

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – June 17, 2019 – 6:00 PM

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

Members Absent: None

Staff Present: Christie Pannell Hester, Supervisor; Sharman Brooks, Senior Planner; Kristine Goddard, Principal Planner; Josh Cameron, Principal Planner

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 four audience member(s) present in addition to the Planning Commission members and County staff.

Approval of the Minutes of the June 3, 2019 Planning Commission Meeting.

Commissioner Davis made a motion to approve the minutes of the June 3, 2019 meeting; the motion was seconded by **Commissioner Gunther**. By a unanimous vote of seven (7-0), with Commissioners Davis, Little, O’Kelley, Kinnebrew, Nesbitt, Wilder and Gunther voting in favor, the minutes of the June 3, 2019 meeting were approved.

1. SN19-010 Highland Lakes 32nd Sector, Phase IIA and A Resurvey of Lot 3229

This is a request from Doug Eddleman, Highland Lakes Development, LTD, for approval of a final plat to subdivide 35.14 acres into five (5) residential lots and resurvey Lot 3229 to be known as Highland Lakes 32nd Sector, Phase IIA and A Resurvey of Lot 3229.

The property is zoned E2-SD, Single Family Estate- Special District, located in the Chelsea North – Dunning Valley South – Westover North Zoning Beat and situated in Section 4, Township 19 South, Range 1 West; Parcel Identification Numbers 58-09-2-09-0-002-002.000, 58-09-2-09-0-016-022.000 and 58-09-3-08-0-001-001.097.

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

This is a request from Doug Eddleman, Highland Lakes Development, LTD, for approval of a final plat to subdivide 35.14 acres into five (5) residential lots and resurvey Lot 3229 to be known as Highland Lakes 32nd Sector, Phase IIA and A Resurvey of Lot 3229.

The property is zoned E2-SD, Single Family Estate- Special District.

A number of revisions have been approved since the Master Plan was originally approved in 1991.

In May 2017, the current Master Plan was approved by the Planning Commission.

The subject properties are located on the north side of Highland Lakes Drive and along Springhill Lane.

Existing single-family residences surround the subject properties within the Highland Lakes Development.

An acreage tract of approximately 16 acres is located between the homes on Highland View Drive and lots on Springhill Court.

This area of acreage is not a part of this plat and will remain undisturbed according to the May 2017 Master Plan.

The preliminary plat for the 32nd Sector, Phase II was reviewed and approved by the Planning Commission on June 17, 2017 as a seven (7) lot sector. Lots in the preliminary plat range from 2.81 acres to 12.57 acres with an average lot size of 5.5 acres.

The applicant submitted the final plat for the 32nd Sector Phase IIA (Lots 1-5) for administrative consideration in March of this calendar year; however, prior to completing the final review process the applicant reevaluated and reconsidered the lot layout of Lot 4, Lot 5 and the previously recorded Lot 3229.

As shown in the comparison above, the previously approved preliminary plat (SN17-012) Lot 5 completely surrounded Lot 3229 to the rear and on both sides. Additionally, in the previously approved preliminary plat, Lot 4 (green) contained 3.78 acres; Lot 5 (blue) contained 5.48 acres and lot 3229 (yellow), though not included, contained 0.99 acres per the tax records. In the revised preliminary plat; Lot 4 contains 6.06 acres; Lot 5 contains 3.00 acres and Lot 3229 contains 1.20 acres.

A drainage easement (hatched blue) previously transversed Lots 4 and 5 from Springhill Lane to Highland Lakes Drive. The reconfiguration of the lots places the drainage easement primarily on Lots 3229 and Lot 4. The buildable area for Lot 5 and 3229 will not be affected by the reconfiguration of lots; however, Lot 4 shows an increased area for siting a home on the lot.

Setbacks for the proposed lots will be consistent with the established setbacks for 90 and 100 foot lots within Highland Lakes: 30 foot front and rear setback with a side yard setback of 10 feet. The proposed subdivision is consistent with the Master Plan.

Impact on Community Facilities and Infrastructure

Sanitary sewer service will be provided by Southwest Water for lots that opt to connect. Due to the size of lots, homeowners will have the option to utilize an onsite septic system. An existing 20 foot sanitary sewer easement runs through proposed Lot 2 as shown on the plat. Water service will be provided by the Birmingham Water Works.

Children in Highland Lakes will attend schools in the Chelsea School Attendance zone. The Cahaba Valley Fire Department serves this area of Highland Lakes.

The fire chief has approved the site layout plan conditionally upon additional review of driveway profiles and house site distances to the street.

Proposed driveway accesses for each lot is via Highland Lakes Drive and Springhill Lane. Due to the steep elevation from the road, shared driveways will be utilized when feasible to reduce cutting into the slope. The proposed house locations are conceptual based on existing site topography and subject to change once a site is further evaluated for construction.

A trail easement (hatched red) is located on Lots 3 and 4 to accommodate the existing sidewalk along Highland Lakes Drive. A new section of sidewalk located two feet behind the curb will be constructed with this development phase.

