

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting –February 17, 2020 – 6:00 PM

Members Present: Michael O’Kelley, Chairman; Bill Kinnebrew, Vice Chairman; Jim Davis; Joe Little; Jay Gunther; Samuetta Nesbitt; Kenneth Wilder

Members Absent: None

Staff Present: Christie Hester, Planning Services Supervisor; Kristine Goddard, Principal Planner; Josh Cameron, Principal Planner; John Slaughter, Chief Civil Engineer

PUBLIC HEARING

Michael O’Kelley, Chairman, called the meeting to order at 6:00 pm. **Commissioner O’Kelley** introduced members of the Planning Commission and County staff. There were fourteen (14) audience members present in addition to the Planning Commission members and County staff.

1. Approval of the Minutes of the February 3, 2020, Planning Commission Meeting

Commissioner Davis made a motion to approve the minutes of the February 3, 2020, meeting and **Commissioner Kinnebrew** seconded the motion. By a unanimous vote of seven (7-0) in favor, the Planning Commission approved the minutes of the February 3, 2020, meeting.

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

2. SN19-029 – Resurvey Lot 2 of the Bush Family Subdivision

This is a request from Travis Bush, property owner, for the approval of a final plat to resurvey Lot 2 of the Bush Family Subdivision Sector 2 to add 1.14 acres from acreage to the existing Lot 2 for residential use.

The subject property is unzoned and is located at 221 Wilson Road in Calera; Parcel Identification No. 58-29-3-07-0-004-004.005.

Mr. Cameron gave a presentation regarding agenda item 2, based on the written staff report.

With no comments by the applicant, **Commissioner O’Kelley** opened the floor for public comment. No one spoke in favor or in opposition.

With no questions or discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Gunther** made a motion in **Case SN19-029 – Resurvey Lot 2 of the Bush Family Subdivision** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the staff report, and **Commissioner Kinnebrew** seconded the motion. By a unanimous vote of seven (7-0) in favor, the Planning Commission approved the following resolution:

WHEREAS, Travis Bush, property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide Lot 2 of the Bush Family Subdivision Sector 2 to add 1.14 acres from acreage to the existing Lot 2 for residential use, to be known as A Resubdivision of Lot 2 of the Bush Family Subdivision Sector 2; and,

WHEREAS, the subject property is not zoned and is located at 221 Wilson Road in Calera, one-quarter mile south of the intersection of Highway 42 and Wilson Road; Parcel Identification No. 58-29-3-07-0-004-004.005; and,

WHEREAS, Lot 2 of the Bush Family Subdivision was created as part of Sector 2 of the Bush Family Subdivision in 2000 and recorded in Map Book 25, Page 139; and,

WHEREAS, the applicant proposes to add 1.14 acres from acreage to the existing Lot 2; and,

WHEREAS, the final plat and documentation meet the requirements of the *Subdivision Regulations of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Travis Bush, property owner, for the approval of a final plat to resubdivide Lot 2 of the Bush Family Subdivision Sector 2 to add 1.14 acres from acreage to the existing Lot 2 for residential use, to be known as A Resubdivision of Lot 2 of the Bush Family Subdivision Sector 2 and located at 221 Wilson Road in Calera, one-quarter mile south of the intersection of Highway 42 and Wilson Road; Parcel Identification No. 58-29-3-07-0-004-004.005, 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.

3. SN19-026 McKenzie Resubdivision

This is a request from Paul McKenzie, property owner, for the approval of a final plat to resubdivide Lot 18 and Lot 20 of the Thomas Addition to the Town of Aldrich Subdivision, totaling 2.74 acres, into four lots for residential use and for a waiver of the requirement of the signature of the fire chief on a record map.

The subject property is unzoned and is located between 120 and 130 Highway 204 in Montevallo; Parcel Identification Nos. 58-27-4-19-4-003-015.000 and 58-27-4-19-4-003-015.001.

Mr. Cameron provided an amended staff report to the Planning Commissioners, noting the highlighted text that had changed. He gave a presentation regarding agenda item 3, based on the written staff report.

Mr. Cameron confirmed the Planning Commission has the authority to waive the requirement for the fire chief's signature in response to **Commissioner Davis's** inquiry. He noted the Planning Commission has taken such action in the past when there is no fire coverage.

With no comments by the applicant, **Commissioner O'Kelley** opened the floor for public comment. No one spoke in favor or in opposition.

