

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

October 3, 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; Joe Little; Samuetta Nesbitt; Bill Norton; Ken Wilder; Brett Winford

Members Absent: None

Staff Present: Christie Hester, Director of Development Services; Josh Osborne, Manager of Planning & Community Development; Sharman Brooks, Supervisor of Planning & MS4; Kristine Goddard, Senior Planner; Chanelle Blaine, Principal Planner; Andrew Harris, Planner; Brenda Hungerford, Administrative Assistant; Heidi Lee, Senior Civil Engineer

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 seven Commissioners present. He introduced the Commissioners and staff and reviewed the meeting procedures. There were 18 audience members.

1. Approval of the Minutes of the September 19, 2022, Planning Commission Regular Meeting

Commissioner O’Kelley made a motion to approve the meeting minutes of September 19, 2022; **Commissioner Wilder** seconded the motion. **Commissioner Davis** called for a vote and the Planning Commission unanimously approved the meeting minutes of September 19, 2022, with a vote of seven to zero (7-0).

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

2. SN22-006 – The View at Indian Crest Phase 2 – Preliminary Plat

This is a request from Bob Easley, Alabama Engineering Company, Inc., representing Connor Farmer of Highpointe Properties, property owner, for approval of a preliminary plat to subdivide 63 acres into 17 residential lots to be known as The View at Indian Crest Phase 2.

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 Number 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. She confirmed this preliminary plat meets all the requirements of the *Subdivision Regulations of Shelby County*.

Responding to a question by Commissioner Norton, Kristine Goddard explained that a property owner being responsible to maintain a detention pond on their property is appropriate for large lot designs such as this, while typically a Homeowners Association is responsible for detention pond maintenance in subdivisions with smaller lots.

Commissioner Davis invited the applicant to speak.

Bob Easley stated he is with Alabama Engineering Company, located at 1214 Alford Avenue in Hoover, and is the project engineer. He discussed various meetings between the developer, staff, and neighbors being proactive in sharing information and obtaining feedback since they were 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. He talked about design changes they have made that should alleviate their concerns and indicated this development, with an average lot size of nine acres, is much less dense than previous proposals on this site. Mr. Easley explained their calculations for a 25-year storm, based on their current design for storm flow leaving this property to the south, have decreased 22 percent on the west and 21 percent on the southeast. He noted this site is at the upper end of the basin and their drainage is more important to those immediately downstream of The View at Indian Crest, and he opined they have gone above and beyond the call of duty to not increase their groundwater problems. Mr. Easley cautioned that while they are making a difference on this 63-acre site, there are others downstream with thousands of acres that impact drainage.

Commissioner O’Kelley asked Mr. Easley to explain the decreasing flows in layman terms. Bob Easley stated the road is like building a dam across the detention pond—there is an 18-inch pipe underneath the road and water goes in faster than it can go out, causing the water level to increase in the detention pond during rain events since 30 cubic feet per second (cfs) may come in but only 20 cfs can flow out. He further explained that once the rain slows down or stops, the water continues to flow out over a longer period of time—it does not percolate into the ground, rather it has detained the flow of water.

Referencing the video shown as part of the presentation and in response to a question by **Commissioner Norton**, Bob Easley explained that someone had built a concrete headwall in front of the 24-inch pipe so that it was blocked to a very small opening. Noting this property was developed decades ago, he surmised it most likely was a previous homeowner. Mr. Easley stated they have agreed to restore this drainage opening to its original condition and he opined this should go a long way to help with the flooding and noted this is the basin with a 22 percent decrease in peak flows during a 25-year storm event.

Responding to a question by **Commissioner O’Kelley**, Mr. Easley confirmed the concrete headwall is wider than the drainage pipe and appears it was meant to block the flow from upstream.

In response to a question by **Commissioner Norton** regarding the drainage pipe’s location and responsibility, Mr. Easley used the presentation slides to show the drainage pipe under the road, noting the drainage easement is on private property and Shelby County does not maintain pipes outside of the roadway.