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, an NPDES construction stormwater permit should be acquired from ADEM prior to disturbance.

Summary

This final plat is consistent with the approved master plan for Highland Lakes. The proposed subdivision meets the requirements of the *Subdivision Regulations of Shelby County* subject to:

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

Scott Vaughn of Arrington Engineering explained that they had cleaned up the design of lot 5 by removing the “arm” that wrapped around lot 3229. He said that the new design incorporate the “arm” was incorporated into lot 3229 and the lot configurations were more traditional. Drainage will be through natural easements. Mr. Vaughn said that lots will likely be sold to individuals and that it was his understanding that Eddleman was not planning to develop the sites.

Brandon Walker, 168 Southledge, stated that he was there not in opposition nor in favor, but wanted to know the intention of the development of the property. He stated that the plat shows no protection for the existing landowners. He said there are no setbacks or natural buffers identified on the plat. He requested that the lots that connect to the existing homes have at least a 30 foot natural buffer that is undisturbed and a 70 foot setback.

Ms. Goddard replied that the setbacks were established as part of the master plan and that the setbacks for this sector are 30 feet in the front and rear with a side yard setback of 10 feet. She said that the setbacks would allow homes to be as near as 10 feet to the side property line and this was standard for this phase and the rest of the lots in this sector.

Mr. Walker stated that 10 feet would be totally insufficient and invade the privacy of everyone else who lived there. He stated that if the 30 feet could be applied to the side yards that would be sufficient.

Ms. Goddard replied that the review of the final plat did not allow for the additional setback requirement. She explained that the establishment of the setbacks is a zoning action and the setbacks were determined at the master plan review and that they would have to have been altered at that time. She said the master plan and the preliminary plat for this sector were determined in 2017 by the Planning Commission.

Commissioner Davis stated that he walked the property and that there are limited building sites. He stated he understood Mr. Walker’s concern but that the master plan was not on the table.

With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion in Case **SN19-010 Highland Lakes 32nd Sector, Phase IIA and A Resurvey of Lot 3229** that the evidence and testimony warrant Approval. The motion was seconded by **Commissioner Kinnebrew** and by a vote of six (6-1), with Commissioners Davis, O’Kelley, Kinnebrew, Gunther, Nesbitt and Wilder voting in favor and Commissioner Little voting in opposition, the following resolution was approved:

WHEREAS, Doug Eddleman, Highland Lakes Development, LTD, has petitioned the Shelby County Planning Commission for the approval of a final plat to subdivide 35.14 acres into five (5) residential lots and resurvey Lot 3229 to be known as Highland Lakes 32nd Sector, Phase IIA and A Resurvey of Lot 3229; and

WHEREAS, subject property is located within the Highland Lakes Development on Highland Lakes Drive and Spring Hill Lane, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Section 4, Township 19 South, Range 1 West; Parcel Identification Numbers 58-09-2-09-0-002-002.000, 58-09-2-09-0-016-022.000 and 58-09-3-08-0-001-001.097; and,

WHEREAS, the Master Plan for Highland Lakes, a residential development of more than 1,592 lots on approximately 1,750 acres was approved by the Planning Commission in April 1991; and,

WHEREAS, an amended master plan for Highland Lakes was approved by the Planning Commission in May 2017; and,

WHEREAS, the preliminary plat for the 32nd Sector, Phase II was reviewed and approved by the Planning Commission on June 17, 2017 as a seven (7) lot sector; and,

WHEREAS, the proposed final plat contains only five (5) lots and includes a resurvey of the internal lot lines of proposed lots 4, 5 and recorded lot 3229 as Phase IIA; and,

WHEREAS, setbacks for the proposed lots will be consistent with the established setbacks for 90 and 100 foot lots within Highland Lakes: 30 foot front and rear setback with a side yard setback of 10 feet; and,

WHEREAS, the final plat is consistent with the May 2017 approved master plan for Highland Lakes; and,

WHEREAS, the final plat meets the requirements of the *Subdivision Regulations of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request of Doug Eddleman, Highland Lakes Development, LTD, for the approval of a final plat to subdivide 35.14 acres into five (5) residential lots and resurvey Lot 3229 to be known as Highland Lakes 32nd Sector, Phase IIA and A Resurvey of Lot 3229, within the Highland Lakes Development on Highland Lakes Drive and Spring Hill Lane, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat; Parcel Identification No. Parcel Identification Nos. Parcel Identification Numbers 58-09-2-09-0-002-002.000, 58-09-2-09-0-016-022.000 and 58-09-3-08-0-001-001.097; be, and the same is hereby *Approved* subject to:

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

2. SN19-011 Thompson Estates

This is a request from Benjamin Thompson for a waiver of the requirement of the signature of the fire chief on a record map to be known as Thompson Estates.

The subject property is unzoned and located in the North Shelby I-65 Corridor Zoning Beat and situated in Section 18, Township 20 South, Range 2 West; Parcel Identification Number 58-14-4-18-4-001-005.002.

