

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – November 2, 2009 – 7:00 P.M.

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

Staff Present: David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Christie Pannell, Planner II; and Winston Sitton, Civil Engineer.

PUBLIC HEARING

The meeting was called to order at 7:00 p.m. by Bob Land, Chairman. Mr. Land introduced the members of the Planning Commission and the staff. There were approximately 15 people present in addition to the Commission and the staff.

- 1. Approval of the Minutes of the Regularly Scheduled Meeting of October 5, 2009.**
Commissioner Garrett made a motion to approve the minutes of the meeting of October 5, 2009. The motion was seconded by **Commissioner Thomas** and by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder voting in favor, the minutes of the meeting of October 5, 2009 were approved.

Jackie Davis, Surveying Solutions, Inc. , representing the owners for Case No. S-43-06, asked the Chairman if the Commission would consider amending the agenda to hear this case first, due to the number of people present for the other two cases. The Chairman agreed to amend the agenda and hear Case No. S-53-06 first.

- 2. S-53-06, Narrows Reach Sector, Phase III**

Purpose: A request from Jackie Davis, Surveying Solutions, Inc., representing the owners, Kimbrell LLC, for an extension of the requirement that final plats be approved within two years of preliminary plat approval by the Commission. The Narrows Reach Sector, Phase III (an additional 13.5-acre, 42-unit townhome sector of the Narrows) is located in an unzoned area. The preliminary plat for the Narrows Reach sector was approved by the Commission on August 21, 2006.

Location: The subject property is located west of the intersection of U.S. Highway 280, Old Highway 280, and County Road 41 in the Chelsea South Zoning Beat and situated in the SW ¼ of Section 17 and the NW ¼ of Section 20, Township 19 South, Range 1 West, Parcel Identification Number 58-09-4-17-3-003-021.001.

The case was introduced by the **Commissioner Land**. It was acknowledged that all of the Planning Commission members were aware of the background of this case. Jackie Davis, Surveying Solutions, Inc., represented the owners. Ms. Davis stated that due to the prevalent economic conditions and a lack of ability to complete the construction of the site improvements at this time, the applicants respectfully request that they be given until August 2010 to complete the necessary site preparations and advance the final plat for review and approval. There was no one present to speak in favor of or in opposition to this request.

Commissioner Chambers made a motion to *Grant* the extension of the time period. 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, Jackie Davis, Surveying Solutions, Inc., representing the owner Kimbrell, LLC, has petitioned the Shelby County Planning Commission for an extension of the requirement that a final plat be approved within two years of the date of approval of the preliminary plat by the Commission, for a subdivision to be called Narrows Reach Sector, Phase III, an additional 13.5-acre, 42-unit townhome sector of the Narrows that is located in an unzoned area; and,

WHEREAS, the subject property is located west of the intersection of U.S. 280, Old Highway 280, and County Road 41 in the Chelsea South Zoning Beat and situated in the SW ¼ of Section 17 and the NW ¼ of Section 20, Township 19 South, Range 1 West, Parcel Identification Number 58-09-4-17-3-003-021.001; and,

WHEREAS, on August 21, 2006 the Shelby County Planning Commission approved a preliminary plat of a subdivision to be called The Narrows Reach Sector Phase III, a 13.5-acre development of 42 townhome lots; and,

WHEREAS, the terms of the resolution of August 21, 2006 that approved the subject preliminary plat require that the applicant submit an application for final plat approval within 2 years of approval of the preliminary plat; failure to do so may necessitate reapplication for preliminary plat approval; and,

WHEREAS, in order to make the necessary engineering modifications to the site preparations to deal with the geotechnical conditions delayed the construction process to such an extent that prevented the applicants from making application for the approval of the final plat within the required two years from the date of approval of the preliminary plat; and,

WHEREAS, the Planning Commission *Granted* the approval of a one year extension of the requirement that a final plat be approved within two years of the date of approval of the preliminary plat; and,

WHEREAS, the prevailing economic downturn and financial conditions have further hindered the completion of the site development necessary for the review and approval of the final plat for this development;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-53-06**, a request for an extension of the requirement that final plats be approved within two years of preliminary plat approval by the Commission for a subdivision to be called The Narrows Reach Sector Phase III, a 13.5 acre development of 42 townhome lots, located west of the intersection of U.S. Highway 280, Old Highway 280, and County Road 41 and situated in the SW ¼ of Section 17 and the NW ¼ of Section 20, Township 19 South, Range 1 West, Parcel Identification Number 58-09-4-17-3-003-021.001, is hereby *Approved*, subject to:

- Applicant submitting a revised preliminary plat addressing all comments.
- The applicant must submit an application for final plat approval no later than October 2010; failure to apply may necessitate reapplication for preliminary plat approval.
- Compliance with the regulations, policies and guidelines of Shelby County.

