

**STATE OF ALABAMA**  
**SHELBY COUNTY**  
**SHELBY COUNTY PLANNING COMMISSION MINUTES**

**February 6, 2023 – 6:00 PM**

**Shelby County Services Building, Second Floor Community Room**  
**1123 County Services Drive, Pelham, AL 35124**

**Members Present:** Jim Davis, Chairman; Michael O’Kelley, Vice Chairman; Bill Norton; Ken Wilder; Brett Winford

**Members Absent:** Joe Little; Samuetta Nesbitt

**Staff Present:** Christie Hester, Director of Development Services; Josh Osborne, Manager of Planning & Community Development; Kristine Goddard, Senior Planner; Chanelle Beville, Principal Planner; Andrew Harris, Planner; Brenda Hungerford, Office Administrator; Heidi Lee, Senior Civil Engineer

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**PUBLIC HEARING**

**Jim Davis, Chairman**, called the meeting to order at 6:00 pm. Following roll call, **Commissioner Davis** stated there was a quorum with five Commissioners present. He introduced the Commissioners and staff and reviewed the meeting procedures. There were approximately 11 audience members.

**1. Approval of the Minutes of the January 17, 2023, Planning Commission Regular Meeting**

**Commissioner Norton** asked staff to verify the location of the 0.8 acre property mentioned on page 5, paragraph 3, believing that parcel is off Highway 280, not in Dunnavant. With the caveat for staff to update the property location if warranted, **Commissioner Norton** made a motion to approve the meeting minutes of January 17, 2023; **Commissioner O’Kelley** seconded the motion. **Commissioner Davis** called for a vote and the Planning Commission unanimously approved the meeting minutes of January 17, 2023, with a vote of five to zero (5-0).

**Note:** The signed minutes retained by the Shelby County Development Services Department will have a complete meeting information packet including staff reports attached.

**2. C22-005 Faith Presbyterian Church Portable Building Extension – Conditional Use**

This is a request from Todd Jackson, Faith Presbyterian Church, for approval of a two-year time extension to continue using two existing portable buildings for on-site storage. The subject property is zoned E-1, Single Family Estate District, and located at 4601 Valleydale Road; Parcel Identification Number 58-10-5-15-0-001-047.002.

Andrew Harris gave a presentation on the request for agenda item #2 based on the written staff report provided in the meeting information packet. He answered questions related to the current use of the portable buildings for storage and site plans for the planned construction, noting Faith Presbyterian Church has submitted a site plan application for the gravel parking lot. Josh Osborne added that the Church has acquired the adjacent property, which already has been resurveyed and platted.

There being no further questions, **Commissioner Davis** invited the applicant to speak.

Martin Wagner, residing at 310 East Glenwood Drive, stated he is the Executive Pastor at Faith Presbyterian and was there on behalf of Todd Jackson. Mr. Wagner stated the Church intended to construct two separate buildings with the first structure containing a storage area to replace the portable buildings.

Responding to questions from **Commissioner Davis**, Mr. Wagner confirmed the first building would include storage space and he anticipated it to be constructed within the time frame of the conditional use. Josh Osborne then confirmed that site plans are reviewed and approved administratively.

**Commissioner Davis** wondered if two years would be sufficient; **Commissioner O’Kelley** concurred and asked the applicant if three years would be more appropriate. Mr. Wagner expressed appreciation for the Planning Commission’s willingness to consider the longer period.

**Commissioner Davis** opened the floor for public comment; there was no one to speak either in favor or in opposition to the request.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner O’Kelley** made a motion in **Case C22-005 Faith Presbyterian Church Portable Building Extension – Conditional Use** that the evidence presented in the written staff report and presentation warrants Approval for a three-year extension from the date of the resolution with the conditions outlined by staff; **Commissioner Winford** seconded the motion. On a unanimous vote of five to zero (5-0), the Planning Commission approved the following resolution:

**WHEREAS**, Todd Jackson, on behalf of Faith Presbyterian Church, has petitioned the Shelby County Planning Commission for approval of a conditional use to allow a two-year time extension to continue using two existing portable buildings for on-site storage in an E-1, Single Family Estate District; and,

**WHEREAS**, the subject property is located at 4601 Valleydale Road in unincorporated Shelby County (Parcel Identification Number 58-10-5-15-0-001-047.002); and,

**WHEREAS**, in September 2007, the Planning Commission granted approval of a conditional use for the installation of these two portable buildings to be used as classrooms for a period of five years; and,

**WHEREAS**, on March 18, 2013, the Planning Commission approved the request to allow the portable buildings to remain for an additional ten years; and,

