

STATE OF ALABAMA
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION MINUTES

August 21, 2023 – 6:00 PM

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

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

Members Absent: Ken Wilder

Staff Present: Christie Hester, Director of Development Services; Josh Osborne, Manager of Planning & Community Development; Kristine Goddard, Senior Planner; Chanelle Beville, Principal Planner; Andrew Harris, Planner; Brenda Hungerford, Office Administrator; John Slaughter, Chief Civil Engineer

PUBLIC HEARING

Michael O’Kelley, Chairman, called the meeting to order at 6:00 pm. Following roll call, **Commissioner O’Kelley** stated there was a quorum with six Commissioners present. He introduced the Commissioners and staff, and then reviewed the meeting procedures. There were 18 audience members.

1. Approval of the Minutes of the August 7, 2023, Planning Commission Regular Meeting

Commissioner Davis made a motion to approve the meeting minutes of August 7, 2023; **Commissioner Thomas** seconded the motion. **Commissioner O’Kelley** called for a vote. The Planning Commission unanimously approved the meeting minutes of August 7, 2023, on 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. SD23-005 – Oak Island Mansion Rezoning from E-2, Single Family Estate District, to E-2 SD, Single Family Estate Special District *CONTINUED FROM JUNE 5, 2023*

This is a request from Stancil and Elizabeth Handley, Oak Island Mansion, LLC, property owners, for approval of a change in the zone district boundaries from E-2, Single Family Estate District, to E-2 SD, Single Family Estate Special District, for approximately 6.43 acres to allow for the continued operation of a wedding/event venue facility. The subject property is located at 810 Paradise Cove Lane (Parcel ID 58-20-7-26-0-001-001.006).

Chanelle Beville gave a presentation on the request for agenda item #2 based on the written staff report provided in the meeting information packet. In her presentation, she reviewed the new information provided in the Sound Engineer’s report that was prepared following the June 5th meeting.

There being no questions, **Commissioner O’Kelley** invited the applicant to speak.

Stancil Handley, residing at 300 Old Highway 25 West in Columbiana, stated he had nothing to add but was available to answer questions.

Commissioner Davis asked about the original purpose of the house when built, whether the Handleys have lived in the house, and if they have a business license for Oak Island Mansion LLC. Mr. Handley explained that he was not certain about the original intent of the house; they have used it strictly for business as an event venue and have not lived on site; and they do not have a business license for their LLC.

Referencing the public hearing discussion in June, **Commissioner Thomas** asked if they still planned to live in the house next year based on their plan to reduce the number of events by mid-2024. Mr. Handley stated the number of weddings in 2023 is less than the 44 weddings held last year and they have only booked events through four months of 2024.

Commissioner Davis discussed his intent to abstain from any vote because he personally visited the property of the individual who filed a complaint about the noise. He talked about the Handleys knowing he was in the area during an event and his ability to hear all the music and speaking into a microphone. **Commissioner Davis** stated he would not want to listen to the level of music/talking he heard that evening if he lived on the lake; while he understands the desire to change the zoning, he is bothered by them asking for permission to do something after the fact—and after they were cited for a zoning violation. He asked Mr. Handley why they did not come and ask to rezone the property before beginning to operate a business in an area zoned for single-family lake estate lots.

In response, Mr. Handley stated this particular event took place prior to the changes they have recently made. He explained they hired a sound engineer at the request of the Planning Commission. Mr. Handley described the work done with the sound engineer that resulted in them reducing everything to no more than 88 decibels, changing locations for the band and DJ, limiting the location and direction of the speakers so they are against the wall facing south, and no longer hearing the music on the other side of the mansion. He talked about going on the boat with the sound engineer over near the complainant's house and neither of them being able to hear the music; they now have last call at 9:45 pm and close down at 10:00 pm in keeping with the Shelby County Noise Ordinance. Mr. Handley stressed that they want to be good neighbors and he believes their efforts have solved the noise problem.

Commissioner Winford asked why they did not check on the zoning related to operating an event venue. Mr. Handley explained he did not think to check the zoning because the previous owners had also operated an event venue, adding that he has never thought to check the zoning on any other properties he has owned.

