

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – May 6, 2019 – 6:00 PM

Members Present: Michael O’Kelley, Chairman; Bill Kinnebrew, Vice Chairman; Jim Davis; Joe Little; Jay Gunther;

Members Absent: Samuetta Nesbitt; Kenneth Wilder

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

PUBLIC HEARING

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

Approval of the Minutes of the April 15, 2019 Planning Commission Meeting.

Commissioner Gunther made a motion to approve the minutes of the April 15, 2019 meeting; the motion was seconded by **Commissioner Little**. By a unanimous vote of five (5-0), with Commissioners Davis, Little, O’Kelley, Kinnebrew and Gunther voting in favor, the minutes of the April 15th meeting were approved.

1. Z19-002 Massey Rezoning

This is a request from Adam Massey, property owner, for approval of a change in the zone district boundaries from HZ, Holding Zone District to A-1, Agricultural District for approximately 20 acres to allow for the division of the property into two lots for residential use.

The subject property is zoned HZ, Holding Zone District and is located at 7140 Old Highway 280. Parcel Identification Number 58-08-9-30-0-001-024.000.

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

Site Description

The subject property is located at 7140 Old Highway 280. Surrounding properties are a mix of undeveloped or rural residential uses. Westover city limits begin at the adjacent property to the east and Chelsea city limits begin at the adjacent property to the west. Properties in the immediate area of the subject property include properties located within the city limits of Chelsea and Westover as well as properties in unincorporated Shelby County.

The subject property contains approximately 20 acres, with roughly 10 acres located within flood zone AE. The flood zone area bisects the property north to south. The site itself is undeveloped and wooded, save for a single-family home located on the eastern side of the property.

Surrounding properties in Chelsea’s municipal limits are primarily zoned Agricultural Residential. This zoning designation is intended for single-family residential or agricultural uses on lots exceeding 10 acres. Surrounding properties in Westover are zoned Neighborhood Residential. This zoning district is intended for single-family or two-family use (duplex) on lots ranging from 0.15 acres to 0.7 acres depending on access to sewer facilities.

Proposed Development

The applicant has requested that the subject parcel be rezoned from HZ, Holding Zone to A-1, Agricultural District in order to subdivide the property into two or more lots that may contain less than 10 acres each, as required by the HZ district. The applicant has indicated that the property could be subdivided into two 10-acre lots without rezoning; however, based on the location of the flood plain the home sites could not meet the required 50-foot setbacks. Therefore, the applicant proposes two options for the subdivision of the property that would require rezoning.

Proposed Option 1 includes only two lots, each proposed lot exceeds the minimum dimensional requirements of the A-1 district. Proposed lot one shows approximately five acres with no flood plain; while proposed lot two shows approximately 15 acres with approximately one buildable acre and the balance inundated with flood plain.

Proposed Option 2 includes three lots, each proposed lot exceeds the minimum dimensional requirements of the A-1 district. Proposed lot one shows approximately five acres with no flood plain; proposed lot two shows approximately 12.5 acres almost completely inundated with flood plain; while proposed lot three shows approximately 2.5 acres with approximately one buildable acre and the balance inundated with flood plain.

Community Facilities and Infrastructure

Water service for the subject property is available from Shelby County. Children residing on the subject property will attend Shelby County Schools within the Chelsea attendance zone.

Additional Approvals Required

Pursuant to rezoning approval, the applicant will be required to complete the subdivision review process and meet all requirements of the Zoning Regulations and Subdivision Regulations of Shelby County.

Planning Analysis

The primary purpose of zoning land is to provide for the public health, safety and welfare in the development of land by ensuring that property is developed in an appropriate manner within the context of its immediate surrounding and the larger community of which it is a part. There are times when changes in the zoning of certain property are justified. For example, when a community is experiencing frequent requests for rezoning in a relatively small area, this is an indication that local trends and conditions may have changed, altering the assumptions underlying the existing zoning.