Commissioner Davis opened the floor for public comment. No one spoke in favor or in opposition to this request.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Wilder** made a motion in **Case SN22-006 – The View at Indian Crest Phase 2 – Preliminary Plat** that the evidence presented in the written staff report and presentation warrants Approval with the conditions outlined by staff; **Commissioner Winford** seconded the motion. On a unanimous vote of seven to zero (7-0), the Planning Commission approved the following resolution:

WHEREAS, Bob Easley, Alabama Engineering Company, Inc., representing Connor Farmer, property owner, has requested approval of a preliminary plat to subdivide 63 acres into 17 residential lots to be known as The View at Indian Crest - Phase 2; 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 Number 58-10-5-15-0-002-053.000; and,

WHEREAS, on August 1, 2022, the Planning Commission approved a request by Connor Farmer to waive the Master Plan requirement as described in Section 3.02.B.2 of the *Shelby County Subdivision Regulations* for the submittal of a Master Plan; and

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

WHEREAS, the total acreage of the subject property was the only condition requiring submission of a Master Plan; and,

WHEREAS, both Randy Cole, Shelby County Engineer, and David Willingham, Chief Development Officer, concurred with the request to waive the Master Plan; and,

WHEREAS, the proposed preliminary plat aligns with the conceptual plan submitted for consideration of the waiver, consisting of 17 lots with no internal roads and a single phase for construction; and,

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

WHEREAS, the preliminary plat identifies a residential density of less than one-third of the possible gross density for the subject property; and,

WHEREAS, lots identified on the preliminary plat to access New Hope Mountain and Indian Crest Drive will utilize shared driveways; and,

WHEREAS, lots identified on the preliminary plat with road frontage on Caldwell Mill Road will utilize a single shared access private drive in lieu of individual driveways; and,

WHEREAS, the subject property is not a mass-grade site with land-clearing activities limited to preparation of driveway access and pond construction, minimizing disruption to existing vegetation; and,

WHEREAS, no Homeowners Association is proposed with the development, requiring individual property owners to maintain and certify stormwater detention ponds located on their individual lots in accordance with the Phase I Municipal Separate Storm Sewer System (MS4) permit issued to Shelby County by the Alabama Department of Environmental Management; and,

WHEREAS, Detention Pond 1 maintenance and annual certification will be the responsibility of the owner of Lot 2-15; and,

WHEREAS, Detention Pond 2 maintenance and annual certification will be the responsibility of the owner of Lot 2-14; and,

WHEREAS, the applicant has agreed to restore an obstructed head wall offsite in the Indian Forest Estates easement to the south of the subject property as part of Detention Pond 1 construction; and,

WHEREAS, the inlet will be restored to its original state, removing an obstruction and clearing the drainage easement, allowing a more efficient flow of stormwater; and,

WHEREAS, individual building site footprints will be cleared as lots sell for home construction; and,

WHEREAS, a primarily undisturbed 100-foot natural buffer spans the frontages of Lots 2-13 and 2-17 at Caldwell Mill Road, excluding an approximately 140-foot easement for access, utilities and drainage; and,

WHEREAS, only the following activities are permitted within the 100-foot natural buffer:

- (1) Granting of an easement to permit the construction of an interconnected pedestrian pathway for public use as part of a larger trail system;
 - (2) Clearing of trees or plants that present an immediate hazard and clearing of invasive species (e.g., kudzu, privet hedge); or
 - (3) Minor clearing to allow the installation of a three- or four-rail wooden fence along the property line;
- and,

WHEREAS, lots 2-13 through 2-17 will include an easement to permit the construction of an interconnected pedestrian pathway for public use as part of a larger trail system, to be determined on the final plat; 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, property owner, for the approval of a preliminary plat to subdivide 63 acres into 17 residential lots to be known as The View at Indian Crest- Phase 2, located at the southwest corner of Indian Crest Drive and Caldwell Mill Road and zoned E-1, Single Family Estate District; Parcel Identification Number 58-09-9-29-0-001-006.000 be, and the same is hereby **APPROVED** with the following condition;

- 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; and,
- The developer/owner is required to submit an “as-built” certification within 120 days of project completion of all post-construction BMPs associated with the project; and,
- The developer/owner is required to submit a post-construction BMP Plan for review by Development Services.

