

STATE OF ALABAMA  
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – May 20, 2019 – 6:00 PM

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

**Members Absent:** Samuetta Nesbitt

**Staff Present:** Sharman Brooks, Senior Planner; Josh Cameron, Principal Planner; John Slaughter, Chief Civil Engineer

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**PUBLIC HEARING**

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

**Approval of the Minutes of the May 6, 2019 Planning Commission Meeting.**

**Commissioner Davis** made a motion to approve the minutes of the May 6, 2019 meeting; the motion was seconded by **Commissioner Gunther**. By a unanimous vote of six (6-0), with Commissioners Davis, Little, O’Kelley, Kinnebrew, Wilder and Gunther voting in favor, the minutes of the May 6<sup>th</sup> meeting were approved.

**1. Case No. E18-031, M&R Properties Zoning Violation - Storage/Salvage Yard in an A-1 District – Enforcement Action (Continued from April 15, 2019)**

The purpose of this Enforcement Action is concerning the on-site storage of inoperable, unlicensed vehicles of all types in an A-1, Agricultural District. This land use constitutes an unresolved violation of the Zoning Ordinance that warrants a Planning Commission referral to the County Attorney.

The subject property is located at 3641 Hwy 26 and situated in Section 14, Township 21 South, Range 02 West; Parcel Identification No. 58-22-6-14-0-000-013.000.

Mr. Josh Cameron updated that the site has been cleaned up and is in compliance.

Beth Arnold, 3363 Highway 26, adjoining property owner gave her personal update.

With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion in Case **E18-031, M&R Properties Zoning Violation - Storage/Salvage Yard in an A-1 District – Enforcement Action** do not refer to the County Attorney because the property is currently in compliance. He recommended that staff continue to monitor the site and if it becomes non-compliant, the violation will automatically go to the Planning Commission for referral to the County Attorney. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of six (6-0), with Commissioners Davis, Little, O’Kelley, Kinnebrew, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, the purpose of this Enforcement Action is concerning the on-site storage of inoperable, unlicensed vehicles of all types in an A-1, Agricultural district; and,

**WHEREAS**, the subject property is located at 3641 Highway 26 and situated in Section 14, Township 21 South, Range 02 West; Parcel Identification No. 58-22-6-14-0-000-013.000; and,

**WHEREAS**, the subject property is subject to the rules and regulations of Shelby County, specifically the Zoning Ordinance and the Sanitation Regulations; and,

**WHEREAS**, the current land use is a storage/salvage yard that is actually an M-1, Light Industrial district land use; and,

**WHEREAS**, a storage/salvage yard is not a permitted use within the A-1, Agricultural district; and,

**WHEREAS**, over the course of several months Development Services staff has tried to find ways to remedy the zoning violations that exist at 3641 Highway 26 to avoid the need to pursue legal action; and,

**WHEREAS**, Development Services staff has contacted Ricky Ray, property owner, and Jason Blackmon, Jason's Auto, via telephone and e-mail on several occasions since October 30<sup>th</sup>, 2018 to discuss the zoning violation and remedies to correct said violations; and,

**WHEREAS**, Mr. Jason Blackmon, Jason's Auto, and Mr. Ricky Ray, property owner, have been notified in writing three (3) times that the storage of inoperable, unlicensed vehicles of all types on the property is a violation of the Zoning Ordinance and the Sanitation Regulations (Shelby County Resolution No. 01-02-12-10); and,

**WHEREAS**, Mr. Blackmon has been communicative and cooperative with staff regarding the zoning violation; and,

**WHEREAS**, a site visit on April 15<sup>th</sup>, 2019, showed significant progress had been made to correct the zoning violation; and,

**WHEREAS**, the subject property remained in violation of the zoning ordinance for the operation of a storage/salvage yard; and,

**WHEREAS**, the Planning Commission determined that in order to ensure that the property is properly vacated and cleaned up that staff would continue to monitor and report back to the Planning Commission on May 20, 2019 ; and,

**WHEREAS**, the Planning Commission *CONTINUED* the case *to May 20, 2019*; and,

**WHEREAS**, final site visits on May 17 and May 20, 2019, revealed that the site had been secured and is now in compliance with the *Zoning Ordinance of Shelby County*; and,

**WHEREAS**, the Planning Commission determined that the case did not warrant referral to the County Attorney at this time; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that Case Number **E18-031 M&R Properties Zoning Violation**; and located at 3641 Highway 26 and situated in Section 14, Township 21 South, Range 02 West; Parcel Identification No. 58-22-6-14-0-000-013.000, be and the same is hereby **CLOSED**.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Shelby County Planning Commission that should the site become non-compliant and violations exist on site in the future, the enforcement process will begin with the referral to the County Attorney.

