

STATE OF ALABAMA

SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – October 1, 2007, 7:00 P.M.

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

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

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

The meeting was called to order at approximately 7:00 p.m. by Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Planning Commission and the staff. Approximately six (6) people were present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of September 17, 2007.

Commissioner Land made a motion to approve the minutes of the meeting of September 17, 2007. The Motion was seconded by **Commissioner Thomas** and by a unanimous vote of seven (7) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the minutes of the meeting of September 17, 2007 were approved.

2. MP-03-07 – Mt. Laurel – Amended Master Plan

Purpose: A request from John Freeman, EBSCO Development Co., Inc., for the approval of an amendment to the Master Plan for Mt. Laurel to permit the development of property, formerly identified as multifamily and commercial, for church uses. The subject property is zoned “SD,” **Special District**.

Location: The subject properties are located in the Dunnivant Valley of North Shelby County along the east side of County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of US 280, in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat and situated in Sections 3, Township 19 South, Range 1 West.

The case was introduced by Tom Wilkins, Department of Development Services. Bob Easley, Alabama Engineering, Inc., representing the Town of Mt. Laurel, explained that only lots 103 through 108 were involved in this amendment. These lots were identified for multifamily residential use in the adopted master plan. These lots were now being proposed for church use.

John Freeman, General Manager, EBSCO Development Co., Inc. stated that they were pleased to see the church development in the Town of Mt. Laurel. It began with only 13 members and has grown to over 350 members. He stated that the church needed additional property for education and administrative purposes.

There was no one present to speak either in favor of or in opposition to this request.

Commissioner Land made a motion to *Approve* the amendment to the master plan. The motion was seconded by **Commissioner Kinnebrew** and by a vote of six (6), (Commissioners Garrett, Thomas, , Kinnebrew, Land, Taylor and Wilder) in favor, and one abstention (Commissioner Chambers), the following resolution was approved:

WHEREAS, John Freeman, General Manager of EBSCO Development Co., Inc., has petitioned the Shelby County Planning Commission for the approval of an amendment to the Master Plan for the Town of Mt. Laurel, to permit the development of property, formerly identified as multifamily and commercial, for church uses; and,

WHEREAS, the subject properties are located in the Dunnivant Valley of North Shelby County along the east side of County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of US 280, in the Chelsea North - Dunnivant Valley South - Westover North Zoning Beat and situated in Sections 3, Township 19 South, Range 1 West; and,

WHEREAS, the Town of Mt. Laurel has determined that the master plan for the Town of Mt. Laurel is best amended to permit the expansion of church uses on the property located across the street from the new church structure; and,

WHEREAS, Planning Commission has found that the evidence presented warrants the approval of this amended master plan;

NOW, THEREFORE, BE IT RESOLVED, that consideration of Case No. **MP-03-07**, a request for the approval of an amendment to the Master Plan for the Town of Mt. Laurel, to permit the development of property, formerly identified as multifamily and commercial, for church uses, located along the east side of County Road 41, (Dunnivant Valley Road), approximately 3.3 miles northeast of US 280, situated in Section 3, Township 19 South, Range 1 West, is hereby *Approved*.

3. S-70-07 – Brechin Family Subdivision – Final Plat

Purpose: A request from Katherine Sharich, for the approval of a final plat to be called *The Brechin Family* Subdivision, to permit the subdivision of 23.66 acres into six (6) residential lots. The subject property is zoned “**A-1,**” **Agricultural District**.

Location: The subject property is located in the Columbiana area, off of Highway 49, approximately one mile north of Highway 25, in the Westover South – Wilsonville Zoning Beat and situated in Section 6, Township 21 South, Range 1 East, Parcel Identification Numbers 58-20-3-06-0-000-013.001, 58-20-3-06-0-000-013.002 and 58-20-3-06-0-000-013.003.

The case was introduced by Tom Wilkins, Department of Development Services. Katherine Sharich, applicant, represented the owners. Ms. Sharich explained that property is held by her parents. She stated that conflict existed in the tax assessor’s parcel descriptions (some of the improvements on the property have been double taxed), and that it had been challenged. She noted that the northeastern most proposed lot (Lot 3) was proposed to be accessed from the property to east. Leslie Brechin, a family member who currently lives in one of the homes on the property, also asked for the Commission’s approval of the division of her grandparent’s property.

Winston Sitton, County Engineer's office, noted that although the proposed Lot 3 may be accessed from other property, it would, nonetheless, require the dedication of an access easement to a paved public right-of-way.

Larry Wheeler, a resident on County Road 49 who lives approximately three-fourths of a mile north of the subject property, raised questions about this proposed family subdivision. He noted that an adjoining parcel had previously been a part of the subject properties but was subdivided by deed in 2003 to another family member. He asked why this would not be a part of the subdivision. He also stated that he was opposed to the consideration of a six (6)-lot family subdivision as opposed to the five (5)-lots allowed in the Subdivision Regulations.

Mr. Wilkins noted that the property that was removed in 2003 a separate parcel and is not a part of this subdivision request.

Commissioner Thomas made a motion to *Approve* the subdivision. The motion was seconded by **Commissioner Wilder** and by a unanimous vote (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Taylor, Land and Wilder) in favor, the following motion was approved:

WHEREAS, Katherine Sharich, applicant, has petitioned the Shelby County Planning Commission for a favorable consideration of a *waiver* of the limitation of a family subdivision to no more than five (5) lots and the approval of a final plat to be called the **Brechin Family Subdivision**, subdividing approximately 26.33 acres into a six (6) lot family subdivision; and,

WHEREAS, the subject properties are located off of Highway 49, approximately one mile north of Highway 25, and situated in Section 6, Township 21 South, Range 1 East, Parcel Identification Numbers 58-20-3-06-0-000-013.001, 58-20-3-06-0-000-013.002 and 58-20-3-06-0-000-013.003; and,

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

WHEREAS, the Commission finds that granting a *waiver* of the limitation of a family subdivision to no more than five (5) lots is not unreasonable; 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 six (6) lot family subdivision;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **S-70-07**, a request for the favorable consideration of a *waiver* of the limitation of a family subdivision to no more than five (5) lots and the approval of a final plat to be called the **Brechin Family Subdivision**, subdividing approximately 26.33 acres into a six (6) lot family subdivision, for property located off of Highway 49, approximately one mile north of Highway 25, and situated in Section 6, Township 21 South, Range 1 East, Parcel Identification Numbers 58-20-3-06-0-000-013.001, 58-20-3-06-0-000-013.002 and 58-20-3-06-0-000-013.003 is hereby *Approved*, subject to:

- Applicant submitting a survey plot map of the subject property showing the exact location of all structures with their relationship to the proposed subdivision;
- Applicant submitting a revised final plat addressing *all* comments of the County Engineer.
- Compliance with the regulations, policies and guidelines of Shelby County.

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 seven (7), (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the meeting was adjourned.

ADJOURNMENT 7:45 P.M. October 1, 2007.

David Hunke, AICP
Planning Services Supervisor

Rachel Garrett, Chairwoman,
Shelby County Planning Commission