Commissioner O'Kelley called for a motion. **Commissioner Wilder** made a motion in **Case SN19-026 – McKenzie Resubdivision** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report, and **Commissioner Davis** seconded the motion. By a unanimous vote of seven (7-0) in favor, the Planning Commission approved the following resolution:

WHEREAS, Paul McKenzie, property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide Lot 18 and Lot 20 of the Thomas Addition to the Town of Aldrich Subdivision, totaling 2.74 acres, into four lots for residential use, to be known as the McKenzie Subdivision, and for a waiver of the requirement of the signature of the fire chief on a record map; and,

WHEREAS, the subject property is not zoned and is located between 120 and 130 Highway 204 in Montevallo; Parcel Identification Nos. 58-27-4-19-4-003-015.000 and 58-27-4-19-4-003-015.001; and,

WHEREAS, Lot 18 and Lot 20 of the proposed subdivision both were recorded as part of the Thomas Addition to the Town of Aldrich in 1914, Map Book 3, Page 14; and,

WHEREAS, the applicant proposes to divide Lot 18 into Lot 18A and Lot 18B and divide Lot 20 into 20A and 20B, thereby creating two additional lots; and,

WHEREAS, all of the proposed lots are within an area without primary fire coverage; and,

WHEREAS, the Shelby County Planning Commission has the authority to waive the requirement of

Article 3, 3.02, B, 4(d) of the *Subdivision Regulations of Shelby County* for the requirement that the local fire district chief sign the final plat; and

WHEREAS, the final plat and documentation meet the requirements of the *Subdivision Regulations of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Paul McKenzie, property owner, for the approval of a final plat to resubdivide Lot 18 and Lot 20 of the Thomas Addition to the Town of Aldrich Subdivision, totaling 2.74 acres, into four lots for residential use and for a waiver of the requirement of the signature of the fire chief on a record map and located between 120 and 130 Highway 204 in Montevallo; Parcel Identification Nos. 58-27-4-19-4-003-015.000 and 58-27-4-19-4-003-015.001, be and the same are hereby *Approved* subject to:

- Applicant submitting a final plat for recording; and
- Compliance with the regulations, policies and guidelines of Shelby County.

4. SN19-023 Osprey Bay Master Plan

This is a request from Justin Armstrong, Alabama Power Company, for the approval of a master plan to subdivide approximately 174.6 acres into a 123-lot residential subdivision to be known as Osprey Bay.

The subject property is located on Highway 71, approximately one mile east of the intersection with Hwy 400; Parcel Identification Nos. 58-33-6-13-0-003-079.000, 58-33-6-13-0-003-080.000, and 58-33-6-24-0-001-001.000.

Ms. Goddard gave a presentation regarding agenda item 4, based on the written staff report. Following her presentation, Jason Dunwood with Nequette Architecture & Design (the project designer) spoke on behalf of the applicant, Justin Armstrong with Alabama Power Company, who was not present.

Mr. Dunwood described the concept to be an historic traditional neighborhood within a true natural open space; the clusters of small low-impact, cottage-style lots will not impose on the tree line or viewscape. He explained the plan to create a connected community while maintaining privacy and respecting the rural character of the area.

Commissioner O'Kelley asked the applicant to describe the modular cottage. Mr. Dunwood discussed the modular-like cottages having the look of authentic cottages and cabins with pitched roofs and windows (rather than a traditional modular home) with a smaller footprint of approximately 1,500 to 2,500 square feet and no basement.

Commissioner Nesbitt asked about the exterior materials and Mr. Dunwood noted they would use clapboard board and batten siding, potentially a Hardie product. They plan to use a traditional building material that mimics historic southern homes.

In response to **Commissioner Kinnebrew's** questions, Mr. Dunwood stated there would be a variety of lots with two parking spaces per unit, the tree line along the water will remain intact, and Phase I includes construction of the whole parkway.

Commissioner O'Kelley opened the floor for public comment. No one spoke in favor of the request; some adjoining property owners spoke in opposition.

Debra Jones, residing near the intersection of Hwy 71 and Hwy 400, stated her concerns regarding pollution in the river, the shallow river in this area, traffic, the water tower, potential need for larger schools, and the impact to the rural area.

Kevin Jones stated his family owns property adjoining the entrance to this development. Mr. Jones expressed concern regarding the blind spot at the entrance, potential sewage seeping into the lake, and he did not want his father looking at a housing development from his backdoor.

Mr. and Mrs. Hubert Sheffield, 2400 Hwy 41, adjoining property owners, shared their concern about the sight distance at the entrance, impact to Native American artifacts in the area, traffic near the blind spot at the proposed entrance, and the low elevation related to the septic field and prevention of seepage into the water. Mr. Sheffield inquired if the hardwood trees would remain in the area, noting the local wildlife depends on the natural habitat.

Bill Wilson representing Gonzalez-Strength, the project's surveyor/engineering firm, responded to the concerns expressed by the neighbors. He explained there are no plans to develop on the sliver of land behind existing homes to the east of the entrance or to develop land not already identified on the master plan. Mr. Wilson further explained the access drive would be relocated to meet sight distance. The conservative approach and design of the development will ensure preservation of trees by following the existing grade and constructing a bifurcated or split roadway design. A minimalistic approach to disturb only where a house and parking would be located ensures the site will not be mass-graded. The plan includes long piers for the shallow areas of the water for boats and private piers for estate lots.

