

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

January 17, 2023 – 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; Ken Wilder; Brett Winford

Members Absent: Joe Little

Staff Present: Chad Scroggins, County Manager; Christie Hester, Director of Development Services; Josh Osborne, Manager of Planning & Community Development; Sharman Brooks, Supervisor, Planning & MS4; Chanelle Beville, Principal Planner; Andrew Harris, Planner; Brenda Hungerford, Office Administrator; John Slaughter, Chief 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 six Commissioners present. He introduced the Commissioners and staff and reviewed the meeting procedures. There were approximately 55 audience members.

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

Commissioner Norton made a motion to approve the meeting minutes of December 19, 2022; **Commissioner Winford** seconded the motion. **Commissioner Davis** called for a vote and the Planning Commission approved the meeting minutes of December 19, 2022, with a vote of five to zero and one abstention by **Commissioner O’Kelley** who did not attend the meeting (5-0-1).

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

2. C22-004 D-BAT Highway 119 – Conditional Use

This is a request from Chris Hillman, TriStone Properties, LLC, on behalf of Emery Harris, property owner, for approval of a conditional use to allow the use of the property as an indoor private baseball/softball training facility, an outdoor recreational use, as in Article 13.02 B, 1 of the Zoning Regulations of Shelby County. The subject property is zoned O-I (2), Office and Institutional District (2), and located at 5308 Cahaba Valley Road; Parcel Identification Numbers 58-10-5-22-0-002-073.000, 58-10-5-22-0-002-073.001 and 58-10-5-22-0-002-073.002.

Chanelle Beville gave a presentation on the request for agenda item #2 based on the written staff report provided in the meeting information packet.

There being no questions, **Commissioner Davis** invited the applicant to speak.

Todd Thompson, MTTR Engineers, identified himself as the project’s design engineer and stated he was there on behalf of the applicant and property owner. Mr. Thompson thanked staff for the thorough presentation, noting he had nothing to add but was available for questions.

In response to a question from **Commissioner Norton**, Mr. Thompson believed the hours of operation would be similar to the Homewood location referenced in the presentation.

Commissioner Davis opened the floor for public comment, asking if anyone wanted to speak in favor of the request; there was no one to speak in favor. **Commissioner Davis** then asked if anyone wanted to speak in opposition to the request.

Raymond White stated his address is 5552 Parkside Drive where he has lived across the street from this proposed business for the last 42 years. Mr. White discussed the traffic challenges on Highway 119 and talked about walking daily in this area, measuring the length of turning lanes for the park, and the challenge of exiting his driveway due to the heavy traffic that is even worse during school traffic or events at Heardmont Park. He stressed his concern was related to safety and traffic; he loves the area but it is far too crowded. Mr. White was concerned the County's Planning Commission Action signs placed at the site were in Spanish and he could not read them. He noted his surprise at how big of a business this would be and mentioned the major flood plain since Bishop Creek runs right behind the property.

Mr. Thompson discussed his meeting with ALDOT related to the access and showed the right in, right out, and left in turn lanes on the presentation map; documentation has been submitted to Shelby County regarding access as part of the review process. He asserted they do not want any more or any less than what they can get but are in direct contact with ALDOT. Mr. Thompson also explained they are aware of the flood zone, are providing an easement, and will move everything as far forward as possible, although he did not believe residents would want to see the building right on the setback line. He wanted to assure everyone this will be a very professional facility.