The subject property was zoned HZ, Holding Zone as part of the Chelsea North-Dunnavant Valley South-Westover North zoning beat in 2005. The stated purpose of the Holding Zone district is as follows:

“This district is intended to provide for the proper timing and phasing of growth within areas of undeveloped property for which the Planning Commission's zoning authority encompasses. The Holding Zone District may be applied to any lands for which the Planning Commission finds should be held in a primarily undeveloped state for an interim period of time pending development and/or completion of the comprehensive land use plan for the respective zoning jurisdiction.”

The A-1, Agricultural District, minimum dimensional requirements are substantially less than those of the Holding Zone.

Furthermore, the A-1 district permits a wider variety of permitted land uses including single family residential, manufactured homes, agricultural uses and accessory structures.

The Holding Zone district permits single-family residential uses on parcels or lots that exceed 10 acres with setbacks of 50 feet from all sides. The requested A-1 zoning district and proposed single family residential land use are similar to the rural and residential land use pattern in the area and along Old Highway 280. According to the applicant, he plans “...to utilize the best parts of the property for building a home out of the flood plain area.” Properties along Old Highway 280 are mostly rural and residential.

Mr. Massey intends to create lots that exceed the area and dimensional requirements of the A-1 district and that will allow him to develop the property while preserving the areas adjacent to and including the Special Flood Hazard areas.

The Shelby County Comprehensive Plan designates the area as Green Infrastructure. One of the stated strategies for Green Infrastructure is to protect the County's flood plains and environmentally sensitive areas.

SUMMARY

The proposed re-zoning from HZ to A-1 is consistent with the uses of nearby properties. The proposed subdivision options described by the applicant conform to the requirements of the A-1 zoning.

Approval of the request will allow for the continued use of the property as single family residences and provide adequate flexibility to siting residential structures appropriately within the context of sensitive environmental features on the property.

The proposed re-zoning and future subdivision are consistent with the intent of the goals outlined under Green Infrastructure in the Comprehensive Plan.

Adam Massey, 326 Deer Meadow Drive, applicant, stated that he purchased the property about one year ago and it had been sitting vacant for over 10 years. He stated that he would like to divide this property up into 2 – 3 lots. He feels that because part of this property is in a floodplain, the property would be good for livestock or cattle. He identified the buildable areas on the property.

Commissioner O'Kelley clarified that this hearing is for zoning only. He stated that the subdivision process would require a separate hearing.

Ms. Goddard stated that at three lots the subdivision would be administratively reviewed for approval and additional review by the Planning Commission is not required.

No one spoke in support of the proposal.

The following spoke regarding the proposal.

Keith Davis, 112 Deer Meadow Drive, stated that his property backs up to this property. He stated that he has no problem with the property dividing into two lots, but he does not want to see three lots because it would be too close and visible from his property on the hill.

Commission Gunther asked if the property could be divided into two lots and remain Holding Zone.

Mr. Cameron explained that it could, but there would be a challenge with the setbacks because they are larger than the A-1 district setbacks and it would be more difficult to site a house outside the floodplain also meeting the setbacks.

Commissioner Little asked staff to define the flood zone.

Mr. Scroggins explained that the flood zone is based on FEMA flood maps.

Commissioner Little asked how the flood zone areas are identified.

Mr. Massey stated that when he purchased the property, he had a mulching company come in and clean up the site and that they also marked the flood plain area on the survey map.

Commissioner Gunther stated that the flood zone on the property is the AE flood zone [engineered], so the elevations have been determined and construction would have to meet the minimum elevations.

With no further discussion, **Commissioner O'Kelley** called for a motion. **Commissioner Kinnebrew** made a motion in Case **Z19-002 Massey Rezoning** that the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Davis** and by a unanimous vote of five (5-0), with Commissioners Davis, O'Kelley, Kinnebrew, Little and Gunther voting in favor, the following resolution was approved:

WHEREAS, Adam Massey, property owner, has requested approval of a change in the zone district boundaries from HZ, Holding Zone District to A-1, Agricultural District for approximately 20 acres to allow for the division of the property into lots for residential use; and,

WHEREAS, the subject property is zoned HZ, Holding Zone District and is located at 7140 Old Highway 280, Parcel Identification Number 58-08-9-30-0-001-024.000; and,

WHEREAS, the Commission finds that based upon the evidence and testimony presented the proposed A-1 zone district is consistent with the surrounding zoning and the *Shelby County Comprehensive Plan*.

