

**STATE OF ALABAMA**  
**SHELBY COUNTY**  
**SHELBY COUNTY PLANNING COMMISSION MINUTES**

**August 1, 2022 – 6:00 PM**

**Shelby County Services Building, Second Floor Community Room**  
**1123 County Services Drive, Pelham, AL 35124**

**Members Present:** Jim Davis, Chairman; Michael O’Kelley, Vice Chairman; Samuetta Nesbitt; Bill Norton; Brett Winford

**Members Absent:** Joe Little; Kenneth Wilder

**Staff Present:** David Willingham, County Engineer; Christie Hester, Manager, Planning & Community Development; Sharman Brooks, Supervisor, Planning & MS4; Kristine Goddard, Senior Planner; Andrew Harris, Planner; Brenda Hungerford, Administrative Assistant; Heidi Lee, Civil Engineer

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**PUBLIC HEARING**

**Jim Davis, Chairman**, called the meeting to order at 6:00 pm. Following roll call, **Commissioner Davis** stated there was a quorum with five Commissioners present. He introduced the Commissioners and staff and reviewed the meeting procedures. There were nine audience members.

**1. Approval of the Minutes of the July 18, 2022, Planning Commission Regular Meeting**

**Commissioner O’Kelley** made a motion to approve the meeting minutes of July 18, 2022; **Commissioner Norton** seconded the motion. **Commissioner Davis** called for a vote and the Planning Commission unanimously approved the meeting minutes of July 18, 2022, with a vote of five to zero (5-0).

**Note:** The signed minutes retained by the Shelby County Development Services Department will have a complete meeting information packet including staff reports attached.

**2. SN22-005 – The View at Indian Crest Phase 2 – Master Plan Waiver Request**

This is a request from Bob Easley, Alabama Engineering Company, Inc., representing Connor Farmer on behalf of Rainsway LLC, property owner, to waive Section 3.02.B.2 of the *Shelby County Subdivision Regulations* that requires the submittal of a Master Plan for any of the following conditions:

- a. Any conventional subdivision that will result in multiple phases through more than one final plat;
- b. Any preliminary plat that encompasses 40 acres or more and/or 100 lots or more;
- c. Any development that includes more than one land use of different zoning districts under any applicable zoning regulations.

The proposed conceptual plan depicts the subdivision of 63 acres into 17 lots with a 100-foot undisturbed buffer for lots fronting Caldwell Mill Road. The subject property is zoned E-1, Single Family Estate District, and located at the southwest corner of Indian Crest Drive and Caldwell Mill Road; Parcel Identification No. 58-10-5-15-0-002-053.000.

Kristine Goddard gave a presentation on the request for agenda item #2 based on the written staff report provided in the meeting information packet and she answered questions from the Planning Commissioners regarding lot width requirements in E-1 zoning.

**Commissioner Davis** invited the applicant to speak.

Connor Farmer, residing at 2251 Emmet Cove in Hoover, explained that he has lived in the area for 30 years and is the owner of Highpointe LLC with offices located at 120 Bishop Circle in Pelham. He also stated he is now the owner of the subject property, noting the purchase was finalized in late July. Mr. Farmer stated he always desired to live on a larger tract of land and he intends to maintain ownership of lots 14-16; he will build a home on lot 15 and hopes his children will one day want to build on the other two lots. He concluded his remarks by asserting his development plan for this property fits the surrounding area and he wants to live there because he likes it so much.

Bob Easley stated he is with Alabama Engineering Company, located at 1214 Alford Avenue in Hoover, and is the project engineer. Mr. Easley summarized discussions held with County staff regarding master plan requirements and a potential waiver request for this subdivision. Referring to the three conditions that require a master plan [as outlined in the request on the meeting agenda], he noted the only condition that applies to this project is “Any preliminary plat that encompasses 40 acres or more and/or 100 lots or more.” Mr. Easley opined a master plan is necessary for multi-phase development in order to see the big picture but they have already submitted a preliminary plat [Case SN22-006] for The View at Indian Crest Phase 2 that involves 17 lots on 63 acres—and there will be no additional development beyond this project. He discussed various meetings between the developer, staff, and neighbors to be proactive in sharing information and obtaining feedback since they are aware of existing downstream drainage concerns. Mr. Easley stated they have completed detailed drainage calculations beyond what would be required because of the concerns of the downstream neighbors. In conclusion, Mr. Easley reiterated their request to waive the master plan is due to this being one phase with just 17 large lots.

