

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

August 2, 2021 – 6:00 PM

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

Members Present: Joseph Little, Chairman; Jim Davis, Vice Chairman; Samuetta Nesbitt; Bill Norton; Michael O’Kelley; Kenneth Wilder

Members Absent: Brett Winford

Staff Present: David Willingham, Chief Development Officer; Christie Hester, Manager of Planning & Community Development; Kristine Goddard, Principal Planner

PUBLIC HEARING

Joseph Little, Chairman, called the meeting to order at 6:00 pm. Following roll call, **Commissioner Little** stated there was a quorum with six Commissioners present. With the only audience members being the applicants for Case SN21-017, Commissioner Little summarized meeting procedures.

1. Approval of the Minutes of the July 19, 2021, Planning Commission Regular Meeting

Commissioner Davis made a motion to approve the meeting minutes of July 19, 2021, and **Commissioner Norton** seconded the motion to approve the minutes with one correction in agenda item #6, page 6, 7th paragraph of the discussion to change “the developer can put down...” to “the developer can delay putting down...” **Commissioner Little** called for a vote and the Planning Commission unanimously approved the meeting minutes of July 19, 2021, as corrected, with a vote of six to zero (6-0).

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

2. SN21-017 – A Resubdivision of Lot 1 of The Old Brasher Place

This is a request from David Scott, property owner, for approval of a final plat to resubdivide Lot 1 of The Old Brasher Place, containing 19.87 acres, into two lots for residential use to be known as A Resubdivision of Lot 1 of The Old Brasher Place. The subject property is zoned A-1, Agricultural District and located at 497 Seale Road; Parcel Identification No. 58-34-2-10-0-000-007.001.

Kristine Goddard briefly described the case for agenda item #2 based on the written staff report provided in the meeting information packet; the full presentation was not needed due to the only audience members present being the applicants for this case.

Responding to **Commissioner Little’s** question, Kristine Goddard confirmed this request could be reviewed administratively by Development Services staff if the proposed amendments to the *Subdivision Regulations of Shelby County* had been approved and adopted by the Shelby County Commission. She explained that The Old Brasher Place was recorded on September 22, 1999, as a three-lot subdivision, with each lot totaling more than 20 acres, so it was not subject to the Subdivision Regulations. Ms. Goddard explained the request to resubdivide Lot 1 will result in two lots that are each less than 20 acres in size, meaning it must comply with the Subdivision Regulations. She further explained that the resubdivision of Lot 1 will result in four total lots in The Old Brasher Place Subdivision (and minor subdivisions are no more than five lots).

At the request of Commissioner Little, Christie Hester discussed the difference between subdivision and zoning requests. Ms. Hester explained that the Planning Commission has the authority and responsibility to approve a subdivision request that meets the requirements of the Subdivision Regulations; sometimes the public hearing might vet additional information that can be helpful in mitigating and/or resolving the concerns of adjoining property owners with the developer. Conversely, she explained that zoning decisions are typically more subjective depending on the case, and that a zoning decision is reliant on how the request aligns with the Comprehensive Plan, the character and pattern of development in an area, and the input of the community.

In response to Mr. Scott, the property owner, Kristine Goddard explained their property is zoned A-1, Agricultural District and a resubdivision is required in order to add a second residence, whether it is a traditionally built or manufactured home, noting that A-1 district has a one-acre minimum lot size and only one residence per lot.

