

**STATE OF ALABAMA**

**SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION**

**MINUTES**

**Regular Meeting – March 19, 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; Sharman Brooks, Planner II; Kristine Goddard, Planner II; Christie Pannell, Planner II; John Slaughter, Assistant County 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 Shelby County Planning Commission and staff. There were approximately 25 people present at this meeting.

**1. Approval of the Minutes of the Regularly Scheduled Meeting of March 5, 2006.**

**Commissioner Kinnebrew** made a motion to approve the Minutes of the Meeting of March 5, 2007, as written. 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 Minutes of the Meeting of March 5, 2007 were approved.

**2. Z-02-07, Larry Young Photography – From O&I (2) to O&I**

*Purpose:* This is a request of Larry Young, owner, for the approval of the rezoning of a 1.84 acre tract, more or less, from the "O & I-2", Office and Institutional District 2 to the "O & I", Office and Institutional District, to permit the establishment of a photographic studio/residence.

*Location:* The subject property is located at 2415 Valleydale Road, which is approximately 1 mile east of I-65, within the North Shelby – I-65 Corridor Zoning Beat, situated in the NW ¼ of Section 21, Township 19 South, Range 2 West, Parcel Identification Number 58-10-5-21-0-002-004.000.

The case was introduced by Kristine Goddard. Larry Young, applicant, stated that he has

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determined that it is in his best interest to reside in the premises in addition to his photography studio use. To better accommodate this combination, he is planning an addition to the structure. He will, however, maintain the residential character of the facility. He also noted that professionally, studio work in the home of the photographer is becoming more common. There was no one present to speak in favor of or in opposition to the request.

**Commissioner Kinnebrew** made a motion to *Approve* the rezoning from O & I (2) to O & I.. The motion was seconded by **Commissioner Land** and by a unanimous vote of six (6), Commissioners Garrett, Thomas, Kinnebrew, Land, Taylor and Wilder in favor, the following resolution was approved:

**WHEREAS**, Larry Young, representing the property owners, has petitioned the Shelby County Planning Commission to rezone an approximate 1.84-acre tract from the "O & I-2", Office and Institutional District 2 to the "O & I", Office and Institutional District, to permit the establishment of a photographic studio/residence; and,

**WHEREAS**, the subject property is located at 2415 Valleydale Road, which is approximately 1 mile east of I-65, within the North Shelby – I-65 Corridor Zoning Beat, situated in the NW ¼ of Section 21, Township 19 South, Range 2 West, Parcel Id. Number 58-10-5-21-0-002-004.000; and,

**WHEREAS**, the Planning Commission finds that the testimony and evidence presented substantiates the rezoning of the subject property from the "O & I-2", Office and Institutional District-2 designation to the "O & I", Office and Institutional District;

**NOW, THEREFORE, BE IT RESOLVED**, that Case No. **Z-02-07**, a request to rezone approximately 1.84-acres from "O & I-2", Office and Institutional District 2 to the "O & I", Office and Institutional District to permit the establishment of a photography studio/residence, located at 2415 Valleydale Road, approximately 1 mile east of I-65, Parcel Id. Number 58-10-5-21-0-002-004.000 is hereby **APPROVED** subject to the following condition:

*The submission of a site development plan for the review and Certification by the Department of Development Services prior to the issuance of any building permits.*

### **3. Z-03-07, Alabama Erectors Rezoning – From A-1 to M-1**

*Purpose:* A Request of Melvin Dye, Alabama Erector, Inc., for the approval of the rezoning of a 0.97-acre tract, more or less, from the "A-1," Agricultural District to the "M-1", Light Industrial District, to permit the establishment of a metal building erection business.

*Location:* The subject property is located at 13481 Hwy. 25, northeast of the Norfolk Southern within the North Shelby – I-65 Corridor Zoning Beat, situated in the SW quarter of Section 14, Township 22 South, Range 2 West; Parcel Identification Number 58-28-6-14-0-000-026.000.

The case was introduced by Christie Pannell. Jim Strickland, representing the applicant, Melvin Dye, stated that the proposed use was a metal building contractor's office and yard. The existing residence is proposed to be used as office space. It is proposed to build a 5,000-square foot metal building in front of the residence for the storage of tools, equipment and building materials. There is also some outdoor storage proposed, primarily tanks of gases for welding and cutting and some racks of metal stock; some construction trucks will be parked on the site occasionally. The owner of the surrounding 37-acre tract voiced his support of the proposal. There was no one to speak in opposition.

