

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – May 04, 2009 – 7:00 P.M.

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

Members Absent: Bill Kinnebrew.

Staff Present: Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Kristine Goddard, Planner II; and Winston Sitton, Civil Engineer.

PUBLIC HEARING

The meeting was called to order at approximately 7:00 p.m. by Bob Land, Chairman. Mr. Land introduced the members of the Planning Commission and the staff. There were six people present in addition to the Commission and the staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of April 20, 2009.

Commissioner Thomas made a motion to approve the minutes of the meeting of April 20, 2009. The motion was seconded by **Commissioner Chambers** and by a unanimous vote of six (6), with Commissioners Chambers, Garrett, Land, Taylor, Thomas and Wilder voting in favor, the minutes of the meeting of April 20, 2009 were approved.

2. Z09-005; Underwood Office Building Rezoning - H-Z to O&I

A request from Ken Underwood, Underwood Development, Inc., for the approval of a change in the zone district boundaries of a 0.479-acre parcel from the HZ, Holding Zone District to the O & I, Office & Institutional District, to permit the development of a professional office building.

The subject property is located approximately one-half mile northeast of U.S. 280, south of County Road 41 at 2310 Brock Drive in the Chelsea North-Dunnavant Valley South-Westover North Zoning Beat and situated in the SW ¼ of Section 16, Township 19 South, Range 1 West; Parcel Identification No. 58-09-5-16-0-001-038.000.

The case was introduced by Kristine Goddard, Department of Development Services. Ms. Goddard explained that the purpose of the request was to construct an individual office building. The subject property is clearly visible from CR 41. The character of the area is primarily residential in nature and the proposed building should maintain that style. The property is located across the street from a similar rezoning case that is a residential structure recently converted to a business office. The minimum required number of parking spaces is ten based upon the proposed office use and because of the nature of the proposed use, it could be reduced. Ms. Goddard further suggested that the Commission consider adding the SD, Special District overlay designation if they choose to approve the request.

Ken Underwood, owner of the subject property, spoke on behalf of his proposal. He stated that the request is simply to build a small office building for his development business. He noted that he lives just down the road and supports preserving the residential character of area. The proposed structure would have a rustic theme and a metal roof.

Commissioner Wilder asked what the actual parking requirement would be for his business. He stated that the office would only be for a bookkeeper, his foreman, who spends very little time in the office, and himself. He agreed that 10 parking spaces would be excessive given the nature of his business. He also stated that he wanted the character of his building to be similar to the Mt. Laurel development.

Commissioner Garrett asked if workers would be parking there during the day. Mr. Underwood said there would not be any workers parking at the proposed office other than himself and the occasional bookkeeper.

Commissioner Thomas asked if the access drive would be a recorded easement from Brock Drive. Winston Sitton, representing the Highway Department, said that it was his understanding that the County only maintained Brock Drive and the access drive would be privately maintained. He added that during site plan review they would determine the nature of improvements regarding the access.

Don Thornton, an abutting property owner, came forward to ask questions concerning this case. He noted that the proposed office building would be an improvement over the former trailer that was on the property. He asked for assurance that this would in no way affect the zoning of his adjoining 58-acre property. **Commissioner Land** stated that this would have no effect on the zoning of his property. Mr. Thornton agreed with Mr. Underwood that the access drive was in fact Brock Drive and that the County maintains it, and has done so as recently as last week.

Winston Sitton said that he would confirm exactly what the County maintains and what is privately maintained.

Commissioner Chambers made a motion to *Approve* this case with the special district overlay and a minimum of four parking spaces. The motion was seconded by **Commissioner Garrett** and, by a unanimous vote of six (6), with Commissioners Chambers, Garrett, Land, Taylor, Thomas and Wilder voting in favor, the following resolution was approved:

WHEREAS, Ken Underwood, Underwood Development, Inc., has petitioned the Planning Commission for the approval of a change in the zone district boundaries of a 0.479-acre parcel from the HZ, Holding Zone District to the O & I, Office & Institutional District, to permit the development of a professional office building; and,

WHEREAS, subject property is located approximately one half of a mile northeast of U.S. 280, south of County Road 41 at 2310 Brock Drive in the Chelsea North-Dunnivant Valley South-Westover North Zoning Beat and situated in the SW ¼ of Section 16, Township 19 South, Range 1 West; Parcel Identification No. 58-09-5-16-0-001-038.000; and,

WHEREAS, the subject property is part of the hinterlands of the Community Core of the U.S. 280 / CR 41; and,

WHEREAS, the proposed development of a professional office building at this location is consistent with the Comprehensive Plan of Shelby County; and,

WHEREAS, to ensure a level of compatibility with the surrounding residential properties and the overall Dunnivant Valley corridor it is appropriate to consider this proposal a special district; and,

WHEREAS, the evidence and testimony presented supports the approval of the change of zone district boundaries;

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Planning Commission that the application of Ken Underwood, Underwood Development, Inc., for the approval of a

change in the zone district boundaries of a 0.479-acre parcel from the HZ, Holding Zone District to the O & I, Office & Institutional District for property located at 2310 Brock Drive and situated in the SW ¼ of Section 16, Township 19 South, Range 1 West; Parcel Identification No. 58-09-5-16-0-001-038.000 be, and the same is hereby *Approved* as *O & I SD, Office and Institutional Special District* subject to:

- *Submission and approval of a site development plan to include, but not be limited to, a grading plan, the location, height and design of all structures; parking (a minimum of four spaces); ingress and egress; landscaping, buffering and screening (pursuant to Article XXI-A. Landscape and Buffer Requirements); storm water drainage; sanitary sewer layout; and exterior lighting, (to be directed downward and not extend to adjacent properties). All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the proposed development and shall be maintained pursuant to Article XXI-A. Landscape and Buffer Requirements. Any amendments, additions, deletions, alterations or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan. (§ XXVI.4)*
- *That the proposed structure reflect the residential character of the surrounding properties.*
- *Compliance with the regulations, policies and guidelines of Shelby County.*

3. Z09-006; Hills at Brook Highlands - Front Setback Variance

A request from Jackie Davis, Surveying Solutions, Inc., representing the owners, Lorrin Group, LLC, for 20-foot front yard variances to permit the development of townhomes resulting in 10-foot front setbacks, instead of the minimum 30 feet required in the R-4, Multiple Dwelling District.

The subject properties, Lots 15 and 16 and Lots 44 through 72, Hills at Brook Highland (Map Book 37, Page 105), are located north and west of Brook Highland Drive, west of the intersection of Eagle Ridge Lane and Eagle Ridge Drive in the North Shelby - I65 Corridor Zoning Beat, and situated in the W ½ of Section 31, Township 18 South, Range 1 West; Parcel Identification Nos. 58-03-9-31-0-009-015.000 and 016.000 and 58-03-9-31-0-009-044.000 through 072.000.

The case was presented by Tom Wilkins, Department of Development Services. Mr. Wilkins explained that the configuration of the subject property was established by the previous owners of the property. The hillside had been previously identified as a Woodland and an Undeveloped Common Area. This designation was made to preserve the natural topography of the hillside, protect the properties downhill and prevent other damage to the environment, such as erosion and runoff. When the developers began construction, the issue of the slope of the property became apparent. The developers have requested the variance to protect this hillside and avoid unnecessary excavation. It was noted that even with the variance, all of the subject properties will maintain a minimum of 20 feet from the edge of the garage wall to the sidewalk to prevent any obstruction.

Jackie Davis, Surveying Solutions, Inc. spoke on behalf of the property owner. She confirmed that the topography is difficult at the rear of the proposed townhomes. She said that, in her

opinion, this was a good development and that the units are selling. She added that she felt this was a good example of why relief through a variance should be available.

Commissioner Wilder made a motion that the variance for the front yard setbacks be *Granted* based upon the evidence presented in the staff report. The motion was seconded by **Commissioner Thomas** and by a vote of five (5), with Commissioners Chambers, Land, Taylor, Thomas and Wilder voting in favor and one, with Commissioner Garrett voting in opposition, the following resolution was approved:

WHEREAS, Jackie Davis, Surveying Solutions, Inc., representing the owners, The Lorrin Group, LLC, has petitioned the Shelby County Planning Commission for the approval of a 20-foot front-yard variances to permit the development of townhomes resulting in 10-foot front setbacks, instead of the minimum 30 feet required in the R-4, Multiple Dwelling District; and,

WHEREAS, the subject properties, Lots 15 and 16 and Lots 44 through 72, Hills at Brook Highland (Map Book 37, Page 105), are located north and west of Brook Highland Drive, west of the intersection of Eagle Ridge Lane and Eagle Ridge Drive in the North Shelby - I65 Corridor Zoning Beat, and situated in the W ½ of Section 31, Township 18 South, Range 1 West; Parcel Identification Nos. 58-03-9-31-0-009-015.000 and 016.000 and 58-03-9-31-0-009-044.000 through 072.000; and,

WHEREAS, the applicant has requested the approval of a *20-foot front yard variance* to permit the construction of townhomes having a 10-foot front setback, instead of the minimum 30 feet required; and,

WHEREAS, the subject property is located on a wooded hillside with a severe slope; and,

WHEREAS, the westerly portion of this development has been designated as an *Undeveloped Common Area* to preserve the natural topography of the hillside, protect the properties downhill and prevent other damage to the environment, such as erosion and runoff; and,

WHEREAS, permitting the construction of the proposed townhomes having 10-foot front yard setbacks, instead of the minimum 30 feet required, would, nonetheless, provide a minimum 20 foot open area from the edge of the garages to the sidewalk to avoid parking obstructions;

NOW, THEREFORE, BE IT RESOLVED, that the application of Jackie Davis, Surveying Solutions, Inc., representing the owners, The Lorrin Group, LLC, for the approval of a 20-foot front-yard variances to permit the development of townhomes resulting in 10-foot front setbacks, instead of the minimum 30 feet required in the R-4, Multiple Dwelling District for properties, Lots 15 and 16 and Lots 44 through 72, Hills at Brook Highland (Map Book 37, Page 105), located, west of the intersection of Eagle Ridge Lane and Eagle Ridge Drive; Parcel Identification Nos. 58-03-9-31-0-009-015.000 and 016.000 and 58-03-9-31-0-009-044.000 through 072.000, be, and the same hereby is *Granted*.

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), with Commissioners Chambers, Garrett, Land, Taylor, Thomas and Wilder voting in favor, the meeting was adjourned.

ADJOURNMENT 7:35 P.M. May 04, 2009.

David Hunke, AICP
Planning Services Supervisor

James R. Land, Chairman
Shelby County Planning Commission