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Adam Massey, property owner, for approval of a change in the zone district boundaries from HZ, Holding Zone District to A-1, Agricultural District for approximately 20 acres to allow for the division of the property into lots for residential use and located at 7140 Old Highway 280, Parcel Identification Number 58-08-9-30-0-001-024.000, and the same is hereby *Approved*.

2. Z19-003 Harris Wright Barn Rezoning

This is a request from Ron Farris, representing Pro Construction, the property owner, for approval of a change in the zone district boundaries from HZ, Holding Zone District to E-2 Single Family Estate District for approximately 0.86 acres to allow for the construction of an accessory structure (barn) on the property.

The subject property is zoned HZ, Holding Zone District and is located at 2210 Harris and Wright Drive. Parcel Identification Number 58-09-5-16-0-001-021.000.

Mr. Cameron explained that there was a problem with the legal ad and that he had spoken with the applicant about moving the case to the next scheduled meeting on May 20, 2019.

With no further discussion, **Commissioner O'Kelley** made a motion to Continue Case **Z19-003 Harris Wright Barn Rezoning** to the May 20, 2019 Planning Commission Meeting. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of five (5-0), with Commissioners Davis, O'Kelley, Kinnebrew, Little and Gunther voting in favor, the following resolution was approved:

WHEREAS, Ron Farris, representing Pro Construction, the property owner, for approval of a change in the zone district boundaries from HZ, Holding Zone District to E-2 Single Family Estate District for approximately 0.86 acres to allow for the construction of an accessory structure (barn) on the property.

WHEREAS, the subject property is zoned HZ, Holding Zone District and is located at 2210 Harris and Wright Drive, Parcel Identification Number 58-09-5-16-0-001-021.000; and,

WHEREAS, a typographical error in the advertisement of this case was made; and,

WHEREAS, the applicant has been informed of the error and has agreed to Continue the case until the May 20, 2019 Planning Commission meeting in order to give proper and accurate notice of the public hearing for this request; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Ron Farris, representing Pro Construction, the property owner, for approval of a change in the zone district boundaries from HZ, Holding Zone District to E-2 Single Family Estate District for approximately 0.86 acres to allow for the construction of an accessory structure (barn) on the property located at 2210 Harris and Wright Drive, Parcel Identification Number 58-09-5-16-0-001-021.000, and the same is hereby *CONTINUED TO MAY 20, 2019*.

3. C19-001 The Cabins of Lay Lake at Beeswax

This is a request from Caiden Sinclair, applicant, on behalf of the owner, for conditional use approval to allow for the development of an outdoor recreation cabin campground in an A-1, Agricultural District.

The subject property is located on North Horton Road and situated in Section 22, Township 21 South, Range 01 East; Parcel Identification 58-20-5-22-0-000-018.002.

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

The subject property is located on the south west side of North Horton Road approximately 500 feet from the intersection with State Route 145 and one half mile north of the entrance to Beeswax Park; in the Westover South Wilsonville Zoning Beat and it is situated in Section 22, Township 21 South, and Range 01 East. The subject property is zoned A-1, Agricultural District.

Properties on the west side of State Route 145 are similarly zoned A-1 and average five acres in size with single family residences in the area. Properties on the east side of State Route 145 are zoned E-2, Single Family Estate Residential and average one acre in size or greater. A small portion of B-1, Neighborhood Business District (Beeswax Tackle and Grocery) zoning is located south of the subject property at the intersection of State Route 145 and Old Magnolia Way. Properties south of the bridge and around Beeswax Park are not zoned.

