

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

Minutes

Regular Meeting – September 19, 2005, 7:00 P.M.

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

Staff Present: Ray Hamilton, Development Services Manager; Todd L. McDonald, Supervisor of Planning Services; Tom Wilkins, Senior Planner, Michele O'Neal, Planner II, Sharman Brooks, Planner II, John Slaughter, Assistant County Engineer.

The meeting was called to order at approximately 7:00 p.m. by Bob Land, Chairman. The Chairman introduced the members of the Shelby County Planning Commission and staff. There were approximately twenty nine (29) people present at this 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

1. Approval of Minutes of August 15, 2005 Regular Meeting

Commissioner Wilder made a motion to approve the minutes of the August 15, 2005 meeting. The motion was seconded by **Commissioner Thomas** and by a unanimous vote the Minutes of the Meeting of August 15, 2005 were *Adopted*.

2. Case No. P-01-05, Burch Development – Site Plan Review

CONTINUED FROM AUGUST 15, 2005 MEETING

Purpose: A request from Rick Burch for a favorable review of a site development plan for the construction of a 14 building office complex on 8.12 acres in an "O & I - (2)", Office and Institutional District (2).

Location: The subject property is located on the northwest side of the 2500 block of Valleydale Road, across from Southeastern Bible College, and situated in the SE ¼ of Section 16, Township 19 South, Range 2 West, Parcel Identification number(s): 10-5-16-0-001-013.000, 10-5-16-0-001-014.000, 10-5-16-0-001-015.000, 10-5-16-0-001-016.000, 10-5-16-0-001-016.001, and 10-5-16-0-001-018.000.

The case was presented by Laurie Sharp, representing the applicant, Rick Burch. Ms. Sharp noted that requirements of the applicant, relative to the intent of the Planning Commission and the actual transcription of the minutes, should be limited to the language of the published resolution. She identified the different abutting uses at the rear of the property and noted the

September 19, 2005

1M

requirements of the Zoning Regulations relative to buffer yards. It was noted that a final landscaping plan would be submitted for review. She also noted that the final review of the site development plan should be completed by the staff and not the Planning Commission.

Adjoining residential property owners came forward and spoke of their displeasure in the development. A slide show was presented demonstrating how the development has eliminated the existing vegetation and any privacy. It also showed that the berm was incorrectly aligned and extended beyond original limitations.

The owner of the property that is surrounded by the development noted their objection to the methodology of the development process. They also noted that the easement that they have used for many years has been reconfigured. It should be noted that the issues regarding this easement are being reviewed in a court of law and are not relevant to this case.

Commissioner Hale stated that the developer has disregarded the requirements for a 50' undisturbed buffer and has virtually eliminated any privacy that could be expected by the adjoining property owners. **Commissioner Hale** then made a motion to *Table* consideration of this request. The motion was seconded by **Commissioner Kinnebrew** and by a vote of 6 in favor and 1 abstention, the following resolution was approved:

WHEREAS, Rick Burch, has petitioned the Shelby County Planning Commission for the favorable review of a site development plan for the construction of a 11 building office complex on 8.12 acres in an "O & I - (2)", Office and Institutional District (2); and,

WHEREAS, the subject property is located on the northwest side of the 2500 block of Valleydale Road, across from Southeastern Bible School, and situated in the SE ¼ of Section 16, Township 19 South, Range 2 West, parcel identifications numbers: 10 5 16 0 001 013.000, 10 5 16 0 001 014.000, 10 5 16 0 001 015.000, 10 5 16 0 001 016.000, 10 5 16 0 001 016.001, and 10 5 16 0 001 018.000; and,

WHEREAS, on October 1, 2001, the Shelby County Planning Commission approved the rezoning of the subject property from the "E-2", Estate District to the "O & I - (2)", Office and Institutional District (2), Case No. Z-08-01, to allow an office development; and,

WHEREAS, in rezoning the subject property, the Planning Commission's Resolution specifically articulated that the Design Review Committee ensure that there will be a *minimum* 50 foot setback adjacent to all residential property, *undisturbed if possible*; and,