In response to follow-up questions by **Commissioner O'Kelley**, Mr. Wilson explained they anticipate a majority of homes will be for weekend-getaways rather than full-time residency resulting in less impact to schools and traffic.

Mr. Sheffield asked about moving the development farther south near deeper water, and Mr. Wilson stated he was unable to answer this question and would forward it to Alabama Power Company as the developer.

Commissioner O'Kelley asked Mr. Wilson to respond to the questions about sewer system impact on the nearby water tower and water supply. Mr. Wilson explained a low-pressure force main system will be used. Each lot will have its own septic tank that will capture solids. The septic tank will discharge into a pump tank system with a low-pressure force main that will pump to a septic field with field lines that you typically see at a residence – just more of them.

Mr. Sheffield expressed concerns about fires and the impact on the volunteer fire department. Mr. Wilson stated the developer would work with the volunteer fire department to ensure hydrants are placed appropriately and meet building code and fire separation requirements.

Responding to **Commissioner O'Kelley's** question about the frequency with which the County roads are evaluated, Mr. Slaughter explained that while Shelby County roads are high quality, staff is cognizant of problem areas and there are a number of concerns to address throughout the County, all of which are dependent on budget limitations.

Commissioner O'Kelley expressed his concern related to boater safety and asked about any measures by Alabama Power to control speed and other hazards; Mr. Wilson will follow up with Alabama Power regarding potential no wake zones and speed control.

In response to **Commissioner Kinnebrew's** question about grading, Ms. Goddard stated the submitted data indicates site disturbance will be approximately 23 percent of the total site.

Commissioner Nesbitt asked if there is additional opportunity for citizens to provide input if the Planning Commission approved the master plan; **Commissioner O'Kelley** confirmed there would be additional opportunity once the preliminary plat is submitted. Ms. Goddard noted adjoining property owners would be notified again when the preliminary plat is presented to the Planning Commission.

Responding to **Commissioner Gunther's** inquiry regarding any preliminary testing on soils, Mr. Wilson explained that would be one of the first steps working with the Health Department through the septic permitting process.

Commissioner Gunther asked if a cultural resources study was completed or required; Mr. Wilson stated he did not know if one was completed for this development but Alabama Power has conducted other such studies.

Commissioner O'Kelley called for a motion. **Commissioner Davis** made a motion in **Case SN19-023 – Osprey Bay Master Plan** that the evidence presented in the written staff report and presentation warrants

Approval with conditions of the written staff report, and **Commissioner Kinnebrew** seconded the motion. By a unanimous vote of seven (7-0) in favor, the Planning Commission approved the following resolution:

WHEREAS, Justin Armstrong, Alabama Power Company, property owner, has petitioned the Planning Commission for approval of a Master Plan to subdivide approximately 174.6 acres into a 123 lot conservation subdivision to be known as Osprey Bay; and,

WHEREAS, the subject properties are located on County Road 71, approximately one mile east of the intersection with County Road 400 in unzoned Shelby County; Parcel Identification Nos. 58-33-6-13-0-003-079.000; 58-33-6-13-0-003-080.000, and 58-33-6-24-0-001-001.000; and,

WHEREAS, the Master Plan identifies a conservation subdivision layout with varying lot sizes, in residential clusters, with an overall gross density of approximately 0.7 dwelling units per acre; and

WHEREAS, the Master Plan layout is consistent with the rural residential nature of the Shelby community along Lay Lake with more than 50% of the property preserved; and,

WHEREAS, the protection of viewscapes, existing vegetation, use of rural road cross sections and the incorporation of topography into the design aligns the Master Plan with the goals of the *Shelby County Comprehensive Plan*; and,

WHEREAS, no portion of the property is intended to be mass graded; and,

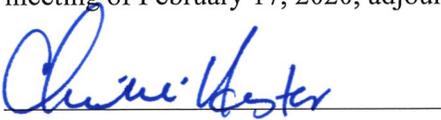
WHEREAS, tree lines along the shoreline are to serve as a buffer to the maximum extent practicable to preserve existing cross river and on lake viewscapes; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request of Justin Armstrong, Alabama Power Company, property owner, for the approval of a Master Plan to subdivide approximately 174.6 acres into a 123 lot conservation subdivision to be known as Osprey Bay is hereby **APPROVED**, subject to:

- Applicant submitting a fully engineered preliminary plat that meets all requirements of the Subdivision Regulations;
- 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;
- Any amendments, additions, deletions, alterations or changes to the approved Master Plan shall require the review and approval of an amendment to the approved Master Plan by the Shelby County Planning Commission; and,
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

The next scheduled meeting of the Planning Commission is Monday, March 2, 2020.

There being no further business, **Commissioner Kinnebrew** made a motion to adjourn, and **Commissioner Gunther** seconded the motion. By a unanimous vote of seven (7-0) in favor, the Planning Commission meeting of February 17, 2020, adjourned at 7:03 pm.



Christie Hester
Planning Services Supervisor



Michael O'Kelley, Chairman
Shelby County Planning Commission