The subject property is undeveloped and heavily wooded, totaling 12.54 acres. The subject property is also known as Lot 2 of Jackson Oaks Amended Subdivision, reviewed administratively and recorded in Map Book 28, Page 14 in 2001. Residential development in the area has primarily occurred along the lake inlets. The general character of the area is rural. Outdoor recreation is permitted by conditional use, as reviewed and approved by the Planning Commission, in the A-1 Agricultural District.

PROPOSED DEVELOPMENT

The applicant has requested conditional use approval to develop an outdoor recreation, cabin campground. His proposal states that he would like to create a campground of 12–15 permanent cabins utilizing gravel roads. The proposed design for each cabin includes a single unit constructed on a permanent foundation with a circular drive and parking area on either side for a water recreation vehicle or trailer. The proposed maximum size of each cabin would be 1500 square feet and includes two sleeping rooms, a bathroom and a kitchenette.

The layout of the site proposes a single access gravel drive, 12-15 cabins (12 shown) and a shop. A combined septic sanitation system is proposed by the applicant and would require approval from the Shelby County Health Department. No development is proposed within 175 feet of the frontage along North Horton Road in order to preserve the character and rural feel of the area. The applicant identifies that each cabin has the potential to sleep four individual persons by design and the campground, if fully rented, could house up to 30 boats on site.

The applicant has stated that there is a demonstrated need for additional lodging near Beeswax Park due to the increased number of fishing tournaments hosted at multiple levels of competition each year. He included in his narrative that currently no lodging of this type exists in the area and the nearest hotels are not designed to accommodate boat parking. The nearest hotel is the Columbiana Inn, a Bed and Breakfast located in the city limits of Columbiana approximately seven to ten miles west or further away in Calera city limits. Beeswax Park does have limited Canoe in campsites, but there are no other registered campgrounds in the surrounding area.

SUMMARY

Outdoor recreation is listed as a conditional use in an Agricultural District that requires consideration of the surrounding area for appropriateness in its application. Beeswax Park located to the south of this property hosts boating tournaments throughout the year. Shelby County provides support for an average of seven fishing tournaments each year at Beeswax Park. Thirteen fishing tournaments have been scheduled or completed since February and through the end of the calendar year. In the 2018 season, the 13 events supported by Shelby County were attended by approximately 1,271 boats with two fishermen per boat equaling about 2,542 people. In addition to events supported by Shelby County, other organizations also utilize the Beeswax Park amenities and boat launches. These numbers also do not include individuals who are simply recreationally fishing or boating on the lake.

Staff has discussed with the County Attorney the consideration of an outdoor recreation campground on a recorded lot. Though the residential structures are for lease they are designed and intended for a type of

residency. Additionally, outdoor recreation is the appropriate classification for a designated campground. The purpose of §3.Conditional Uses, Article XXVI. Administration of the Zoning Regulations of Shelby County is “to establish a process that enables and facilitates review of those uses identified as conditional uses in these regulations in order to determine the appropriateness of a particular conditional use in a given location.”

A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Shelby County Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of Shelby County;
- (2) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
- (3) The proposed use shall not unduly decrease the value of neighboring property; and
- (4) The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. An outdoor recreation campground conditional use should include at minimum the following conditions:

- The site shall be utilized as a campground facility with no long term lease agreements on individual cabins;
- Cabins should be constructed to meet the required building code standards and on permanent foundations;
- Individual cabins should not exceed 900 square feet to ensure these structures meet the intent of a recreational cabin use;
- The onsite shop should only be designed to serve the immediate maintenance campground needs;
- A site plan meeting the requirements of the *Shelby County Zoning Regulations* must be reviewed and certified prior to issuance of building permits or inspections;
- Once construction is completed, an annual review of the campground facility should be presented to the Planning Commission to ensure it continues to operate as intended;
- Compliance with the regulations, policies and guidelines of Shelby County.

Ms. Goddard also included that the Planning Commission could request to review the site plan for the development.

