

STATE OF ALABAMA  
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – September 17, 2007, 7:00 P.M.

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

**Staff Present:** Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Christie Pannell, 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 Planning Commission and the staff. Approximately 15 people were present in addition to the Shelby County Planning Commission and staff.

**1. Approval of the Minutes of the Regularly Scheduled Meeting of August 20, 2007.**

**Commissioner Land** made a motion to approve the minutes of the meeting of August 20, 2007. The Motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of seven (7) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the minutes of the meeting of August 20, 2007 were approved.

**2. S-57-04; Eagle Nest – Preliminary Plat**

*Purpose:* A request from Bob Sproul, Sproul, Blalock Pate, Inc., for the approval of a preliminary plat called **Eagle Nest**, subdividing approximately 10.8 acres into 13 single-family residential lots. The subject properties are zoned **R-1, Single Family District** and **A-1, Agricultural District**.

*Location:* The properties are located north of Eagle Crest Drive between the 4<sup>th</sup> and 5<sup>th</sup> Sectors of Eagle Point in the North Shelby—I-65 Corridor Zoning Beat and situated in Section 7, Township 19 South, Range 1 West, Parcel Identification Numbers 58-09-3-07-0-002-003.000; 58-09-3-07-0-002-004.000; 58-09-3-07-0-002-004.001; 58-09-3-07-0-002-004.002; 58-09-3-07-0-002-005.000; and 58-09-3-07-0-006-001.000.

The case was introduced by Christie Pannell, Department of Development Services. Chuck Williams, Hatch Mott MacDonald, representing the applicant Robert G. Sproul, Jr. spoke in favor of the request. Mr. Williams noted that since the case was heard in 2004, the applicant has acquired additional property along the northeast corner of the site (approximately one acre), creating the ability to permit an additional lot from what was proposed in 2004. At that time of the original approval, only nine of the proposed 12 lots were to be served by a sanitary sewer system. The remaining 3 lots were proposed to be on private septic tanks. Now all 13 lots are proposed to have sanitary sewer service provided by Southwest Utilities (Novus Utilities.)

**Commissioner Chambers** asked about soil conditions on the property. Mr. Williams stated that no soil issues were identified because the entire subdivision would be served by sewer, but that a drainage issue would be addressed. Because of the steep slopes on the eastern side of the property, stormwater runoff would be directed to underground pipes across the proposed street and on to a creek that lies west of the property.

Two adjoining property owners came forward with questions about the proposed development. Issues raised included the possible use of blasting during site preparation, concerns over stormwater runoff, plans for the prescriptive right-of-way of Triple “W” Lane, potential safety issues relative to the sight distance at Eagle Crest Drive and water service.

Mr. Williams stated that it was unlikely that blasting would be necessary for either grading the road or underground utilities. He could not be certain regarding the building sites because it would depend on “what they found” with respect to the type of rock. He noted that a swale would be formed behind the building sites on the east side of the development to direct the flow of runoff to a stormwater inlet. It would then go underground and across the street continuing north to Triple “W” Lane and running west all of the way to the creek. With respect to water service, Mr. Williams identified that existing Shelby County water service would be extended approximately 200 feet from southeast of the site.

**Commissioner Land** made a motion to *Approve* the preliminary plat. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of seven (7), (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the following resolution was approved:

**WHEREAS**, Chuck Williams, Hatch Mott MacDonald, representing the applicant Robert G. Sproul, Jr., Sproul, Blalock Pate, Inc., has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called **Eagle Nest**, subdividing approximately 10.8 acres into 13 single-family residential lots; and,

**WHEREAS**, the subject properties are located north of Eagle Crest Drive between the 4<sup>th</sup> and 5<sup>th</sup> Sectors of Eagle Point in the North Shelby—I-65 Corridor Zoning Beat and situated in Section 7, Township 19 South, Range 1 West, Parcel Identification Numbers 58-09-3-07-0-002-003.000; 58-09-3-07-0-002-004.000; 58-09-3-07-0-002-004.001; 58-09-3-07-0-002-004.002; 58-09-3-07-0-002-005.000; and 58-09-3-07-0-006-001.000; and,

**WHEREAS**, on December 18, 2004, the Shelby County Planning Commission approved a preliminary plat on to be called **Eagles Nest**, subdividing approximately 10.8 acres into 12 single-family residential lots; and,

