XXI, Supplementary Regulations and Modifications of the Zoning Regulations of Shelby County. The subject property is zoned "E2-Special District," Special Estate District.

**Location:** The subject property is located at the ridge of Oak Mountain, on Crest Road, in the Chelsea North - Dunnington Valley South - Westover North Zoning Beat, and situated in Section 8, Township 19 South, Range 1; Parcel Identification No. 09-3-08-0-001-001.000.

The case was presented by Sharman Brooks. Cory Troiano, Baran Telecommunications, representing Nextel South Corporation presented the request. He stated that the provider's antennae are currently located upon an existing tower. The owner of the tower has informed Nextel South Corporation that the

April 16, 2007

Page 1

lease will not be renewed and that they must vacate the tower. They have made arrangements to move to another tower nearby. Until the new lease can be executed, engineering prepared and other antennae moved on the new tower, they must use a Cellular on Wheels, (C.O.W.) to provide continuous service to their cellular customers. The time frame suggested is four (4) months, (120 days). Article XXI, Section 9.3.(b) permits the installation and use of C.O.W. for a period not to exceed one year. There was no one present to speak in favor of or in opposition to this request.

**Commissioner Land** made a motion to *Approve* the installation and use of a C.O.W. for a period not to exceed three (4) months. The motion was seconded by **Commissioner Taylor** and by a unanimous vote of six (6), (Commissioners Garrett, Thomas, Kinnebrew, Land, Taylor and Wilder), in favor the following resolution was approved:

**WHEREAS**, Wm. Cory Troiano, Baran Telecommunications, representing Nextel South Corporation, has requested the approval of the temporary location of a Cellular on Wheels, (C.O.W.), on Crest Road to provide uninterrupted cellular service to customers during the relocation of antennae from one tower to another; pursuant to Sub-Section 3.(b) Temporary Installations, Section 9, Wireless Telecommunication Facilities, Article XXI, Supplementary Regulations and Modifications of the Zoning Regulations of Shelby County; and,

**WHEREAS**, the subject property is located at the ridge of Oak Mountain, on Crest Road, in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, and situated in Section 8, Township 19 South, Range 1; Parcel Identification No. 09-3-08-0-001-001.000; and,

**WHEREAS**, the testimony and evidence presented warrants the approval of this request;

**NOW, THEREFORE, BE IT RESOLVED** that the request for the approval of the temporary location of a Cellular on Wheels, (C.O.W.), on Crest Road to provide uninterrupted service to customers during the relocation of antennae from one tower to another, pursuant to Section 9, Wireless Telecommunication Facilities, Sub-Section 3.(b) Temporary Installations, of Article XXI, Supplementary Regulations and Modifications of the Zoning Regulations of Shelby County; located at the ridge of Oak Mountain, on Crest Road and situated in Section 8, Township 19 South, Range 1; Parcel Identification No. 09-3-08-0-001-001.000, is hereby Approved, subject to:

- Removal of said Cellular on Wheels, (C.O.W.) facility in four (4) months, (120 days.)

### 3. MP-02-07 Chimney Rock Master Plan

*Purpose:* A request from Jackie Davis, representing, Ridgeview Development LLC, for the approval of a master plan for a mixed use development, to be called **Chimney Rock**. The subject property is partially zoned "HZ,"  *Holding Zone*, and partially *not* zoned.

*Location:* The subject property is located on the north side of County Road 41, (Dunnivant Valley Road), and west of State Road 25, across from Lake Wehapa, in the Chelsea North - Dunnivant Valley South - Westover North and the Dunnivant Valley North Zoning Beats; situated in Sections 5, 6, 7, 12, 13, Township 18, South, Range 1 East and Section 32, Township 17 South, Range 1 East, and also Section 12, Township 18 South, Range 1 West; Parcel Identification Numbers 01-9-32-0-000-014.000, 03-1-12-0-000-001.000, 03-6-13-0-000-001.000, 04-3-06-0-000-001.000, 04-3-05-0-000-006.000, 04-3-07-0-000-002.000, 04-4-18-0-000-036.000, 04-3-07-0-000-003.000, 04-3-05-0-000-005.000, 04-4-18-0-000-012.000, 04-4-18-0-000-012.001, 04-4-18-0-000-012.002, 04-4-18-0-000-012.004.

The case was introduced by Tom Wilkins. Jackie Davis, Surveying Solutions, Inc. represented the applicant, Ridgeview Development L.L.C. Ms. Davis stated that this is the first development of this type in Shelby County and that all involved are learning as they go. The approximately 1,650 acres are proposed to be developed with roughly 3,000 dwelling units and that 40 to 50 percent of the property will remain in a natural and undisturbed state. It was also noted that the property on the north side of Oak

Mountain, that is in the Cahaba River watershed, will not be developed and will be preserved in a natural and undisturbed state.

The applicants have proposed to donate a large tract of land to the Shelby County School Board. However, the applicants have begun discussion with the Board concerning the possible use of several smaller neighborhood school sites instead. The development will be strictly reviewed by an Architectural Review Committee.