## **2. Z19-003 Harris Wright Barn Rezoning (Continued from May 6, 2019)**

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

### **Site Description**

The subject property is located at 2210 Harris and Wright Drive, approximately one mile from the intersection of Dunnavant Valley Road and Highway 280. To the north of the subject property is the Highland Lakes neighborhood. Property uses in the immediate area are a mix of single-family residential and commercial. Zoning districts surrounding the subject property are a mix of HZ, Holding Zone, and B-2, General Business. The property located east of and adjacent to the subject property is zoned B-2, General Business, and is owned by the applicant Ron Farris. Mr. Farris operates a construction business, Pro Construction LLC, at this location.

The subject property is 0.86 acres and is accessible via Harris and Wright Drive, a private drive. The property was divided from the parent parcel before 1982 and has maintained its current shape since then. Zoning in this area was established in 2005 in the Chelsea North-Dunnavant Valley South-Westover North zoning beat. There is one single-family home on site. The property is a legal non-conforming lot that was created prior to the establishment of zoning in this beat. The property, as a legal non-conforming lot, does not meet the area requirements of the Holding Zone district (10 acres for single-family residences), nor does the structure, as a legal non-conforming structure, meet the setback requirements of the zoning district (50 feet).

### **Proposed Development**

The applicant has requested that the subject parcel be rezoned from HZ, Holding Zone to E-2, Single Family Estate District for the construction of a pole barn, an accessory structure. Accessory structures are allowed only as a conditional use with Planning Commission approval in the Holding Zone District. In the pre-application meeting, Mr. Farris also stated he has future plans to remodel and expand the existing home on the subject property. An expansion of the building footprint would not be allowed under the current zoning district because the current structure does not meet the setback requirements of the Holding Zone district. Mr. Farris has requested the E-2 Single Family Estate District to alleviate the burden of his legal non-conforming lot status as well as permit the construction of a pole barn.

### **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 in the Chelsea attendance zone.

The subject site is located within the Coosa River Basin. Land disturbance should include Best Management Practices (BMPs) that are designed and installed in accordance with the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas to prevent sediment from entering drainage ways or streams. If

disturbance area is one acre or greater, a NPDES Construction Stormwater permit should be acquired from ADEM prior to disturbance.

### **Additional Approvals Required**

Pursuant to a rezoning approval and prior to the issuance of a building permit, the applicant will be required to submit a building permit application for each project that meets the requirements of the *Shelby County Zoning Regulations*.

### **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 *Shelby County Zoning Regulations* provides guidance on legal non-conforming uses and lots:

### **Article XXII. Nonconforming uses**

#### **Section 3. Enlargement, etc., of structure or premises.**

*“No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located...”*

#### **Section 4. Enlargements, etc., of nonconforming use.**

*“No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use, which conforms to the use regulations of the district in which such use is located.”*

The subject property is a legal non-conforming lot that pre-dates the establishment of zoning in this area. However, no expansion of the non-conformity is allowed under the *Shelby County Zoning Regulations*. Mr. Farris is requesting the property be re-zoned to E-2, Single Family Estate District. This zoning district allows for half-acre lots with setbacks of 35 feet on the front and rear yard and 10 feet on the side yard.

The E-2, Single Family Estate district is intended for single-family homes on lots over 20,000 (0.45 acres) square feet. The neighboring lots around the subject property range from 0.5 acres to 3 acres while the Highland Lakes neighborhood has lots ranging from 0.5 acres to 0.75 acres.

Should the Planning Commission approve the re-zoning request, the subject property would then be in compliance with the area requirements of the E-2 district and allow for the construction of a pole barn. Future expansion of the existing single-family home must meet the use and dimensional requirements of the E-2 district. Mr. Farris, owner of the adjoining property located at 1104 Dunnavant Valley Road, will be required to provide a landscape buffer between the existing business and the single family residence located on the subject property prior to the approval and issuance of any building permits.

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 Shelby County Comprehensive Plan identifies the subject property as being part of the Focus Area in support of the Community Core. The Comprehensive Plan encourages commercial and residential growth in these core areas.