Josh Osborne informed the Planning Commission that the signs posted are in both English and Spanish.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner O'Kelley** made a motion in **Case C22-004 – D-BAT Highway 119 – Conditional Use** that the evidence presented in the written staff report and presentation warrants Approval, with the following conditions: (1) the only vehicle access will be from Cahaba Valley Road with no access to Heardmont Park facility or its existing parking lot; (2) all buildings facing Highway 119 shall be constructed in fiber-cement siding, wood siding, brick/brick veneer, rock, stone, cast-stone, and/or stucco; (3) no blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements; (4) lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas; (5) an integrated pedestrian pathway across Highway 119 is required; and (6) all signage must be monument in style and maintain the architectural character and aesthetic quality of the surrounding area. **Commissioner Winford** seconded the motion. On a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Chris Hillman, TriStone Properties, LLC, on behalf of Emery Harris, property owner, has petitioned the Shelby County Planning Commission for approval to allow use of the property as an indoor private baseball/softball training facility, as a conditional use in O-I (2), Office and Institutional District (2); and,

WHEREAS, the subject property is located at 5308 Cahaba Valley Road (State Route 119), in unincorporated Shelby County and adjacent to Heardmont Park (Parcel Identification Numbers 58-10-5-22-0-002-073.000, 58-10-5-22-0-002-073.001, and 58-10-5-22-0-002-073.002); and,

WHEREAS, outdoor recreation is a conditional use of the O-I (2) district and outdoor recreation is defined in the *Zoning Regulations of Shelby County* as areas where outdoor recreational activities are the primary use such as public parks or other recreation areas whether public or private; and,

WHEREAS, the proposed private baseball/softball training facility achieves convenience and economies of scale with its location to Heardmont Park and is consistent with the Parks & Recreation designation of the Shelby County Comprehensive Plan; and,

WHEREAS, three parcels, known as Bishop Creek Subdivision, will be resurveyed into a single parcel in accordance with the *Shelby County Subdivision Regulations*; and,

WHEREAS, the property shall only be accessed from Cahaba Valley Road (State Route 119) with no access granted to the Heardmont Park facility or its existing parking lot; and,

WHEREAS, the D-BAT facility proposes to have two buildings that will include a training facility, office and pro-shop; and,

WHEREAS, following discussion, the Planning Commission determined that certain stipulations or restrictions were prudent as part of the conditional use to require adherence to Shelby County regulations related to final plats, site plans, building aesthetics, lighting, signage, access, and integrated pathways or easements; and,

NOW, THEREFORE, BE IT RESOLVED that the Shelby County Planning Commission be and hereby **APPROVES** the request from Chris Hillman, TriStone Properties, LLC, on behalf of Emery Harris, property owner, for approval to allow use of the property as an indoor private baseball/softball training facility, as a conditional use in O-I (2), Office and Institutional District (2), for the property located at 5308 Cahaba Valley Road (Parcel Identification Numbers 58-10-5-22-0-002-073.000, 58-10-5-22-0-002-073.001, and 58-10-5-22-0-002-073.002), subject to the following stipulations and conditions:

- Submit a final plat of the resurveyed parcels into one parcel that meets all requirements of the *Shelby County Subdivision Regulations*; and
- Submit a fully engineered site development plan that meets all requirements of the *Zoning Regulations of Shelby County*; and
- Provide dedication of a public use easement and construction of an integrated pedestrian pathway along Cahaba Valley Road (State Route 119); and
- The site shall only have access from Cahaba Valley Road (State Route 119) with no access granted to the Heardmont Park facility or its existing parking lot for future or proposed ingress/egress connecting the public/private uses; and,
- All buildings facing Cahaba Valley Road (State Route 119) shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, and/or stucco (including synthetic stucco); and,
- No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements (i.e., building materials, colors, textures, offsets, fenestration, or changes in planes); and
- Site lighting shall be downward directed and utilize fixtures to be directed away from any adjacent roadways for nearby residential areas; and
- Signage on site shall be limited to a monument style and/or building sign that maintains the architectural character and aesthetic quality of the surrounding area; and
- Compliance with the regulations, policies, and guidelines of Shelby County, Alabama.

Five audience members left the meeting.

