

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – April 2, 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: Christie Pannell-Hester, Planning Services Supervisor; Sharman Brooks, Senior Planner; Kristine Goddard, Principal Planner; Josh Cameron, Planner, John Slaughter, Chief Civil Engineer

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 thirty audience members present in addition to the Planning Commission members and County staff.

Approval of the Minutes of the March 5, 2018 Planning Commission Meeting.

Commissioner Land made a motion to approve the minutes of the March 5, 2018 meeting and was seconded by **Commissioner O’Kelley**. By a unanimous vote of seven (7-0), with Commissioners Davis, Smith, O’Kelley, Land, Kinnebrew, Nesbitt and Wilder voting in favor, the minutes of the March 5, 2018 meeting were approved.

1. Case No. Z18-001 Parade Homes Rezoning A-1 to E-2

This is a request from Moiz Fouladbakhsh, Parade Home Builders, Inc., for approval of a change in the zone district boundaries from A-1 Agricultural District to E-2 Single Family Estate District for approximately 12 acres to allow for a development of single family homes.

The subject property is zoned A-1 Agricultural District and is located at 5500 and 5484 Cahaba Valley Road. Parcel Identification Nos. 58-10-6-23-0-001-010.000 and 58-10-6-23-0-001-010.001.

Ms. Kristine Goddard presented the applicant’s request to continue this case to the June 4, 2018 regular meeting. She stated that this will allow them time to evaluate the flood plain that is on the property, lot layout and the configuration. Ms. Goddard announced the Planning Commission decision will serve as notice for the next hearing date; however, a sign will be placed on the subject property one week prior to the public hearing. Ms. Goddard explained the numerous calls received about the request and distributed a copy of a letter from Morris Wade Richardson representing seven property owners received by email on April 2, 2018.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Land** made a motion in Case **Z18-001 Parade Homes Rezoning A-1 to E-2** to continue to the June 4, 2018 regular Planning Commission Meeting. 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, Moiz Fouladbakhsh, Parade Home Builders, Inc., property owner, has petitioned the Shelby County Planning Commission for approval of a change in the zone district boundaries from the A-1, Agricultural District to the E-2, Single Family Estate Residential District for approximately 12 acres for the development of a single family residential subdivision; and,

WHEREAS, the subject property is located at 5500 and 5484 Cahaba Valley Road, in the North Shelby I-65 Corridor zoning beat; Parcel Identification No. 58-10-6-23-0-001-010.000 and 58-10-6-23-0-001-010.001; and,

WHEREAS, the applicant has requested the case be continued to June 4, 2018 to further explore consideration of the flood plain and floodway located on the property in lot size and configuration related to the zoning request;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Moiz Fouladbakhsh, Parade Home Builders, Inc., for approval of a change in zone district boundaries from the to the E-2, Single Family Estate Residential District for approximately 12 acres for the development of a single family residential subdivision; and located at 5500 and 5484 Cahaba Valley Road, in the North Shelby I-65 Corridor zoning beat; Parcel Identification No. 58-10-6-23-0-001-010.000 and 58-10-6-23-0-001-010.001; Parcel Identification No. 58-03-9-29-0-001-004.000, be and the same is hereby *Continued* to June 4, 2018.

2. Case No. SD18-001 The Village at Highland Lakes Amended Master Plan

This is a request from Scott Vaughn, applicant, Arrington Engineering, on behalf of Doug Eddleman, owner, The Village at Highland Lakes, Inc., for the approval of an Amended Master Plan for The Village at Highland Lakes to relocate the pool and cabana on the north side of the property. The amended plan also proposes to relocate four (4) lots to the north side of Phase 3 to a proposed cul-de-sac. The proposal also adds three (3) additional lots to the proposed cul-de-sac.

The subject property is located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.5 miles northeast of U.S. 280, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Section 3, and the E ½ of Section 4, Township 19 South, Range 1 West; Parcel Nos. 58-09-2-03-0-001-013.004; 58-09-2-041-0-002-001.000.

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

After the master plan for the Village at Highland Lakes was originally approved in 2004, zoning was implemented for the Chelsea North-Dunnivant Valley South-Westover North zoning beat. The subject property surrounds Fowler Lake, a 1955 subdivision of 31 lots, approximately two-thirds of which have been improved as single family residences. The Dunnivant Square development is east of the Village at Highland Lakes along Highway 41. The subject property is surrounded on the west and south by the gated Highland Lakes development that is zoned E-2 (SD), Estate Residential Special District. Across Highway 41 to the east is the Mt. Laurel planned development. The Glen at Greystone is located north of the subject property. It is a single family residential development in the City of Hoover that is zoned “PR-1”, Planned

Residential. The Village at Highland Lakes, Fowler Lake, Dunnavant Square and the Mt. Laurel Development are zoned SD, Special District.

The applicant wishes to relocate the pool and cabana originally proposed on the August 2017 Master Plan amendment. The current location for the pool and cabana is located on the northern end of the subdivision near the Regent Park Circle cul-du-sac and the southern edge of Greystone Farms. This location presented some challenges of topography and access onto Highland Village Trail on the approved master plan.