Commissioner **Land** made a motion to *Approve* the rezoning from A-1 to M-1. The motion was

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seconded by **Commissioner Thomas** and by a unanimous vote of six (6), Commissioners Garrett, Thomas, Kinnebrew, Land, Taylor and Wilder in favor, the following resolution was approved:

**WHEREAS**, Melvin Dye, Alabama Erector, Inc., has petitioned the Shelby County Planning Commission to rezone an approximate 0.97-acre tract, from the "A-1," Agricultural District to the "M-1", Light Industrial District, to permit the establishment of a metal building erection business; and,

**WHEREAS**, the subject property is located at 13481 State Route 25, approximately three miles east of I-65, within the North Shelby – I-65 Corridor Zoning Beat, and situated in the SE ¼ of Section 14, Township 22 South, Range 2 West, Parcel Identification Number 58-28-6-14-0-000-026.000; and,

**WHEREAS**, the subject property is situated south across State Road 25 from a heavy industrial use that is zoned "M-2", Heavy Industrial District; and,

**WHEREAS**, this Light Industrial use will provide a transition from the Heavy Industrial use across the Highway to the Agricultural uses to the north; and,

**WHEREAS**, the Planning Commission finds that the testimony and evidence presented substantiates the rezoning of the subject property from the "A-1," Agricultural District to the "M-1", Light Industrial District; and,

**NOW, THEREFORE, BE IT RESOLVED**, that Case No. **Z-03-07**, a request to rezone an approximate 0.97-acre tract, from the "A-1," Agricultural District to the "M-1", Light Industrial District, to permit the establishment of a metal building erection business, located at 13481 State Route 25, approximately three miles east of I-65, Parcel Identification Number 58-28-6-14-0-000-026.000 is hereby **APPROVED** subject to the following condition:

*The submission of a site development plan for the review and Certification by the Department of Development Services prior to the issuance of any building permits.*

#### **4. V-02-07, Larry Young Photography – Parking Variance**

*Purpose:* A request from Larry Young, Larry Young Photography, for the approval of a modification to permit a reduction in the required number of parking spaces from 16 spaces to 10 spaces for a residence/photography studio; a modification of Article XX, Section 1 pursuant to Article XXIII, Section 3.

*Location:* The subject property is located at 2415 Valleydale Road in the North Shelby–I-65 Corridor Zoning Beat, and situated in the NW quarter of Section 21, Township 19 South, Range 2 West, Parcel Identification Number 58-10-5-21-0-002-004.000.

The case was introduced by Kristine Goddard. Larry Young, applicant, stated that he has determined that it is unlikely that he will need 16 off-street parking spaces. In his current location, he has eight (8) off-street parking spaces and they are never fully occupied. It was his desire to maintain the residential character of the site and not have to pave a large area. There was no one present to speak in favor of or in opposition to the request.

**Commissioner Land** noted that this parking variance should not be applicable to another potential use of the subject property. Staff responded that if another use were to utilize the subject property it would be subject to a site plan review and parking facilities would be reviewed.

**Commissioner Wilder** made a motion to Grant the variance to reduce the minimum number of required off-street parking spaces from 16 to 10. 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, the following resolution was approved:

**WHEREAS**, Larry Young, owner, has petitioned the Shelby County Planning Commission for the approval of a modification of the minimum number of required parking spaces from 16 to 10 for a photography studio/residence; a modification of Article XX, Section 1 pursuant to Article XXIII, Section 3; and,

**WHEREAS**, the subject property is located at 2415 Valleydale Road, approximately 1 mile east of I-65, within the North Shelby – I-65 Corridor Zoning Beat, and situated in the NW ¼ of Section 21, Township 19 South, Range 2 West, Parcel Id. Number 58-10-5-21-0-002-004.000; and,

**WHEREAS**, the Planning Commission has approved the rezoning of the subject property to the "O & I", Office and Institutional District and it is situated adjacent to residential properties; and,

**WHEREAS**, a seamless transition from this O & I use to the adjoining residential uses requires the preservation of the residential character of the site; and,

**WHEREAS**, the Planning Commission finds that the evidence and testimony presented demonstrates that the character and use of the subject property is such as to make it unnecessary to require the full provision of the minimum number of off-street parking facilities;

**NOW, THEREFORE, BE IT RESOLVED**, that Case No. **V-02-07**, a request for the approval of a modification of the minimum number of required off-street parking spaces from 16 to 10 for a photography studio/residence, a modification of Article XX, Section 1 pursuant to Article XXIII, Section 3, for property located at 2415 Valleydale Road, approximately 1 mile east of I-65, Parcel Identification Number 58-10-5-21-0-002-004.000 is hereby **GRANTED**.

## **5. 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 48 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. Steve Davis, applicant, representing the owners, presented the case. He stated that the subject property is extremely rugged having a spectacular view. The lots in this proposed development are proposed to average approximately 2.4-acres each and range in size from an acre to over 6-acres. The lots cross the ridge line of Double Oak Mountain; the building sites generally lie on the toe of the rock shelf of the mountain. He stated that no blasting will be employed, except if necessary at the base of a structure. The developers propose to do as little disturbance as possible, leaving the site in a natural state. A private cul de sac will be improved running through the property.

At least two adjoining property owners came forward in support of the development. Several other adjoining property owners came forward with questions about the development, regarding water supply, fire protection and sewage. Several adjoining owners objected to the proposed development. They were opposed to increased traffic generation; degradation of well water and disturbance of the natural setting of the ridge line. The applicant responded to these questions and concerns.

**Commissioner Kinnebrew** noted that if the proposed development was to have water furnished by the Birmingham Water Works that an easement could be provided to facilitate the connection of the adjoining properties to that water source.

