

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting –March 2, 2020 – 6:00 PM

Members Present: Bill Kinnebrew, Vice Chairman; Jim Davis; Joe Little; Jay Gunther; Kenneth Wilder
Members Absent: Michael O’Kelley, Chairman; Samuetta Nesbitt
Staff Present: David Willingham, Chief Development Officer; Christie Hester, Planning Services Supervisor; Sharman Brooks, Senior Planner; Kristine Goddard, Principal Planner; Josh Cameron, Principal Planner; John Slaughter, Chief Civil Engineer

PUBLIC HEARING

Bill Kinnebrew, Vice Chairman, called the meeting to order at 6:00 pm. **Commissioner Kinnebrew** introduced members of the Planning Commission and County staff. Approximately thirty-six (36) audience members were present in addition to the Planning Commission members and County staff.

1. Approval of the Minutes of the February 17, 2020, Planning Commission Meeting

Commissioner Davis made a motion to approve the minutes of the February 17, 2020, meeting and **Commissioner Little** seconded the motion. By a unanimous vote of five (5-0) in favor, the Planning Commission approved the minutes of the February 17, 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. SN19-031 – The Village at Highland Lakes Phase 3, 1st Sector – Preliminary Plat

This is a request from Doug Eddleman, Eddleman Residential, LLC, for approval of a preliminary plat to subdivide 9.49 acres into three lots, common area, and public right of way, to be known as The Village at Highland Lakes Phase 3, 1st Sector.

The subject property is located adjacent to Regent Park on Highland Village Trail in the Highland Lakes Development and is zoned SD, Special District; Parcel Identification Nos. 58-09-2-03-0-001-013.004, 58-09-2-03-0-001-013.010, and 58-09-2-03-0-001-013.011.

Ms. Goddard gave a presentation regarding agenda item 2, based on the written staff report.

Following her presentation, Scott Vaughn, Arrington Engineering and Surveying (the project engineer), representing the applicant, described the work planned for grading roads, infrastructure, and preparing the pool site. He explained the small site in this Phase will allow for road improvements and continued diligence regarding sediment and erosion prevention. He discussed managing site work during significant rain events to stabilize turbidity before storm water leaves the site.

In response to questions by **Commissioner Davis**, Mr. Vaughn explained plans for adjusting work schedules due to forecasted significant weather events, noting building would not commence during the rainy season and crews would not be on site during flash flood alerts. He also discussed the improvement plan and timing related to drainage issues at Fowler’s Lake. He explained that plans were being prepared to raise the road and replace the existing culvert with two new culverts. Doug Eddleman, property owner, asked Mr. Vaughn to address the Fowler’s Lake easements. Mr. Vaughn explained that two adjoining property owners must provide a construction easement for work to occur on the road and culvert.

Commissioner Kinnebrew opened the floor for public comment. Some adjoining property owners had questions or concerns.

Tom Jury, 4325 Lakeshore Cove, president of the Fowler's Lake Home Owners Association, inquired about the timing for the culvert improvements and noted a majority of residents in the HOA are in favor of the project.

Ms. Goddard stated the final plat would not be approved until the culvert improvements are completed. Phil Demyan, 1211 Highland Village Trail, stated he recently purchased his home, he did not receive the notice sent to adjoining property owners, and he was not clear about the proposed project. Ms. Goddard presented a superimposed map on the projection screen and addressed his questions. As noted in the APO letters and signs posted at the project sight prior to the Planning Commission meeting, Ms. Brooks reiterated that staff is available to answer questions and review proposed cases via telephone or in person at the Shelby County Development Services Department.

Wayne Morse, 1215 Highland Village Trail, expressed concern regarding creek and pond overflows, and the promises that existing trees would remain as a buffer.

Jim Prest, 4116 Lakeshore Drive, asked if the Alabama Game Commission was aware of the project, noting his concern for the deer and other wildlife. He also asked about the traffic issues on County Road 41/Highway 280/Hugh Daniel.

In response to the questions/concerns, Mr. Vaughn explained the trees adjacent to the lot and everything east of the creek would remain undisturbed; however, the road will be raised to allow drainage to filter through culverts. Steve Castleman, Spectrum Environmental, stated they are required to apply for a Corps of Engineers permit and that the process will consider threatened and non-endangered wildlife.