Caiden Sinclair, applicant, described his plan and the justification for his request. He indicated that the site is heavily wooded with many large trees and that he wanted to preserve as many trees as possible. He said that he would leave the big trees around the pond to keep it as natural as possible. He also stated that the cabins would be permanent and built on slabs with no plan for tent camping. He stated that he would likely start with just a few cabins in the beginning to ensure the concept would work and it would be a slow process if approved.

Commissioner Davis asked how it would be managed.

Mr. Sinclair explained that there will be a shop built to house equipment and a manager to maintain the property. He stated that there will possibly be a laundry area in the shop to maintain linens.

Commissioner O'Kelley asked Mr. Sinclair if he is ok with the downsizing of the buildings from 1,500 sq. ft. to 900 sq. ft.

Mr. Sinclair replied yes he is fine with downsizing. He is hoping for weekly stays by the fisherman.

No one spoke in favor of the proposal.

The following had questions regarding the proposal.

Kim Orsini, 173 Yellow Jacket Lane, stated that she owns a ¼ section immediately behind the subject property. She said that the property shows, on the plan, a road that goes all the way through to touch her property at her garden spot. She asked if the road is intended to continue on like that. She stated that she and her husband just completed the construction of their retirement home on their adjoining property and approximately 75 ft. off Beeswax in a family subdivision. She stated that the applicant has filled up the 12 acre tract with short term leased buildings. She asked what type of buffer is being planned to ensure the residents in the area are protected. She stated that there is rental space available at the 4-H Center. She asked if there is a contingency plan if this does not work out. She also asked what would happen with the fish oil and garbage that is being produced. She asked about supervision plans. She also asked how this would impact the characteristics of North Horton Road.

Mr. Sinclair explained that the drawing of the road was to provide access and is no longer needed and could be reconfigured. He stated that he will provide a 50 ft. tree buffer around the property. He also clarified that the 4-H Center does not have boat parking.

Commissioner O'Kelley explained that this is a Conditional Use and can only be developed as it is approved. He asked about impact on traffic.

Mr. Sinclair stated that the property sits about 500 feet from CR 145 and doesn't see the entire campground being booked 100% regularly. He stated that realistically, he sees a minimal impact and not a full impact. He further stated that he is confident in this idea and is taking a risk.

Commissioner O'Kelley asked if this is a County Road.

Mr. John Slaughter replied yes and it would be reviewed during the site plan version of this process.

Commissioner O'Kelley asked if the septic field size is based on anything in particular or is it just sited.

Mr. Sinclair stated that his Engineer did the testing on 2 – 3 acres for a sanitation system. He stated that the cabins sit on 9 – 10 acres. He stated that anywhere that does not require clearing will remain wooded. He explained that there will be signs to identify garbage deposits. He stated that the trash drop off will be up front at the shop area.

Roger Mangham, 147 Yellow Jacket Lane, stated that his property borders this to the west. He asked if the shop area would be used as a repair shop to repair boats. He asked how you could leave the septic area wooded and have a good drain.

Mr. Sinclair replied that it will not be used as a repair shop for customers.

Commissioner Kinnebrew stated that you can leave small trees as part of the recycling material.

Mr. Mangham asked about a contingency plan if this does not pan out.

Commissioner O'Kelley stated that if this plan fails, it would have to come back to the Planning Commission for a change in use.

Dale Lucas, 2716 Highway 77, Lieutenant Kingdom Fire, stated that he is concerned with access to allow fire and rescue to be there at the same time. He suggested a loop road be provided for that purpose. He recommended that the applicant get with Bethel Water to provide a "fire plug" closer to the development.

Mr. Scroggins pointed out that this is a conditional use of an A-1 and not a rezoning to commercial property. He stated that the Planning Commission should weigh out if this request is a commercial use or a conditional use of an A-1 Agricultural District.

Commissioner O'Kelley stated that based on the staff report, the County Attorney agreed that it is residential in nature.

Mr. Scroggins explained that any off site services would be considered commercial. He stated that any service that is not allowed in an A-1 would have to be included in the Conditional Use approval.