WHEREAS, the evidence and testimony presented clearly shows that the applicant has completely disregarded the intent of the Planning Commission for the provision of an undisturbed buffer and has virtually destroyed any resemblance of a buffer to provide a reasonable assumption of privacy by the adjoining residential properties;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. P-01-05**, a request for the favorable review of a site development plan for the construction of a 11 building office complex on 8.12 acres in an "O & I - (2)", Office and Institutional District (2), is hereby **TABLED** until the applicant can provide an acceptable landscaping plan, grading plan and demonstrate resolution of the repairs to the buffer that has been virtually eliminated.

3. Case No. S-46-05, The Parc at Ridgeview

CONTINUED FROM THE JUNE 20, 2005 MEETING

Purpose: A request from Scott Johnson, Ridgeview, LLC, for the approval of a preliminary plat to be known as The Parc at Ridgeview. The purpose of this subdivision is to develop approximately 28.8 acres into 37 residential lots.

September 19, 2005

2M

Location: The subject property is located off Highway 26 on Camp Branch Road, situated in the Northwest Corner of the SE ¼ of the NE ¼ of Section 17, Township 21 South Range 2 West, Parcel Identification numbers: 58-22-4-17-0-000-001.001 and 58-22-4-17-0-000-022.000.

This case was originally heard on June 20, 2005. At that time, due to a number of significant engineering issues as well as discrepancies relative to the Comprehensive Plan of Shelby County, the case was continued to this date. The applicant, Scott Johnson, has requested that the case be tabled.

An adjoining property owner came forward and expressed her concern about flooding on Camp Branch Road and how this case would affect the flooding condition. Another expressed concern about the proposed annexation of this property into the City of Alabaster and potential annexations of additional properties in the area.

Commissioner Wilder made a motion to *Table* the case... The motion was seconded by **Commissioner Garrett** and by a unanimous vote, the following resolution was approved:

WHEREAS, Scott Johnson, Ridgeview, LLC, has petitioned the Shelby County Planning Commission for the approval of a preliminary subdivision plat, to be known as **The Parc at Ridgeview**, to permit the development of approximately 28.8 acres into 37 residential lots; and,

WHEREAS, the subject property is located off Highway 26 on Camp Branch Road, situated in the NW Corner of the SE ¼ of the NE ¼ of Section 17, Township 21 South Range 2 West, parcel identification numbers 58-22-4-17-0-000-001.001 and 58-22-4-17-0-000-022.000; and,

WHEREAS, the Planning Commission has found that the proposed development will require significant alteration of existing natural steep slopes, which is in direct conflict with the Comprehensive Plan of Shelby County; and,

WHEREAS, the Commission has found that the plans submitted do not substantially comply with the Subdivision Regulations of Shelby County; and,

WHEREAS, the applicant has requested that the Commission *TABLE* consideration of this request;

NOW, THEREFORE, BE IT RESOLVED, that *Case No. S-46-05*, consideration of a preliminary plat to be known as **The Parc at Ridgeview**, located off Highway 26 on Camp Branch Road, situated in the NW Corner of the SE ¼ of the NE ¼ of Section 17, Township 21 South Range 2 West, parcel identification numbers 58-22-4-17-0-000-001.001 and 58-22-4-17-0-000-022.000, is hereby **TABLED**.

4. Case No. Z-07-05, Pro-Construction – Rezoning H-Z to M-1 & B-2

Purpose: A request from Ron Ferris, Pro Construction, LLC, for the rezoning of a 1.95 acre tract of land from “H-Z, Holding Zone District” to “M-1, Light Industrial District” and “B-2, General Business District” to permit the development of an office building and an equipment storage facility.

Location: The subject property is located on the north side of County Road 41, approximately 1 mile northeast of Highway 280, and situated in the SE ¼ of the NW ¼ of Section 16, Township 19 South, Range 1 West, Parcel Identification number 58-09-5-16-0-001-019.000.