3. **Z22-010 Oak Mountain Heights Rezoning from H-Z to R-5**

This is a request from Bryson Stephens, Vestawood Apartments LLC, on behalf of Wriske Properties LLC, property owner, for approval of a change in the zone district boundaries from H-Z, Holding Zone District, to R-5, Multiple Dwelling District, for approximately 31.72 acres to allow for the development of the property into 188 multi-family residential units. The subject property is located at the intersections of Oak Drive and U.S. Highway 280 and Salsler Lane and U.S. Highway 280; Parcel Identification Numbers 58-09-4-17-0-001-012.000, 58-09-4-17-0-001-012.001, 58-09-4-17-0-001-014.000 and 58-09-4-17-0-001-015.000.

Sharman Brooks gave a presentation on the request for agenda item #3 based on the written staff report provided in the meeting information packet. She answered questions related to the access and road conditions near the entrance, noting this will be addressed during the site plan review. John Slaughter added that ALDOT dictates access.

Commission Norton inquired about other 280/119 Corridor higher-density developments within other jurisdictions in the same vicinity. Using the presentation map, Sharman Brooks identified Tatersall and Greystone in the City of Hoover; Capstone Cottages in the City of Birmingham; and Melrose Landing in the City of Chelsea.

Commissioner Norton stated he drove by Melrose Landing on his way here tonight and inquired about the density. **Commissioner Nesbitt** also asked if they were single-family homes. Sharman Brooks stated that Melrose Landing is two units per acre; they are single-family, medium-high density garden homes.

Commissioner O’Kelley stated he did some research on density after reading the staff report for this case and noted that the density for Mt Laurel is 3.5 units per acre; Hillsong Phase 1 is 3.25 units per acre; and Melrose Landing Phase 1 is just over 3 units per acre.

Commissioner Davis invited the applicant to speak.

Bryson Stephens thanked staff for a great job presenting and wanted to make a few comments before taking questions from the Commissioners. In addition to managing Vestawood Apartments, Mr. Stephens stated he is an employee of EBSCO and Chairman of the Board; he drives the 280 Corridor to and from work, and is very familiar with the area and the traffic challenges.

Mr. Stephens explained the [subject] property had been on the market for a number of years; when he put it under contract, it was with the intent to construct into multi-family units while preserving as much of the green space as possible. He asserted that while normally multi-family developments get rid of greenspace, they want their residents to enjoy living here and to experience the beautiful views of the valley.

Mr. Stephens discussed the amenities that might distinguish Oak Mountain Heights from other developments noting they will design the property to achieve what is called “zero energy ready home standards.” From the beginning, he explained, they are designing with the intent to minimize energy usage in the apartment homes; most people who choose to rent have no choice in how the building is built—only the landlord does; however, he wants to have a minimum impact on the environment with a focused building envelope (doors, windows, roof, floors, insulation, HVAC, water, etc.) to reduce energy consumption by 40 to 50 percent without any solar panels. He noted that, surprisingly, the cost to do this is not that much more than your standard building practices. Mr. Stephens stated 80 percent of the property will be undeveloped greenspace including the lake/pond to preserve the beauty of the land; there will be a fitness facility and the complex will be pet friendly.

Commissioner Norton asked what assurance there would be for this development plan to work as it is being presented. Sharman Brooks explained that the property would not be tied to this specific plan as submitted with a straight R-5 zoning.

Commissioner O’Kelley stated he wants to ensure 80 percent of this property remains undisturbed land as being presented by Mr. Stephens, and wondered if that could be guaranteed if zoned as a special district. He expressed concern that if rezoned to R-5 and the property were sold, a new buyer might want to max out the number of units that can be in excess of 400 compared to this plan for 188 units. **Commissioner Norton** agreed if a special district zoning can give them assurance this does not become high density like Melrose Landing or be annexed into Chelsea if not approved, the Planning Commission should consider the special district.

Commissioner Davis opened the floor for public comment, asking if anyone wanted to speak in favor of the request; there was no one to speak in favor. **Commissioner Davis** then asked if anyone wanted to speak in opposition to the request.

Natalie Hill, residing at 110 Salisbury Lane, stated she has lived in Highland Lakes since 2005 and loves it there. She asked what rights she has if she disagrees with this proposal and asked how it will impact the schools. She just saw information on Facebook today and wanted to come here to get information.