**WHEREAS**, the current conditional use expires March 18, 2023, and the applicant has indicated the portable buildings are needed during the current planning and construction period for church expansion; and,

**WHEREAS**, following discussion, the Planning Commission determined a three-year extension would be beneficial to allow for potential construction delays; and,

**WHEREAS**, the conditional use of portable buildings shall expire February 6, 2026;

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Todd Jackson, on behalf of Faith Presbyterian Church, for approval of a conditional use to allow for a three-year time extension from the date of this resolution to continue using two portable buildings for on-site storage in an E-1, Single Family Estate District (Parcel Identification Number 58-10-5-15-0-001-047.002), be and hereby is **APPROVED** subject to compliance with the regulations, policies and guidelines of Shelby County, Alabama.

### **3. SN22-013 Waverly Ridge Private Subdivision Master Plan**

This is a request from Tim Webster, Shelby Investments, LLC, representing himself and Michael K. Weeks, property owners, for approval of a master plan to subdivide 183.35 acres into 20 residential lots to be known as Waverly Ridge Private Subdivision. The subject property is zoned A-1, Agricultural District, and located on the south side of County Road 13, approximately one-half mile southwest of the intersection of County Road 13 and County Road 1; Parcel Identification Numbers 58-24-3-08-0-000-010.000 (partial) and 58-24-3-08-0-000-010.004.

Chanelle Beville gave a presentation on the request for agenda item #3 based on the written staff report provided in the meeting information packet. She answered questions related to the property's current zoning and confirmed there is no requirement for a buffer along the road.

**Commissioner Davis** invited the applicant to speak.

Brian Hatcher with LBYD Engineers stated he is the project engineer. Mr. Hatcher complimented staff on a good job describing the neighborhood, noting there will be 20 lots on more than 100 acres. He discussed the topography of the property, noting there will be a natural buffer between Highway 13 and Hancock Way where the ridge is quite steep. Responding to questions from **Commissioner O'Kelley**, Mr. Hatcher confirmed there will be no mass-grading—just clearing for road cuts and individual house sites; nor will they create a retention pond, lake, or anything of that nature.

**Commissioner Davis** opened the floor for public comment, asking if anyone wanted to speak in favor of the request; there was no one to speak in favor. **Commissioner Davis** then asked if anyone wanted to speak in opposition to the request.

Troy Hughes, residing at 442 Southern Lane in the Sunset Meadows Subdivision, stated he shares about 2600 feet of common boundary with the proposed project. Mr. Hughes described his fence that runs along the common boundary approximately ten feet inside his property line, walking his property line after receiving the [adjoining property owner] letter, and noticing ribbons on the fence clearly inside his property line. He talked about purchasing the land from US Steel to build their home and purposely putting the fence inside his property line, noting there are pins to show it is his property. He is concerned this development impedes on his private property; while they propose some 10- and 20-acre lots in this subdivision, the smaller lots closer to his property are just 4 acres in size. Mr. Hughes asserted that Tim Webster has done a great job with past developments. He is asking for a postponement to give them time to sit down to talk and then walk the property line; he wants to be a good citizen and good neighbor but he also must protect what is his. Mr. Hughes then spoke about his concern regarding the addition of wells that will draw water off of his property, noting that the City of Helena now comes within a half-mile of them due to a recent annexation for a planned development of 1100 single-family homes and was concerned if they would all be on wells and septic. Responding to a question from **Commissioner Winford**, Mr. Hughes used the presentation map to show his property and concluded his remarks by saying he would like to see larger lots and a buffer, and that well water is a concern for him.

Ruby Hubbard, residing at 2166 Highway 13, stated her concern is regarding the buffer zone since her property joins right in with the new subdivision. She also voiced concern about wells pulling water from their springs, and mentioned problems with the Red Oak Subdivision where an individual property owner actually dug his well on her property.

Chris Mason, residing at 100 True Vine Way, spoke about his concern regarding the road system in the subdivision since the information he received did not show roads or curbs and gutters. He talked about other nearby subdivisions that first had gravel roads and there was a lot of run-off. As a contractor, Mr. Mason said he understands water flow and expressed concern about proposed lots 12 and 13 being on the backside of his property where it is hilly and a lot of runoff will be directed toward his lower property; he wanted to make sure nothing encroached on his property. Mr. Mason also mentioned concern about the water supply since he had to re-drill his well last year and as the number of people increase there will be less and less water to pull off.