The case was presented by the applicant, Ron Ferris. Mr. Ferris stated that his proposal was presented to the adjoining property owners and they were satisfied with the landscaping buffers

September 19, 2005

3M

and fences that are proposed. The applicant stated that he negotiating the acquisition of the existing residential property abutting the development over the course of the next 24 months. The property will then become part of the proposed office development.

An adjoining property owner came forward and requested that the designation of this property be changed to the more restrictive "O & I", Office and Institutional designation. Other than that, there is no appreciable opposition to an attractive office building and that there would be outside storage. When told that this would be inappropriate, she was concerned about other potential uses that would be permitted within the "B-2", General Business District designation. It was also noted that a "special district" designation requires a minimum of 10 acres.

Commissioner Thomas made a motion to *Approve* the rezoning. The motion was seconded by **Commissioner Wilder** and by a unanimous vote, the following resolution was approved:

WHEREAS, Ron Farris, Pro Construction, LLC, has petitioned the Shelby County Planning Commission for the rezoning of a 1.95 acre tract of land from the "H-Z, Holding Zone District" to the "B-2, General Business District" to permit the development of a 10,000 sq/ft office building for a construction company office and other professional office uses; and,

WHEREAS, the subject property is located on the north side of County Road 41, approximately 1 mile northeast of Highway 280, and situated in the SE ¼ of the NW ¼ of Section 16, Township 19 South, Range 1 West, Parcel Identification number 58-09-5-16-0-001-019.000; and,

WHEREAS, on June 6, 2005, the Shelby County Planning Commission found that the rezoning of the subject properties, Case No. Z-07-05, from the "HZ", Holding Zone category to the "B-2", General Business and the "M-1", Light Industrial Districts was *not* warranted; and

WHEREAS, the applicant filed an appeal of said decision to the Planning Review Board on June 10, 2005; and,

WHEREAS, the Planning Review Board heard the appeal of Case No. Z-07-05 on August 18, 2005; and,

WHEREAS, the Planning Review Board found that the testimony presented warranted remanding said case to the Planning Commission with the exclusion of that portion of the development that was a light industrial use requiring the "M-1", Light Industrial District designation; and,

WHEREAS, the Planning Commission has found that the evidence presented demonstrates that the development of the subject property as an 10,000 sq/ft office building for a construction company office and other professional office uses will be an appropriate use of the subject property;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. Z-07-05**, a request for rezoning of a 1.95 acre tract of land from the "H-Z, Holding Zone District" to the "B-2, General Business District", located on the north side of County Road 41, approximately 1 mile northeast of Highway 280, and situated in the SE ¼ of the NW ¼ of Section 16, Township 19 South, Range 1 West, Parcel Identification number 58-09-5-16-0-001-019.000, to permit the development of a 10,000 sq/ft office building for a construction company office and other professional office uses be, and the same hereby is **APPROVED**.

5. Case No. S-56-05, Lake Providence

Purpose: A request from Judith Feltman for the approval of a preliminary plat to be known as Resurvey of Lots 2, 10 & Common Area, Lake Providence. The purpose of this subdivision is to

September 19, 2005

4M

resurvey Lots 2, 10 and the Common Area to produce 2 additional lots.

Location: The subject property is located on the north side of Dunnivant Valley Road, (County Road 41), north of Lake Wehapa, approximately 10 miles east of Highway 280, and situated in the NE ¼ of Section 7 and the NW ¼ of Section 8, Township South, Range, Parcel Identification numbers: 04-3-07-0-000-001.004, 04-3-08-0-000-004.002, 04-3-08-0-000-004.004, 04-3-08-0-000-004.006.

The case was presented by Judy Feltman. Ms. Feltman stated that she purchased one of the new lots. The property was designed to meet the minimum requirements of the Subdivision Regulations. They intend to build a new single family residence, as do the others owners of the affected vacant lots. There is a 20' strip extending across the front of their property to permit the adjoining property to connect to the existing water lines.