Sandra Barkley stated she resides at 9944 Highway 41 in Leeds but owns property off Highway 280 near the Dunnington community. Using the map she showed her property, which is 0.8 acres. She explained that she previously owned about 7-8 acres but has sold all but this piece which does not have road access other than a 30-foot easement from Highway 280 to access her property. She expressed concern that she will become landlocked if her easement is not recognized.

Commissioner Davis explained to her that surveyors—not the Planning Commission—would be involved to determine the easements. Sharman Brooks asked if she had a survey, which she did, and Ms. Brooks offered to look at it after the meeting. **Commissioner O’Kelley** assured Sandra Barkley that, regardless of a zoning decision tonight, if she has the legal right to a zoning easement it cannot be taken away. John Slaughter added there should be legal jargon attached to all legally binding access and the current property owner would need to hire engineers or surveyors to verify any such easements on the property.

Robert Hill, residing at 1000 Ashmore Lane in Highland Lakes, estimated there are 9000 apartments between the Summit and this property, and asked “Do we really need more apartments?” He talked about having the same concerns about traffic and overcrowding earlier and was very involved in making sure EBSCO did not annex Highland Lakes into the City of Chelsea. He spoke of traffic concerns, his belief another apartment complex is not needed, and this rezoning seems premature. Mr. Hill asserted that while the City of Chelsea says they do not allow apartments, “they did allow the land to be raped.” He expressed appreciation for hearing concern from some of the Planning Commissioners regarding the requested R-5 zoning allowances. Turning to the audience, Mr. Hill proclaimed this is in your backyard and asked what they can do if Shelby County does not approve the rezoning request and the developer looks to annex into Chelsea where they would have no say. Mr. Hill asserted that while they cannot fight this from happening, he believes they have lost again if they do not allow Shelby County to make a decision because the Cahaba Valley Fire District will also lose out; he spoke with the Chief who said this development would bring approximately \$117,000 annually to the fire district’s budget. In conclusion, Mr. Hill asserted that whether we want to do this or not, the “lesser of two evils” in his opinion is to have Shelby County maintain control of the building and ask the Planning Commission to require the development have no more than the proposed 188 units and keep the greenspace; the alternative is to let this property go to Chelsea where it might be Melrose all over again. In closing, he stated “We won’t win, as residents, in my opinion, and I am neither for nor against it, but we have two options, and we should let Shelby County maintain control.”

Regarding Mr. Hill’s reference to EBSCO, **Commissioner O’Kelley** clarified that Bryson Stevens is doing this project independently of EBSCO.

Todd Lankford, residing at 319 Southledge Place, stated he is opposed to this proposal and showed where he lived using the presentation map. Mr. Lankford explained the corner of the property line is just 250 yards to the nearest house; Southledge has 8 homes on the lake and 24 in the valley with about 40 plus more lots to build on, and these homes are no older than 2.5 years with many being less than one year old. He talked about the face of the mountain being the entire view with this development and his concern for the 188 units not be increased to 460 later as allowed in the R-5. Mr. Lankford talked more about visual buffers and fences that can be unsightly. He mentioned concern along Highway 280 regarding septic systems with smells in overdeveloped areas, traffic, safety, and the increase of 18 wheelers. Mr. Lankford did not believe he heard discussion about protecting the lakes and river systems and asked what classification the apartments were—A, B, or C—and was interested in density requirements.

Sharman Brooks explained the density information presented was just a sample of density requirements.

Dawn Sharpe, residing at 1050 Highland Park Place, stated she lives near the end of the ridge and expressed appreciation for the consideration of green space protection. She stated it is amazing how many people want to live in the valley but they are taking away the trees but trees are fundamental to keep the green. She hoped Mr. Stephens keeps his word about greenspace; otherwise she said he “will be the turd of Dunnavant Valley.” Regarding schools, Ms. Sharpe, said people will have to drive but it is worth it for the best schools. She also talked about traffic being like a busy beehive and the emergency area needing to be expanded because of tractor trailers hauling downhill. In closing, she said she was glad he is going to preserve what is there because they will all be looking at it.