**Commissioner O’Kelley** asked about the benefit of a master plan waiver and **Commissioner Nesbitt** wondered if this would save the developer money. Bob Easley explained the waiver request is due to saving time so that once the preliminary plat is approved—and it had already been submitted—they hoped to begin grading work in late September/October—statistically the two driest months—before the rainy season begins.

**Commissioner Davis** opened the floor for public comment.

Mary Frances Cull, residing at 5339 Caldwell Mill Road, stated this all sounds too good to be true because they have seen the worst of the worst proposed for this property. Ms. Cull stated she has lived there since 1968 and they have seen a lot come and go—they were happy to see a couple proposals go. She mused, “Where is the catch; what do we need to know?” She then explained why she was here at the public hearing, noting that she was trusting that everyone is being transparent so if there were anything with this subdivision that would be detrimental to the surrounding properties it would be obvious. Mrs. Cull stated she is in support of this project and wanted to remind the developer that factors of drainage will affect other people; particularly downstream; although she lives across the street from the proposed development so traffic and high density will directly impact them. In closing, Mrs. Cull urged the developer to continue being transparent and honest with the neighbors.

Jessica Manfredi, residing at 249 Indian Forest Trail, stated she would be neighbors with Mr. Farmer if this all goes through; she was not against this subdivision on the surface and believed it seems about as good as one could ask for. Ms. Manfredi wanted to be on record that she and her neighbors have a deep concern about grading and stormwater because they live at the bottom of the hill near this proposed development. She explained they are on septic and rely on French drains to help with the challenges related to both surface and groundwater. Ms. Manfredi stressed that current stormwater issues are being managed but they are very concerned about adding more runoff/groundwater to what is already there—and there is reason to be concerned about the possibility of grading changes or additional detention ponds causing more problems. She mentioned that everyone should realize this is not a net positive if the new development causes additional drainage problems. In closing, Ms. Manfredi stated that she would be watching the development as it progresses since she would be one of the most affected property owners if this goes badly.

Ken Martin stated he has lived at 244 Indian Forest Trail since 1989, next door to Jessica Manfredi. He discussed concerns about the water and drainage since it actually drains between their two houses. Mr. Martin explained that every house on their end of the street has experienced septic tanks that will not work without pumps, negative impacts to field lines, and flooded basements—some of the neighbors have no extra land to manage water on their property. He added that water issues stem from both surface water and groundwater. Mr. Martin reported he had

previously met with Bob Easley; if his understanding is correct that this waiver request is to save time, he is not against it.

Mr. Martin asked for confirmation that an approval of the master plan waiver request tonight would not eliminate a drainage study. **Planning Commission Chairman Davis** said he was on the record confirming tonight's request is to simply waive the master plan requirement; the preliminary plat for this project will have its own public hearing before the Planning Commission at a future meeting.

Ken Martin stated he would keep in touch with the developer because this is a serious situation, adding that he would prefer a 100-foot buffer on the south side too but understood a buffer is not required. He used the presentation map to show his property, noting the development is up against residential properties that have been there for a long time. In concluding his remarks, Mr. Martin said there would be more adjoining property owners at the meeting when the preliminary plat was on the agenda for a public hearing. He would take their word that they will work to solve the drainage problems, but he cautioned this area is very sensitive to additional water.

**Commissioner Davis** asked Mr. Easley to address the drainage concerns.

Bob Easley explained they have addressed drainage concerns on the preliminary plat submittal and he read an excerpt from a letter dated July 15, 2022, noting they designed the drainage plan for this project so that when constructed according to the plans and specifications, within usual construction tolerances, there would be no adverse effects to adjacent or downstream properties. Mr. Easley suggested they might be able to amend the preliminary plat to address the size or location of the drainage pipe and he committed to continue looking into their concerns as part of the detailed drainage. He offered that perhaps French drains upstream or some improvements to the storm system in their neighborhood outside of the new subdivision's property were possibilities. Bob Easley asserted they are working with the neighbors and are trying to get the preliminary plat approved so they are able to build in the dry season; they are working hard to address the concerns, decrease peak flows, and improve the drainage and groundwater nearby.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Norton** made a motion in **Case SN22-005 – The View at Indian Crest Phase 2 – Master Plan Waiver Request** that the evidence presented in the written staff report and presentation warrants Approval; **Commissioner Winford** seconded the motion. On a unanimous vote of five to zero (5-0), the Planning Commission approved the following resolution:

**WHEREAS**, Bob Easley, Alabama Engineering Company, Inc., representing Connor Farmer on behalf of Rainsway LLC, property owner, has requested to waive the requirements of Section 3.02.B.2 of the *Shelby County Subdivision Regulations* that requires the submittal of a Master Plan for any of the following conditions:

- a. Any conventional subdivision that will result in multiple phases through more than one final plat;
- b. Any preliminary plat that encompasses 40 acres or more and/or 100 lots or more;
- c. Any development that includes more than one land use of different zoning districts under any applicable zoning regulations; and,

**WHEREAS**, the 63-acre subject property is zoned E-1, Single Family Estate District, and located at the southwest corner of Indian Crest Drive and Caldwell Mill Road; Parcel Identification No. 58-10-5-15-0-002-053.000; and,

**WHEREAS**, the proposed conceptual plan depicts the subdivision of 63 acres into 17 lots with a 100-foot undisturbed buffer for lots fronting Caldwell Mill Road; and,

**WHEREAS**, the total acreage of the subject property is the only condition requiring the submittal of a Master Plan; and,

**WHEREAS**, the minimum lot size in the E-1 district is one acre; and,

**WHEREAS**, the proposed conceptual plan proposes a residential density of less than one-third of the possible gross density; and,

**WHEREAS**, a waiver allows an applicant to forego compliance with a specific regulation contained herein; and,

**WHEREAS**, a waiver of the Master Plan requirement reduces the review time of the proposed development by allowing the applicant to immediately submit for preliminary plat review; and,

**WHEREAS**, the granting of a waiver must be recommended by the County Engineer and the Development Services Manager (Chief Development Officer) and approved by the Planning Commission; and,

**WHEREAS**, both Randy Cole, Shelby County Engineer, and David Willingham, Chief Development Officer, concur with the request; and,

**WHEREAS**, the applicant has submitted a preliminary plat that aligns with the conceptual plan; and,

**WHEREAS**, the Commission finds that, based upon the evidence and testimony presented, the request is consistent with the surrounding area and the *Shelby County Comprehensive Plan*; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Bob Easley, Alabama Engineering Company, Inc., representing Connor Farmer on behalf of Rainsway LLC, to waive the requirements of Section 3.02.B.2 of the *Shelby County Subdivision Regulations* that requires the submittal of a Master Plan to allow for the development of a 17-lot residential subdivision on 63 acres; Parcel Identification No. 58-09-9-29-0-001-006.000 be, and the same is hereby **APPROVED** with the following condition;

- The waiver is approved for Connor Farmer and this development proposal only and does not run with the land; and,
- The applicant should submit a preliminary plat within three months of Planning Commission concurrence; and,
- The preliminary plat must reflect the Conceptual Plan, including identified buffers, provided at the time of the waiver request.

## DISCUSSION ITEMS

- **Shoal Creek Special District Variance Amendment**

Kristine Goddard reported that following last month's meeting, staff reached out to Caroline Little with the Shoal Creek Homeowners Association to discuss the Planning Commission's desire to amend the Special District regarding variances. She indicated that Ms. Little would present information to the HOA Board and they would most likely prefer to bring a request to the Planning Commission.

- **Shelby County Comprehensive Plan – Future Development Map**


Christie Hester distributed a flyer announcing two open houses on August 9 and August 11 for the public to view and comment on the Draft Future Development Map.

- **Next Meeting of the Planning Commission**

Christie Hester stated there are no cases for a public hearing on August 15<sup>th</sup> so the next regularly scheduled meeting of the Planning Commission will be September 19, 2022.

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There being no further business, **Commissioner Norton** made a motion to adjourn and **Commissioner O'Kelley** seconded the motion. By a unanimous vote of five to zero (5-0) in favor, the Planning Commission meeting of August 1, 2022, adjourned at 6:34 pm.

  
 Christie Hester, Manager  
 Planning & Community Development

  
 James Davis, Chairman  
 Shelby County Planning Commission