**WHEREAS**, the applicants have made arrangements to acquire additional property and propose to add a thirteenth lot to the proposed subdivision; and,

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

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **S-57-04**, a request for the approval of a preliminary plat to be called **Eagle Nest**, subdividing approximately 10.8 acres into 13 single-family residential lots, located north of Eagle Crest Drive between the 4<sup>th</sup> and 5<sup>th</sup> Sectors of Eagle Point and situated in Section 7, Township 19 South, Range 1 West; Parcel Identification Numbers 58-09-3-07-0-002-003.000, 58-09-3-07-0-002-004.000, 58-09-3-07-0-002-004.001, 58-09-3-07-0-002-004.002, 58-09-3-07-0-002-005.000, and 58-09-3-07-0-006-001.000, is hereby *Approved*, subject to:

- Applicant submitting a revised preliminary plat addressing *all* comments.
- Applicant completing the vacation procedures for the prescriptive right-of-way called Triple “W” Lane prior to the approval of the final plat.
- Applicant submitting an application for final plat approval within two (2) years of the date of this resolution. Failure to apply may necessitate reapplication for preliminary plat approval.
- Compliance with the regulations, policies and guidelines of Shelby County.

### **3. S-43-07; Oaks at Greystone – Preliminary Plat**

*Purpose:* A request from Kevin Hilburn, Morrow-Greystone, L.L.C., for the approval of a preliminary plat called **Oaks at Greystone**, subdividing approximately 40.92 acres into five (5) mixed-use lots. The subject properties are zoned **R-4 – SD, Multiple Dwelling – Special District, B-2 General Business District, B-2 – SD, General Business – Special District** and **O & I – SD, Office and Institutional – Special District**.

*Location:* The properties are located on State Route 119 (Cahaba Valley Road), approximately one-fourth mile northeast of Brook Highland Drive in the North Shelby – I-65 Corridor Zoning Beat and situated in the NE ¼ of Section 20, Township 18 South, Range 1 West; Parcel Identification Numbers 58-03-9-29-0-001-003.001 and 58-03-9-29-0-001-003.002.

The case was introduced by Sharman Brooks, Department of Development Services. Ms. Brooks noted that the required site development plan is concurrently being reviewed. Jerry Sandlin, SMW Engineering Group, Inc. represented the applicants. Mr. Sandlin noted that extensive engineering had been performed during the preparation of the master plan and the preliminary plat and that construction documents should ready soon. He also noted that they had worked with the Birmingham Water Works and that separation devices are to be used in the stormwater runoff system to protect the quality of the adjoining Lake Purdy. Mr. Sandlin further stated the development plan included over six acres of undisturbed trees on the west side of the development and they kept the overall density down to approximately seven units per acre. No one was present to speak either in favor of or in opposition to the proposed development.

**Commissioner Land** asked about the need for acceleration and deceleration lanes on State Route 119. Mr. Sandlin stated that both ALDOT and the County Engineer did not require acceleration / deceleration lanes and were satisfied with the additional pavement width that has been added for a turn lane on State Route 119. **Commissioner Land** also asked about the possibility of creating a second access point to the development for use in an emergency. Mr. Sandlin said he was not aware of such plans, and that it had not been addressed. **Commissioner Land** noted that interconnectivity is a key element of the Shelby County Comprehensive Plan.

He also noted that the master plan for the proposed development had been previously approved absent any additional access points.

**Commissioner Thomas** asked about the roundabouts that were present in the approved master plan but were now excluded. Mr. Sandlin noted that the required radii for the proposed roundabouts were too great for this development.

Commissioners Taylor, Garrett, and Land each questioned the setbacks. After consultation with staff, it was determined that the setbacks were established for the development when the Planning Commission considered and approved the rezoning to Special District the master plan in December 2006.