Larry House, residing at 211 Ashland Drive in Highland Lakes, gave a brief history of this property he built in the early 1990s, using it as a vacation and event house, having horses/barns on site, but never using the house as a full-time residence. Mr. House talked about early events being casual without payment, but they held lots of parties for family and friends prior to some of the nearby houses being there. He stated he sold the property to the prior owner who used it for weddings about two years before they defaulted and he took back the property; he then sold it to the current owner. [As noted in the June 5th meeting, Larry House carries the mortgage on this property.]

Commissioner Norton asked Mr. Handley if he was willing to use 88 decibels as the maximum level instead of rounding up to 90 decibels as recommended in the sound engineer's report. Mr. Handley affirmed his willingness to do so and hoped their recent efforts to reduce the noise is demonstrating their interest in being good neighbors.

Commissioner O'Kelley asked about Beeswax Park. Josh Osborne stated Beeswax Park, located due south, is all natural landscape and the park closes at sunset.

Commissioner O'Kelley opened the floor for public comment; there was no one to speak in favor or in opposition to the request. Josh Osborne reported that he had followed up with the complainant who was unable to attend, and Mr. Morton's stance opposing this request had not changed.

Commissioner Davis asked if a business license is required. **Commissioner Winford** wondered if this were a possible grandfathered situation since previous owners used the property in similar ways. **Commissioner Norton** asked if the County had a fine structure for zoning violations and also wondered about the business license requirements. [Subsequent to the meeting, staff learned a business license is not required for the operation of an event venue.] **Commissioner O’Kelley** noted that if the sound level is no higher than 88 decibels, the noise level should not be a problem based on the sound engineer’s report.

The Planning Commission discussed possible conditions or restrictions that might be included in a Special District designation, referencing a previous event venue [Case SD22-009] approved with restrictions and also revisiting this at a future time to ensure there are no further complaints.

There being no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Winford** made a motion in **Case SD23-005 – Oak Island Mansion Rezoning from E-2, Single Family Estate District, to E-2 SD, Single Family Estate Special District** that the evidence presented in the written staff report and presentation warrants Approval with conditions or restrictions regarding (1) entertainment staging, (2) maximum decibel level of 88; (3) business licenses, (4) hours of operation with holiday allowances, (5) the rezoning being specific to the applicant who is the current property owner, and (6) Planning Commission review in January 2025 to ensure adherence; **Commissioner Norton** seconded the motion. **Commissioner Davis** stated he would abstain. The Planning Commission approved the following resolution on a vote of five to zero with one abstention (5-0-1):

WHEREAS, Stancil and Elizabeth Handley, Oak Island Mansion, LLC, property owners, have petitioned the Shelby County Planning Commission for approval of a change in the zone district boundaries from E-2, Single Family Estate District, to E-2 SD, Single Family Estate Special District, for approximately 6.43 acres to allow for the continued operation of a wedding/event venue facility; and,

WHEREAS, the subject property is located at 810 Paradise Cove Lane, in the Westover South Wilsonville Zoning Beat (est. 11/9/1998), (Parcel ID 58-20-7-26-0-001-001.006); and,

WHEREAS, according to Mr. Larry House, the original property owner, the subject property was constructed in the 1990’s as a lake home for personal and family use, then in 2005 began operating infrequently as a wedding/event facility; and,

WHEREAS, the operation of a commercial event center in the E-2 district is in violation of the *Shelby County Zoning Regulations*; and,

WHEREAS, the applicant purchased the property in 2018 with the intention of hosting special events such as weddings, baby showers, retirement parties and family reunions, operating as Oak Island Mansion, LLC; and,

WHEREAS, in November of 2022, Development Services received a complaint regarding the noise generated by the operation of the wedding event venue; and

WHEREAS, Development Services initiated contact with the property owner to make them aware of the zoning violation and work toward correction of the violation; and

WHEREAS, additional concerns regarding noise were brought to the attention of the Planning Commission at the June 5, 2023, public hearing; and,

