

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION

Minutes

Regular Meeting – January 10, 2005, 7:00 P.M.

Members Present: Ralph Thomas, Chairman; Bob Land, Vice Chairman; Bob Taylor; Len Ward; Kenneth Wilder

Staff Present: Ray Hamilton, Development Services Manager; Todd L. McDonald, Supervisor of Planning Services, Tom Wilkins, Senior Planner; Michelle O’Neal, Planner II.

The meeting was called to order at approximately 7:00 p.m. by Ralph Thomas, Chairman, by introducing the members of the Shelby County Planning Commission and staff. Approximately 39 people were present for the meeting.

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

**Chelsea North-Dunnavant Valley South-Westover North Beat
*Initial Zoning***

The purpose of this public hearing was to consider the proposed zoning map for the Chelsea North-Dunnavant Valley South-Westover North Beat. The case was presented by Todd L. McDonald. Mr. McDonald presented an overview of the legislation and the process for establishing zoning in a beat. The location of the beat was described, identifying the demographics, natural features, utilities, transportation facilities, and land use. The methodology employed to perform the study and prepare the proposed zoning map was also explained. The purpose and use of zoning was described as a tool to help accomplish the implementation of the Comprehensive Plan of Shelby County.

A number of people came forward to object to the implementation of zoning in this area. Some felt it was a taking of their property rights while others felt it was simply another unnecessary layer of governmental regulation.

Thirteen (13) people came forward to request that their property be zoned differently than depicted on the proposed zoning map. As these individuals generally had no planned development in mind, the Commission generally did not feel that it was appropriate to amend the map in most cases. The Commission heard their requests and responded favorably to five (5) of the requests.

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Commissioner Taylor made a motion to *Approve* the proposed zoning map. The motion was seconded by Commissioner Land and by a vote of 4 in favor and 1 opposed, the following resolution was approved:

WHEREAS, Act 82-693, 1982 Second Special Session, as amended, provides and requires that the master plan and zoning regulations adopted by the Planning Commission shall not be applicable in any Zoning Beat of Shelby County until the majority of the qualified electors of the Beat, voting in a special election, have signified by their vote that they desire the authority of the Planning Commission and the Zoning Ordinance of Shelby County to apply to their Beat; and

WHEREAS, the minimum required 15% of the property owners, who are also registered voters, have petitioned the Judge of Probate to conduct such a special election, which has been scheduled to be held on January 18, 2005; and

WHEREAS, the staff of the Shelby County Department of Development Services has conducted a survey of the properties in this 61.09 square mile focus area, generally located in north central Shelby County; bounded on the north by the Jefferson/Shelby County line and Shoal Creek, the east boundary following two Alabama Power easements, a gas pipeline, Muddy Prong Creek, and Blue Springs Road, Highway 280 being the southern and southwest boundaries, and the Hoover corporate limits bounding the west side, up to the county line; and,

WHEREAS, two public involvement presentations were conducted, in which the maps and the proposed zoning was presented to the residents of the area; a brief presentation, explaining the methodology used to develop the map, was made and staff was available to answer any questions that the residents had. Said presentations were made on December 14, 2004 at the Mt. Laurel Elementary school, where sixty-eight (68) attendees signed in, and December 16, 2004 at the New Life Assembly Church, where nineteen (19) people signed; and

WHEREAS, the map titled "Chelsea North-Dunnavant Valley South-Westover North Beat – Proposed Zoning Map" and dated "January 10, 2005", has been prepared based upon the existing land use, the environmental features of the land, and the concepts of the Shelby County Comprehensive Plan;

WHEREAS, the Commission has found that in consideration of the request of 280 Properties, L.L.C., it would be appropriate to amend the proposed zoning map to reflect the zoning of parcel identification numbers, 09-7-26-0-001-032.000, 09-7-26-0-001-033.000, 09-7-26-0-001-036.000, 09-7-26-0-001-037.000, and 09-7-26-0-001-038.000, located at the northeast corner of Highway 280 at County Road 39, as "B-2", General Business District; and,

WHEREAS, the Commission has found that in consideration of the request of S.N.O. Inc., it would be appropriate to amend the proposed zoning map to reflect the zoning of parcel identification number, 09-7-26-0-001-030.000, located at the northwest corner of Highway 280 at County Road 39, as "B-2", General Business District; and,

WHEREAS, the Commission has found that in consideration of the request of Billy & Betty Bragg, it would be appropriate to note that the proposed zoning map reflect the zoning of parcel identification number, 09-4-17-0-001-027.002, located at 117 Bragg Drive, situated on the northeast corner of Highway 280 at County Road 41 as "HZ", Holding Zone and that the intent of the owners to establish a manufactured home on the subject property is recognized and approved; and,

WHEREAS, the Commission has found that in consideration of the request of Jeff & April Johnson, Nancy Hammond, and Julie H. Johnson it would be appropriate to amend the

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proposed zoning map to reflect the zoning of parcel identification numbers, 03-6-13-0-000-005.001, 03-6-13-0-000-005.002, and 03-6-13-0-000-006.000, located on the north side of County Road 41 at Hawks View Drive as "A-1" Agricultural District; and,

WHEREAS, the Commission also found that in light of the foregoing requests, it would be appropriate to amend the proposed zoning map to reflect the zoning of parcel identification numbers 03-6-13-0-000-004.000, 03-6-13-0-000-004.001, 03-6-13-0-000-005.000, 03-6-13-0-000-006.001, 03-6-13-0-000-006.002, and 03-6-13-0-000-006.003 as "A-1" Agricultural District;

NOW, THEREFORE, BE IT RESOLVED, that the map entitled “**Chelsea North-Dunnavant Valley South-Westover North Beat – Proposed Zoning Map**”, dated January 10, 2005, as amended, be and the same hereby is adopted by the Shelby County Planning Commission; and

BE IT FURTHER RESOLVED, that the official Zoning Map of Shelby County, Alabama, as amended, for the unincorporated areas, formerly referred to as Zoning Beats 3, 5, 9, 11, 12, 13, and 21 of Shelby County, Alabama are hereby ratified by the Shelby County Planning Commission; and,

BE IT FURTHER RESOLVED, that this resolution be transmitted to the Shelby County Commission for approval.

Commissioner Ward made a motion to adjourn. Commissioner Taylor seconded the motion and by a unanimous vote the meeting was **Adjourned**.

ADJOURNMENT 10:10 - January 10, 2005

Todd McDonald,
Planning Services Supervisor

Ralph Thomas, Chairman
Planning Commission