Stephanie Jacoby spoke on behalf of her son who lives at 3710 Harding Circle and they are at 3670 Brasher Lane. She expressed concern about changes in the hillside, noting her family has been there for more than 85 years and have relied on well water. They are worried about water flow if water services are provided there, and wondered if it also would be available to those who live down Brasher Lane and on Harding Circle. She said they are country folk, and their biggest concern is sewer and the flow of water.

Marcus, another resident on Brasher Lane, expressed concern about water coming down the mountain and its impact on wells and the water quality. He hoped they made sure surveys are done before construction related to land stability due to underground water. Marcus stated that Shelby County has done a poor job clearing vegetation at the intersection of Highways 41 and 280 and due to traffic congestion he often has to take Highway 11 to Interstate 65 to get to Birmingham.

Paige Lankford, residing at 319 Southledge Place, spoke about their home being just one year old and concern for the possible need to blast because of the mountainous terrain. Referring to Mr. Stephen’s employment with EBSCO, she asked about his plan to address traffic safety for residents of his complex since he should be aware of the traffic concerns because he had been driving for work the last 20 years and had also constructed a new exit for EBSCO employees.

Emily Davis currently resides at 130 Highland Park Drive, and owns the last lot in Eddleman’s Southledge development. She asked if fencing will be put up and what the proposed monthly prices would be, noting this would tell her a lot of who will be able to afford to live there. She also asked about research on crime rates in apartments versus single-family homes in Shelby County.

Responding to a question by **Commissioner Norton**, Ms. Davis said she would expect both fencing and buffers since he is so environmentally friendly.

Clark Edwards, residing at 5303 Harvest Ridge Lane, wondered about school capacity as he referenced the recent shift in schools and wanted to be sure the new complex would not put undue hardship or overcrowding on the Oak Mountain schools. He also talked about school-related traffic and the driving challenges in north Shelby County, wondering if this impacts the new Comprehensive Plan. Mr. Edwards commended the County on the work they do but noted there are forces against us, referencing nearby development outside the County’s jurisdiction including Birmingham apartments, Capstone, Greystone, to name a few—“they have a right to develop but it is terrible.” He opined that impacts to the County are not just from within unincorporated Shelby County, and we do not have control over what can cause real pressure for our residents. Mr. Edwards worries that traffic and overcrowded schools can put a lot of pressure on us as residents, and he asked the Planning Commission to keep in mind traffic when making decisions.

Commissioner Davis stated a few of the complexes mentioned were previously presented to the Shelby County Planning Commission, and when denied they chose to go elsewhere through annexation.

Commissioner O’Kelley recalled the proposed high-density developments that first came to the Planning Commission and then annexed into the Cities of Birmingham and Hoover where the projects are being developed. He stated that if they annex out of the County there is no way to negotiate and it can actually

backfire because development cannot be stopped forever. It can be an easy path if the Planning Commission denies or does not put in restrictions, another developer will realize they can do a project elsewhere and then annex out of the County. He acknowledged that no one wants high density—and he has spent the last few days trying to look at weighted density (bedrooms per acre) to compare this project with 188 units averaging under two bedrooms per unit with other developments. He shared that Melrose Landing has 15 floor plans and more than half are 4 bedrooms; Mt Laurel has about 12.25 bedrooms per acre; Hillsong has over 11 bedrooms per acre; and Oak Mountain Heights will have less than 10 bedrooms per acre.

Chad Scroggins, County Manager, spoke about Dunnavant Valley and the County's efforts to protect outdoor green space, the purchase of Double Oak Park, and commended Mr. Stephens' commitment to maintain 80 percent of the green space on the proposed site for the Oak Mountain Heights development.