WHEREAS, on June 5, 2023, the Planning Commission continued the case to August 21, 2023, to allow time for the applicant to provide additional information including (1) documentation from an acoustic engineer related to sound proofing the island to minimize the unwanted effects of noise to adjoining residential properties including a plan layout, maximum decibels, and sound dampening materials or methods to be enacted; and (2) a reconfiguration of the concept plan to include a realistic representation of areas where stages are being erected for weddings and entertainment; and,

WHEREAS, the applicant submitted the additional materials requested by the Planning Commission; and,

WHEREAS, the Planning Commission finds the applicant has made substantial attempts to limit noise bleed from the subject property during events with the engagement of a sound engineer to limit placement of staging and speakers, restricting maximum decibel limits to 88dB, and concluding evening activities, including music, by 10:00 pm; and,

WHEREAS, the Planning Commission agreed that the limit on evening activity would be extended from 10:00 pm to 12:30 am on New Year’s Eve, the Fourth of July, and one single event during the Christmas season; and,

WHEREAS, following discussion, the Planning Commission stipulated a review of the event venue rezoning in January of 2025 to ensure the applicant is adhering to the parameters established with the granting of the Special District; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Stancil and Elizabeth Handley, Oak Island Mansion, LLC, property owners, for approval of a change in the zone district boundaries from E-2, Single Family Estate District, to E-2 SD, Single Family Estate Special District, for approximately 6.43 acres to allow for the continued operation of wedding/event venue facility at 810 Paradise Cove Lane, (Parcel ID 58-20-7-26-0-001-001.006), be and the same is hereby **APPROVED**, subject to the following conditions:

- Staging for wedding entertainment will be designated to the rear covered porch of the event structure with speakers positioned southward as designated in the supplied plan dated July 26, 2023; and
- Sound pressure level from the wedding event facility shall not exceed 88dB limit; and,
- Applicant obtains a Shelby County Business License and all vendors operating at Oak Island Mansion have a current business license; and,
- Event hours of operation are limited between 9:00 am and 10:00 pm, with clean-up until 11:00 pm; and
- An annual maximum of three exceptions to allow for events recognized to culminate at midnight, including New Year’s Eve, Fourth of July, and one Christmas season festivity with event hours extended to 12:30 am and clean-up until 1:30 am; and,
- Rezoning to the E-2 SD, Single Family Estate Special District, is specific to the applicant and current property owners;
- The Planning Commission will review the event venue rezoning in January of 2025 to ensure the applicant is adhering to the parameters established with the granting of the Special District; and,
- Failure to adhere to the requirements of the Special District could result in action by the Planning Commission to revert the property back to an E-2, Single Family Residential District, and disallow the continuation of the event venue.

Three audience members left the meeting.

3. SN22-011 – Isaac’s Gap Special District – Phase 1 – Preliminary Plat

This is a request from Shawn Arterburn, Newcastle Development, LLC, property owner, for approval of a preliminary plat to divide 25.6 acres into 61 residential lots and four common areas to be known as Isaac’s Gap – Phase 1. The subject property is located on Highway 43 between Shadywood Circle and Brasher’s Chapel Church. (Parcel IDs 58-09-1-11-0-000-001.033 and 58-09-6-14-0-000-001.001)

Kristine Goddard gave a presentation on the request for agenda item #3 based on the written staff report provided in the meeting information packet, noting that Brandon Todd, the Project Engineer, replaced Shawn Arterburn as the authorized representative for Newcastle Development, the property owner.

In response to questions from **Commissioners Norton and O’Kelley**, Ms. Goddard confirmed the preliminary plat substantially matches the Amended Master Plan [Case SD22-007 approved October 3, 2022], a pathway easement is in place, and the preliminary plat will include a note regarding the easement.

There being no further questions, **Commissioner O’Kelley** invited the applicant to speak.

Brandon Todd, the project engineer employed by Newcastle Development at 121 Bishop Circle in Pelham, stated he had nothing to add to the presentation but would answer questions.

In response to a question from **Commissioner O’Kelley**, Mr. Todd confirmed any Phase 2 areas where dirt is borrowed for Phase 1 would be permanently stabilized with an erosion control blanket.

