

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – March 5, 2018 – 6:00 PM

Members Present: Jim Davis, Chairman; Amy Smith, Vice Chairman; Michael O’Kelley; Bob Land; Bill Kinnebrew; Samuetta Nesbitt; Kenneth Wilder

Members Absent: None

Staff Present: Chad Scroggins, Development Services Manager; Sharman Brooks, Senior Planner; Kristine Goddard, Principal Planner; Josh Cameron, Planner

PUBLIC HEARING

The meeting was called to order at 6:00 P.M. by Michael O’Kelley, Chairman. **Commissioner Davis** introduced the members of the Planning Commission and the County staff. There were approximately four audience members present in addition to the Planning Commission members and County staff.

Approval of the Minutes of the February 19, 2018 Planning Commission Meeting.

Commissioner O’Kelley made a motion to approve the minutes of the February 19, 2018 meeting and was seconded by **Commissioner Smith**. By a unanimous vote of six (6-0-1), with Commissioners Davis, Smith, O’Kelley, Land, Kinnebrew, Nesbitt, voting in favor and Commissioner Wilder abstaining, the minutes of the February 19, 2018 meeting were approved.

1. Case No. SN17-023 A Resubdivision of Kirkwood Family Subdivision # 1 (Continued from February 5, 2018)

This is a request from William Kirkwood, property owner, for the approval of a final plat to resubdivide Lot 2 of Kirkwood Family Subdivision #1 into four (4) residential lots to be known as a Resubdivision of Lot 2 of Kirkwood Family Subdivision #1. The resubdivision of Lot 2 will result in a total of five (5) lots and complete the family subdivision.

The subject property is zoned A-1 and located off Highway 119. Parcel Identification Nos. 58-10-6-13-0-001-001.000; 58-09-3-07-0-001-020.000.

Ms. Kristine Goddard presented a summary of the case and the recommendation of the County Attorney to get additional documentation from each family member that is a lot owner in a recorded family subdivision to sign a “Resubdivision of Lots within a Family Subdivision Lot Owner Affidavit” that acknowledges and agrees to further division of a lot in said recorded family subdivision.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Land** made a motion in Case **SN17-023 A Resubdivision of Kirkwood Family Subdivision # 1** to table until such time that all family members of the recorded subdivision agree to the proposed resubdivision. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous

vote of seven (7-0), with Commissioners Davis, Smith, O'Kelley, Land, Kinnebrew, Nesbitt and Wilder voting in favor, the following resolution was approved:

WHEREAS, William Kirkwood, property owner, has petitioned the Shelby County Planning Commission for the approval of a final plat to resubdivide Lot 2 of Kirkwood Family Subdivision #1 into four (4) residential lots to be known as a Resubdivision of Lot 2 of Kirkwood Family Subdivision #1; and,

WHEREAS, the subject property is zoned A-1 and located off Highway 119, Parcel Identification Nos. 58-10-6-13-0-001-001.000; 58-09-3-07-0-001-020.000; and,

WHEREAS, according to the *Subdivision Regulations of Shelby County*, a family subdivision is a subdivision of land into no more than five parcels, including remnant parcels, for the purpose of dividing land among the following designated legally related family members: spouse, siblings, children, grandchildren, parents, grandparents, or step-related individuals of the same status; and,

WHEREAS, the resubdivision of Lot 2 would result in a total of five (5) lots and complete the family subdivision; and,

WHEREAS, on December 4, 2017 the Planning Commission continued the case to January 16, 2018 but said meeting was cancelled due to inclement weather and all scheduled cases were moved to the February 5, 2018 regular meeting; and,

WHEREAS, on February 5, 2018 the Planning Commission continued the case to March 5, 2018 to allow the County Attorney additional time to research case precedent related to the additional division of a family subdivision lot by one family member at the detriment of other members of the same family subdivision; and,

WHEREAS, the owner of Lot 1 of Kirkwood Family Subdivision #1 has requested the subdivision not be approved due to the maximum number of lots in a family subdivision being five and the approval of the subject division would eliminate the option to further divide Lot 1 of the Kirkwood Family Subdivision #1; and,

WHEREAS, the County Attorney advised that the spirit and purpose of the family subdivision regulations would be thwarted if one of the lot owners could "use up" all of the potential benefits and rights without the consent of the other lot owners. The benefits or rights in a family subdivision are benefits for all of the lot owners, not just the owners of one of the lots; and,

WHEREAS, the County Attorney further advised that each remaining family member who is a lot owner in a recorded family subdivision must sign a "Resubdivision of Lots within a Family Subdivision Lot Owner Affidavit" that acknowledges and agrees to further division of a lot in said recorded family subdivision; and,

WHEREAS, the applicant has agreed with the staff recommendation to *TABLE* the case until such time that all family members of the recorded subdivision agree to the proposed resubdivision;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from William Kirkwood, property owner, for approval a final plat to resubdivide Lot 2 of Kirkwood Family Subdivision #1 into four (4) residential lots to be known as A Resurvey of Lot 2, Kirkwood Family Subdivision #1 located off Highway 119, Parcel Identification Nos. 58-10-6-13-0-001-001.000; 58-09-3-07-0-001-020.000 be, and the same is hereby *Tabled*.

There being no further business, **Commissioner Wilder** made a motion to adjourn. The motion was seconded by **Commissioner O'Kelley** and by a unanimous vote of seven (7-0), with Commissioners Davis, Smith, O'Kelley, Land, Kinnebrew, Nesbitt and Wilder voting in favor, the meeting of March 5, 2018 was adjourned at 6:06 P.M.

Christie Pannell-Hester
Planning Services Supervisor

Michael O'Kelley, Chairman
Shelby County Planning Commission