Commissioner Hale made a motion to *Approve* this request. The motion was seconded by **Commissioner Taylor** and by a unanimous vote, the following resolution was approved:

WHEREAS, Judith Feltman, has petitioned the Shelby County Planning Commission for the approval of a revised preliminary plat to be known as Resurvey of Lots 2, 10 & Common Area, Lake Providence, to permit the development of approximately 42.9 acres into 4 single family residential lots; and,

WHEREAS, the subject property is located on the north side of Dunnivant Valley Road, (County Road 41), north of Lake Wehapa, approximately 11 miles northeast of Highway 280, and situated in the NE ¼ of Section 7 and the NW ¼ of Section 8, Township South, Range, Parcel Identification numbers: 04-3-07-0-000-001.004, 04-3-08-0-000-004.002, 04-3-08-0-000-004.004, and 04-3-08-0-000-004.006; and,

WHEREAS, on the Shelby County Engineer has found that the subdivision plans submitted substantially comply with the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-56-05**, a request for the approval of a revised preliminary plat to be known as Resurvey of Lots 2, 10 & Common Area, Lake Providence, located on the north side of Dunnivant Valley Road, (County Road 41), north of Lake Wehapa, approximately 11 miles northeast of Highway 280, and situated in the NE ¼ of Section 7 and the NW ¼ of Section 8, Township South, Range, Parcel Identification numbers: 04-3-07-0-000-001.004, 04-3-08-0-000-004.002, 04-3-08-0-000-004.004, and 04-3-08-0-000-004.006, is hereby **APPROVED** subject to:

- The applicant submitting an application for final plat approval within 2 years of approval of the preliminary plat. Failure to apply may necessitate reapplication for preliminary plat approval [§3:01(o)];
- Compliance with the regulations, policies and guidelines of Shelby County.
- All flag lots shall have a minimum flag width of not less than 15 feet.

6. Case No. S-61-05, Bay Springs Subdivision – Preliminary Plat

Purpose: A request from Scott Johnson, REI, Properties, for the approval of a preliminary plat to be known as the Bay Springs Subdivision. The purpose of this subdivision is to develop approximately 50.57 acres into 12 residential lots.

Location: The subject property is located off of Highway 71 near Lay Lake, situated in Sections 2, Township 24 North, Range 1 East, Parcel Identification number(s): 58-33-1-02-0-001-003.000.

September 19, 2005

5M

The case was presented by the applicant, Scott Johnson, REI, Properties. Mr. Johnson stated that he recognized the concerns of the County Engineer and made the necessary corrections to his submittal. As the corrected drawings could not be produced in time for review by the County Engineer for this meeting, he requested a Continuance.

Commissioner Hale made a motion to *Continue* consideration of this request until November 7, 2005. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the following resolution was approved:

WHEREAS, Scott Johnson, REI Properties, has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to be known as Bay Springs, to permit the development of approximately 50.57 acres into 12 single family residential lots; and,

WHEREAS, the subject property is located on the west side of Highway 71, approximately 1 mile north of the intersection of Highway 46 and Highway 71; situated in the NE ¼ of Section 2, Township 24 North, Range 15 East, parcel identification numbers 58-33-1-02-0-001-003.000 (part); and,

WHEREAS, on the Shelby County Engineer has found that the subdivision plans submitted do not substantially comply with the Subdivision Regulations of Shelby County; and,

WHEREAS, the subject property is classified as Green Infrastructure, and, as such, the Comprehensive Plan emphasizes the protection of old growth and specimen trees whenever possible, the preservation of clusters of trees, steep slopes and respect of existing topography;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-61-05**, a request for the approval of a preliminary plat to be known as Bay Springs, located on the west side of Highway 71, approximately 1 mile north of the intersection of Highway 46 and Highway 71; situated in the NE ¼ of Section 2, Township 24 North, Range 15 East, parcel identification numbers 58-33-1-02-0-001-003.000 (part), is hereby *CONTINUED* until *November 7, 2005*.