The proposed re-zoning to the E-2, Single Family Estate District meets the intent of the Focus Area as described in the plan. The applicant is not proposing a change of use from single-family residential in this application.

## **SUMMARY**

The request to change the zoning district from HZ, Holding Zone to E-2, Single Family Estate District is consistent with other established uses and zoning in the surrounding area. The proposed use is consistent with the Shelby County Comprehensive Plan. Land uses along Dunnavant Valley Road are mostly single-family residences. The Holding Zone was created to suspend development until a development plan for the properties could be put in place. The subject property has largely remained the same since 1982 and no other development plan has been submitted. The proposed re-zoning will allow for the continued use of the property as a single-family home as well as bring the property into compliance with the *Shelby County Zoning Regulations*.

**Commissioner Gunther** asked if there had been any response to the advertisement.

Mr. Cameron replied no.

Ron Farris, applicant, was present to answer questions.

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 Wilder** made a motion in Case **Z19-003 Harris Wright Barn Rezoning** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Davis** and by a unanimous vote of six (6-0), with Commissioners Davis, O'Kelley, Kinnebrew, Little, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Ron Farris, representing Pro Construction, the property owner, has requested 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; and,

**WHEREAS**, the subject property is located at 2210 Harris and Wright Drive. Parcel Identification Number 58-09-5-16-0-001-021.000; and,

**WHEREAS**, the subject property is a legal non-conforming lot; and,

**WHEREAS**, the proposed rezoning will bring the subject property into compliance with the *Zoning Regulations of Shelby County*; and,

**WHEREAS**, the applicant has agreed to install a landscape buffer between the subject property and the applicant's neighboring business to the southeast, Pro Construction; and,

**WHEREAS**, the landscape buffer will be located on the Pro Construction property, Parcel Identification Number 58-09-5-16-0-001-019.002; 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*; 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 and located at 2210 Harris and Wright Drive. Parcel Identification Number 58-09-5-16-0-001-021.000, be and the same is hereby **APPROVED**.

### **3. SN19-005 Spring Water Farms Phase 2**

This is a request from Tim Webster, Shelby Investments LLC, property owner, for approval of a final plat to subdivide 11.7 acres from acreage creating one lot for residential use to be known as Spring Water Farms Phase 2.

The subject property is zoned A-1 Agricultural District and is located on South Shades Crest Road; Parcel Identification No. 58-24-3-06-0-000-002.000.

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

#### **Site Description**

The subject property is located off South Shades Crest Road, approximately one mile from the intersection of Highway 1 and South Shades Crest Road. Directly to the east and adjacent to the subject property is Twin Brook Estates. The subject property is zoned A-1, Agricultural, as part of the North Shelby I-65 Beat. The property itself is heavily wooded and contains roughly 48 acres. Surrounding properties are also zoned A-1, and are similarly wooded with a mix of single-family homes.

The subject property is directly south of the Jefferson County and Shelby County border in the northwest corner of Shelby County; it is approximately one mile from Bibb County to the west. The intersection of Spring Water Farms Road and South Shades Crest Road is within the jurisdiction of Jefferson County. Access to the subject property is from South Shades Crest Road via Spring Water Farms Road, a private road. Lots in Spring Water Farms, a four lot rural subdivision, are also accessed via Spring Water Farms Road. Spring Water Farms is a rural subdivision approved by the Shelby County Planning Commission on August 22, 2018 and recorded on August 30, 2018 (SN18-012, MB49 PG 90). Directly to the north is Spring Water Estates, a two lot minor subdivision. This subdivision was reviewed administratively and recorded on August 14, 2018 (SA18-038 MB 49, PG 83). Mr. Tim Webster, the applicant for the proposed Spring Water Farms Phase 2 Subdivision, was also the applicant for Spring Water Farms and Spring Water Estates.

### **Proposed Subdivision**

Mr. Webster is proposing to divide 11.7 acres from the 48 acre subject property to create one lot for residential use. The proposed lot would be a continuation of the Spring Water Farms subdivision and therefore the fifth and final lot in this rural subdivision. The remaining 36.3 acre parcel is exempt from this review as it is over 20 acres. However, further subdivision of this property will require review for any lots under 20 acres.

The proposed lot will access South Shades Crest Road via Spring Water Farms Road. The intersection of Spring Water Farms Road and South Shades Crest Road is located within Jefferson County. As such, access approval is required from Jefferson County for any additional lots created in this subdivision. Staff has received confirmation of approval from Jefferson County and a signature from Jefferson County Roads and Transportation Department will be required before the proposed subdivision could be recorded.

