

**STATE OF ALABAMA**

**SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION**

**MINUTES**

**Regular Meeting – July 16, 2007, 7:00 P.M.**

**Members Present:** Rachel Garrett, Chairwoman; Ralph Thomas, Vice-Chairman; Scott Chambers, Bill Kinnebrew, Bob Land, and Robert Taylor.

**Members Absent:** Kenneth Wilder

**Staff Present:** Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; 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 7:00 p.m. by Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Planning Commission, including Scott Chambers who was recently appointed to the Commission by the Shelby County Commission. The Chairwoman also introduced the staff. Approximately 25 people were present in addition to the Shelby County Planning Commission and staff.

**1. Approval of the Minutes of the Regularly Scheduled Meeting of June 18, 2007.**

**Commissioner Kinnebrew** made a motion to approve the minutes of the meeting of June 18, 2007. The Motion was seconded by **Commissioner Land** and by a vote of five (5), (Commissioners Garrett, Thomas, Kinnebrew, Land, and Taylor) in favor, and one (1) abstention, (Commissioner Chambers), the minutes of the meeting of June 18, 2007 were approved.

**2. S-39-07, Canterbury Cove, Preliminary Plat**

*Purpose:* A request from Jackie Davis, Surveying Solutions, Inc., representing the owner Jeff Brown, Distinctive Homebuilders, for the approval of a preliminary plat, to be called **Canterbury Cove**, subdividing approximately 11 acres into eight (8) single family residential lots. The subject property is zoned "A-1", *Agricultural District*.

*Location:* The subject property is located at the northeast corner of the intersection of County Road 41 (Dunnavant Valley Road) and Double Oak Way, across from Highland Lakes 29th Sector, in the Chelsea North - Dunnavant Valley South - Westover North Zoning Beat, situated in the NW ¼ of Section 10, Township 19, South, Range 1 West; Parcel Identification Number 58-09-2-10-0-000-003.000.

The case was introduced by Sharman Brooks, Department of Development Services. Jackie Davis, representing the owner, Jeff Brown, Distinctive Homebuilders. Ms. Davis noted that the proposed street name currently in use by the adjoining property owners would be retained. This

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will eliminate the need of the adjoining property owners to change their address. The easement has been realigned to permit direct access to the adjoining owners existing driveways.

**Commissioner Taylor** asked about the vacation of the existing driveway/easement. Based upon his experience, he was of the opinion that the relocation of the driveway should be mutually addressed by the developer and the adjoining property owners. Ms. Davis agreed and said that she would take the appropriate action.

**Commissioner Thomas** asked if the applicant would be willing to participate in the development of the proposed greenway along Dunnivant Valley Road. Ms. Davis stated that the applicant would cooperate with the County and would not interfere with the development of plan. Ms. Davis also noted that the proposed plat included a 10-foot easement on the east side of Dunnivant Valley Road that could be used for the proposed trail.

**Commissioner Taylor** questioned the large size of the lots. Ms. Davis noted that the topography was rolling and that the house building sites were limited. The development proposes minimum grading and earthwork.

The two adjoining property owners to the northeast came forward and raised their opposition to the proposed development. They were concerned about future maintenance costs they could incur regarding the proposed driveway and felt that the proposed development was too dense for this location. They also requested that the developer install a gate at the entrance to their property at the developer's expense.

In response to the questions and request made by the adjacent property owners, Ms. Davis stated that the owner would be happy to install a gravel roadway to the adjacent properties instead of a paved road but that the developer would not install gates at this entrance of the private drive. Ms. Davis further indicated that the developer would investigate the vacation of the former access road and reflect the new easement on the record map.

**Commissioner Land** made a motion to *Approve* the preliminary plat, subject to the recommendations of the staff and the improvements to the access easement for the adjoining property owners. The motion was seconded by **Commissioner Chambers** and by a unanimous vote of six (6), (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, and Taylor), in favor the following resolution was approved:

**WHEREAS**, Jackie Davis, Surveying Solutions, Inc., representing the owner Jeff Brown, Distinctive Homebuilders, has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called **Canterbury Cove**, subdividing approximately 11 acres into eight (8) single family residential lots; and,

**WHEREAS**, the subject property is located at the northeast corner of the intersection of County Road 41 (Dunnivant Valley Road) and Double Oak Way, across from Highland Lakes - 29th Sector, in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat, situated in the NW ¼ of Section 10, Township 19, South, Range 1 West; Parcel Identification Number 58-09-2-10-0-000-003.000; and,

**WHEREAS**, the proposed subdivision meets the minimum requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **S-39-07**, a request for the approval of a preliminary plat, to be called **Canterbury Cove**, subdividing approximately 11 acres into eight (8) single family residential lots, located at the northeast corner of the intersection of County Road 41 (Dunnivant Valley Road) and Double Oak Way, situated in the NW ¼ of Section 10, Township 19, South, Range 1 West; Parcel Identification Number 58-09-2-10-0-000-003.000, is hereby *Approved*, subject to:

- Applicant submitting a revised preliminary plat addressing all comments;
- The access easement for the use of the adjoining property owners being improved with a permanent type of asphalt paving;
- 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.

