

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – October 5, 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: Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, 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 5 people present in addition to the Commission and the staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of September 21, 2009. **Commissioner Chambers** made a motion to approve the minutes of the meeting of September 21, 2009, as amended. 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 amended minutes of the meeting of September 21, 2009 were approved.

2. Z09-00011; Edenton Office Rezoning – B-2 to R-5

Purpose: A request from Jonathan Belcher, representing the owners, Cahaba Beach Investments LLC, for the approval of a change in the zone district boundaries from the B-2, General Business District to the R-5, Multiple Dwelling District for a 7.97-acre tract of land to permit the development of residential condominiums.

Location: The subject property is located north of U.S. 280 and west of Cahaba Beach Road in the North Shelby – I65 Corridor Zoning Beat, and situated in the NW ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-31-0-001-039.000.

The case was presented by Sharman Brooks, Department of Development Services. Ms. Brooks explained that the subject property was a part of the overall development of Edenton that was approved as a site development plan in 2006. The residential condominiums have been very successful, but only five of the 12 commercial buildings have been built and are not moving very fast. The applicants have requested to develop the remainder of the commercial building sites residentially. Ms. Brooks noted that R-5 allows up to 14.5 units per acre and the proposal under consideration has a density of approximately 12.5 units per acre.

Ms. Brooks stated the proposed 12 buildings would contain a maximum of 100 condominium units. Nine (9) buildings at the northern portion of the property will be single story while the five (5) buildings to the south will be three stories. To ensure a consistent and homogeneous development, a unified building and site development program should be followed throughout the development, providing coordinated open spaces, architectural treatments and consistent setbacks. **Commissioner Land** asked about the need for a Special District designation as opposed to R-5. Ms. Brooks said that the Special District designation provides for optional

methods of land development, which encourage imaginative solutions to the types of design problems.

The change from commercial to residential affects the transportation characteristics and an amended traffic analysis is necessary. Skipper Consulting, Inc. has provided a detailed study identifying the effects of this change on the level of service (LOS) at Cahaba Beach Road and U.S. 280 for the Highway Department.

Commissioner Garrett asked what was the status and staff position of a proposed condominium development to the north that Eddleman Properties, Inc. had filed several years ago. Ms. Brooks responded that staff had not made a recommendation to that proposal and that after being *Continued*, that case had been *Withdrawn*.

Commissioner Thomas asked where the setbacks pose a problem. Ms. Brooks identified the buildings proposed along Edenton Street and Barrister Court.

Jonathan Belcher, representing Signature Homes, presented the request. He noted that the development began three years ago. He said they presented both the residential and the commercial at the same time, with the office development serving as an entry into the residential. Of the proposed 205 residential units, they have sold 180 units, selling approximately six residential units a month and are near completion. The commercial buildings have moved at a much slower pace. Of the originally proposed 12 buildings, comprising 132,034 square feet of commercial office space, only five buildings with 41,689 square feet have been built. A portion of these completed buildings are leased, whereas all of the completed residential units have been sold to owners. Mr. Belcher noted that the proposed development will include new opportunities for green areas and that a rain garden will be a part of the first phase. Mr. Belcher also noted that two traffic studies had been undertaken and their recent assessment indicated that the proposed zoning change would provide a small reduction in vehicle delay at the Cahaba Beach/U.S. 280 intersection. He also stated that the reduction in impervious surfaces and the increased green space will provide additional filtration of the stormwater runoff before it enters the Cahaba River watershed.

Commissioner Taylor asked what the proposed timeframe of the development would be. Mr. Belcher said they have sold 180 homes in 30 months and hoped for 36 months, but he acknowledged that was very aggressive. There was no one present to speak in favor of or in opposition to this request.

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

WHEREAS, Jonathan Belcher, representing the owners, Cahaba Beach Investments LLC, has petitioned the Shelby County Planning Commission for the approval of a change in the zone district boundaries from the B-2, General Business District to the R-5, Multiple Dwelling District for a 7.97-acre tract of land to permit the development of residential condominiums; and,

WHEREAS, the subject property is located north of U.S. 280 and west of Cahaba Beach Road in the North Shelby – I65 Corridor Zoning Beat, and situated in the NW ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-31-0-001-039.000; and,

WHEREAS, the applicants have proposed to develop a 7.97-acre tract of land as residential condominiums, instead of the previously approved development of commercial condominiums; and,

WHEREAS, it is appropriate to implement the SD, Special District qualification with the R-5 zoning designation in order to ensure a consistent and homogeneous development, providing coordinated open spaces, architectural treatments and consistent setbacks; and,

WHEREAS, the proposed development of residential condominiums at the subject location is consistent with the Shelby County Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Planning Commission that the request of Jonathan Belcher, representing the owners, Cahaba Beach Investments LLC, for the approval of a change in the zone district boundaries from the B-2, General Business District to the R-5, Multiple Dwelling District for a 7.97-acre tract of land to permit the development of residential condominiums, located north of U.S. 280 and west of Cahaba Beach Road and situated in the NW ¼ of Section 31, Township 18 South, Range 1 West; Parcel Identification No. 58-03-9-31-0-001-039.000 be, and the same is hereby *Approved* as **R5-SD, Multiple Dwelling – Special District** , subject to:

- *Submission of an expanded traffic analysis to include Level of Service (LOS) analysis for the Cahaba Beach Road/U.S. 280 intersection to be approved by the County Engineer, specifically comparing the predicted LOS of this intersection under the following circumstances:*
 - *Current zoning and the previously approved commercial build out*
 - *Proposed zoning and the proposed residential build out*
- *Submission of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting, (to be directed downward and not extend to adjacent properties); and the location and screening of solid waste containers by a six-foot-high wood fence on three sides and double gated on the other. 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 development and shall be maintained in a living condition no less than installed. Any amendments, additions, deletions, alterations or changes to any of the above standards of the approved site development plan shall require the review and approval of an amendment to the approved site development plan by the Shelby County Planning Commission.*
- *If, within one (1) year from the effective date of the zone amendment, construction has not commenced, the Planning Commission may, by appropriate action, repeal a change establishing the Special District; once construction is started the improvements set forth in the plan of development must be completed within three (3) years from date of issuance (extension of time may be granted as long as satisfactory progress is being made).*

3. S09-00008; Tidmore Manufactured Home Community – Site Development Plan

Purpose: Application of Mobolaji Kukoyi, Dynamic Civil Solutions, representing Charles Tidmore, owner, for the approval of a Manufactured Home Community Site Development Plan to be located on an approximately 22-acre tract of land comprised of three (3) parcels.

Location: The subject property is located on the west side of CR 47, approximately 2.75 miles southeast of downtown Columbiana, 0.25 miles north of Beaver Creek Road in the unzoned Columbiana Zoning Beat and situated in the SE ¼ of Section 1, Township 22 South, Range 1 West; the NW ¼ of Section 12, Township 22 South, Range 1 West; and the

SW ¼ of Section 6, Township 22 South, Range 1 East; Parcel Identification Nos. 58-29-1-01-0-000-032.000, 58-29-1-12-0-000-001.000, and 58-30-3-06-0-000-012.000.

The case was presented by Tom Wilkins, Department of Development Services. Mr. Wilkins explained that the property included three (3) parcels that compose the 22 acre site. The proposed development would be undertaken in at least two (2) phases. The first phase includes accommodations for 15 manufactured homes. The units will have individual septic systems. A playground /recreational area is included and also a mail delivery location. Development of an additional phase of development will require application for review and approval of the Shelby County Planning Commission.

Mobolaji Kukoyi, Dynamic Civil Solutions, presented the request as the engineer of record. Mr. Kukoyi indicated that discussions were ongoing with the Highway Department to resolve technical standards relative to the grade of the access drive.

Commissioner Taylor asked what was the grade of the entrance drive. Mr. Kukoyi said he had not measured it exactly but estimated the grade at about 11 percent. Mr. Kukoyi noted that it will have to be reduced to meet the County standards. He also noted that the three manufactured homes that exist at the front of the facility will not be a part of the proposed Manufactured Home Community. Those three units use the existing drive and they hoped to avoid interruption of their access.

Commissioner Garrett asked how many additional units could be added to this facility. Mr. Kukoyi said he had not performed that review but estimated maybe 10 additional units could be located in a second phase. **Commissioner Garrett** also asked why the owner was not present. Mr. Kukoyi said he was their representative and he surmised that they had their trust in him. There was no one else present to speak in favor of or in opposition to this request.

Commissioner Wilder made a motion that the site development plan be *Approved*. The motion was seconded by **Commissioner Kinnebrew** 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, Mobolaji Kukoyi, Dynamic Civil Solutions, representing the owner, Charles Tidmore, has petitioned the Shelby County Planning Commission for the approval of a Manufactured Home Community Site Development Plan to be located on an approximately 22-acre tract of land composed of three (3) parcels; and,

WHEREAS, the subject property is located on the west side of CR 47, approximately 2.75 miles southeast of downtown Columbiana, 0.25 miles north of Beaver Creek Road in the unzoned Columbiana Zoning Beat and situated in the SE ¼ of Section 1, Township 22 South, Range 1 West; the NW ¼ of Section 12, Township 22 South, Range 1 West; and the SW ¼ of Section 6, Township 22 South, Range 1 East; Parcel Identification Nos. 58-29-1-01-0-000-032.000, 58-29-1-12-0-000-001.000, and 58-30-3-06-0-000-012.000; and,

WHEREAS, the establishment of the proposed Manufactured Home Community is not inconsistent with the Shelby County Comprehensive Plan; and,

WHEREAS, the Community Plan presented meets the minimum requirements of the Shelby County Regulations for Manufactured Home Communities; and,

WHEREAS, the evidence and testimony presented before the Planning Commission warrants the approval of the proposed Manufactured Home Community Site Development Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Planning Commission that the request of Mobolaji Kukoyi, Dynamic Civil Solutions, representing the owner, Charles

Tidmore, for the approval of a Manufactured Home Community Site Development Plan to be located on an approximately 22-acre tract of land composed of three (3) parcels, located on the west side of CR 47, southeast of Columbiana and situated in the SE ¼ of Section 1, Township 22 South, Range 1 West; the NW ¼ of Section 12, Township 22 South, Range 1 West; and the SW ¼ of Section 6, Township 22 South, Range 1 East; Parcel Identification Nos. 58-29-1-01-0-000-032.000, 58-29-1-12-0-000-001.000, and 58-30-3-06-0-000-012.000 be, and the same is hereby **Approved** subject to :

- Completion of a subdivision case to combine the subject properties of the Manufactured Home Community, excluding those portions not included in the park;
- Compliance with all requirements of the County Engineer;
- Retention of all trees and natural vegetation as possible;
- Submittal of an amended site development plan for review and approval prior to any permits;
- All manufactured homes shall be installed pursuant to the requirements of the Alabama Manufactured Housing Commission;
- Compliance with the regulations, policies and guidelines of Shelby County.

There being no further business, **Commissioner Garrett** made a motion to adjourn. The motion was seconded by **Commissioner Kinnebrew** 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 7:35 P.M. October 5, 2009.

David Hunke, AICP
Planning Services Supervisor

James R. Land, Chairman
Shelby County Planning Commission