Commissioner O’Kelley opened the floor for public comment, asking if anyone wanted to speak in favor of the request; no one spoke in favor of the request. **Commissioner O’Kelley** then asked if anyone wanted to speak in opposition to the request.

Wendy Conover, residing at 9522 Bear Creek Road in Sterrett, stated she has lived there for 20 years and spoke about her concern related to water and density. Ms. Conover stated she lives near the river bottom at Bear Creek and gave detailed accounts of major storm events causing problems related to water over the road and her concern this development will undercut the road. Ms. Conover asserted this development was too dense and, in her opinion, does not fit the lifestyle Shelby County represents and will cause further problems with stormwater. She expressed concern about the houses being so close to the road and the clearing of trees that will take place. Ms. Conover reiterated her worry and concerns about the potential for significant drainage problems impacting roads once the construction begins.

In response to a question from **Commissioner O’Kelley**, John Slaughter stated that turn lanes were not required for this development; based on common requirements, with two access points and the volume of lots, turn lanes are not warranted.

During the Planning Commission’s discussion regarding water flow and drainage concerns, Ms. Goddard answered questions regarding the density of nearby developments, the need for development to mimic the current water flow, and retention basins. Mr. Todd discussed water run-off, the drainage concept, redirecting some flows into the central pond on site, analyzing five or six existing pipe crossings to be sure they are not overwhelmed.

Responding to a question from **Commissioner O’Kelley**, Mr. Todd acknowledged his understanding that development cannot make conditions worse downstream.

John Slaughter talked about post-construction drainage matching pre-construction; this site not being in the MS4 Permit protected waterway; adverse effects letter provided by the Engineer; consequences when development is not constructed as designed; abiding by the laws in place for a specific zoning; the inspection process related to detention ponds, erosion control, and slopes prior to a final plat approval and the subdivision of property to create lots.

Kristine Goddard explained the review process does not stop at the final plat; once approved and development begins, Shelby County inspectors look at each site every time they are there for an inspection to ensure there is no washout; this is continued through completion of the homes. As a professional engineer reviewing the submitted plans, John Slaughter explained that he does not recalculate the numbers provided on the stamped plans by the project engineer; he trusts they are correct.

Commissioner Norton added that, as an engineer himself, he knows the project engineer “puts his name on the line to make sure it works or he will be called to task.”

Commissioner O’Kelley wanted to clarify the Amended Master Plan was approved last year [Case SD22-007] and they are now making sure the preliminary plat matches the Amended Master Plan; Kristine Goddard confirmed.

Paul Partridge, Jr., residing at 205 Shadywood Circle in Sterrett, asked what happened to the first plan and why it changed.

Commissioner O’Kelley explained the original Master Plan was amended because of the sensitive topography and the intention to preserve more wetlands and reduce the development footprint. Kristine Goddard added that the Planning Commission determined a phased development plan was more advantageous due to the amount of clear-cutting to occur.

There being no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Winford** made a motion in **Case SN22-011 – Isaac’s Gap Special District – Phase 1 – Preliminary Plat** that the evidence presented in the written staff report and presentation warrants Approval with the conditions outlined by staff; **Commissioner Thomas** seconded the motion. On a vote of five to one (5-1) with **Commissioner Notion** voting No, the Planning Commission approved the following resolution:

WHEREAS, Brandon Todd, representing Newcastle Development, LLC, property owner, has petitioned the Shelby County Planning Commission for approval of a preliminary plat to divide 25.6 acres into 61 residential lots and four common areas to be known as Isaac’s Gap – Phase 1; and,

WHEREAS, the subject property is located on Highway 43 (Bear Creek Road) between Shadywood Circle and Brasher’s Chapel Church (Parcel IDs 58-09-1-11-0-000-001.033 and 58-09-6-14-0-000-001.001); and,

WHEREAS, on June 21, 2021, the Planning Commission approved the Special District Master Plan for Isaac’s Gap that included 94 lots over two phases; and,

WHEREAS, the approved Special District Master Plan recognized the general street layout and established density patterns for the development of single-family homes and common area; and,