### 3. S-42-07 Azalea Park, Preliminary Plat

*Purpose:* A request from Henry Drake, Hickory Construction, for the approval of a preliminary plat, to be called **Azalea Park**, subdividing approximately 14 acres into 21 residential lots. The subject property is zoned "E-2", *Single Family Estate District*.

*Location:* The subject property is located at 780 Dogwood Circle approximately 2,000 feet off of Valleydale Road in the southeastern corner of Section 16, Township 19 South, Range 2 West, in the North Shelby – I-65 Corridor Zoning Beat.; Parcel Identification Numbers 58-10-5-16-0-005-051.000 and 58-10-5-16-0-005-052.000.

The case was introduced by Tom Wilkins, Department of Development Services. Chuck Williams, Paragon Engineering and the applicant, Henry Drake, presented the case. The proposal is to develop 21 residential lots on two cul-de-sacs. The proposal includes a retention pond to contain storm drainage from the proposed development. It was noted that the site has existing drainage issues in the area. The new homes are proposed to be served by a sanitary sewer system although it will require a lift pump to carry the flow to Valleydale Road. Mr. Williams noted that lots 7, 8, and 9 will be larger than the other lots because they include steep slopes with limited areas for building pads.

Seven adjoining neighbors voiced their concerns about the effects of the development on the characteristics and capacity of the storm drainage in the area. The effects of a potential future power outage on the lift pump for the sanitary sewer system was questioned. It was also asked why this development could get on a sanitary sewer system when area residents have been previously told the system does not have the capacity to serve the entire community. The issue of increased traffic volumes was also raised as well as buffers, access, outdoor lighting, setbacks density, and the quality and character of the proposed development.

In response to questions raised by the adjacent landowners, Mr. Williams noted that the plans included a new access point to serve the subdivision. He also noted the proposed detention pond was extremely large (approximately 300 feet long and four feet deep), and that it would be enclosed by a fence. The new detention pond would decrease flows downstream. Mr. Williams also that the proposed drainage plans were subject to the approval of the Shelby County Highway Department. He also responded to concerns about the existing trash on the property from the former nursery by stating that it would be removed. A Phase I ESA was performed on the property and no hazardous waste was identified. Winston Sitton of the Highway Department noted that a no adverse effects letter would have to be signed by the developer's engineer prior authorization to begin construction.

In response to questions concerning the former sewer moratorium for the area, Sharman Brooks researched the issue. Ms. Brooks noted that a moratorium on sewer connections for residential uses was imposed by the Shelby County Commission between 2001 and 2003. But the former moratorium was rescinded after the County sold the sewer system.

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

**WHEREAS**, Chuck Williams, Paragon Engineering, representing the applicant, Henry Drake, has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called Azalea Park, subdividing approximately fourteen (14) acres into twenty-one (21) residential lots; and,

**WHEREAS**, the subject property is located at 780 Dogwood Circle approximately 2,000 feet off of Valleydale Road in the "E-2," Estate District and situated in the southeastern corner of Section 16, Township 19 South, Range 2 West, in the North Shelby – I-65 Corridor Zoning Beat,; Parcel Identification Numbers 58-10-5-16-0-005-051.000 and 58-10-5-16-0-005-052.000; and,

**WHEREAS**, the Comprehensive Plan of Shelby County identifies the subject property, and the surrounding properties as *Residential*; and,

**WHEREAS**, the proposed subdivision meets the requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **S-42-07**, a request for the approval of a preliminary plat, to be called **Azalea Park**, subdividing approximately fourteen (14) acres into twenty-one (21) single family residential lots, located at 780 Dogwood Circle, approximately 2,000 feet off of Valleydale Road, situated in the southeastern corner of Section 16, Township 19 South, Range 2 West, Parcel Identification Numbers 58-10-5-16-0-005-051.000 and 58-10-5-16-0-005-052.000, is hereby *Approved*, subject to:

- Applicant submitting a revised preliminary plat addressing all of the staff comments;
- The applicant submitting an application for final plat approval within two (2) years of the 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.

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In other business, the rezoning of the Mt. Laurel, Village at Highland Lakes, Fowler Lake, and Dunnivant Square communities from the "HZ-SD" Holding Zone Special District to the "SD" Special District was discussed. The Commission gave their approval for the staff to initiate this action.

Chairwoman Garrett noted that she would attend the upcoming Planning Review Board appeals case scheduled of July 24, 2007.

There being no further business, **Commissioner Thomas** made a motion to adjourn. The motion was seconded by **Commissioner Land** and by a unanimous vote of five (5), (Commissioners Garrett, Thomas, Kinnebrew, Land, Taylor) in favor, the meeting was adjourned.

**ADJOURNMENT 9:00 P.M. July 16, 2007.**

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David Hunke, AICP  
Planning Services Supervisor

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Rachel Garrett, Chairwoman,  
Shelby County Planning Commission