Commissioner Gunther stated that the applicant did state that this would help keep money in Shelby County.

Commissioner Davis stated that he understands from the applicant that this will be for boaters to have a place to stay during tournaments.

With no further discussion, **Commissioner O'Kelley** called for a motion. **Commissioner Kinnebrew** made a motion in Case **C19-001 The Cabins of Lay Lake at Beeswax** the evidence and testimony warrant Approval subject to a maximum 900 sq. ft. structure, no more than 12 units with a 50 ft. undisturbed external buffer to all the adjoining property owners. Also, subject to an approved fire service road and hydrants with a maximum stay of 14 days and subject to addressing staff comments. The motion was seconded by **Commissioner Davis** and by a unanimous vote of five (5-0), with Commissioners Davis, O'Kelley, Kinnebrew, Little and Gunther voting in favor, the following resolution was approved:

WHEREAS, Caiden Sinclair, applicant, on behalf of the owner, petitioned the Shelby County Planning Commission for conditional use approval to allow for the development of an outdoor recreation cabin campground in an A-1, Agricultural District; and,

WHEREAS, the subject property is located on North Horton Road and situated in Section 22, Township 21 South, Range 01 East; Parcel Identification 58-20-5-22-0-000-018.002; and,

WHEREAS, it is the opinion of the Planning Commission that the proposed use is in harmony with the general purpose, goals, objectives and standards of the Shelby County Comprehensive Plan; and,

WHEREAS, the proposed use is consistent with the community welfare and will not detract from the public's convenience at the specific location; and,

WHEREAS, the proposed use is not likely to unduly decrease the value of neighboring properties; and,

WHEREAS, the proposed use is compatible with the surrounding area and would not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities; and,

WHEREAS, the Planning Commission heard and considered public comment and testimony regarding the request; and,

WHEREAS, outdoor recreation is allowed as a conditional use in the A-1 zoning district;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Caiden Sinclair, applicant, on behalf of the owner, for conditional use approval to allow for the development of an outdoor recreation cabin campground in an A-1, Agricultural District and located on North Horton Road and situated in Section 22, Township 21 South, Range 01 East; Parcel Identification 58-20-5-22-0-000-018.002, be and the same is hereby **Approved**, subject to the following conditions:

- The site shall be utilized as a campground facility with rentals not to exceed 14 days for individual cabins; and,
- Individual cabins should not exceed 900 square feet to ensure these structures meet the intent of a recreational cabin use; and,

- The onsite shop must be designed to serve only the immediate maintenance campground needs; and,
- A site plan meeting the requirements of the *Shelby County Zoning Regulations* must be reviewed and approved by the Planning Commission prior to certification, issuance of building permits and inspections; and,
- An appropriate access and internal road circulation pattern shall be designed to allow for adequate emergency vehicle circulation; and,
- A fire hydrant should be installed on the property to allow for fire suppression; and,
- Cabins should be constructed to meet the required building code standards and on permanent foundations; and,
- A fifty foot, undisturbed buffer must be maintained along all property boundaries; and,
- Once construction is completed, an annual review of the campground facility should be presented to the Planning Commission by staff to ensure it continues to operate as intended; and,
- Compliance with the regulations, policies and guidelines of Shelby County.

4. SN19-004 A Resubdivision of Lot 1 of Talton Family Subdivision

This is a request from Linda Dooley, property owner, for approval of a final plat to subdivide Lot 1 of Talton Family subdivision into two lots for residential use to be known as A Resubdivision of Lot 1 of Talton Family Subdivision.

The subject property is not zoned and is located at 4575 Highway 28; Parcel Identification No. 58-20-8-34-0-000-006.000.

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

The subject property is located at 4575 Highway 28 near the intersection of County Road 28 and County Road 77, southeast of the Columbiana city limits. Single family residences on lots ranging in size from one acre to more than 10 acres appear to be the predominant land use in the surrounding area.

The Talton Family Subdivision (S-30-03) was reviewed and approved as an administrative two lot family subdivision in 2003 and recorded in Map Book 31, Page 113.