Note: A majority of audience members left the meeting following the vote on this agenda item.

3. SD22-007 – Isaac’s Gap Special District – Amended Master Plan

This is a request from Shawn Arterburn, representing Newcastle Development LLC, property owner, for approval to amend the Special District Master Plan for Isaac’s Gap (formerly identified as Newcastle Bear Creek Special District) to reduce the design footprint and construction limits by modifying the roadway alignments and lot configurations and increasing the common area based on revised topography for the site.

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

Kristine Goddard gave a summary presentation on the request for agenda item #3 based on the written staff report provided in the meeting information packet. Ms. Goddard explained Development Services staff recommends the proposed phases of development be separated so the final plat for Phase 1 is substantially complete prior to submittal of a preliminary plat application for Phase 2 to ensure there is not a full-site disturbance for an extended period of time.

Referencing the proposed amendments to the Master Plan, **Commissioner O’Kelley** opined connecting the roads is a plus.

In response to questions by the Planning Commission, Kristine Goddard mentioned the County’s Double Oak Park is located directly behind this development. Ms. Goddard stated trails are reviewed on a case-by-case basis since the Subdivision Regulations do not outline a set standard for trails; however, the County is looking to develop more green space through the Comprehensive Plan. Josh Osborne added there are specific regulations to be followed for any trails built with federal funds.

Commissioner Davis invited the applicant to speak.

Brandon Todd stated he is the Engineering Manager for Newcastle Homes, and he thanked Kristine Goddard for the fabulous job outlining the proposed amendments. Mr. Todd discussed greenspace, topography, and grading. He mentioned the original master plan was based on preliminary information regarding the topography and location of wetlands; the proposed amendments are based on actual field data that shows nice features, streams, and wetlands, and their desire to reduce the footprint and keep as many natural features as possible. He answered questions by **Commissioners Davis, Nesbitt, and Norton** related to lots in the two phases, green space, and the boundary line of the development.

Mr. Todd stated they are having ongoing conversations with Development Services staff regarding trails; they want to do it well and be sure to install what the County prefers.

Commissioner Davis opened the floor for public comment. No one was present to speak in support or opposition to the request.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner O’Kelley** made a motion in **Case SD22-007 – Isaac’s Gap Special District – Amended Master Plan** that the evidence presented in the written staff report and presentation warrants Approval with the conditions outlined by staff including the requirement that Phase 1 be substantially complete prior to submitting a preliminary plat for Phase 2; **Commissioner Norton** seconded the motion. On a unanimous vote of seven to zero (7-0), the Planning Commission approved the following resolution:

WHEREAS, Shawn Arterburn, representing Newcastle Development, property owner, for approval to amend the Special District Master Plan for Isaac’s Gap (formerly identified as Newcastle Bear Creek Special District) to reduce the design footprint and construction limits by modifying the roadway alignments and lot configurations and increasing the common area based on revised topography for the site; and,

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

WHEREAS, on June 21, 2021, the Shelby County 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, Special Districts are intended to provide flexibility to methods of land development that encourage resourceful solutions to design challenges in both the natural and built environment, including infill development; and,

WHEREAS, the use of a Special District at this location accommodates single-family residential lots and five times the amount of required open space to protect environmentally sensitive features within the rural context to meet the intent of the goals of the Dunnavant Valley Small Area Plan; and,

WHEREAS, as shown on the Amended Special District Master Plan, the applicant appreciates the importance of the unique characteristics that define the Dunnavant Valley; and,

WHEREAS, the amended proposed design aims to preserve significant features including the ridges of Double Oak Mountain, the woodland habitats where new and future community trails and connections to common areas will be incorporated throughout the development, and the rural context of the Bear Creek corridor by incorporating low-impact design elements including natural buffers; and,

WHEREAS, the Amended Special District Master Plan provides lots that are consistent in size and distribution with established development patterns of the surrounding area; and,

WHEREAS, the proposed development of 94 single-family residential lots zoned SD, on 43 acres yields a density of 2.18 unit per acre; and,

WHEREAS, with the SD zoning designation, 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 nine (9) foot side yard setbacks; and,