WHEREAS, on October 3, 2022, the Planning Commission approved an amended Special District Mater Plan to reconfigure the roadway alignment and lot layout, reduce the design footprint, and increase the common area acreage; and,

WHEREAS, the Special District Master Plan identifies a minimum lot width of 70 feet, a minimum lot size of 8,750 square feet, and minimum 25-foot front and rear yard setbacks with minimum side yard setbacks of nine (9) feet; and,

WHEREAS, the Phase 1 preliminary plat divides approximately 25.6 acres into 61 residential lots ranging in size from 9,450 square feet to 17,569 square feet, with an average lot size of 10,704 square feet; and,

WHEREAS, areas located outside the construction limits as shown on the preliminary plat will remain in their natural vegetated state; and,

WHEREAS, as part of site development best management practices, construction fencing must be installed at and along the clearing limits to ensure intended natural areas remain undisturbed by earth-moving activities; and,

WHEREAS, the proposed layout identifies sidewalks on one side of the road throughout the development; and,

WHEREAS, trails identified within the common areas have the potential for access to Double Oak Park with any future access proposals to be considered and reviewed by Shelby County to determine feasibility; and,

WHEREAS, the proposed phases of development shall be timed so that the final plat for Phase 1 is substantially complete prior to submittal of a preliminary plat consideration for Phase 2; and,

WHEREAS, the preliminary plat is consistent with the October 2022 approved Master Plan for Isaac’s Gap and meets the requirements of the *Subdivision Regulations of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Brandon Todd, representing Newcastle Development, LLC, property owner, for approval of a preliminary plat to divide 25.6 acres into 61 residential lots and four common areas to be known as Isaac’s Gap – Phase 1 and located on Highway 43 (Bear Creek Road) between Shadywood Circle and Brasher’s Chapel Church (Parcel IDs 58-09-1-11-0-000-001.033 and 58-09-6-14-0-000-001.001), be and the same is hereby **APPROVED**, subject to:

- Applicant submitting a revised preliminary plat that incorporates an easement within Common Area 5 along Bear Creek Road for a future integrated pedestrian pathway; and,
- Applicant submitting an application for final plat approval within two (2) years of approval of the preliminary plat (failure to apply may necessitate reapplication for preliminary plat approval); and,
- In accordance with the 2022 Isaac’s Gap Amended Master Plan approval, Phase 1 must be substantially complete and stabilized prior to submittal of a preliminary plat consideration for Phase 2; and,
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

Four audience members left the meeting.

4. SN23-006 – Heardmont Estates – Preliminary Plat

This is a request from Moiz Foulad, Parade Home Builders, Inc., property owner, for approval of a preliminary plat to divide 15.49 acres into 10 residential lots to be known as Heardmont Estates. The subject property is zoned E-1, Single Family Estate District, and located at 5500 and 5484 Cahaba Valley Road. (Parcel IDs 58-10-6-23-0-001-010.000 and 58-10-6-23-0-001-010.001)

Chanelle Beville gave a presentation on the request for agenda item #4 based on the written staff report provided in the meeting information packet.

Responding to questions from **Commissioners O’Kelley** and **Winford**, Josh Osborne confirmed the requirement for no disturbance in the stream buffer and that receipt of the approved ALDOT Access Permit for Cahaba Valley Road will be a condition of this preliminary plat approval.

Commissioner O’Kelley provided a recap of the 2018 rezoning case for this property [Z18-001 Parade Homes Rezoning A-1 to E-2], with the applicant asking for E-2; however, following two public hearings in which residents expressed concern about density and traffic on Highway 119, the Planning Commission took the opportunity to rezone the property from A-1 to E-1, Single Family Estate District, and the E-1 zoning maintained the same density of the original A-1 district and eliminated the allowance of manufactured homes.

There being no further questions, **Commissioner O’Kelley** invited the applicant to speak.

Moiz Foulad, President of Parade Home Builders, stated over the last 35 years, he has built high-end custom homes and has a reputation of building high-quality homes. Mr. Foulad asserted he has every intention to make this another quality subdivision in Shelby County.

In response to a question from **Commissioner O’Kelley**, Mr. Foulad stated he only builds custom houses, has never built a spec home, there will be no mass grading, and the houses are built one at a time.