7. Case No. S-66-05, Resurvey of Lot 219, Shoal Creek

Purpose: A request from George Thompson for approval of a final plat to be known as “A Resurvey of Lot 219 of Shoal Creek Subdivision”.

Location: The subject property is located on Carnoustie North, situated in the NW ¼ of Section 26, Township 18 South, Range 1 West, parcel identification number(s): 58-03-7-25-0-000-016.000.

The case was presented by George Thompson. Mr. Thompson stated that the subject property was being resurveyed simply to provide frontage to Carnoustie North for a 52 acre tract that is being added to the Shoal Creek Subdivision. He noted that there were no plans for the 52 acre tract at this time.

Commissioner Kinnebrew made a motion to *Approve* this request. The motion was seconded by **Commissioner Garrett** and by a unanimous vote, the following resolution was approved:

WHEREAS, George Thompson, Thompson Realty, has petitioned the Shelby County Planning Commission approval of a final plat to be known as Resurvey of Lot 219, Shoal Creek Subdivision, to provide access to an acreage parcel that is proposed to be included as a part of the Shoal Creek Subdivision; and,

September 19, 2005

6M

WHEREAS, the subject property is located on the east side of Carnoustie North, just north of the intersection of Carnoustie North and Cherry Hills; situated in the NW ¼ of Section 26, Township 18 South, Range 1 West, Parcel Identification No.: 58-03-7-25-0-000-016.000; and,

WHEREAS, on the Shelby County Engineer has found that the subdivision plans submitted substantially comply with the Subdivision Regulations of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. S-66-05**, a request for the approval final plat to be known as Resurvey of Lot 219, Shoal Creek Subdivision, to provide access to an acreage parcel that is proposed to be included as a part of the Shoal Creek Subdivision, located on the east side of Carnoustie North, just north of the intersection of Carnoustie North and Cherry Hills; situated in the NW ¼ of Section 26, Township 18 South, Range 1 West, Parcel Identification No.: 58-03-7-25-0-000-016.000, is hereby **APPROVED** subject to:

- The applicant submitting an application for final plat approval within 2 years of approval of the preliminary plat. Failure to apply may necessitate reapplication for preliminary plat approval [§3:01(o)];
- Compliance with the regulations, policies and guidelines of Shelby County.

8. Case No. MP-04-05, Amended Master Plan of Shoal Creek

Purpose: A request from George Thompson for approval of an amended master plan of Shoal Creek, reflecting additional properties to be included as a part of this residential development.

Location: The subject properties are located on the east side of Dunnivant Valley Road, (County Road 41), situated in Sections 25, 26, 34 and 35, Township 18 South, Range 1 West.

The case was presented by George Thompson. Mr. Thompson stated that a number of years ago, the development purchased a 34.5 acre tract to the southwest corner as well as a 52 acre tract located at the northeast corner as a defensive action, not knowing what the use of the adjoining properties would be. The subdivision has subsequently determined that these properties will in all likelihood be developed as a part of the existing Shoal Creek Subdivision at some time and they should be added to the Master Plan. He noted that there were no plans for development of either additional property at this time.

Commissioner Garrett made a motion to *Approve* this request. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote, the following resolution was approved:

WHEREAS, George Thompson, Thompson Realty, has petitioned the Shelby County Planning Commission approval of an amended master plan of the Shoal Creek Subdivision to reflect additional properties to be included as a part of the Shoal Creek Subdivision; and,

WHEREAS, the subject property is located on the east side of County Road 41 (Dunnivant Valley Road); situated in Sections 25, 26, 34 and 35, Township 18 South, Range 1 West; and,

WHEREAS, the Planning Commission has found that the above captioned private residential development complies with the Comprehensive Plan of Shelby County; and,

WHEREAS, the subject properties, a 52 acre, more or less, tract located at the northeast corner and approximately 34.5 acres to the southwest corner will be used in a compatible fashion with the existing subdivision;

NOW, THEREFORE, BE IT RESOLVED, that **Case No. MP-04-05**, a request for the

September 19, 2005

7M

a approval of an amended master plan of the Shoal Creek Subdivision to reflect additional properties to be included as a part of the Shoal Creek Subdivision, located on the east side of County Road 41 (Dunnavant Valley Road); situated in Sections 25, 26, 34 and 35, Township 18 South, Range 1 West, is hereby **APPROVED**.