3. Z09-00012; Cahaba Maintenance & Construction Inc. A-1 to M-1

Purpose: Application of Kevin Festavan, Cahaba Maintenance & Construction, Inc., representing the property owners KCK, LLC, for the approval of a change in the zone district boundaries from the A-1, Agricultural District to the M-1, Light Industrial District for a 1.0-acre tract of land composed of two parcels, to permit a manufacturing facility.

Location: The subject property is located at 94 Crane Lane, off of State Route 25 across from the intersection of CR 75 in the North Shelby – I65 Corridor Zoning Beat and situated in the N ½ of Section 4, Township 24 North, Range 13 East; Parcel Identification Nos. 58-35-2-04-0-001-009.000 and 58-35-2-04-0-001-009.001.

The case was presented by Christie Pannell, Department of Development Services. Ms. Pannell explained that the surrounding property in the city of Calera to the north and west was occupied by other industrial facilities. She explained that this approximately 20 acre site included three (3) parcels, two (2) of which, comprise one acre and are zoned A-1, Agricultural District. The remainder of the subject property is appropriately zoned M-1, Light Industrial District. The applicants propose to expand their existing building to the rear (north). The eastern ten acres of the site, more or less, are natural and undisturbed and will not be affected. Ms. Pannell said that the applicants have made this application to bring their property into compliance.

Bob Easley, Alabama Engineering, represented the owners. Mr. Easley stated that they have applied to have the southwest one acre of the site rezoned from A-1 to M-1. The existing building was permitted and built approximately nine years ago. The applicants propose to expand their facilities. There was no one present to speak in favor of or in opposition to this request.

Commissioner Wilder made a motion that the rezoning be *Approved*. The motion was seconded by **Commissioner Garrett** and by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder voting in favor, the following resolution was approved:

WHEREAS, Kevin Festavan, Cahaba Maintenance & Construction, Inc., representing the property owners KCK, LLC, has petitioned the Shelby County Planning Commission for the approval of a change in the zone district boundaries from the A-1, Agricultural District to the M-1, Light Industrial District for a 1.0-acre tract of land, composed of two parcels, to permit a manufacturing facility; and,

WHEREAS, the subject property is located at 94 Crane Lane, north off of State Route 25 across from the intersection of CR 75 in the North Shelby – I65 Corridor Zoning Beat and situated in the N ½ of Section 4, Township 24 North, Range 13 East; Parcel Identification Nos. 58-35-2-04-0-001-009.000 and 58-35-2-04-0-001-009.001; and,

WHEREAS, the development pattern in this portion of the SR 25 corridor includes established manufacturing and general business facilities that are consistent with the Shelby County Comprehensive Plan; and,

WHEREAS, the evidence and testimony presented to the Planning Commission warrants the approval of the rezoning of the subject property from the A-1 zone district to the M-1 zone district;

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Planning Commission that the request of Kevin Festavan, Cahaba Maintenance & Construction, Inc., representing the property owners KCK, LLC, for the approval of a change in the zone district boundaries from the A-1, Agricultural District to the M-1, Light Industrial District for a 1.0-acre tract of land, composed of two parcels, to permit a manufacturing facility on property located at 94 Crane Lane, north off of State Route 25 and situated in the N ½ of Section 4, Township 24 North, Range 13 East; Parcel Identification Nos. 58-35-2-04-0-001-009.000 and 58-35-2-04-0-001-009.001 be, and the same is hereby *Approved* subject to:

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

4. S09-00050; Arceo Family Subdivision – Waiver

Purpose: A request from Beatriz Arceo, representing the owner James Ennis Lucas, for the approval of a *waiver* from the terms of the Subdivision Regulations of Shelby County to permit the division of an approximately 18-acre tract of land into a 10 lot family subdivision.