Commissioner O’Kelley opened the floor for public comment, asking if anyone wanted to speak in favor of the request; no one spoke in favor of the request. **Commissioner O’Kelley** then asked if anyone wanted to speak in opposition to the request.

Richard Harley, residing at 488 Bent Tree Acres, stated he has lived there for 20 years and he likes this plan better than any other plan that has been presented. Mr. Harley talked about his concern regarding the flood zone, using septic versus sewer system that is available, 100-year flood plain and the heavy storms that cause flooding about every six months. He used the presentation map to show his property, and spoke about the two planned lots in or touching the flood zone, expressing concern for others downstream even though this would not impact his property. Mr. Harley asserted they already have a terrible flooding problem down Bishop Creek.

Erin Ellerbusch, residing at 5520 Cahaba Valley Road, spoke about her concern regarding the proposed lot next to her home and asked for a minimum 15-foot natural barrier along the property line that adjoins her property. She stated they have marked the property line with pink ribbon and asked for a commitment to repair or replace their fence if it is damaged when the land is cleared. Ms. Ellerbusch also expressed concern about digging to install the field lines on lots 7-10 since they end close to their property line. She asked if they could hook up to the sewer system instead of septic to prevent problems in the future.

In response to a question from **Commissioner O’Kelley**, Ms. Ellerbusch clarified the lines end before the natural barrier but she is just asking them to be careful because the buffer is so small.

Wrendon Davis, residing at 76 Deer Cross Road, stated he has lived there for 20 years and operated his business since 1985 at 5600 and 5560 Cahaba Valley Road. He talked about his biggest issue being the septic systems since the original plan was issued with sewer. Mr. Davis stated sewer service is available on Highway 119 and believes they fictitiously let neighbors think these would be on sewer. As a neighbor to Bishop Creek, he believes this is a major issue since it is in the MS4 Permit area. While Mr. Davis likes the plan, he believes the septic/sewer and buffer must be addressed.

Mark Gonzalez, Gonzalez-Strength and Associates, stated he is the project engineer and familiar with the controversy regarding this development. Mr. Gonzalez designed this project and stated the current design is much less dense. He did not know if this project was ever represented as being on or off sewer but they hired a consultant specializing in septic system design and is confident the plans submitted are acceptable, since the Health Department had no objections.

Responding to questions from **Commissioner Davis**, Mr. Gonzalez confirmed sewer service was considered, it is a force main, and would require a lift station; the goal is to keep houses out of the flood plain, recognizing the floodway encroaches on Lots 5 and 6; the elevation on these lots is 510 at the front and 501 at the back.

Commissioner O’Kelley stated the request for a 15-foot natural buffer along the eastern side of the property seems reasonable and that no septic lines should be in that buffer. Mr. Gonzalez stated that Matthew Cox prepared the septic lines and they are looking at the drainage.

Commissioner Davis talked about it seeming problematic to put expensive homes on septic in a flood plain when commercial/city sewer is available. Mr. Foulad asserted the location of the septic tank and field lines would not be in the flood plain except for Lots 5 and 6, and they will be lifted up.

Commissioner Norton expressed concern about the field lines being in close proximity to the property lines. Mark Gonzalez stated the Health Department has required setbacks and published standards in place. John Slaughter clarified the Shelby County Health Department is a state agency; the Health Department typically would allow engineered septic systems when you encroach into the fringe of a flood plain.

Commissioner O’Kelley surmised Lots 5 and 6 would be the last to build; Moiz Foulad asserted the majority of these lots would not be in the flood plain.

Josh Foulad, residing at 774 Cahaba River Estates, used the presentation map to show the football field that is at a lower elevation and experiences very little flooding.

Michael Ellerbusch, residing at 5520 Cahaba Valley Road, asked that as many trees as possible be left as a buffer to help with the noise issues so close to the football field.

Commissioner O’Kelley explained since there will be no mass grading, the idea is to leave as much natural vegetation as possible, asserting that Shelby County is strict on this matter.