The applicant proposes three changes to the master plan:

- Relocate the pool and cabana to the first intersection of Phase 3
- Relocate four (4) lots displaced by the new pool and cabana location to a new cul-du sac at the northern end of Phase 3
- Add an additional three (3) lots to the new cul-du-sac

Approval of this amendment increases the number of lots for all of the Village at Highland Lakes from 790 units to 793. According to the applicant, the proposed location for the pool and cabana will be more visible and accessible at an intersection.

Impact on Community Facilities and Infrastructure

Sanitary sewer service is provided by Double Oak Water Reclamation and water service will be provided by the Birmingham Water Works.

This development is within the Chelsea School Zone. Children residing in this area would attend the Mt. Laurel Elementary, and the Chelsea Middle and High Schools.

Additional Approvals Required

Pursuant to amendment approval, the applicant is required to submit a fully engineered site plan for the pool and cabana. The site plan will be reviewed internally by staff and will not require Planning Commission approval. The applicant will also need to submit subdivision plans for Phase 3 of this development to the Planning Commission for approval prior to construction. Any amendments, additions, deletions, alterations or changes to the approved Special District plan shall require the review and approval of an amendment to the approved Special District plan by the Shelby County Planning Commission.

Planning Analysis

Special districts are authorized for the purpose of providing optional methods of land development that encourages imaginative solutions to environmental design problems, including infill development. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The Special District overlay binds the amendment request to a specific development proposal and site development plan.

The proposed amended master plan includes three changes:

- Relocates a community amenity, a pool and cabana, to a location more suitable to its development needs.
- Relocate four (4) lots displaced by the new pool and cabana location to a new cul-du sac at the northern end of Phase 3
- Add an additional three (3) lots to the new cul-du-sac

The following information should be submitted pursuant to amendment approval:

- Applicant submitting a fully engineered site plan that meets all requirements of the Zoning Ordinance of Shelby County;
- Applicant submitting a fully engineered subdivision plan that conforms to the approved master plan for Planning Commission review.
- Any amendments, additions, deletions, alterations or changes to the approved Special District plan shall require the review and approval of an amendment to the approved Special District plan by the Shelby County Planning Commission.

Mr. Scott Vaughn, project engineer with Arrington Engineering on behalf of Doug Eddleman explained that four lots on the previously approved master plan will be relocated to a cul-de-sac with a road extension in order to accommodate for the relocation of the pool and cabana.

Commissioner Smith asked if the pool and cabana was previously located in an open space area.

Mr. Vaughn pointed out the previous location of the pool and cabana on the master plan. He stated that after they consulted with the owners about the loss of open space, they relocated the pool and cabana to where the four lots were proposed.

Commissioner Smith asked if he could describe the other open space where the four lots are proposed now. She asked if the lots would be in a low lying area.

Mr. Vaughn replied that the lots are on top of a hill.

Commissioner Nesbitt asked if they have met with the homeowner's association about the new location.

Mr. Vaughn stated that they had discussions about the previous location and they did not want it in that location.

Mr. Wayne Standifer, Eddleman Properties stated that they have had discussions about the previous location and they didn't have 100 percent agreement on the park location. He explained they relocated the location to gain support of the homeowners. He stated that he has talked with several homeowner and they were excited about the secondary pool in the area.

Commissioner Davis asked if anyone was presented to speak in favor.

Ms. Ashley Meadows, 2068 Regent Park Lane, stated that many residents in the neighborhood are very excited about the new location and the additional pool. She hoped the new location was approved.

Commissioner Davis asked if anyone was present to speak in opposition.

Mr. Tom Jury, Fowler Lake Estates stated that he not really against the pool, but he has concerns about the watershed effect by the pool and cabana. He asked if they would be clear cutting the area. He stated that they would like trees to remain in the open space. He stated that the ridge topography feeds into drainage areas for the lake and he is concerned with the amount of water feeding into the lake. He is also concerned with what will happen when the pool is drained and

all the chemicals are draining into the watershed. He stated that the back of the cul-de-sac comes within 100 feet of a couple of houses in Fowler Lake. He stated that they already had to run kids out of the lake and he is concerned that there might be more trespassing to the lake.

In rebuttal, Mr. Vaughn stated that they have submitted phase one to staff and there will be a detention pond on the back side of the lots. He stated that he pinched property that is closer to Fowler Lake up and drained it back away from that property and into the detention pond.

Commissioner O’Kelley asked for clarification on the location of the pond.

Mr. Vaughn stated that the pond is in an area that drops off. He explained that these are 100 foot deep lots and they will be mass grading to clear them to the clearing limit and then they will be left as natural as possible with the exception of some clearing for future trail construction. He also explained that when the pool is drained it will be drained into the sewer system and not the storm drain.

Commissioner Davis asked for clarification on the fencing around the lake.

Mr. Vaughn explained that there is an existing drainage way there and putting a fence at that location is not advisable.