In addressing concerns expressed, Bryson Stephens said there would be no 'bait and switch' from what is proposed to what he will build. Mr. Stephens said he was born and raised in Birmingham and he is perfectly comfortable with restrictions from the County if they want to cap the unit count and put in other restrictions related to the development.

Referring to specific questions, Mr. Stephens calls these apartments "A's"—they will be brand new, nice, well done. He anticipates the pricing to be approximately \$2000/month; the unit mix will be 42% one bedrooms; 50% two bedrooms, and 8% three bedrooms (15 units). On an apartment complex's impact to schools, he said the rule of thumb is equivalent to the number of three-bedroom units. He referenced Vestavia Reserve that has 28 three bedrooms and there are 27 students in the local schools; Grand Reserve with 40 three-bedrooms has 45 kids in schools. While he cannot speak to capacity of the schools, he did not believe the increase would have a negative impact.

Mr. Stephens said he is not a fan of fencing in homes and they want to avoid one for the whole property but they are open to fences for decorative purposes. He wants a buffer for both appearance and as a sound barrier for the residents from the 280 traffic. Mr. Stephens emphasized this is not an EBSCO development—he is the applicant completely separate from EBSCO. He mentioned his connection to EBSCO as an employee because he wanted to convey his familiarity and connection with Shelby County. He talked about Mt Laurel's motto to "Leave the Trees" and that their headquarters building is understated and they certainly left trees; they sold at cost 1600 acres to a land trust so it can be incorporated into Oak Mountain State Park even though they could have developed it and built a lot of homes. Mr. Stephens said EBSCO added a road because their employees were nervous and concerned for their safety. He said there is no question it is a risk coming off Belcher Drive by the church when making a left turn—similar to many other places on 280. Working with Skipper, they will do everything they can to provide safe ingress/egress for Oak Mountain Heights.

Mr. Stephens said personally he has acquired four apartment complexes but has never built one from the ground up (until Oak Mountain Heights), explaining those previously acquired would be classified as B- or C since the previous landlord had deferred maintenance and in every case it was a value-buy that required him to rebuild foundations and roofs with a lot of rehabilitation.

Andrew Phillips, the project engineer, stated they will be drilling not blasting. Addressing the concerns related to water, he said there is an option to connect to the water main at Highway 41 or to bore under Highway 280, but they will not be digging wells. Responding to a question about building five 3-story buildings instead of four 4-story buildings, Mr. Phillips said the trade-off with buildings staggered up the hillside is they will not all be the same height because of that. Construction should start in 2024 and Mr. Phillips estimated construction to take between 16-24 months.

Commissioner O'Kelley asked if they would be willing to increase the undisturbed buffer around the property, and Mr. Stephens said he would absolutely entertain it.

Sharman Brooks stated the development plan was sent to the Shelby County Board of Education but she did not receive any comments.

Chief Buddy Wilks, Cahaba Valley Fire & EMR District, spoke briefly about the impact this new development would have on their revenue stream. He did not believe this new development would impact their ability to serve the area. In response to a question from **Commissioner O’Kelley**, Chief Wilks confirmed that if this development were in the City of Chelsea, Cahaba Valley Fire would still be the closest station to support the area, noting there is reciprocity between local fire stations.

Commissioner O’Kelley stated he absolutely loathed the idea of this project being developed under another jurisdiction and asserted this has a light footprint and it could be a whole lot worse. **Commissioner Norton** agreed and said this is about the best use of this land he has seen; it would not be commercial—and he can support this if Shelby County can control and shape it. **Commissioner Davis** stated the Planning Commission tries to stay out of politics, but they need to look out for the County; he also agreed, noting other projects they denied and look what happened because they went elsewhere.

In addressing the audience, **Commissioner O’Kelley** stated this is a great example of how a hearing with opposition should go—we very much appreciate it. **Commissioner Norton** added we are all residents of Shelby County—we love it and want to help make it the best.