The applicant is requesting to subdivide Lot 1 into two lots in order to separate the current residence from the remaining portion of Lot 1 and deed the property to her son (*see left*). The proposed Lot 1B contains five acres and the remaining Lot 1A contains 24.53. The subject property is located in a portion of unincorporated Shelby County that is not zoned. Lot 1A contains three grandfathered mobile homes that will remain on the lot. Should the property owner wish to separate a mobile home unit and property in the future; all three mobile homes will be required to be assigned individual lots through the subdivision process. The resubdivision of Lot 1 will create a total of three lots in the family subdivision. All lot owners of the original subdivision have agreed to the proposed division of Lot 1 by signed affidavit.

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

Flood Zone AE is located on a portion of proposed lot 1B, but does not impact the existing residential structure.

SUMMARY

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. The purpose of this subdivision is to create two lots in the family subdivision from Lot 1 Talton Family Subdivision. The proposed resubdivision will create three total lots. 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.

Dale Lucas, 2760 Highway 77, representing the applicant, stated that according to the will the property is to be divided among the kids.

No one spoke in favor of the proposal.

No one spoke in opposition to the proposal.

With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion in Case **SN19-004 A Resubdivision of Lot 1 of Talton Family Subdivision** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Little** and by a unanimous vote of five (5-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little and Gunther voting in favor, the following resolution was approved:

WHEREAS, Linda Dooley, property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide 29.53 acres, Lot 1 of Talton Family Subdivision, into two lots for residential use, to be known as A Resubdivision of Lot 1 of Talton Family Subdivision; and,

WHEREAS, the subject property is located at 4575 County Road 28; Parcel Identification No. 58-20-8-34-0-000-006.000; and,

WHEREAS, the subject property is not zoned; and,

WHEREAS, all existing lot owners in the family subdivision have consented to the further division of Lot 1; and,

WHEREAS, the final plat and documents meet the requirements of the Subdivision Regulations of Shelby County; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Linda Dooley, property owner, for the approval of a final plat to subdivide 29.53 acres, Lot 1 of Talton Family Subdivision, into two lots for residential use, to be known as A Resubdivision of Lot 1 of Talton Family Subdivision and located at 4575 County Road 28; Parcel Identification No. 58-20-8-34-0-000-006.000, 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.

5. SN19-006 Metzger Resubdivision of Lot 5

This is a request from Wes Davis, representing Gallant Lakes LLC, property owner, for approval of a final plat to subdivide Lot 5 of Metzger Subdivision into two lots for residential use to be known as A Resubdivision of Lot 5 of Metzger Subdivision.

The subject property is zoned A-1, Agricultural District and is located at Shaw Lane and Hwy 438; Parcel Identification Nos. 58-08-9-32-0-000-022.006, 58-08-9-32-0-000-022.000 and 58-08-9-32-0-000-022.007.

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

The subject property is located at 925 County Road 438 approximately 600 feet from the intersection of Shaw Lane and Hwy 438 with frontage along both roadways. Single family residences on lots ranging in size from one acre to three acres appear to be the predominant land use both in the city limits of Chelsea

and unincorporated Shelby County. Properties located in unincorporated Shelby County are zoned A-1, Agricultural District and A-R, Agricultural Residential District.

Metzger Subdivision (S-95-07) was reviewed and approved as an administrative subdivision in 2007 and recorded in Map Book 40, Page 26.

The applicant is requesting to subdivide Lot 5 into two lots for residential use. The proposed Lot 5A contains 5.85 acres and proposed Lot 5B contains 13.16 acres. The subject property is zoned A-1, Agricultural District. Both of the proposed lots meet the dimensional requirements of the A-1 District. The resubdivision of Lot 5 will create a total of six lots in the Metzger Subdivision.

No residential structures are currently on the property; however, a riding corral and utility shed do appear to be located on proposed Lot 5B per aerial photography.

Water Service from Shelby County is available for these lots. For additional water connections the developer/builder should contact Shelby County Water Services directly.