Location: The subject property is located south of State Route 25 on CR 89 approximately one-half mile southeast of CR 99 in the A-1, Agricultural District of the North Shelby – I65 Corridor Zoning Beat and situated in the N ½ of Section 7, Township 24 North, Range 13 East; Parcel Identification No. 58-35-3-07-0-001-012.008.

The case was presented by Tom Wilkins, Development Services. Mr. Wilkins explained that the staff had advised the applicants to pursue the approval of a manufactured home community instead of a 10 lot family subdivision. The applicants have chosen, however, to advance their application for the family subdivision. Mr. Wilkins explained that a family subdivision is limited to five lots and that such a departure from the terms of the Subdivision Regulations of Shelby County constitutes a *waiver*. It is the recommendation of the that the family subdivision be approved subject to conditions to including, but not limited to, compliance with the terms of the Shelby County Regulations for Manufactured Home Communities.

Stacy Amador, the applicant’s daughter, represented the request. Ms. Amador said that at the present time the family members are separated and living in various locations in the area. She said the family just wants to be located closer together. When they found the opportunity to buy this acreage they did so. It is large enough that they can all live close together.

Commissioner Thomas asked Ms. Amador if she was familiar with the requirements for manufactured home community. Ms. Amador said that her parents live in a manufactured home and they are aware of the County regulations pertaining to manufactured homes. **Commissioner Thomas** said he wanted to ensure that that they knew these regulations required building a road, approval of drainage, storm runoff, parking and community facilities like a playground to provide a nice place to live.

Ms. Amador said they know that there are requirements for the amount of space required for manufactured homes and that there has to be parking for cars and a playground for the children to play. They want it to be a nice community.

Commissioner Kinnebrew asked if Ms. Amador knew she would have to pave the road and put in the utilities. Ms. Amador said they are willing to do whatever it takes to make this work.

Michael DeHart, an adjoining property owner came forward to speak in opposition to the request. Mr. DeHart asked staff if the applicants had provided documentation of the relationship of the family members. Mr. Wilkins responded that they had, noting, however, that some of the relationships did not meet the definition of a family subdivision. Mr. DeHart also asked why the staff had suggested that the applicants pursue a manufactured home community as opposed to a Family Subdivision. Mr. Wilkins stated that it was to encourage a more orderly development with a paved access to the individual lots. Mr. DeHart asked if all of the property would remain zoned A-1. Mr. Wilkins answered that the property would remain zoned A-1 and that all of the lots meet the minimum one acre requirement.

Mr. Dehart stated that he was opposed to this request for a number of reasons. He objected to the negative impact this development would have on the surrounding properties. He reiterated the fact that there are already two other manufactured home communities in the immediate area. He also pointed out that there are several others nearby in Chilton County. He felt that this development would create an increase in traffic on CR 89 that is already being used as a “cut

through” to other highways. He stated that from a law enforcement standpoint, manufactured home communities generally experience an increase in issues of civil /criminal unrest based on call volume to these types of communities. From an environmental standpoint, Mr. DeHart noted that the property was formerly used for agricultural purposes. The proposed change will disrupt the habitat of wildlife and game birds. Mr. DeHart acknowledged that the Planning Commission established the Subdivision Regulations to protect and manage the growth of Shelby County, protect property values and foster increased quality of life. A waiver of these regulations is counterproductive and only serves to lower the standards of development.

Commissioner Thomas asked Mr. DeHart if one of his chief concerns was the lack of regulations relative to manufactured homes. Mr. DeHart asked if the regulations limited the number of occupants in a manufactured home. Staff responded that the regulations do not address the number of residents. **Commissioner Wilder** asked if the regulations limited the occupancy to one family per household. Mr. Wilkins responded that they did.

Bert Green, an adjoining property owner came forward to speak. Mr. Green controls the property to the south of the subject property on CR 89 that would have to be crossed to access Rock Bay Lane. Mr. Green stated that he had a verbal agreement with the previous tenant permitting him to cross his property to access his mobile home. Mr. Green said he did not know what he would do now. Winston Sitton noted that if Rock Bay Lane is used for access that written documentation would have to be provided to identify this agreement.