Discussion Item:

A request for the unanimous assent of the Planning Commission to permit the initiation of the rezoning of property, (Game Rezoning Case), within less than the 1 year required, as required in Article XXVI, Section 4 of the Zoning Regulations.

Purpose: A request from H. Walker & Associates, representing the owners, for approval of the rezoning of 3.95 acres of land from “E-2 Single Family Estate District” to “O-I Office and Institutional District (2)”.

Location: The subject property is located at 222 Rutherford Loop Road off Valleydale Road and situated in Section 16, Township 19 South, Range 2 West, Parcel Identification number 58-10-5-16-0-004-053.003 & 58-10-5-16-0-004-054.000.

The request was presented by Dixie Walker, representing the owners, Frank & Wanda Game. Ms. Walker stated that the previous applicant, Rick Burch, had withdrawn from the case and the owners had asked if she would pursue it. Mr. Game came forward and stated that Mr. Burch had other responsibilities that prevented him from acting on the case involving their property in a timely fashion. When asked, he agreed to withdraw completely from the development and the sale of the property.

Commissioner Kinnebrew made a motion to accept the initiation of a rezoning of property within less than a year. The motion was seconded by **Commissioner Garrett** and by a unanimous vote, the following resolution was approved:

WHEREAS, Rick Burch, representing the owners, Frank and Wanda Game, petitioned the Shelby County Planning Commission to rezone approximately 3.95 acres of land from “E-2 Single Family Estate District” to “O-I Office and Institutional District (2)” to develop four (4) office condominium buildings on August 15, 2005; and,

WHEREAS, the subject property is located at 222 Rutherford Loop Road, off of Valleydale Road, and situated Section 16, Township 19 South, Range 2 West, Parcel Identification number 58-10-5-16-0-004-053.003 & 58-10-5-16-0-004-054.000; and,

WHEREAS, the Planning Commission found that there were a number of issues that must be resolved, such as: parking, drainage, landscaping, screening and buffers, utilities and curb cuts, and meeting with the adjoining property owners to resolve any conflicts, and Continued the case until October 3, 2005; and,

WHEREAS, Mr. Burch has withdrawn his request to rezone the subject property as well as the sales contract to purchase this property; and

WHEREAS, Article XXVI, Section 4 of the Zoning Regulations of Shelby County specify that action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve months, provided, however, that by unanimous resolution of the Planning Commission, such action may be initiated at any time.; and,

WHEREAS, Dixie Walker, representing Frank & Wanda Game, owners, has petitioned the Shelby County Planning Commission to assent, by unanimous vote, to the consideration of her application for the rezoning of the subject property;

September 19, 2005

8M

NOW, THEREFORE, BE IT RESOLVED, that the Department of Development Services accept the completed application of Dixie Walker, representing Frank & Wanda Game, owners, for the rezoning of the property located at located at 222 Rutherford Loop Road, off of Valleydale Road, and situated Section 16, Township 19 South, Range 2 West, Parcel Identification number 58-10-5-16-0-004-053.003 & 58-10-5-16-0-004-054.000, from “E-2 Single Family Estate District” to “O-I Office and Institutional District (2)” to the development of professional office buildings.

There being no further new business, **Commissioner Taylor** made a motion to adjourn. The motion was seconded by **Commissioner Thomas** and by a unanimous vote, the meeting was adjourned.

ADJOURNMENT 9:50 – September 19, 2005

Todd McDonald,
Planning Services Supervisor

James R. Land, Chairman
Planning Commission