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

**WHEREAS**, Kevin Hilburn, Morrow-Greystone, L.L.C., has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be called **Oaks at Greystone**, subdividing approximately 40.92 acres into five (5) mixed-use lots; and,

**WHEREAS**, the subject properties are located on State Route 119 (Cahaba Valley Road), approximately one-fourth mile northeast of Brook Highland Drive in the North Shelby – I-65 Corridor Zoning Beat and situated in the NE ¼ of Section 20, Township 18 South, Range 1 West; Parcel Identification Numbers 58-03-9-29-0-001-003.001 and 58-03-9-29-0-001-003.002; and,

**WHEREAS**, this *transitional* property is located in a mixed use portion of the State Route 119 corridor and adjacent to similar uses; and,

**WHEREAS**, on December 18, 2006, the Shelby County Planning Commission approved the rezoning of a 4.4-acre tract from “B-2” General Business District and “O-I SD” Office and Institutional Special District to *O&I SD, Special District – Planned Industrial District*, to permit the continued use and expansion of a light industrial use, (P.I.D. 58-03-9-29-0-001-003.001); the rezoning of a 31.28-acre tract from “E-1” Single-Family Estate District to *R-4 SD, Multiple Dwelling – Special District*, to permit the development of condominiums and townhomes, (P.I.D. 58-03-9-29-0-001-003.002 (pt.)); and also the rezoning of a 2.6-acre tract from "E-1, Estate District" to *B-2 SD, General Business – Special District*; (P.I.D. 58-03-9-29-0-001-003.002 (pt.)), to permit the development of office buildings; and,

**WHEREAS**, the proposed development is consistent with the Shelby County Comprehensive Plan; and,

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

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **S-43-07**, a request for the approval of a preliminary plat to be called **Oaks at Greystone**, subdividing approximately 40.92 acres into five (5) mixed-use lots, located on State Route 119, approximately one-fourth mile northeast of Brook Highland Drive and situated in the NE ¼ of Section 20, Township 18 South, Range 1 West; Parcel Identification Numbers 58-03-9-29-0-001-003.001 and 58-03-9-29-0-001-003.002, is hereby *Approved*, subject to:

- Applicant submitting a revised preliminary plat addressing *all* comments.

- 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.
- Compliance with the regulations, policies and guidelines of Shelby County.

#### 4. S-64-07; Bolivar Estate Resurvey – Final Plat

*Purpose:* A request from Rhonda Brantley, for the approval of a final plat to be called **Bolivar Estate Resurvey**, subdividing Lot 1, Bolivar Estate, a 6.47-acre lot, into two (2) single-family residential lots. The subject property is *not zoned*.

*Location:* The property is located in central Shelby County, on the northwest side of County Road 39, approximately one-half mile southwest of County Road 69, adjoining the High Chaparral subdivision, in the Chelsea South Zoning Beat and situated in the NE ¼ of Section 18, Township 20, South, Range 1 West; Parcel Identification Number 58-15-4-18-0-000-001.002.

The case was introduced by Sharman Brooks, Department of Development Services. Ms. Brooks stated that this 6.47-acre property was originally identified as four (4) lots on a small cul-de-sac in the master plan for the Highland Ridge Subdivision. However, the preliminary plat later identified the property as one 6.47-acre lot. In February of this year, the property was removed from the Highland Ridge subdivision and platted as a separate subdivision, Bolivar Estate (**Case No. S-10-07.**) The applicant has now requested the resubdivision of this 6.47-acre lot into two (2) lots. The applicant was not present to represent her case.

**Commissioner Taylor** made a motion to *Deny* the subdivision as submitted. Due to the lack of a second, this motion died.

**Commissioner Wilder** made a motion that consideration of the case be *Continued*. Due to the lack of a second, the motion also died.

**Commissioner Taylor** expressed concern over the proposed (pie) shape of the lots.

**Commissioner Thomas**, in response to Ms. Brooks staff report noting that the Shelby County Highway Department's concern over possible additional subdividing of the proposed two lots, questioned why it would be a problem if the applicant wanted to create a third lot in the rear using the same common access driveway as proposed.

**Commissioner Land** made a motion that the case be **Approved**. The motion was seconded by **Commissioner Wilder** and by a vote of six (6) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land and Wilder) in favor, and one (Commissioner Taylor) opposed, the following resolution was approved:

**WHEREAS**, Rhonda Brantley, owner, has petitioned the Shelby County Planning Commission for the approval of a final plat to be called **Bolivar Estate Resurvey**, subdividing Lot 1, Bolivar Estate, a 6.47-acre lot, into two (2) single-family residential lots; and,

**WHEREAS**, the subject property is located on the northwest side of County Road 39, approximately one-half mile southwest of County Road 69 and situated in the NE ¼ of Section 18, Township 20, South, Range 1 West; Parcel Identification Number 58-15-4-18-0-000-001.002; and,

**WHEREAS**, the proposed resubdivision of Lot 1, Bolivar Estate meets the minimum requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **S-64-04**, a request for the approval of a final plat to be called **Bolivar Estate Resurvey**, subdividing Lot 1, Bolivar Estate, a 6.47-acre lot, into two (2) single-family residential lots, located on the northwest side of County Road 39, approximately one-half mile southwest of County Road 69 and situated in the NE ¼ of Section 18, Township 20, South, Range 1 West; Parcel Identification Number 58-15-4-18-0-000-001.002, is hereby *Approved*, subject to:

- Compliance with the regulations, policies and guidelines of Shelby County.