Under the *Subdivision Regulations of Shelby County*, Rural subdivisions are divisions of land into five lots or less that are not required to front on a paved public road, and require no internal infrastructure improvements. All rural subdivisions require Planning Commission approval. Each lot in a rural subdivision must total at least ten (10) acres and cannot exceed more than five lots. Spring Water Farms Phase 2 represents the fifth lot in the Spring Water Farms subdivision and no further subdivision of any of the subject property will be permitted. Mr. Webster has been informed of this regulation and wishes to proceed. The single lot in Spring Water Farms Phase 2 is over ten acres and is accessed via Spring Water Farms Road, a private road designated through an easement.

### **COMMUNITY FACILITIES AND INFRASTRUCTURE**

Children living in this development would attend schools in the *Shelby County School Attendance Zone*. Water service is not available from Shelby County. The subject property is within the Indian Ford Fire Department's jurisdiction. The Indian Ford Fire and Rescue Department had no comment on this proposed subdivision.

The subject site is located within the Cahaba River Basin. Land disturbance should include Best Management Practices (BMPs) that are designed and installed in accordance with the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas to prevent sediment from entering drainage ways or streams. If disturbance area is one acre or greater, a NPDES construction permit should be acquired from ADEM prior to disturbance.

### **CONCLUSION**

The proposed subdivision meets the requirements of the *Subdivision Regulations of Shelby County*. **Approval** of the subdivision should be subject to:

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

Tim Webster, 1511 Highway 13, property owner stated that he sold the existing lots quickly and decided to complete the rural subdivision.

No 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 **SN19-005 Spring Water Farms Phase 2** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Davis** and by a unanimous vote of six (6-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Tim Webster, Shelby Investments LLC, property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide 11.7 acres from acreage creating one lot for residential use to be known as Spring Water Farms Phase 2; and,

**WHEREAS**, the property is zoned A-1 Agricultural District and is located on South Shades Crest Road; Parcel Identification No. 58-24-3-06-0-000-002.000; and,

**WHEREAS**, the proposed subdivision is the fifth and final lot of Spring Water Farms; and,

**WHEREAS**, the proposed subdivision, including access onto South Shades Crest Road, has been approved by Jefferson County; and,

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

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Tim Webster, Shelby Investments LLC, property owner, for approval of a final plat to subdivide 11.7 acres from acreage creating one lot for residential use to be known as Spring Water Farms Phase 2; and located off South Shades Crest Road, south of the Shelby and Jefferson County line; Parcel Identification No. 58-24-3-06-0-000-002.000, be and the same is hereby **APPROVED** subject to:

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

#### **4. SN19-007 McMillian Lake Estates**

This is a request from Brett Winford, Authentic Building Company LLC, property owner, for approval of a final plat to subdivide 36.66 acres creating three lots for residential use to be known as McMillian Lake Estates.

The subject property is zoned A-1 Agricultural District and is located at 1626 Highway 331; Parcel Identification No. 58-14-7-26-0-000-004.000.

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

#### **Site Description**

The subject property is located at the southwest corner of Ballantrae Club Drive and Highway 331. According to the applicant, a recently demolished log cabin was the only structure on the 36.66 acre parcel. The rest of the property remains wooded and undeveloped. A small pond sits roughly in the center of the property. Surrounding properties are mostly undeveloped or single-family residential. The surrounding properties range from four acre parcels with single-family homes to properties over 100 acres that are heavily wooded. Approximately one mile to the west on Ballantrae Club Drive is the Ballantrae neighborhood and golf course. The Ballantrae

neighborhood and golf course is within Pelham's municipal limits. Ballantrae Club Drive, the road running along the north side of the property, is maintained by the City of Pelham.

The property is currently zoned A-1, Agricultural District. This district allows for agricultural uses as well as single-family uses including mobile homes. Most of the surrounding properties are zoned A-1 as well. However, the High Ridge Lake neighborhood to the south and west of the subject property is zoned AR, Agricultural Residential. Roughly 1,000 feet to the north of the subject property the Camp Branch zoning beat ends and the Chelsea South beat begins. There is no zoning in the unincorporated portions of the Chelsea South beat.