John Slaughter noted that analysis of the intersection is in process. Scott Holladay with the County Highway Department is leading the project of signalization and turn lanes regarding Highway 41/Hugh Daniel. He explained the turning lane should help alleviate the congestion. He described construction of the project may take approximately one year. **Commissioner Davis** asked Mr. Slaughter to explain the project. Mr. Slaughter stated it was his understanding the project would include adding turn lanes and installing a signal at the intersection. Mr. Slaughter explained that he is not involved in the project or analysis and did not have any detailed specifications on turn lanes.

With no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner Gunther** made a motion in **Case SN19-031 – The Village at Highland Lakes Phase 3, 1st Sector – Preliminary Plat** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report and installation of the culverts at Fowler's Lake, and **Commissioner Davis** seconded the motion. By a unanimous vote of five (5-0) in favor, the Planning Commission approved the following resolution:

WHEREAS, Doug Eddleman, Eddleman Residential, LLC., property owner, has petitioned the Shelby County Planning Commission for the approval of a preliminary plat to subdivide approximately 9.49 acres into three lots, common area, and public right of way, to be known as The Village at Highland Lakes Phase 3, 1st Sector; and,

WHEREAS, the subject property is zoned SD, Special District; and,

WHEREAS, the subject property is located within The Village at Highland Lakes, and situated in Section 3, Township 19 South, Range 1 West; Parcel Identification Numbers 58-09-2-03-0-001-013.004, 58-09-2-03-0-001-013.010, and 58-09-2-03-0-001-013.011; and,

WHEREAS, the Master Plan for The Village at Highland Lakes was originally reviewed and approved by the Planning Commission in May 2004 to contain 764 residential units; and,

WHEREAS, a Master Plan amendment was approved by the Planning Commission in October 2019 that included 788 residential units, a reduction from previously amended plans; and,

WHEREAS, the previously approved preliminary plat for The Village at Highland Lakes Phase 3, 1st Sector (SN18-005) was nullified by the 2019 amendment to the Master Plan; and,

WHEREAS, setbacks for the Village at Highland Lakes Phase 3, 1st Sector will be consistent with 90 foot lots identified in the master plan: 25-foot front setbacks, 5-foot side setbacks on each side and 15-foot rear setbacks; and,

WHEREAS, said preliminary plat is consistent with the approved master plan for The Village at Highland Lakes, adopted October 2019; and,

WHEREAS, on October 7, 2019, the Shelby County Planning Commission required all drainage structures to be upgraded or placed under the road between Lots 1 and 2 (Lakeshore Drive) and Lot 19 and the adjoining property to the west (Lakeshore Cove) to handle water flow over the roads and into the lake during heavy rain fall as part of the resolution for Case No. SD19-006 (Village at Highland Lakes Amended Master Plan); and,

WHEREAS, the construction of the Fowler’s Lake drainage structures must be completed prior to the approval of any final plat for Phase 3; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Doug Eddleman, Eddleman Residential, LLC., property owner, for the approval of a preliminary plat to subdivide approximately 9.49 acres into three lots, common area, and public right of way, to be known as The Village at Highland Lakes Phase 3, 1st Sector, located within The Village at Highland Lakes Subdivision and situated in Section 3, Township 19 South, Range 1 West; Parcel Identification Numbers 58-09-2-03-0-001-013.004, 58-09-2-03-0-001-013.010, and 58-09-2-03-0-001-013.011) be, and the same is hereby *Approved* subject to:

- Applicant submitting a fully engineered site plan for the pool and cabana that meets all requirements of the Zoning Ordinance of Shelby County; and,
- The construction of the Fowler’s Lake drainage structures must be completed prior to the approval of any final plat for Phase 3 including all drainage structures be upgraded or placed under the road between Lots 1 and 2 (Lakeshore Drive) and Lot 19 and the adjoining property to the west (Lakeshore Cove) to handle water flow over the roads and into the lake during heavy rain fall; and,
- The 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 [§3:01(o)]; and,
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

3. Z20-001 – South Oak – Rezoning H-Z to A-R

This is a request from James C. Parsons, South Oak Trust, property owner, for approval of a rezoning request from H-Z, Holding Zone to A-R, Agricultural-Residential to develop a proposed 70-lot residential subdivision to be known as the South Oak Subdivision.