Robert Slaughter came forward to speak. Mr. Slaughter’s property adjoins the southeastern edge of the subject property along Rock Bay Lane. Mr. Slaughter said that Rock Bay Lane has been closed for 25 or 30 years. He was concerned how the northern portion of the subject property would be accessed. He did not want a road right behind his home. He also explained that he was notified that his storage building was located on the subject property and that he would have to move it. He said he moved the storage building, even though it was not encroaching on the adjoining property.

Dennis Davis, a resident on CR 89 came forward. He said that he moves mobile homes for a living and has seen instances where some mobile homes are placed in deplorable conditions. He asked who would ensure that the subject property would be developed in an acceptable manner. Staff responded that a site development plan would be reviewed and approved and that staff would visit the site the site to ensure acceptable implementation.

Michael DeHart asked if he could return to the podium for a final comment. The Chairman recognized Mr. DeHart. He just wanted to make it clear that his opposition to this request is not against manufactured homes nor is it against the family making the application. He stated that his comments are based upon his interest in maintaining the quality of life in the area.

Stacy Amador returned for a brief rebuttal. Ms. Amador first noted that the former owner, Mr. Lucas, had Mr. Slaughter told that his storage building was on his property and that he had to move it. This occurred before her mother bought the property. She said they have not determined where the driveway would be located at this time. They wanted to make sure the request was approved first. She said that she knew people don’t want more manufactured homes in the area. Her family just wants to develop this property so that they can live close together. She said they want to work with the neighbors and that they have no intention of trying to harm the community.

Commissioner Garrett asked if Rock Bay Lane was on or off of their property. Winston Sitton said that whether it is or isn’t, that their driveway must be completely on their property.

Commissioner Wilder made a motion that the *waiver* be **Approved**. The motion was seconded by **Commissioner Kinnebrew** and by a vote of five (5), with Commissioners Kinnebrew, Land,

Thomas, Taylor, and Wilder, voting in favor and two (2), Commissioners Chambers and Garrett voting in opposition, the following resolution was approved:

WHEREAS, Beatriz Arceo, representing the owner James Ennis Lucas, has petitioned the Shelby County Planning Commission for the approval of a *Waiver* from the terms of the Subdivision Regulations of Shelby County to permit the division of an approximately 18-acre tract of land into a 10 lot family subdivision; and,

WHEREAS, the subject property is located south of State Route 25 on CR 89 approximately one-half mile southeast of CR 99 in an A-1, Agricultural District of the North Shelby – I65 Corridor Zoning Beat; situated in the N ½ of Section 7, Township 24 North, Range 13 East, Parcel Identification No. 58-35-3-07-0-001-012.008; and,

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

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

WHEREAS, the testimony presented supports the *waiver* of the limitation of a family subdivision to no more than five (5) lots to permit a 10 lot family subdivision;

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Planning Commission that the request of Beatriz Arceo, for the approval of a *Waiver* from the terms of the Subdivision Regulations of Shelby County to permit the division of an approximately 18-acre tract of land into a 10 lot family subdivision for property located on CR 89, approximately one-half mile southeast of CR 99, and situated in the N ½ of Section 7, Township 24 North, Range 13 East, Parcel Identification No. 58-35-3-07-0-001-012.008, be and the same is hereby **GRANTED** subject to:

- Compliance with the guidelines provided in the Shelby County Regulations for Manufactured Home Communities;
- Providing an access apron to the pavement of the right-of-way no less than 25 feet in length and 18 feet in width and the appropriate minimum radii for entry and exit prior to final approval of the final plat;
- Applicants completing all other required street improvements within two (2) years of the date of this resolution;
- Completion of Case No. S09-00050, meeting all requirements of the County Engineer;
- Compliance with the regulations, policies and guidelines of Shelby County.

There being no further business, **Commissioner Thomas** made a motion to adjourn. The motion was seconded by **Commissioner Garrett** and by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder voting in favor, the meeting was adjourned.

ADJOURNMENT 7:55 P.M. November 2, 2009.

David Hunke, AICP
Planning Services Supervisor

James R. Land, Chairman
Shelby County Planning Commission