

**STATE OF ALABAMA  
SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION MINUTES**

**Regular Meeting – January 22, 2019 – 6:00 PM**

**Members Present:** Jim Davis, Chairman; Bob Land; Bill Kinnebrew; Samuetta Nesbitt; Kenneth Wilder; Jay Gunther

**Members Absent:** Michael O’Kelley, Vice Chairman

**Staff Present:** Chad Scroggins, Development Services Manager; Christie Pannell-Hester, Planning Services Supervisor; Kristine Goddard, Principal Planner; Josh Cameron, Principal Planner; John Slaughter, Chief Civil Engineer

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**PUBLIC HEARING**

The meeting was called to order at 6:00 P.M. by Jim Davis, Chairman. **Commissioner Davis** introduced the members of the Planning Commission and the County staff. There were approximately seven audience member(s) present in addition to the Planning Commission members and County staff.

**Approval of the Minutes of the November 19, 2018 Planning Commission Meeting.**

**Commissioner Land** made a motion to approve the minutes of the November 19, 2018 meeting as written. The motion was seconded by **Commissioner Kinnebrew**. By a unanimous vote of six (6-0), with Commissioners Davis, Land, Kinnebrew, Nesbitt, Wilder, and Gunther voting in favor, the minutes of the November 19, 2018 meeting were approved.

**1. Case No. SA18-066 Resubdivision of Parcel 1 of G & M Estates**

This is a request from Donna Shubert, property owner, for approval of a final plat to resubdivide 13.7 acres into three (3) residential lots to be known as a Resubdivision of Parcel 1 of G & M Estates.

The subject property is zoned A-1, Agricultural District and located at 45 Ray Drive. Parcel Identification No. 58-20-3-08-0-000-007.002.

Ms. Kristine Goddard described the case and presented the following information to the Planning Commission:

The subject property is located at 45 Ray Drive, east of the city limits of Columbiana on the south east side of the intersection of County Road 55 and State Route 25. Access to the property is via a private drive named Ray Drive.

G & M Estates was originally reviewed and approved as a two lot administrative subdivision, Case No.S-35-90, and recorded on September 19, 1990 in Map Book 14, Page 74. The subject property is zoned A-1, Agricultural District and surrounded primarily by single family estate sized parcels of land that appear to be utilized for cropland, forestry, grazing and single family residential based on aerial and site observations.

Four structures are currently situated on the subject property; a traditionally constructed home, two mobile homes (*a permit has not been issued at this time*) and a barn. Morris Estates Mobile Home Park is located on Parcel II of the recorded subdivision.

The property is being subdivided so that each residence is located on a legal lot of record in order to meet the requirements of the A-1 zoning district and so that a building permit may be issued for the two mobile homes.

The applicant is requesting to subdivide Parcel I, containing 13.70 acres, into three residential lots to accommodate each of the existing residences. Proposed Lot 1A contains 11.59 acres and the existing house. Proposed Lot 1B contains 1.0 acre and one mobile home and the barn. Proposed Lot 1C contains 1.11 acres and one mobile home. The subject property is located in a Special Flood Hazard area. Those areas are designated Flood Zones X and A. A significant area of proposed Lot 1A is located within Flood Zone A, while a smaller area of both Lots 1B and 1C contain Flood Zone A. No additional structures, however, are proposed for construction in the identified flood zone.

The three proposed lots will be accessed by two driveways that have been reviewed and approved by the Alabama Department of Transportation (ALDOT). Proposed Lots 1A and 1C will share access via the existing Ray Drive. Access for proposed Lot 1B is shown to have individual access on State Route 25. An access permit will be required in order to construct the proposed driveway for proposed Lot 1B. There are three residential structures and a barn identified on the plat that currently access State Route 25 via Ray Drive. The plat shows a proposed ingress/egress and utilities easement to be utilized by all three proposed lots.

Water Service from Shelby County is not available for the proposed lots. The subject property is within the Fourmile Fire Service District.