The subject property is located at 1 South Oak Drive off of Dunnavant Valley Road; Parcel Identification Nos. 58-03-6-23-0-000-001.002 (Part), 58-03-7-26-0-000-006.000, 58-03-7-26-0-000-006.003, 58-03-7-26-0-000-006.004, 58-03-7-26-0-000-006.005, and 58-03-7-26-0-000-006.006.

Ms. Brooks gave a presentation regarding agenda item 3, based on the written staff report.

Following the presentation, Bob Easley, Alabama Engineering (the project engineer), representing the applicant, described the project as being a low density development, three- to five-acre lots, two houses will remain on the property, and there will be two entrances on Highway 41. This will be a low-impact development without curbs

to encourage infiltration; there will be drainage to the lake, and he believes this will fit in with the neighborhood. The plan for the overall residential development is to remain wooded and natural. The master plan would be submitted as soon as possible if the zoning change were approved.

Commissioner Kinnebrew opened the floor for public comment. Some adjoining property owners had questions or concerns.

David Debardeleben, Lot 44 in Brock Point/2280 Brock Circle, would like a common area adjoining the Brock Point lots.

Kenneth Gregory, 2268 Brock Circle, requested information on the style of homes, whether they would be custom or mass built, and the location of proposed hiking trails.

Lisa Crenshaw, 6 Squires Glen Lane, asked for information on the E-1 district zoning for The Shires. Ms. Goddard explained E-1 is single-family estate district with a minimum lot size of one acre. Ms. Brooks added The Shires was zoned E-1 instead of A-R because the subdivision had lots with less than three acres.

Commissioner Kinnebrew further explained that the proposed subdivision would have larger lots than one acre. Mr. Crenshaw asked if the proposed subdivision would be gated. Mr. Easley confirmed the proposed development would be gated. She also asked which post office would serve this development, if the development would have ARC restrictions and if it would be developed using one primary builder.

Don White, 2320 Brock Circle, voiced concern about traffic on Highway 41.

Bill Gunn, 140 Smyer Lake Road, asked about the covenants regarding clearing on lots and whether the lots were sized for livestock.

Robbie Howard, 11 Shepard Gap Road, asked about setbacks and drainage, and the number of lots anticipated if the rezoning were approved.

Bryan Barr, 220 Smyer Lake Road, stated there were no APO notifications sent to Smyer Lake residents. He was concerned about drainage issues and asserted the minimum standards may not be sufficient. He stated the Brock Point development had adversely affected the neighboring lakes.

Mr. Gunn (President of the Smyer Lake HOA) referenced a letter from Mr. Hollingsworth representing the entire HOA regarding drainage related to water runoff from the mountain and overflowing detention areas.

Jim Burnette, 2272 Brock Circle, inquired about the types of animals allowed in the Agricultural-Residential district, the timing of road improvements including a traffic signal at Hughes Daniel, and whether the developer would be cleaning up fallen trees on the subject property. Mr. Slaughter confirmed a traffic signal will be installed but construction/installation has been delayed. Ms. Brooks confirmed animals are allowed in all zoned areas; however, setbacks are required for the housing of animals.

Robbie Howard, 11 Shepard Gap Road, asked if the developer could build 100 lots if rezoned.

In response to the questions and comments, Peter Wolnski with Dominion Partners provided the following: The Architectural Review Committee (ARC) covenants are flexible but will require ARC approval. The covenants will allow horses but will require grazing grass. This will be a gated community with two gates at each entrance. They were not able to comment on the Post Office service area; however, the Post Office may require central kiosks for mail delivery instead of individual boxes at each address. The homes can be custom-built on your lot but the builder would be required to make a deposit to maintain roads and drainage. Hiking trails along the ridge have not yet been defined. There will be an established ideal buildable zone on each lot, similar to a mini-development plan for each lot. There will be a 50-foot undisturbed buffer between each lot and

hopefully no curbs to maintain the intended rural design. He stated that as a resident of the Valley, this development will be first class and complement the existing residences. The first phase of development will be the least impactful with minimal clearing and grubbing.