The subject property is within the Westover Fire Service District. Westover Fire Chief Penny made special note that a 2 inch or 3 inch main is located in front of these properties along Hwy 438, prohibiting the ability to add additional fire hydrants within 1000 feet of the proposed home sites. He identified that in addition to the distance from the street to the homes the closest hydrant is about ¼ mile away at the intersection of County Road 32 and County Road 438. His recommendation was to discuss with the local waterworks the addition of a larger main so that a hydrant could be installed for fire and life safety purposes.

CONCLUSION

The proposed resubdivision will create two lots from the recorded Lot 5 and six total lots in the subdivision. As submitted, the subdivision meets the requirements of the Subdivision Regulations of Shelby County subject to the following items:

- Applicant meets with the local fire chief to discuss fire suppression concerns;
- Applicant submitting a record map for approval and recording;
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

Wes Davis stated that he would discuss this development with the Fire Chief and add a note on the plat.

No one spoke in favor of the proposal.

No one spoke in opposition to the proposal.

With no further discussion, **Commissioner O'Kelley** called for a motion. **Commissioner Gunther** made a motion in Case **SN19-006 Metzger Resubdivision of Lot 5** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of five (5-0), with Commissioners Davis, O'Kelley, Kinnebrew, Little and Gunther voting in favor, the following resolution was approved:

WHEREAS, Wes Davis, representing Gallant Lakes LLC, property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide 19.01 acres, Lot 5 of Metzger Subdivision, into two lots for residential use, to be known as A Resubdivision of Lot 5 of Metzger Subdivision; and,

WHEREAS, the subject property is located at 925 County Road 438; Parcel Identification Nos. 58-08-9-32-0-000-022.006, 58-08-9-32-0-000-022.000 and 58-08-9-32-0-000-022.007; and,

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

WHEREAS, the final plat and documentation meet the requirements of the Shelby County Zoning Regulations and the Subdivision Regulations of Shelby County; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the

request from Wes Davis, representing Gallant Lakes LLC, property owner, for the approval of a final plat to subdivide 19.01 acres, Lot 5 of Metzger Subdivision, into two lots for residential use, to be known as A Resubdivision of Lot 5 of Metzger Subdivision and located at 925 County Road 438; Parcel Identification Nos. 58-08-9-32-0-000-022.006, 58-08-9-32-0-000-022.000 and 58-08-9-32-0-000-022.007, be and the same is hereby **Approved** subject to:

- Applicant meets with the local fire chief to discuss fire suppression concerns; and
- Applicant submitting a final plat for recording; and
- Compliance with the regulations, policies and guidelines of Shelby County.

Oher Business

6. Subdivision and Zoning Amendments

Ms. Kristine Goddard stated that staff has been working on amendments and clarifications to the Subdivision and Zoning Regulations for consideration by the Planning Commission. She stated that the items are intended to better define, further clarify and modernize the regulations with evolving patterns of development. She stated that staff could suggest two to four amendments at each of the Planning Commission meetings for the remainder of the calendar year. She identified four amendments for consideration including two for the *Subdivision Regulations of Shelby County* and two for the *Zoning Regulations of Shelby County* and briefly described each amendment. She stated that in order to bring the amendments to public hearing and consideration by the Planning Commission, a motion to allow staff to advertise the proposed changes is required.

Commissioner Davis made a motion to advertise the proposed amendments to the Subdivision and Zoning Regulations. The motion was seconded by **Commissioner O’Kelley** and by a unanimous vote of five (5-0) with Commissioners Davis, O’Kelley, Little, Kinnebrew and Gunther voting in favor the amendments will be advertised.

There being no further business, **Commissioner Davis** made a motion to adjourn. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of five (5-0), with Commissioners Davis, O’Kelley, Little, Kinnebrew and Gunther voting in favor, the meeting of May 6, 2019 was adjourned at 7:29 P.M.

Christie Hester
Planning Services Supervisor

Michael O’Kelley, Chairman
Shelby County Planning Commission