The subdivision, as submitted meets the requirements of the *Subdivision Regulations of Shelby County* subject to the following items:

- Applicant submitting a record map for approval and recording;
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

No one spoke in support or in opposition of the proposal.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Land** made a motion in Case **SA18-066** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Wilder** and by a unanimous vote of six (6-0), with Commissioners Davis, Land, Nesbitt, Kinnebrew, Wilder, and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Donna Shubert, property owner, has petitioned the Shelby County Planning Commission for the approval of a final plat to resubdivide 13.7 acres into three (3) residential lots to be known as a Resubdivision of Parcel 1 of G & M Estates; and,

**WHEREAS**, the subject property is located at 45 Ray Drive; Parcel Identification Nos. 58-20-3-08-0-000-007.002; and,

**WHEREAS**, the subject property is zoned A-1, Agricultural District; and,

**WHEREAS**, the final plat and documents meet the requirements of the *Zoning Ordinance of Shelby County*; and,

**WHEREAS**, the final plat and documents meet the requirements of the *Shelby County*

*Subdivision Regulations*; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Donna Shubert, property owner, for the approval of a final plat to resubdivide 13.7 acres into three (3) residential lots to be known as a Resubdivision of Parcel 1 of G & M Estates and 45 Ray Drive; Parcel Identification Nos. 58-20-3-08-0-000-007.002, be and the same is hereby *Approved* subject to:

- Applicant submitting a final plat for recording; and
- Compliance with the regulations, policies and guidelines of Shelby County.

## **2. Case No. SN18-018 Narrows Ridge – A Rural Subdivision**

This is a request from Leigh Anne McManus, property owner, for the approval of a final plat to subdivide 40.99 acres into a two (2) lot rural residential subdivision, to be known as Narrows Ridge – A Rural Subdivision.

The property is unzoned and located at 130 Old Oak Cove. Parcel Identification No. 58-09-4-20-3-001-009.000.

Mr. Josh Cameron described the request and presented the following information to the Planning Commission:

The subject property is located at 130 Old Oak Cove; at the end of Oak Tree Drive. The 40.99 acre property is heavily wooded and currently undeveloped. Directly east of the subject property is the Narrows Point subdivision. Further South and East begins Chelsea city limits. Access to the subject property is off Oak Tree Drive. An existing private drive, Old Oak Cove, runs through the southern portion of the subject property to access single-family homes to the south and west. Nearby properties are mostly single-family homes and undeveloped or wooded properties. The subject property and the surrounding area are not zoned.

The applicant is requesting to subdivide 20.16 acres from the larger 40.99 acre parcel into two lots to create a rural subdivision for the development of single family homes. The remaining 20.83 acres are not included in this subdivision. Under the *Subdivision Regulations of Shelby County*, Rural subdivisions are divisions of land into five lots or less that are not required to front on a paved public road, and require no internal infrastructure improvements. All rural subdivisions require Planning Commission approval. Each lot in a rural subdivision must total at least ten (10) acres. Each lot in the proposed subdivision is over 10 acres in size. Access to both lots in the proposed subdivision will come from Old Oak Cove. Nearby properties are mostly single-family homes and undeveloped or wooded properties.

Cahaba Valley Fire Battalion Chief, John Yancey, has noted that neither of the proposed lots are within 1,000 feet of a fire hydrant. Without access to a hydrant, homes in this subdivision will not enjoy the Public Protection Class 2 provided by Cahaba Valley Fire. The Insurance Services Office (ISO) analyzes community data and assigns a Public Protection Classification— a number from 1 to 10. Class 1 generally represents superior property fire protection, and Class 10 indicates that the area's fire suppression program does not meet ISO's minimum criteria. The applicant has been informed of the issue and wishes to proceed.

Children living in this development would attend schools in the *Shelby County School Attendance Zone*. Water service is available from Shelby County on both of the proposed lots.

Mr. Cameron stated the proposed subdivision meets the requirements of the *Subdivision Regulations of Shelby County*. He explained that staff had received questions about blasting on the site and the owner indicated that blasting was not needed.

**Commissioner Kinnebrew** asked why blasting was a concern.

Mr. Cameron stated that the blasting concerns were related to the general development of the property.

Mr. Tom McManus, representing the applicant was present for any questions. He explained his wife's family has owned the property since the 1980's. They are subdividing two, ten acre lots to sell.

**Commissioner Nesbitt** asked if the lots were intended for single family residences.

Mr. McManus confirmed the lots were to be used for single family use.

Mary Jo Gagliano, 444 Oak Tree Drive, stated the McManus' will provide covenants for the two lots to include a minimum 2,000 square-foot restriction on homes constructed on the property.

**Commissioner Kinnebrew** asked if the restrictions limit mobile homes on the property.

Ms. Gagliano explained that no mobile homes would be permitted through the protective covenants.

The following spoke in opposition to the proposal.

Darrel Rouland, Rouland Management Services, LLC, representing the Narrows Residential Owners Association, stated some Narrows homeowners had blasting concerns for any new construction.

Mr. Cameron explained there would be no blasting on site.

Mr. Rouland asked if there were any restrictions on where the homes would be located.

Mr. Cameron explained that there were no setback restrictions because the property is unzoned.

Mr. Rouland asked for clarification on the access for the two lots.