Ms. Davis noted that the applicants have worked closely with the County Engineer regarding roads and other infrastructure requirements. A professional traffic study has been initiated that will address projected external vehicle trip through the year 2015. The applicants are projecting a 10 year build out, market conditions permitting, for this development.

Commissioners asked about streams on the property. Ms. Davis stated that a Phase I Environmental Site Assessment, (ESA), has been performed and that protection of those waterways is being assessed. It was noted that numerous parks, playgrounds and open spaces would be provided throughout the development.

A number of adjoining property owners voiced their objections to this development. Reasons for this opposition included: increased traffic in the area; destruction of the rural character of the area; impact of development and proposed roadways on watersheds on both sides of the Oak Mountain; use of land trusts to protect natural areas; affects upon rural communities surrounding the development; and the lack of sufficient buffers and green spaces.

Ms. Davis responded to these objections stating that many of the answers will be demonstrated in the next phase, the Regulating Plan. She acknowledged that the property along the ridge would be eligible for protection by a land trust. She also stated that parks and recreational areas would be located throughout the proposed development. Responding to questions from Planning Commissioners, she reiterated that 40-50 percent of the property would be preserved in its natural state; the precise amount preserved would be determined as further engineering is performed. Water runoff and the impact on the Shoal Creek watershed would be addressed in the Regulating Plan. She also answered questions regarding the proposed roadway connecting to State Route 119. She said a comprehensive traffic study was underway and that the County Engineer had determined that it would be a 4-lane roadway.

**Commissioner Kinnebrew** made a motion to *Continue* consideration of this master plan until the next meeting. The motion died for the lack of a second.

**Commissioner Thomas** made a motion to *Approve* the master plan. The motion was seconded by **Commissioner Taylor** and by a vote of 5 in favor, (Commissioners Garrett, Thomas, Kinnebrew, Taylor and Wilder), and 1 opposed, (Commissioner Land), the following resolution was approved:

**WHEREAS**, Jackie Davis, representing, Ridgeview Development L.L.C., has petitioned the Shelby County Planning Commission for the approval of a master plan a mixed use development, to be called **Chimney Rock**; this property is partially zoned "HZ,"  *Holding Zone*, and partially *not* zoned; and,

**WHEREAS**, the subject property is located on the north side of County Road 41, (Dunnivant Valley Road), and west of State Road 25, across from Lake Wehapa, in the Chelsea North - Dunnivant Valley South - Westover North and the Dunnivant Valley North Zoning Beats; situated in Sections 5, 6, 7, 12, 13, Township 18, South, Range 1 East and Section 32, Township 17 South, Range 1 East, and also Section 12, Township 18 South, Range 1 West; Parcel Identification Numbers 01-9-32-0-000-014.000, 03-1-12-0-000-001.000, 03-6-13-0-000-001.000, 04-3-06-0-000-001.000, 04-3-05-0-000-006.000, 04-3-07-0-000-002.000, 04-4-18-0-000-036.000, 04-3-07-0-000-003.000, 04-3-05-0-000-005.000, 04-4-18-0-000-012.000, 04-4-18-0-000-012.001, 04-4-18-0-000-012.002, 04-4-18-0-000-012.004; and,

**WHEREAS**, the Planning Commission has found that the **Master Plan of Chimney Rock**, as currently proposed, is highly consistent with the intent and vision of the Shelby County Comprehensive Plan; and,

**WHEREAS**, the Commission encourages continued discussions between the applicant and the Shelby County School Board regarding the development of neighborhood schools; and,

**WHEREAS**, the Commission feels that the success of this project has the potential to generate similar projects in other areas of the County; and,

**WHEREAS**, this Plan, as proposed, represents a significant step moving toward realization of the vision and the implementation of the Shelby County Comprehensive Plan's "Communities of Place" concept;

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **MP-02-07**, a request for the approval of a master plan a mixed use development, to be called Chimney Rock, located on the north side of County Road 41, (Dunnavant Valley Road), and west of State Road 25, across from Lake Wehapa, in the Chelsea North - Dunnavant Valley South - Westover North and the Dunnavant Valley North Zoning Beats; situated in Sections 5, 6, 7, 12, 13, Township 18, South, Range 1 East and Section 32, Township 17 South, Range 1 East, and also Section 12, Township 18 South, Range 1 West; Parcel Identification Numbers 01-9-32-0-000-014.000, 03-1-12-0-000-001.000, 03-6-13-0-000-001.000, 04-3-06-0-000-001.000, 04-3-05-0-000-006.000, 04-3-07-0-000-002.000, 04-4-18-0-000-036.000, 04-3-07-0-000-003.000, 04-3-05-0-000-005.000, 04-4-18-0-000-012.000, 04-4-18-0-000-012.001, 04-4-18-0-000-012.002, 04-4-18-0-000-012.004, is hereby **Approved**, subject to:

- Approval of the Birmingham Water Works to allow construction of a roadway providing access from the development to State Route 119.
- The acquisition of the subject property by Ridgeview Development L.L.C..

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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 8:45 P.M. April 16, 2007.**

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David Hunke, AICP  
Planning Services Supervisor

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Rachel Garrett, Chairwoman,  
Shelby County Planning Commission