**Commissioner Davis** invited the applicant to address the concerns.

Tim Webster, residing at 1511 Highway 13, mentioned two subdivisions he has developed nearby—Parkview Farms and Springville Farms—and his desire to maintain a minimum lot size of ten acres; yet he is including some smaller 4-acre lots in this subdivision because of individuals who want a rural setting, but feel the larger lots require too much work to maintain. Mr. Webster talked about his desire to maintain the integrity of the area and his opposition to the large tract annexation into the City of Helena; water concerns for everyone living in the rural setting; the need to dig new wells, often after 10-20 years; how one aquifer does not tie into another; and,

ultimately water concerns being a giant question mark that only a geologist can answer. He mentioned previously meeting with the County Manager and Mayor of Helena about water and density concerns. Mr. Webster gave a brief history of his time living in this area, his property ownership, transactions with US Steel, harvesting timber on his property, working with Shelby County the past 15 years related to the Cahaba River Park, and his efforts with the City of Helena to protect as much of the rural landscape as possible.

In reference to Mr. Hughes' concern over the property line and trees on his property marked by ribbons, Mr. Webster surmised that perhaps they were marked by his forester to guide the crew harvesting timber. He asserted that he would not ever want to encroach on another person's land and assured Mr. Hughes that he would look into it, noting that his surveyor has done an excellent job in the past and, with today's technology, they will most definitely be certain the property line is clearly followed.

Regarding concern about septic systems, Mr. Webster said with the smallest lot being four acres, there should not be a problem since a septic does not require much land—everything he does is according to Shelby County standards. He gave credit to the County's planning staff, noting that over the years Kristine Goddard and Sharman Brooks have guided him through the County's standards related to development. Regarding the buffer, Mr. Webster described the subdivision's entrance as a quaint drive off Highway 13 and they will leave all the trees along Highway 13 when taking timber in order to maintain that natural buffer. Mr. Webster expressed his appreciation for their concern to protect that area from building—he feels the same way and is careful in his development. He invited them to call him any time and offered to give his contact information following the meeting. In conclusion, Mr. Webster assured Mr. Hughes and the Planning Commission that he most definitely was willing to look at the property line with the surveyor there and then make any adjustments necessary.

**Commissioner Davis** asked Mr. Webster to discuss the streets in reference to Mr. Mason's concern. Tim Webster stated that Shelby County staff will ensure he puts in the streets per Shelby County specifications but there will be no curb and gutters if they are not required. He explained the goal is to disturb as little land as possible through this entire project; sometimes a curb and gutter system can make you dump the water in there, so he wants to “feed the stream in small areas.” If approved tonight, Mr. Webster stated they will move forward with an engineered plan that will be per County standards so it will not be a gravel road and will be stabilized with grass. Mr. Webster noted that not everyone wants a gated area but it would be clean, trouble-free, built to County specifications, and will give new residents a great place to live in a private neighborhood; he is leaning toward leaving it with the County with the bond, but that will be determined in the next phase.

Mr. Webster acknowledged that in today's costs, with the smaller parcels it is almost impossible to do things like this and make money; however, he stressed that “I play by the rules—it will cost more money but going the lesser profitable route while following the rules will give my buyers what they want.”

In response to a question from **Commissioner O'Kelley** using the presentation master plan layout, Mr. Hatcher confirmed the fence on Mr. Hughes' property is shown on the plan layout. Kristine Goddard clarified this is the master plan layout for the early planning process; the next stage would be the preliminary plat review that requires a precise survey submitted for preliminary plat approval and a public hearing. Brian Hatcher added that the final construction plat will be submitted with everything for the neighborhood, noting this layout is just a ‘big picture’ number of lots.

Josh Osborne suggested the Planning Commission may want to require the preliminary plat boundary survey to show the fence on Mr. Hughes' property. He then asked the applicant to clarify if the road will be private/gated or dedicated to the County. Mr. Hatcher stated that originally it will be a gated, private road built to County standards. Heidi Lee added that County Highway staff will review the plat, inspect the road, and will require bonding; noting that if gated, the County would require a turnaround be shown on the preliminary plat.

**Commissioner Davis** asserted that both Mr. Hughes and Mr. Webster have as much right as the other regarding identifying the correct property line, noting “tonight is the preliminary—big picture review—and next they will delve into the weeds.”