Mr. Cameron explained the access is off of Old Oak Cove at the end of Oak Tree Drive.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Kinnebrew** made a motion in Case SN18-018 the evidence and testimony warrant Approval as it meets the Subdivision Regulations with any staff notations. The motion was seconded by **Commissioner Land** and by a unanimous vote of six (6-0), with Commissioners Davis, Land, Nesbitt, Kinnebrew, Wilder, and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Leigh Anne McManus, property owner, has petitioned the Shelby County Planning Commission for the approval of a final plat to subdivide 40.99 acres into a two (2) lot rural residential subdivision, to be known as Narrows Ridge; and,

**WHEREAS**, the property is unzoned and located at 130 Old Oak Cove. Parcel Identification No. 58-09-4-20-3-001-009.000; and,

**WHEREAS**, access to the lots in the Narrows Ridge Subdivision will be from Oak Tree Drive; and,

**WHEREAS**, the proposed subdivision meets the requirements for a rural subdivision as identified in the Subdivision Regulations of Shelby County; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Leigh Anne McManus, property owner, for the approval of a final plat to subdivide 40.99 acres into two lots for single-family homes and acreage to be known as Narrows Ridge; and located at the end of Oak Tree, Drive Parcel Identification No. 58-09-4-20-3-001-009.000, be and the same is hereby *Approved* subject to:

- Applicant submitting a record map for approval and recording; and
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

### **3. Case No. SD18-007 Piedmont International University & Valleydale Events Center Amendment**

This is a request from Dr. Charles Petitt, Piedmont International University, for the approval of a Special District Amendment to modify the listed ownerships and permitted uses on the site that currently identify Southeastern Bible College as the sole owner and operator. The amendment would permit current uses: school/university with dormitories, weddings, commencements and other similar events.

The subject property is located at the 2545 Valleydale Rd, in the North Shelby – I-65 Zoning Beat, situated in Sections 16, Township 19 South, Range 2 West; Parcel Nos. 58-10-5-16-0-005-046.000, 58-10-5-16-0-005-048.000, 58-10-5-16-0-005-086.000 and 58-10-5-16-0-005-085.000.

Ms. Goddard explained the applicant has requested to Withdraw the case from consideration. **Commissioner Davis** called for a motion in case SD18-007. **Commissioner Kinnebrew** made a motion in Case SD18-007 to accept the withdraw request from Piedmont International University. The motion was seconded by **Commissioner Wilder** and by a unanimous vote of six (6-0), with Commissioners Davis, Land, Nesbitt, Kinnebrew, Wilder, and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Dr. Charles Petitt, Piedmont International University, has petitioned the Planning Commission for the approval of a Special District Amendment to modify the listed ownerships and permitted uses on the site that currently identify Southeastern Bible College as the sole owner and operator. The amendment would permit current uses: school/university with dormitories, weddings, commencements and other similar events; and,

**WHEREAS**, the subject property is located 2545 Valleydale Rd, in the North Shelby – I-65 Zoning Beat, situated in Sections 16, Township 19 South, Range 2 West; Parcel Nos. 58-10-5-16-0-005-046.000, 58-10-5-16-0-005-048.000, 58-10-5-16-0-005-086.000 and 58-10-5-16-0-005-085.000; and,

**WHEREAS**, the applicant requested to withdraw the case from consideration; and,

**WHEREAS**, the Planning Commission accepted the request of the applicant to withdraw the amendment from consideration; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Dr. Charles Petitt, Piedmont International University, to modify the listed ownerships and permitted uses on the site that currently identify Southeastern Bible College as the sole owner and operator. The amendment would permit current uses: school/university with dormitories, weddings, commencements and other similar events, located 2545 Valleydale Rd, in the North Shelby – I-65 Zoning Beat, situated in Sections 16, Township 19 South, Range 2 West; Parcel Nos. 58-10-5-16-0-005-046.000, 58-10-5-16-0-005-048.000, 58-10-5-16-0-005-086.000 and 58-10-5-16-0-005-085.000, be and the same is hereby *WITHDRAWN*.

**Commissioner Davis** welcomed Jay Gunther to the Planning Commission. **Commissioner Land** recognized Josh Cameron for receiving his American Institute of Certified Planning, AICP, credentials.

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There being no further business, **Commissioner Wilder** made a motion to adjourn. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of six (6-0), with Commissioners Davis, Land, Nesbitt, Kinnebrew, Wilder, and Gunther voting in favor, the meeting of January 22, 2019 was adjourned at 6:20 P.M.

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Christie Hester  
Planning Services Supervisor

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Jim Davis, Chairman  
Shelby County Planning Commission