WHEREAS, after receiving and verifying field survey topography, the project engineer was able to reduce the design footprint and construction limits and increase the common area from approximately 32.2 percent of the total site to 33.5 percent as proposed; and,

WHEREAS, Road A to the north with the common area (Common Area 4) relocated to the northern entrance of the property and adjoining Lot 70; and,

WHEREAS, additional green space provided with Common Area 4 is intended to reduce wetland impacts on site and allow for additional stormwater detention; and,

WHEREAS, a cul-de-sac at the end of Road C will be eliminated to reduce the impact to an existing stream near Lots 23 and 24; and,

WHEREAS, the extension of Road C provides additional road frontage for Lots 24 through 29, allowing for the inclusion of common area access and acreage in the center of the development and in Common Area 2; and,

WHEREAS, Common Area 6 will primarily be undisturbed, including a tree save area of approximately 0.91 acres; and,

WHEREAS, areas located outside the construction limits as shown on the plan will remain in their natural vegetative state; and,

WHEREAS, as full engineering plans are developed, the developer and project engineer continue to work with the County to provide access points to the surrounding trail systems; 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 proposed layout identifies sidewalks on one side of the street; and,

WHEREAS, the applicant must submit fully engineered preliminary plats that comply with the approved Amended Special District Master Plan, the *Subdivision Regulations of Shelby County* and the *Zoning Regulations of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Shawn Arterburn, representing Newcastle Development, property owner, for approval to amend the Special District Master Plan for Isaac's Gap (formerly identified as Newcastle Bear Creek Special District) to reduce the design footprint and construction limits by modifying the roadway alignments and lot configurations and increasing the common area based on revised topography for the site and located on Highway 43 (Bear Creek Road) between Shadywood Circle and Brasher's Chapel Church; Parcel Identification Numbers 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 fully engineered, phased, preliminary plats that meet all requirements of the Subdivision Regulations; 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,
- Any significant amendments, additions, deletions, alterations or changes to the approved Special District plan shall require the review and approval of an amendment to the approved Special District plan by the Shelby County Planning Commission; and,
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

DISCUSSION ITEMS**• Next Meeting of the Planning Commission**

Josh Osborne stated the next regularly scheduled meeting of the Planning Commission on October 17, 2022, would include one public hearing and a proposed amendment to the *Subdivision Regulations of Shelby County*. He distributed a copy of the agenda that had already been posted.

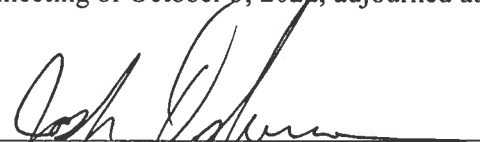
• Case Zam22-001 – The Amendment of Article IV. Definitions, Section 1. Generally and The Addition of New Article VII-3, MCF, Medical Cannabis Facilities

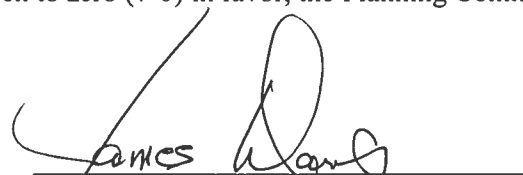
Sharman Brooks gave a brief preview of this draft amendment that will be on the October 17th agenda for consideration, noting this is related to a state law—Darren Wesley “Ato” Hall Compassion Act (AL Act 2021-450)—signed by Governor Ivy on May 17, 2021,

• Shoal Creek Special District Variance Amendment

Kristine Goddard informed the Planning Commission of her discussion with Caroline Little, Shoal Creek Properties, who is identifying certain lots that might need a variance to accommodate building. Ms. Goddard noted that while Ms. Little does not want to undermine the Shoal Creek HOA regulations, she understands if the Planning Commission determines a variance amendment for specific sites is best.

There being no further business, **Commissioner O’Kelley** made a motion to adjourn and **Commissioner Norton** seconded the motion. By a unanimous vote of seven to zero (7-0) in favor, the Planning Commission meeting of October 3, 2022, adjourned at 7:13 pm.


Josh Osborne, Manager
Planning & Community Development


James Davis, Chairman
Shelby County Planning Commission