With no further discussion, **Commissioner Little** called for a motion. **Commissioner O’Kelley** made a motion in **Case SN21-017 – A Resubdivision of Lot 1 of The Old Brasher Place** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report and **Commissioner Davis** seconded the motion. By a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, David Scott, property owner, has petitioned the Shelby County Planning Commission for the approval of a final plat to resubdivide Lot 1 of The Old Brasher Place, containing 19.87 acres, into two lots for residential use to be known as A Resubdivision of Lot 1 of The Old Brasher Place; and,

WHEREAS, the subject property is zoned A-1, Agricultural District and located at 497 Seale Road; Parcel Identification Number 58-34-2-10-0-000-007.001; and,

WHEREAS, The Old Brasher Place subdivision was recorded on September 22, 1999, in Map Book 26, Page 22 as a three-lot subdivision; and,

WHEREAS, The Old Brasher Place subdivision was exempt from the *Shelby County Subdivision Regulations*, with each lot totaling more than 20 acres; and,

WHEREAS, the resubdivision of Lot 1 creates two lots each less than 20 acres in size requiring compliance with the *Shelby County Subdivision Regulations*; and,

WHEREAS, this resubdivision of Lot 1 creates the fourth lot in The Old Brasher Place; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from David Scott, property owner, for approval of a final plat to resubdivide Lot 1 of The Old Brasher Place, containing 19.87 acres, into two lots for residential use to be known as A Resubdivision of Lot 1 of The Old Brasher Place, located at 497 Seale Road; Parcel Identification Number 58-34-2-10-0-000-007.001 be, and the same is hereby **Approved** subject to compliance with the regulations, policies and guidelines of Shelby County.

OTHER INFORMATION

Christie Hester confirmed the next scheduled meeting of the Planning Commission will be Monday, August 16, 2021, and distributed the agenda that includes one resubdivision case and the proposed amendment to the *Subdivision Regulations of Shelby County* that was continued from July 19, 2021. Ms. Hester stated she had received comments from one Commissioner regarding the amendment and asked for additional written comments by August 5th for staff review and response prior to the meeting. There was consensus that a work session would not be needed prior to the meeting. **Commissioner Davis** stated he will be out town August 16.

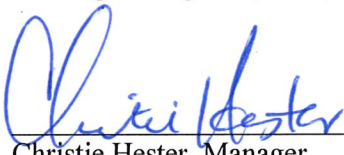
Commissioner Little asked about meeting protocol related to the increasing COVID cases, such as a mask mandate and social distancing requirements. Christie Hester stated any restrictions within Shelby County buildings would be made by the County Manager, Chad Scroggins; however, staff could accommodate the Planning Commission's preference for room setup or staff/commissioners wearing masks. Ms. Hester stated she does not expect many visitors to the August 16th meeting. She reviewed the tentative agenda for the September 20th meeting, noting there is the potential for some public interest in one or two cases but that agenda is not yet set and will depend on the review process.

Christie Hester mentioned there will be a few additional amendments or discussion items to be presented over the next year or two. She discussed the next potential amendment to the Zoning Ordinance related to fences, noting staff is in the preliminary stage of discussion. Kristine Goddard showed photos of various fencing issues related to height violations—sometimes due to 8-foot boards and sometimes due to varied elevation; the maximum height allowed is 6-1/2 feet in rear and side yards. She explained a County permit is not required for fences so the County is typically made aware of a violation after installation and the homeowner has incurred expenses. In discussion, the Planning Commission concurred drafting an amendment to remove enforcement of rear and side yard fences seemed prudent with individual HOA covenants being the best avenue to regulate fencing.

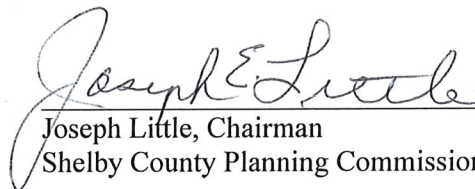
Christie Hester provided the Planning Commission with a status update on the pending legal cases.

When asked, David Willingham stated the anticipated closing date for Shelby County's purchase of land between County Road 41 and County Road 43 is August 4, 2021.

There being no further business, **Commissioner Norton** made a motion to adjourn and **Commissioner O'Kelley** seconded the motion. By a unanimous vote of six to zero (6-0) in favor, the Planning Commission meeting of August 2, 2021, adjourned at 6:28 pm.



Christie Hester, Manager
Planning & Community Development



Joseph Little, Chairman
Shelby County Planning Commission