Directly to the south of the subject property, along Highway 331, is the Mnt Era Estates subdivision. Mnt Era Estates is a five lot subdivision that was reviewed administratively by Shelby County. The remaining 36.66 acres of this subdivision, across Highway 331, was labeled as "acreage". The proposed subdivision, McMillian Lake Estates, is a division of the remnant parcels from Mnt Era Estates. The subdivision was approved and recorded on February 28 of this year. Mr. Brett Winford, the applicant for McMillian Lake Estates, was also the developer for Mnt Era Estates. Mnt Era Estates contains five lots ranging from 2.5 acres to 4.5 acres with all lots having direct access to Highway 331.

### **Proposed Subdivision**

The applicant is proposing a three lot rural subdivision on the entire 36.66 acres. Lots 1 and 2 are both located on the northern side of the property and each contain 10 acres. Lot 3 contains 16.66 acres and is situated on the southern side of the property. The lot line intersection of all three lots meets roughly in the center of the pond on the subject property, effectively giving each lot access to the pond.

Proposed lots 1 and 2 do not have direct access onto Ballantrae Club Drive or Highway 331. A small strip of land owned by the property owner to the east lies between the subject property and Ballantrae Club Drive. Mr. Winford has obtained and recorded two 40 foot ingress/egress easements through this strip of land in order to gain access to Ballantrae Club Drive for lots 1 and 2.

Ballantrae Club Drive is maintained by the City of Pelham. As a requirement for approval of the subdivision Mr. Winford was instructed to obtain an access permit for both of these driveways from the City of Pelham. Mr. Winford has obtained these permits and approval was confirmed by Mr. Chris Cousins, City Engineer.

According to the *Subdivision Regulations of Shelby County*, Rural subdivisions are divisions of land into five lots or less that are not required to front on a paved public road, and require no internal infrastructure improvements. All rural subdivisions require Planning Commission approval. Each lot in a rural subdivision must total at least ten (10) acres. Each lot in the proposed subdivision is over 10 acres in size. Lots 1 and 2 will be accessed via an easement from Ballantrae Club Drive. Lot 3 of the proposed subdivision will be accessed via Highway 331.

### **COMMUNITY FACILITIES AND INFRASTRUCTURE**

Children living in this development would attend schools in the *Shelby County School Attendance Zone*. The subject property is located within Chelsea Fire Department's jurisdiction. The City of Chelsea had no comment on this proposed subdivision. Water service is not available from Shelby County.

## CONCLUSION

The proposed subdivision meets the requirements for rural subdivisions as detailed in the *Subdivision Regulations of Shelby County* as well as the requirements of the A-1, Agricultural District as detailed in the *Zoning Regulations of Shelby County*. The proposed subdivision is consistent with the character of surrounding properties and surrounding land uses. **Approval** of the subdivision should be subject to:

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

**Commissioner O’Kelley** asked who the owner was of the split strip piece.

Brett Winford, property owner/applicant, indicated that Mr. Delaney is the strip piece owner.

**Commissioner Davis** asked if the property at the pond was divided on purpose.

No one spoke in support 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 **SN19-007 McMillian Lake Estates** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of six (6-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Brett Winford, Authentic Building Company LLC, property owner, has petitioned the Shelby County Commission for approval of a final plat to subdivide 36.66 acres creating three lots for residential use to be known as McMillian Lake Estates; and,

**WHEREAS**, the property is zoned A-1 Agricultural District and is located at 1626 Highway 331; Parcel Identification No. 58-14-7-26-0-000-004.000; and,

**WHEREAS**, lots 1 and 2 in the proposed subdivision will be accessed via an easement onto Ballantrae Club Drive within Pelham City limits; and,

**WHEREAS**, the applicant has obtained an access permit for both lots 1 and 2 from the City of Pelham; and,

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

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Brett Winford, Authentic Building Company LLC, property owner, for approval of a final plat to subdivide 36.66 acres creating three lots for residential use to be known as McMillian Lake Estates; and at 1626 Highway 331; Parcel Identification No. 58-14-7-26-0-000-004.000, be and the same is hereby **APPROVED subject** to:

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

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There being no further business, **Commissioner Davis** made a motion to adjourn. The motion was seconded by **Commissioner O’Kelley** and by a unanimous vote of six (6-0), with Commissioners Davis, O’Kelley, Little, Kinnebrew, Wilder and Gunther voting in favor, the meeting of May 20, 2019 was adjourned at 6:41 P.M.

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Christie Hester  
Planning Services Supervisor

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Michael O’Kelley, Chairman  
Shelby County Planning Commission