

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

March 7, 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; Kenneth Wilder; Brett Winford

Members Absent: Bill Norton

Staff Present: David Willingham, Chief Development Officer; Christie Hester, Manager of Planning & Community Development; Sharman Brooks, Supervisor, Planning & MS4; Josh Osborne, Supervisor, Planning & MS4; Kristine Goddard, Senior Planner; John Slaughter, Chief Civil Engineer; Brenda Hungerford, Administrative Assistant

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 Commissioners and staff and reviewed the meeting procedures. Josh Osborne announced the promotion of Kristine Goddard to Senior Planner, recognizing her 17 years of service to Shelby County. There were 10 audience members present.

1. Approval of the Minutes of the February 21, 2022, Planning Commission Regular Meeting

Commissioner O’Kelley made a motion to approve the meeting minutes of February 21, 2022; **Commissioner Wilder** seconded the motion. **Commissioner Davis** called for a vote and the Planning Commission unanimously approved the meeting minutes of February 21, 2022, with a vote of six to zero (6-0).

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

2. Z22-002 – Salser Rezoning from A-R to A-1

This is a request from Brandon Salser, property owner, for approval of a change in the zone district boundaries from A-R, Agricultural Residential District to A-1, Agricultural District for approximately 8 acres to allow for the subdivision of the property into two lots including a one-acre lot for the installation of a manufactured home. The subject property is located at 90 McClinton Drive, south of the intersection of Blue Springs Road and Highway 83; Parcel Identification No. 58-07-4-17-0-000-011.005.

Sharman Brooks gave a presentation on agenda item #2 based on the written staff report provided in the meeting information packet and distributed an emailed public comment from an adjoining property owner who supported this request. [**Note:** The written comment will be attached to the approved minutes.]

There being no questions, **Commissioner Davis** invited the applicant to speak. Mrs. Salser stated she had nothing to add to the presentation.

Commissioner Davis opened the floor for public comment. No one spoke 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 Z22-002 – Salser Rezoning from A-R to A-1** that the evidence presented in the written staff report and presentation warrants Approval; **Commissioner Winford** seconded the motion. On a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Brandon Salser, property owner, has petitioned the Shelby County Planning Commission for approval of a change in the zone district boundaries from A-R, Agricultural Residential District to A-1, Agricultural District for approximately 8 acres to allow for the subdivision of the property into two lots including a one-acre lot for the installation of a manufactured home; and,

WHEREAS, the subject property is zoned A-R and is located at 90 McClinton Drive; Parcel Identification Number 58-07-4-17-0-000-011.005; and,

WHEREAS, the primary purpose of zoning land is to provide for the public health, safety and welfare in the development of land by ensuring property is developed in an appropriate manner within the context of its immediate surroundings and the larger community of which it is a part; and,

WHEREAS, both the A-R and A-1 districts are primarily single-family residential districts except the A-1 district allows mobile homes as a single-family dwelling; and,

WHEREAS, A-1 is the only zone district that allows mobile homes; and,

WHEREAS, the property owner indicated that previously a mobile home had been installed at this same location but was removed several years ago; and,

WHEREAS, the applicant has stated the existing residence will continue to be utilized as a single-family home; and,

WHEREAS, the stated purpose for this request is to deed approximately one acre to his daughter and her future husband so they can install a new 2022 mobile home; and,

WHEREAS, the Planning Commission finds that, based upon the evidence and testimony presented, the proposed A-1 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 Brandon Salser, property owner, for approval of a change in the zone district boundaries from A-R, Agricultural Residential District to A-1, Agricultural District for approximately 8 acres to allow for the subdivision of the property into two lots including a one-acre lot for the installation of a manufactured home; located at 90 McClinton Drive, south of the intersection of Blue Springs Road and Highway 83; Parcel Identification No. 58-07-4-17-0-000-011.005, and the same is hereby **APPROVED**.

3. SD22-002 – Dial Special District Rezoning from A-1 to A-1 SD

This is a request from Rhonda Dial, property owner, for approval of a change in the zone district boundaries from A-1, Agricultural District to A-1 SD, Agricultural Special District for approximately 12.67 acres to allow for onsite appointment-based consultations and educational classes supporting the working farm that includes a residence and agricultural-based retail sales of herbal supplements and local grown foods. The subject property is located at 1151 Highway 40, west of the intersection of Jackson Farm Road and Highway 61; Parcel Identification No. 58-16-5-22-0-000-004.003.

Kristine Goddard gave a presentation on agenda item #3 based on the written staff report provided in the meeting information packet.

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

Rhonda Dial stated she resides at 1151 Highway 40 and she wished there was a different way to identify her business other than retail. Ms. Dial explained that she does consultation by appointment and offers membership to the company for which she distributes products; she does not grow herbs on her property to sell. As a member of

that company, a client purchases items directly from the company and might come back to her for consultation every few months. Responding to the staff presentation related to THC, Ms. Dial explained that she does not sell anything with THC and she works with labor workers who could not pass a drug test if that were in the products.

In response to questions by **Commissioners O’Kelley and Davis**, Ms. Dial stated she would have no problem with approval based on the condition of sales to prohibit THC, adding that she has no plans to sell or grow medical marijuana.