Following discussion regarding what zoning made the most sense, there was concurrence with a rezoning to R-4 SD, Multiple Dwelling Special District, to allow four stories (up to 50 feet tall) to minimize the footprint, limit the unit count to 188, tying the conceptual plan presented with four apartment buildings and one additional amenity building, and a 50-foot undisturbed buffer along the property line.

Sharman Brooks explained that, if approved, the next step is the Site Plan which is an extensive review process; it is safeguarded to make sure that they are thorough with at least three review cycles, and adhere to all subdivision, zoning, and engineering regulations and standards.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner O’Kelley** made a motion in **Case ZD22-010 – Oak Mountain Heights Rezoning from H-Z to R-5** that the evidence presented in the written staff report and presentation warrants Approval as a rezoning to R-4 SD, Multiple Family Dwelling Special District, subject to the following stipulations and conditions: (1) adherence to the Conceptual Plan dated December 1, 2022; (2) maximum of five buildings; (3) maximum of 188 units; (4) maximum of four stories or 50 feet in height; and (5) maintain a 50-foot undisturbed buffer around the perimeter of the property. **Commissioner Norton** seconded the motion. On a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Bryson Stephens, Vestawood Apartments LLC, on behalf of Wriske Properties LLC, property owner, has petitioned the Shelby County Planning Commission for approval of a change in the zone district boundaries from H-Z, Holding Zone District, to R-5, Multiple Dwelling District, for approximately 31.72 acres to allow for the development of the property into 188 multi-family residential units; and,

WHEREAS, the subject property is located at the intersections of Oak Drive and U.S. Highway 280 and Salser Lane and U.S. Highway 280 (Parcel Identification Numbers 58-09-4-17-0-001-012.000, 58-09-4-17-0-001-012.001, 58-09-4-17-0-001-014.000 and 58-09-4-17-0-001-015.000); and,

WHEREAS, the H-Z district is intended to provide for the preservation of environmentally sensitive areas including flood plains and ridge tops and to provide for the proper timing, phasing and transitioning of growth within areas of undeveloped and/or environmentally sensitive areas; and,

WHEREAS, the R-5 district is intended to provide a zoning classification for the location of multiple-family dwellings including duplexes, townhomes, row houses, apartments, residential care facilities and condominiums that focus on the maximum utilization of square footage within a traditional or organic style development with an emphasis on multimodal connections that may include integrated pedestrian pathways to general commercial and service areas; and,

WHEREAS, the R-5, Multiple Dwelling District, allows for a minimum lot area of 3,000 square feet per unit for multiple-family developments; and,

WHEREAS, with an R-5 zoning designation, at 31.72 acres, the subject property could yield approximately 460 total units that equates to a gross density of 14.5 units per acre; and,

WHEREAS, the applicant proposes 188 total units for a gross density of 5.93 units per acre, 272 less units or a 59 percent reduction in the gross number of units allowed in the R-5 district; and,

WHEREAS, the R-5 district would allow the buildings to be constructed with four stories in order to reduce the impervious footprint; and,

WHEREAS, the conceptual development plan (dated 12/01/22) depicts four, four-story multi-family residential buildings containing 47 units each, for a total of 188 apartment units (an overall gross density of 5.93 units per acre), a clubhouse, 306 parking spaces, undisturbed green space, an existing lake and pond, and additional landscaping between the buildings; and,

WHEREAS, approximately 5.94 acres of the total 31.72 acres will contain impervious surface, while more than 25 acres will remain undeveloped; and,

WHEREAS, the applicant indicated that Vestawood Apartments LLC has engaged Skipper Consulting to study the traffic patterns at the proposed location to assist in determining the requirements of a multiple-dwelling residential access; and,

WHEREAS, the subject property has direct access to U.S. Highway 280 at Oak Drive and Salser Lane, a service lane for U.S. Highway 280 that continues south to Belcher Drive; and,

WHEREAS, final access plans will be submitted to the Alabama Department of Transportation (ALDOT) for approval and will be included with the site plan submittal; and,