**Commissioner Kinnebrew** made a motion to *Approve* the master plan. The motion was seconded by **Commissioner Wilder** and by a vote of two (2) in favor, Commissioners Kinnebrew and Wilder, and four (4) opposed, Commissioners Garrett, Thomas, Land and Taylor, the motion failed. **Commissioner Land** made a motion to *Continue* consideration of the Master Plan until the regularly scheduled meeting of May 7, 2007. 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, 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 45 lots; and,

**WHEREAS**, the subject property is located in the switchback of Highway 25 at Lake View Circle in the Dunnavant 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 applicant has submitted this master plan to the Planning Commission for their review and approval concurrently with a preliminary plat for **Phase I** of this proposed development; and,

**WHEREAS**, the County Engineer has found that the subdivision plans submitted for the preliminary plat for **Phase I** of the proposed **Summit at the Shoals** do not substantially comply with the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, that consideration of Case No. **MP-01-07**, a request for the approval of a master plan to be called *The Summit at the Shoals*, 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 *Continued* until the regularly scheduled meeting of May 7, 2007.

## **6. S-14-07, The Summit at the Shoals, Phase I – Preliminary**

*Purpose:* A request from Steve Davis, Alabama Development Properties, for the approval of a preliminary plat for Phase I of a development, 25 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 Dunnavant 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. Steve Davis, applicant, representing the owners, presented the case. He requested that the case be *Continued* to permit the necessary corrections and resubmitted of the maps and documents.

An adjoining property owner spoke in opposition to the request regarding the degradation of the well water. No one spoke in favor of the request.

**Commissioner Land** made a motion to *Continue* consideration of the case until the regularly scheduled meeting of May 7, 2007. 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, 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 into 25 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 County Engineer has found that the subdivision plans submitted do not substantially comply with 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 25 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 *Continued* until the regularly scheduled meeting of May 7, 2007.

## **7. S-06-07, Sunrise Point, Final Plat**

*Purpose:* A request from Diane B. Ellis for the approval of a waiver of the limitation of a family subdivision to no more than five (5) lots to permit the subdivision of 7.2 acres into 11 lots. The subject property is not zoned.

*Location:* The subject property is located in unincorporated Shelby County cradled in the intersection of North River Drive and Marina Drive in Shelby Shores on Lay Lake in the Shelby Zoning Beat and is situated in the southwest quarter of Section 7, Township 22 South, Range 2 East, parcel identification number 58-31-3-07-0-001-001.000.

The case was introduced by Tom Wilkins. The case was presented by Shelby County Commissioner Corley Ellis. Commissioner Ellis stated that his parents were principals in the original subdivision of the surrounding Shelby Shores. The land has been held intentionally to be deeded to family members.

An adjoining property owner, representing himself and other adjoining property owners in the Shelby Shores community came forward with questions and objections. He questioned whether the proposed family subdivision would be a gated development and, if not, who would maintain

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the roadway? A concern was the creation of another separate community within the Shelby Shores community. Questions were raised regarding the ability of the land to perk sufficiently for septic tanks and whether or not street lights would be installed. Concern was raised about the increase in traffic and the maintenance of the new road. Commissioner Ellis responded to these issues.

**Commissioner Land** made a motion to *Approve* the *waiver*. 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 following resolution was approved:

**WHEREAS**, Diane B. Ellis, owner, has petitioned the Shelby County Planning Commission to grant a *waiver* of the limitation of a family subdivision to no more than five (5) lots to permit an 11 lot family subdivision to be called **Diane B. Ellis Family Subdivision**; and,

**WHEREAS**, the subject property is located in unincorporated Shelby County cradled in the intersection of North River Drive and Marina Drive in Shelby Shores on Lay Lake in the Shelby Zoning Beat and is situated in the southwest quarter of Section 7, Township 22 South, Range 2 East, parcel identification number 58-31-3-07-0-001-001.000; and,

**WHEREAS**, the Subdivision Regulations of Shelby County limits a family subdivision to no more than five (5) lots; and,

**WHEREAS**, the Commission finds that imposing a cap on the number of lots in a family subdivision could be considered as arbitrary; and,

**WHEREAS**, the testimony presented supports the *waiver* of the limitation of a family subdivision to no more than five (5) lots to permit an 11 lot family subdivision;

**NOW, THEREFORE, BE IT RESOLVED**, that Case No. **S-06-07**, a request for the approval of a *waiver* of the limitation of a family subdivision to no more than five (5) lots, located at the intersection of North River Drive and Marina Drive in Shelby Shores on Lay Lake Parcel Identification Number 58-31-3-07-0-001-001.000, be and the same is hereby **GRANTED**; and,

**BE IT FURTHER RESOLVED** that the applicant be directed to complete the requirements of a minor, (family), subdivision.

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

**ADJOURNMENT 9:25 P.M. March 19, 2007.**

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David H. Hunke, AICP  
Planning Services Supervisor

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Rachel Garrett, Chairwoman,  
Shelby County Planning Commission