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Norton** made a motion in **Case C22- SN22-013 Waverly Ridge Private Subdivision Master Plan** that the evidence presented in the written staff report and presentation warrants Approval with the conditions outlined by staff, including (1) requiring the preliminary plat for this Master Plan to identify the existing fence on Mr. Hughes' property, and (2) all lots using interior private roads with no direct access to County Road 13; **Commissioner O'Kelley** seconded the motion. On a unanimous vote of five to zero (5-0), the Planning Commission approved the following resolution:

**WHEREAS**, Tim Webster, Shelby Investments, LLC, representing himself and Michael K. Weeks, property owners, has petitioned the Shelby County Planning Commission for approval of a master plan to subdivide 183.35 acres into 20 residential lots to be known as Waverly Ridge Private Subdivision; and,

**WHEREAS**, the subject property is zoned A-1, Agricultural District, and located on the south side of County Road 13, approximately one-half mile southwest of the intersection of County Road 13 and County Road 1 [Parcel Identification Numbers 58-24-3-08-0-000-010.000 (partial) and 58-24-3-08-0-000-010.004]; and,

**WHEREAS**, the Master Plan identifies a 20-lot residential subdivision with lots ranging in size from four (4) acres to more than 20 acres and an overall gross density of approximately 0.11 dwelling units per acre; and,

**WHEREAS**, all lots within the development will utilize interior private roads and no lots will be granted access to County Road 13; and,

**WHEREAS**, master plans typically depict the proposed development of property, including the physical and functional interrelationships between uses and facilities planned to be phased over a period of time; and,

**WHEREAS**, the Master Plan layout and density is consistent with the rural character and large lot residential subdivisions in the surrounding area and also with the Rural Landscape designation as established in the *Shelby County Comprehensive Plan*; and,

**WHEREAS**, following discussion, the Planning Commission determined the preliminary plat for this Master Plan must identify the existing fence approximately located along the east adjoining property line of the subject property; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request of Tim Webster, Shelby Investments, LLC, representing himself, and Michael K. Weeks, property owners, for approval of a master plan to develop 183.35 acres into a 20-lot residential subdivision, to be known as Waverly Ridge Private Subdivision, located on the south side of County Road 13, approximately one-half mile southwest of the intersection of County Road 13 and County Road 1 [Parcel Identification Numbers 58-24-3-08-0-000-010.000 (partial) and 58-24-3-08-0-000-010.004] be and hereby is **APPROVED**, subject to the following stipulations and conditions:

- All lots within the development will utilize interior private roads for access and no lots will be granted access to County Road 13; and
- Applicant submitting a fully engineered preliminary plat that meets all requirements of the *Subdivision Regulations of Shelby County* and that includes the existing fence, approximately located along the east adjoining property line of the subject property, depicting the distance variations from fence to property line; and
- Applicant submitting an application for final plat approval within two (2) years of approval of the preliminary plat (failure to apply may necessitate reapplication for preliminary plat approval); and
- Any amendments, additions, deletions, alterations or changes to the approved Master Plan shall require the review and approval of an amendment to the approved Master Plan by the Shelby County Planning Commission; and
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

All audience members left the meeting, excluding the applicant for the final case.

#### 4. SN22-014 A Resubdivision of Lot B-182 of Griffin Park at Eagle Point Sector 2 Phase 2C

This is a request from Patrick McLaughlin, T.E. Stevens Company Inc., property owner, for approval of a final plat to subdivide 5.03 acres into two residential lots to be known as A Resubdivision of Lot B-182 of Griffin Park at Eagle Point Sector 2 Phase 2C. The subject property is zoned R-2-SD, Single Family Special District, and located at 4601 Eagle Wood Court; Parcel Identification Number 58-09-3-08-0-002-001.002

Due to there being no audience members, Kristine Goddard summarized the request for agenda item #4 based on the written staff report provided in the meeting information packet. She reported meeting with Mr. Murphy, an adjoining property owner, regarding his concern about the trees being removed since many existing large trees were lost due to the 2020 tornado. In response to questions from **Commissioners Norton and O’Kelley**, Ms. Goddard confirmed this request is compliant with the approved Master Plan and the smallest lot width is 100 feet.

**Commissioner Davis** invited the applicant to speak.

Patrick McLaughlin, residing at 346 Greystone Glen Circle, discussed the location of the proposed home sites near the top of the two ridges close to the center of the lots. Mr. McLaughlin reported that he has met with Mr. Murphy who has 11 acres he accesses off a different street, and assured him there is no activity close to his property other than a potential future water line. He also confirmed they have no intention to clear-cut, noting they were devastated following the tornado damage.