Josh Osborne stated staff is asking for an additional five feet on the front easement along Highway 119, noting potential federal funding for a pedestrian trail requires a minimum width of 20 feet, noting such a walkway would be a natural trail.

The Planning Commission discussed possible conditions to be included in the approval of this request related to the natural buffer, ALDOT Access Permit, 15-foot undisturbed buffer, repair and/or replacement of the neighboring fence if needed, and additional five feet of trail easement.

There being no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion in **Case SN23-006 – Heardmont Estates – Preliminary Plat** that the evidence presented in the written staff report and presentation warrants Approval with the following conditions: (1) ALDOT Access Permit, (2) 50-foot riparian buffer, (3) 20-foot frontage easement, (4) 15-foot undisturbed natural buffer, and (5) replanting of trees and repair/replacement of damaged fence if needed; **Commissioner Norton** seconded the motion. On a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Moiz Foulad, Parade Home Builders, Inc., property owner, has petitioned the Shelby County Planning Commission for approval of a preliminary plat to divide 15.49 acres into 10 residential lots to be known as Heardmont Estates; and,

WHEREAS, the subject property is zoned E-1, Single Family Estate District, and located at 5500 and 5484 Cahaba Valley Road, also known as State Route 119 (Parcel IDs 58-10-6-23-0-001-010.000 and 58-10-6-23-0-001-010.001); and,

WHEREAS, on April 2, 2018, the Planning Commission heard a request to rezone the subject property from A-1, Agricultural District, to E-2, Single Family Estate District, to allow for the development of a 16-lot residential subdivision, and continued the request to June 4, 2018; ; and,

WHEREAS, residents of the surrounding area spoke at both public hearings in opposition to the request due to density and floodway concerns; and,

WHEREAS, on June 4, 2018, the Planning Commission granted a rezoning of the subject property to E-1, Single Family Estate District, with this zone district maintaining the same density of the original A-1 district and also eliminated the allowance of manufactured homes; and,

WHEREAS, the E-1 district designation could also accommodate a subdivision design to accommodate required stream buffers, reduce site clearing, and maintain existing vegetation and the natural state of the stream bank; and,

WHEREAS, the proposed preliminary plat identifies a 10-lot residential subdivision with lots ranging in size from one acre to larger than four acres, for an average density of 0.645 dwelling units per acre; and,

WHEREAS, Cahaba Valley Road (State Route 119) is an Alabama Department of Transportation roadway requiring an approved ALDOT Access Permit prior to approval of the preliminary plat; and,

WHEREAS, an integrated pedestrian pathway easement along the frontages of Lot 1 and Lot 10 at Cahaba Valley Road must be maintained at a width of 20 feet; and,

WHEREAS, the subject property is located in the sensitive Cahaba River Basin, regulated under the Shelby County Municipal Separate Storm Sewer System (MS4) Permit issued by ADEM for stormwater management; and,

WHEREAS, Bishop Creek/Cahaba Valley Creek is located on the north boundary of the site and is prone to frequent flooding; and,

WHEREAS, due to floodway and flood zone located on the subject property, establishment of a minimum 50-foot stream buffer in two zones is required; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request of Moiz Foulad, Parade Home Builders, Inc., property owner, for approval of a preliminary plat to divide 15.49 acres into 10 residential lots to be known as Heardmont Estates and located at 5500 and 5484 Cahaba Valley Road, State Road 119, (Parcel IDs 58-10-6-23-0-001-010.000 and 58-10-6-23-0-001-010.001), be and hereby is **APPROVED**, subject to the submittal of a revised preliminary plat for administrative approval meeting the following conditions:

- Applicant will provide a copy of the approved ALDOT Access Permit; and,
- Applicant will add the required 50-foot riparian buffer; and
- Applicant will provide an additional five (5) feet, for a total of 20 feet to the identified integrated pedestrian pathway easement on the plan set for public use as part of a larger trail system fronting Cahaba Valley Road; and
- Applicant will include a 15-foot undisturbed, natural buffer along the east adjoining property line, except for the area required to develop stormwater drainage management between Lots 8 and 9; and,
- Applicant will replant the area between Lots 8 and 9, as needed, with trees at a minimum of 2.5” circumference at breast height upon completion of the swale construction; and
- Applicant will repair and or replace fencing along the east adjoining property line of the development during construction if needed; and
- Applicant submitting an application for final plat approval within two (2) years of approval of the preliminary plat (failure to apply may necessitate reapplication for preliminary plat approval); and
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