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

This is a request from Benjamin Thompson for a waiver of the requirement of the fire chief signature on a record map to be known as Thompson Estates. The final plat will divide a 10.5 acre tract into two lots for residential use without primary fire coverage. The subject property is unzoned and located in the North Shelby I-65 Corridor Zoning Beat and situated in Section 18, Township 20 South, Range 2 West; Parcel Identification Number 58-14-4-18-4-001-005.002.

DISCUSSION

The subject property is located at 1046 Highway 72, approximately one-half mile east of the intersection of Highway 73 and Highway 35. It is in an *unzoned* portion of the North Shelby I-65 Corridor Zoning Beat in unincorporated Shelby County. The surrounding area is a mix of undeveloped properties and single-family homes. Pelham City Limits begin just south, east, and west of the subject property. Properties within the City of Pelham are covered by Pelham's Fire Department. However, there is a small number of properties along Highway 72 that remain in unincorporated Shelby County and do not have fire coverage.

According to Article 3, 3.02B.4.d. of the *Subdivision Regulations of Shelby County*:

- d. *Required Signatures. Prior to submitting the record map, the applicant shall have secured the signatures of the surveyor, the owners, the mortgagor, AND THE LOCAL FIRE DISTRICT CHIEF. Following approval of the Final Plat, and subject to compliance with the Final Engineering requirements, performance bonds, or maintenance agreements, the Final Plat shall be circulated for the signatures of the County Engineer and the Planning Commission.*

Fire protection in Shelby County is typically provided by either municipal fire departments or volunteer fire departments serving individual Fire Districts. This property is located in a small area along Highway 72 with no fire protection surrounded by properties within Pelham municipal limits. Other properties in the Highway 72 area have incorporated into the City of Pelham and are serviced by the Pelham Fire Department. The applicant has supplied a letter requesting a waiver of the fire signature requirement on a final plat to complete the review of their application.

The applicant proposes to divide the subject property into two lots for residential use. The proposed subdivision has been reviewed by staff and meets the requirements of the *Subdivision Regulations of Shelby County*. Water service from Shelby County is not available to either lots included in this subdivision.

CONCLUSION

The proposed subdivision meets the requirements of the *Subdivision Regulations of Shelby County* and has been reviewed and approved by County staff. The waiver of the required local Fire Chief signature will not approve the layout of the subdivision but only waive the required signature.

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

Commissioner Davis asked how we have property with no fire protection.

Ms. Sharman Brooks stated that there are rural areas without coverage and that this particular area has no primary or secondary fire coverage.

Ben Thompson, applicant, 2156 Chappel Hill Road, representing his father, property owner stated he was well aware that he would have no fire coverage.

Commissioner Little asked if the property owner had approached Pelham to be annexed.

Mr. Thompson replied that he had not because his proposed lot is not adjacent to the Pelham City Limits.

With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion in Case **SN19-011 Thompson Estates** that the evidence and testimony warrant Approval. The motion was seconded by **Commissioner Kinnebrew** and by a vote of six (6-1), with Commissioners Davis, O’Kelley, Kinnebrew, Gunther, Nesbitt and Wilder voting in favor and Commissioner Little voting in opposition, the following resolution was approved:

WHEREAS, Benjamin Thompson, on behalf of Steve and Mary Thompson, property owners, has petitioned the Planning Commission for a waiver of Article 3, 3.02, B, 4(d) of the *Subdivision Regulations of Shelby County* for the requirement that the local fire district chief sign the final plat; and,

WHEREAS, the subject property is unzoned and located in the North Shelby I-65 Corridor Zoning Beat and situated in Section 18, Township 20 South, Range 2 West; Parcel Identification Number 58-14-4-18-4-001-005.002; and,

WHEREAS, the final plat will divide a 10.5 acre parcel of land into two residential lots in an area without primary fire coverage; and,

WHEREAS, the Shelby County Planning Commission has the authority to waive the requirement of Article 3, 3.02, B, 4(d) of the *Subdivision Regulations of Shelby County* for the requirement that the local fire district chief sign the final plat; 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 of Benjamin Thompson, on behalf of Steve and Mary Thompson, property owners, for a waiver of Article 3, 3.02, B, 4(d) for the requirement that the local district fire chief sign the final plat for property located in Section 18, Township 20 South, Range 2 West; Parcel Identification Number 58-14-4-18-4-001-005.002 be, and the same is hereby **Approved**, subject to:

- Compliance with the regulations, policies and guidelines of Shelby County

Ms. Brooks reminded the Planning Commission that the next Planning Commission meeting will be on July 15th and that two cases are scheduled for the hearing and review.

There being no further business, **Commissioner Davis** made a motion to adjourn. The motion was seconded by **Commissioner Little** and by a unanimous vote of seven (7-0), with Commissioners Davis, O’Kelley, Little, Nesbitt, Kinnebrew, Wilder and Gunther voting in favor, the meeting of June 17, 2019 was adjourned at 6:33 P.M.

Christie Hester
Planning Services Supervisor

Michael O’Kelley, Chairman
Shelby County Planning Commission