Commissioner Kinnebrew asked staff to respond to the question of the zoning allowing 100 lots. Ms. Brooks stated that the gross density of the site will allow 100 lots; however, that does not account for the infrastructure needed for roads. Ms. Goddard stated the Master Plan will determine the final lot count.

Commissioner Kinnebrew asked staff to provide information on notification procedures. Ms. Brooks stated that notification is sent to adjoining owners, specifically, if the property directly adjoins the subject site. Development Services also places a bright yellow sign on the subject property, as a courtesy to interested parties. Owner notifications are pulled from the available Property Tax Commissioner records.

From the audience Mr. Wolnski was asked to increase the 50-foot buffer to 100 feet adjoining Brock Point to the southwest. Mr. Wolnski very respectfully declined explaining that the minimum 50-foot buffer provided by the South Oak development was a significant contribution.

Commissioner Kinnebrew called for a motion. **Commissioner Wilder** made a motion in **Case Z20-001 – South Oak – Rezoning H-Z to A-R** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report, and **Commissioner Gunther** seconded the motion. By a unanimous vote of five (5-0) in favor, the Planning Commission approved the following resolution:

WHEREAS, James C. Parsons, South Oak Trust, property owner, has requested approval of a rezoning from H-Z, Holding Zone to A-R, Agricultural-Residential to develop a proposed 70-lot residential subdivision to be known as the South Oak Subdivision; and,

WHEREAS, the subject property is zoned H-Z, Holding Zone District and is located at 1 South Oak Drive off of Dunnavant Valley Road, Parcel Identification Nos. 58-03-6-23-0-000-001.002 (Part), 58-03-7-26-0-000-006.000, 58-03-7-26-0-000-006.003, 58-03-7-26-0-000-006.004, 58-03-7-26-0-000-006.005, and 58-03-7-26-0-000-006.006; and,

WHEREAS, the Commission finds that based upon the evidence and testimony presented the proposed A-R zone district is consistent with the surrounding zoning and the *Shelby County Comprehensive Plan*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of James C. Parsons, South Oak Trust, property owner, for approval of a rezoning from H-Z, Holding Zone to A-R, Agricultural-Residential to develop a proposed 70-lot residential subdivision to be known as the South Oak Subdivision and located at 1 South Oak Drive off of Dunnavant Valley Road; Parcel Identification Nos. 58-03-6-23-0-000-001.002 (Part), 58-03-7-26-0-000-006.000, 58-03-7-26-0-000-006.003, 58-03-7-26-0-000-006.004, 58-03-7-26-0-000-006.005, and 58-03-7-26-0-000-006.006, and the same is hereby **APPROVED**.

ACTION ITEM

1. Election of Vice Chairman

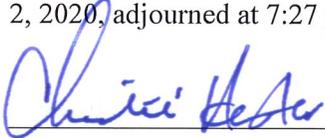
In accordance with the *Bylaws of the Planning Commission of Shelby County, Alabama*, Section 3.b, the Planning commission shall elect a Vice Chairman and the former Vice Chairman shall become the Chairman of the Planning Commission at the next meeting.

Commissioner Kinnebrew opened the floor for nominations to elect a new Vice Chairman. **Commissioner Wilder** nominated **Commissioner Gunther** to serve as Vice Chairman of the Shelby County Planning Commission for the 2020-2021 term and **Commissioner Gunther** accepted the nomination. **Commissioner Davis** seconded the nomination.

There being no further nominations, **Commissioner Kinnebrew** called for a vote. **Commissioners Davis, Kinnebrew, Little, and Wilder** voted in favor of **Commissioner Gunther** to serve as Vice Chairman. By a vote of 4-0, the Planning Commission elected **Commissioner Jay Gunther** to serve as the Vice-Chairman of the Shelby County Planning Commission for the 2020-2021 term of office.

The next scheduled meeting of the Planning Commission is Monday, March 16, 2020.

There being no further business, **Commissioner Davis** made a motion to adjourn, and **Commissioner Wilder** seconded the motion. By a unanimous vote of five (5-0) in favor, the Planning Commission meeting of March 2, 2020, adjourned at 7:27 pm.



Christie Hester
Planning Services Supervisor



Bill Kinnebrew, Vice Chairman
Shelby County Planning Commission