All but two audience members left the meeting

5. SN23-008 –A Resubdivision of Lot 2 of Buck Creek Addition to Deer Run

This is a request from Jose Castelan Rodriguez, on behalf of himself and Maria Gloria Zavala, property owners, for approval of a final plat to subdivide Lot 2 of Buck Creek Addition to Deer Run, containing 4.73 acres, into two residential lots to be known as A Resubdivision of Lot 2 of Buck Creek Addition to Deer Run. The subject property is zoned A-1, Agricultural District, and located at 584 Deer Run Road, approximately one-half mile north of Crosscut Road. (Parcel ID 58-22-2-04-0-000-001.046)

Andrew Harris provided a brief summary of the request for agenda item #5 based on the written staff report provided in the meeting information packet since there were no audience members present except for the applicant and his son.

There being no questions, **Commissioner O’Kelley** invited the applicant to speak. Jose Castelan Rodriguez expressed appreciation for staff’s help. No one was present to speak during the public comment period.

There being no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Norton** made a motion in **Case SN23-008 – A Resubdivision of Lot 2 of Buck Creek Addition to Deer Run** that the evidence presented in the written staff report warrants Approval with the conditions outlined by staff; **Commissioner Winford** seconded the motion. On a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Jose Castelan Rodriguez, on behalf of himself and Maria Gloria Zavala, property owners, have petitioned the Shelby County Planning Commission for approval of a final plat to subdivide Lot 2 of Buck Creek Addition to Deer Run, containing 4.73 acres, into two residential lots to be known as A Resubdivision of Lot 2 of Buck Creek Addition to Deer Run; and,

WHEREAS, the subject property is zoned A-1, Agricultural District, and located at 584 Deer Run Road, approximately one-half mile north of Crosscut Road. (Parcel ID 58-22-2-04-0-000-001.046) and,

WHEREAS, Buck Creek Addition to Deer Run was reviewed and approved administratively as a five-lot subdivision (Case No. S-89-06) and was recorded in Map Book 38, Page 44, on February 21, 2007; and,

WHEREAS, the proposed subdivision of Lot 2 will create a sixth lot in the overall subdivision, defining it as a non-administrative subdivision that requires Planning Commission approval; and,

WHEREAS, a house under construction on proposed Lot 2B was located with the proposed subdivision in mind and sited to allow for the required setbacks of the A-1 district to be maintained; and

WHEREAS, Lot 2A will have access to Deer Creek Road via a new proposed driveway and Lot 2B will access Deer Creek Road utilizing the existing driveway; and,

WHEREAS, this subdivision meets the requirements of the *Shelby County Subdivision Regulations*; and,

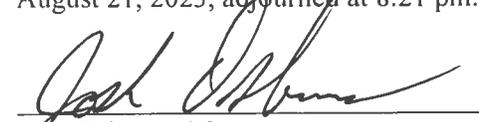
NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Jose Castelan Rodriguez, on behalf of himself and Maria Gloria Zavala, property owners, for approval of a final plat to subdivide Lot 2 of Buck Creek Addition to Deer Run, containing 4.73 acres, into two residential lots to be known as A Resubdivision of Lot 2 of Buck Creek Addition to Deer Run and located at 584 Deer Run Road, approximately one-half mile north of Crosscut Road. (Parcel ID 58-22-2-04-0-000-001.046) 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.

DISCUSSION ITEMS

The next meeting is scheduled for Monday, October 2, 2023.

There being no further business, **Commissioner Norton** made a motion to adjourn and **Commissioner Davis** seconded the motion. By a unanimous vote of six to zero (6-0) in favor, the Planning Commission meeting of August 21, 2023, adjourned at 8:21 pm.


 Josh Osborne, Manager,
 Planning & Community Development


 Michael O’Kelley, Chairman
 Shelby County Planning Commission