WHEREAS, staff continues to receive an increased interest for multi-family residential developments in the U.S. Highway 280 Corridor; and,

WHEREAS, the U.S. Highway 280 Corridor from Cahaba Valley Road to Dunnavant Valley Road and beyond is a mix of jurisdictional boundaries and uses including office, medical and commercial, with both single-family and multi-family residential in the area exhibiting an appropriate wide range of densities based on location and distance from U.S. Highway 280; and,

WHEREAS, the subject property would be considered an infill development where some of the properties surrounding it have been developed as single-family uses along the busy U.S. Highway 280 corridor; and,

WHEREAS, Shelby County's draft Future Development Map identifies this site as Walkable Neighborhood and encourages mixed uses to promote a sustainable economic and community impact; and,

WHEREAS, the proposed multi-family development is appropriate at this particular location and, as submitted, provides a conceptual layout that includes extensive preservation of the natural features of the property and the inclusion of community open space and would provide a housing option that many employers would find optimal for employee recruitment to the North Shelby County area within an appropriate designated infill location; and,

WHEREAS, the Planning Commission finds that, based upon the evidence and testimony presented, the proposed R-5 zone district is not consistent at this location; and,

WHEREAS, the Planning Commission finds that, based upon the evidence and testimony presented, the R-4 SD, Multiple Dwelling Special District, is consistent with the surrounding zoning and the *Shelby County Comprehensive Plan* with some conditions; and

WHEREAS, following discussion, the Planning Commission determined that certain restrictions were prudent in the rezoning to require adherence to the Conceptual Plan dated December 1, 2022, maximum of 188 units, maximum of five buildings up to four stories or 50 feet in height, and a 50-foot undisturbed buffer around the perimeter of the property; and,

NOW, THEREFORE, BE IT RESOLVED that the Shelby County Planning Commission be and hereby **APPROVES** the application from Bryson Stephens, Vestawood Apartments LLC, on behalf of Wriske Properties LLC, property owner, for a change in the zone district boundaries from H-Z, Holding Zone District, to R-4 SD, Multiple Dwelling Special District, for approximately 31.72 acres to allow for the development of the property into 188 multi-family residential units for the property located at the intersections of Oak Drive and U.S. Highway 280 and Salser Lane and U.S. Highway 280 (Parcel Identification Numbers 58-09-4-17-0-001-012.000, 58-09-4-17-0-001-012.001, 58-09-4-17-0-001-014.000 and 58-09-4-17-0-001-015.000) subject to the following stipulations and conditions:

- Adherence to the Conceptual Plan dated December 1, 2022;
- Maximum of five buildings;
- Maximum of 188 units;
- Maximum of four stories or 50 feet in height;
- Maintain a 50-foot undisturbed buffer around the perimeter of the property; and
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

Everyone in the audience left the meeting.

DISCUSSION ITEMS

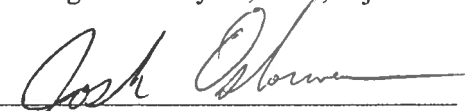
- **Shelby County Comprehensive Plan – Comments Due**

Christie Hester provided information on the Open Houses January 18 and 19, 2023. She said most likely the Comprehensive Plan will be on the Planning Commission's agenda for March 6, 2023. **Commissioner O'Kelley** stated he will plan to attend the County Commission meeting when the Comprehensive Plan is presented.

- **Next Meeting of the Planning Commission**

Christie Hester stated there would be three public hearings and the election of the Vice Chairman at the next regularly scheduled meeting of the Planning Commission on February 6, 2023.

There being no further business, **Commissioner Norton** made a motion to adjourn and **Commissioner Winford** seconded the motion. By a unanimous vote of six to zero (6-0) in favor, the Planning Commission meeting of January 17, 2023, adjourned at 8:45 pm.


 Josh Osborne, Manager,
 Planning & Community Development


 James Davis, Chairman
 Shelby County Planning Commission