**5. PB-02-07; Faith Presbyterian Church – Portable Building as a Conditional Use**

*Purpose:* A request from the Faith Presbyterian Church for the approval of the conditional use of two (2) portable buildings on the church campus for temporary educational purposes. The subject property is zoned **E-1, Estate District**.

*Location:* The property is located at 4601 Valleydale Road, across the street from Jefferson State Community College, in the North Shelby I-65 Zoning Beat, situated in the NE ¼ of Section 15, Township 17 South, Range 2 West, Parcel Identification No. 10-5-15-0-001-047.002.

The case was introduced by Tom Wilkins, Department of Development Services. Todd Jackson representing the Faith Presbyterian Church then addressed the Commission. Mr. Jackson stated that the church has grown and has exhausted space for classrooms. The church is moving forward with plans for a 10,000-square-foot addition to the structure, hoping to begin construction during the first half of 2008. The portable buildings are necessary in the interim for continuation of their educational programs. Mr. Jackson further stated that no plumbing would be installed for these two proposed temporary buildings. No one was present to speak either in favor of or in opposition to the request.

**Commissioner Taylor** asked about the possibility of requiring the church to write a letter to the Department of Development Services annually to report on the status of their temporary buildings.

**Commissioner Land** made a motion to *Approve* the use of the portable buildings. The motion was seconded by **Commissioner Taylor** and by a unanimous vote of seven (7) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder), the following resolution was approved:

**WHEREAS**, Faith Presbyterian Church, has petitioned the Shelby County Planning Commission for the approval of the *conditional use* of two (2) portable buildings on the church campus for temporary classroom purposes; and,

**WHEREAS**, the subject property is located at 4601 Valleydale Road, across the street from Jefferson State Community College, in the North Shelby I-65 Zoning Beat, situated in the NE ¼ of Section 15, Township 17 South, Range 2 West, Parcel Identification No. 58-10-5-15-0-001-047.002; and,

**WHEREAS**, the subject property is included within the E-1, Estate District, which identifies churches or other places of worship as a *conditional use*; and,

**WHEREAS**, Section 10, Portable Buildings of Article XXI. Supplementary Regulations of the Zoning Regulations of Shelby County requires the approval of the Planning Commission

for the use of portable buildings accessory to any *conditional* use in the subject zoning category; and,

**WHEREAS**, the evidence and testimony presented demonstrates that the requested use of portable buildings for temporary educational purposes by a church is consistent with the intent of the administration of *conditional uses*;

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **PB-02-07**, the request of for the approval of the *conditional use* of two (2) portable buildings on the campus of Faith Presbyterian Church for temporary classroom purposes, located at 4601 Valleydale Road and situated in the NE ¼ of Section 15, Township 17 South, Range 2 West, Parcel Identification No. 58-10-5-15-0-001-047.002, is hereby **Approved**, subject to:

- The applicant making full application for any accoutrements for said portable buildings such as stairs, landings, and electrical connections that may be necessary prior to installation of the units.
- That the portable units be removed from the premises within five (5) years of the date of this resolution.
- Submission and approval of a landscaping plan for the area surrounding the portable buildings.
- Compliance with the regulations, policies and guidelines of Shelby County.
- The church submitting a letter to the Department of Development Services annually reporting on the status of the portable buildings.

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Michele O'Neal, Westervelt Realty and John Wigginton, Westervelt Environmental Services, made a presentation and answered questions pertaining to the Yellowleaf Mitigation Bank in south-central Shelby County. They explained mitigation opportunities that could be used in the development of environmentally sensitive areas.

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 seven (7), (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the meeting was adjourned.

**ADJOURNMENT 9:20 P.M. September 17, 2007.**

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David Hunke, AICP  
Planning Services Supervisor

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Rachel Garrett, Chairwoman,  
Shelby County Planning Commission