Mr. Doug Eddleman, Eddleman Properties stated that there is a fence around Fowler Lake. He stated that they potentially could have increased the park area with the pool’s original location, but the adjacent residents preferred not to have it there. He stated that the pool’s new location is 250 feet where kids play now. He stated that there is going to be a wetlands park behind the pool with potentially some elevated walkways in the pool area as approved by the Core of Engineers. He stated that they want to connect Regent Park with the pool and the new park area. He stated that there are a lot of children already in that area and have been for 10 years or more. He stated adding a pool will create connections and gives additional play areas. He feels that if there was going to be a problem, it would already exist. He stated that they do not want to move it any further because they want to keep park connectivity. He stated that they could post no trespass signs. He stated that this location for the pool is not the least expensive location, but it is the closest to the park for connectivity.

Mr. Jury stated that at the end of Regent Park there is trash, boulders and concrete. He stated that he is concerned about older children and exploration.

Mr. Eddleman stated that a no trespassing sign will help and have the Game Warden to enforce the trespass.

Commissioner Davis recognized the open line of communication between Mr. Eddleman and Mr. Jury and encouraged that conversation to continue. With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Kinnebrew** made a motion in Case **SD18-001 The Village at Highland Lakes Amended Master Plan** the evidence and testimony warrant Approval. The motion was seconded by **Commissioner Wilder** and by a unanimous vote of six (6-0-1), with Commissioners O’Kelley, Davis, Nesbitt, Smith, Kinnebrew and Wilder voting in favor and Commissioner Land abstaining the following resolution was approved:

WHEREAS, Scott Vaughn, applicant, Arrington Engineering, on behalf of Doug Eddleman, owner, The Village at Highland Lakes, Inc., has petitioned the Shelby County Planning

Commission for the approval of an Amended Master Plan of The Village at Highland Lakes to relocate the community pool and cabana, relocate four (4) lots displaced by the new pool location to a new cul-du-sac to the northwest of the development, and add three (3) additional lots to the proposed cul-du-sac; and,

WHEREAS, subject property is located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.5 miles northeast of U.S. 280, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Sections 3 & 4, Township 19 South, Range 1 West; Parcel Nos. 58-09-2-03-0-001-013.004; 58-09-2-041-0-002-001.000.; and,

WHEREAS, The Village at Highland Lakes was originally reviewed and approved by the Planning Commission in May 2004 to contain 764 residential units; and,

WHEREAS, the Master Plan for The Village at Highland Lakes was amended in May 2005 but maintained the 764 residential units; and,

WHEREAS, the Master Plan for The Village at Highland Lakes was amended in April 2012 to include the reduction of the size of a portion of the lots and resulted in an increased total of 840 residential units; and,

WHEREAS, the Master Plan for The Village at Highland Lakes was amended in June 2013 to include the reconfiguration of the northwest and southwest areas of the development and resulted in an increased total of 848 residential units; and,

WHEREAS, the Planning Commission set a maximum threshold of 848 residential units and no additional units may be created in excess of the threshold approved on June 17, 2013; and,

WHEREAS, the Master Plan for The Village at Highland Lakes was amended in January 2017 to include the reconfiguration of lots and the roadway in the southwest area of the development and results in a decreased total of 819 residential units; and,

WHEREAS, the *proposed* amendment to the Master Plan relocates the community pool and cabana, relocates four (4) lots displaced by the new pool location to a new cul-du-sac to the northwest of the development, and adds three (3) additional lots to the proposed cul-du-sac; and,

WHEREAS, the *proposed* amendment to the Master Plan makes changes to phase three of The Village at Highland Lakes

WHEREAS, the *proposed* amendment results in an increased total of 793 residential units; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Scott Vaughn, applicant, Arrington Engineering, on behalf of Doug Eddleman, owner, The Village at Highland Lakes, Inc., for the approval of an Amended Master Plan of The Village at Highland Lakes to to relocate the community pool and cabana, relocate four (4) lots displaced by the new pool location to a new cul-du-sac to the northwest of the development, and add three (3) additional lots to the proposed cul-du-sac; located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.5 miles northeast of U.S. 280, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Sections 3 & 4, Township 19 South, Range 1 West; Parcel Nos. 58-09-2-03-0-001-013.004; 58-09-2-041-0-002-001.000. be, and the same is hereby **APPROVED** subject to:

- Applicant submitting a fully engineered preliminary plat that meets all requirements of the Subdivision Regulations.
- 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.

- Applicant submitting a fully engineered site plan for the proposed pool and cabana.
- Any amendments, additions, deletions, alterations or changes to the approved Special District plan shall require the review and approval of an amendment to the approved Special District plan by the Shelby County Planning Commission.
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

Discussion

Ms. Brooks informed the Planning Commission that the Argos rezoning case would be on the April 16, 2018 agenda. She gave a brief preview of the case and explained that the Planning Review Board determined that the case should be reconsidered and remanded it back to the Planning Commission for further review.

Commissioner Davis recommended a 30 minute worksession on April 16, 2018.

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 April 2, 2018 was adjourned at 7:00 P.M.

Christie Pannell-Hester
Planning Services Supervisor

Jim Davis, Chairman
Shelby County Planning Commission