**Commissioner Davis** opened the floor for public comment; there was no one to speak either in favor or in opposition to the request.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Winford** made a motion in **Case C22- SN22-013 Waverly Ridge Private Subdivision Master Plan** that the evidence presented in the written staff report and presentation warrants Approval with the conditions outlined by staff; **Commissioner O’Kelley** seconded the motion. On a unanimous vote of five to zero (5-0), the Planning Commission approved the following resolution:

**WHEREAS**, Patrick McLaughlin, T.E. Stevens Company Inc., property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide 5.03 acres into two residential lots to be known as A Resubdivision of Lot B-182 of Griffin Park at Eagle Point Sector 2 Phase 2C; and,

**WHEREAS**, the subject property is zoned R-2-SD, Single Family Special District, and located at 4601 Eagle Wood Court (Parcel Identification Number 58-09-3-08-0-002-001.002); and,

**WHEREAS**, Griffin Park at Eagle Point was developed as a private subdivision that received zoning approval from the Planning Commission as a residential Special District in June 2016; and,

**WHEREAS**, in September 2016, the Planning Commission approved an amendment to the Master Plan that included relocation of the northern entrance road, incorporated inaccessible green space into adjoining lots, and added two residential lots with one in each Sector; and,

**WHEREAS**, on April 18, 2022, the Planning Commission approved a second amendment to the Master Plan to allow for the subdivision of Lot B-182, a 5.03-acre parcel, into two lots off Eagle Wood Court; and,

**WHEREAS**, in accordance with the April 2022 Griffin Park at Eagle Point Master Plan, the applicant proposes to subdivide Lot B-182 into two residential lots with Lot B-182-A containing 3.5 acres and Lot B-182 containing 1.52 acres; and,

**WHEREAS**, the resubdivision of lots in a major subdivision requires the review and approval of the Planning Commission; and,

**WHEREAS**, the final plat is consistent with the approved Master Plan for Griffin Park at Eagle Point and meets the requirements of the *Subdivision Regulations of Shelby County*;

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Patrick McLaughlin, T.E. Stevens Company Inc., property owner, for approval of a final plat to subdivide 5.03 acres into two residential lots to be known as A Resubdivision of Lot B-182 of Griffin Park at Eagle Point Sector 2 Phase 2C, located at 4601 Eagle Wood Court (Parcel Identification Number 58-09-3-08-0-002-001.002) be and hereby is *Approved* subject to compliance with the regulations, policies and guidelines of Shelby County.

#### ACTION ITEM

1. **Election of Vice Chairman** – In accordance with the *Bylaws of the Planning Commission of Shelby County, Alabama*, Section 3.b, the Planning Commission shall elect a Vice Chairman during the last meeting in the month of February and the former Vice Chairman shall become the Chairman of the Planning Commission at the first meeting in March. *[Note: The election was held at the first meeting in February on the chance there would not be a second meeting.]*

**Commissioner Davis** opened the floor for nominations to elect a new Vice Chairman of the Shelby County Planning Commission for the 2023-2024 term. **Commissioner O’Kelley** nominated Bill Norton and Commissioner Winford seconded the nomination. **Commissioner Norton** expressed his willingness to serve and accepted the nomination.

There being no further nominations, **Commissioner Davis** called for a vote. By a vote of 5-0, the Planning Commission unanimously elected **Commissioner Bill Norton** to serve as the Vice Chairman of the Shelby County Planning Commission for the 2023-2024 term of office.

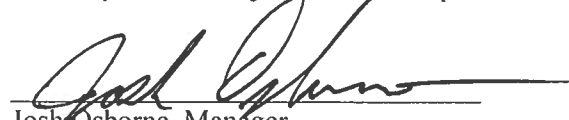
Effective with the March 6, 2023, meeting, **Commissioner O’Kelley** will assume the responsibilities of Chairman and **Commissioner Norton** will become the Vice Chair.

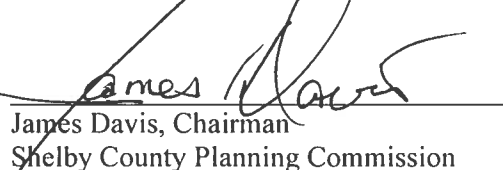
#### DISCUSSION ITEMS

- **Cahaba Valley Fire & EMR District** – This discussion was rescheduled for February 20<sup>th</sup> due to a scheduling conflict.
- **Next Meeting of the Planning Commission** – Josh Osborne stated the next regularly scheduled meeting of the Planning Commission on February 20, 2023, will have one case that was continued from December 5, 2022, to February 20, 2023.

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There being no further business, **Commissioner Norton** made a motion to adjourn and **Commissioner Winford** seconded the motion. By a unanimous vote of five to zero (5-0) in favor, the Planning Commission meeting of February 6, 2023, adjourned at 7:04 pm.

  
 Josh Osborne, Manager,  
 Planning & Community Development

  
 James Davis, Chairman  
 Shelby County Planning Commission