Responding to a question by **Commissioner Little** regarding her title of Master Herbalist, Rhonda Dial explained that she had been involved with natural health for 39 years and, after learning firsthand the benefits of natural health, she wanted to share the good news with others. Ms. Dial emphasized that she is a certified—not licensed—herbalist and does not possess a college degree, but she has taken many educational courses/seminars related to herbalism. Ms. Dial further explained that she works with 600 different products and can consult on what might be helpful in place of a pharmaceutical; her goal is to help people know there are choices for a variety of health concerns.

Commissioner Wilder stated he lives about 400 yards from Rhonda Dial and he talked with her about his concern of a retail business onsite. He reported that she explained her consultation services and then described the ‘showroom’ as being small with a few shelves. He understood there would be no more than 2-3 customers at any one time, so he was satisfied customer traffic would be minimal.

Ms. Dial added that, on occasion, she offers classes for which she rents off-site meeting space such as the Marriott on Highway 280. She understood there was some concern regarding Jackson Road next to her property and noted that road goes to her daughter’s house.

Kristine Goddard explained that the Planning Commission could consider tying the A-1 SD, Agricultural Special District rezoning to Rhonda Dial, as the property owner, with the condition to revert the zoning back to A-1, Agricultural District upon sale or transfer of ownership.

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

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Wilder** made a motion in **Case SD22-002 – Dial Special District Rezoning from A-1 to A-1 SD** that the evidence presented in the written staff report and presentation warrants Approval with the following specific conditions to:

- Prohibit growing, processing, or selling products that contain THC; and
- Limit consultations in a single time block to no more than three clients; and
- Revert the zoning back to A-1, Agricultural District upon the transfer of property ownership from Rhonda Dial.

Commissioner O’Kelley seconded the motion. On a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Rhonda Dial, property owner, has petitioned the Shelby County Planning Commission for approval of a change in the zone district boundaries from A-1, Agricultural District to A-1 SD, Agricultural Special District for approximately 12.67 acres to allow for onsite appointment-based consultations and educational classes supporting the working farm that includes a residence and agricultural-based retail sales of herbal supplements and locally grown foods; and,

WHEREAS, the subject property is zoned A-1 and located at 1151 Highway 40, and further identified by Parcel Identification No. 58-16-5-22-0-000-004.003; and,

WHEREAS, in September 2021 a zoning violation related to commercial activity in an A-1 district was determined; and,

WHEREAS, a rezoning of the property to Special District would allow specific agriculture-related commercial retail and services to occur on site while continuing to operate as a residential farm; and,

WHEREAS, the applicant offers appointment-based consultations and sales of herbal supplements (such as vitamins, minerals, essential oils, flower essence, herbs); and,

WHEREAS, supplements offered by the applicant include products with CBD (Cannabidiol) but not containing THC (Tetrahydrocannabinol); and,

WHEREAS, products containing THC, cannabis of any grade, including the growing, processing or sale of medical marijuana is strictly prohibited at this location; and,

WHEREAS, locally grown foods including honey and blue corn grits will also be available for purchase; and,

WHEREAS, the applicant may offer occasional farm days for special interest groups or a family group by appointment; and,

WHEREAS, no more than three clients may be scheduled for consultation in a single time block; and,

WHEREAS, the establishment of this Special District is specific to the applicant, and sale of the property to another person will void the Special District and the zoning of the property will revert back to A-1; and,

WHEREAS, additional buildings or changes to the property, as presented, will require the submittal of a fully engineered site plan for review and approval; and,

NOW, THEREFORE, BE IT RESOLVED that the Shelby County Planning Commission be and hereby **Approves** the application from Rhonda Dial, property owner, for a change in the zone district boundaries from A-1, Agricultural District to A-1 SD, Agricultural Special District for the property located at 1151 Highway 40, west of the intersection of Jackson Farm Road and Highway 61; Parcel Identification No. 58-16-5-22-0-000-004.003, approximately 12.67 acres to allow:

- onsite appointment-based consultations and educational classes supporting the working farm that includes a residence; and,
- agricultural-based retail sales of herbal supplements and locally grown foods, and excluding THC products in natural or processed form; and,
- allowing no more than three clients at a time; and,
- the sale of the property will void the Special District and the zoning will revert back to the A-1, Agricultural District, subject to:
 - Applicant submitting a site plan that meets the standards of the *Shelby County Zoning Regulations* for administrative review and approval prior to construction activity; and
 - Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

4. SN21-033 – The Village at Highland Lakes Phase 4, 8th Sector

This is a request from Scott Vaughn, on behalf of Doug Eddleman, Eddleman Residential, LLC, property owner, for approval of a preliminary plat to subdivide 16.37 acres into 10 residential lots and a common area to be known as The Village at Highland Lakes Phase 4, 8th Sector. The subject property is zoned SD, Special District and located approximately 185 feet north of the intersection of Glendale Drive and Stone Ridge Road in the Village at Highland Lakes; Parcel Identification Nos. 58-09-2-04-0-002-001.000, 58-09-2-04-0-002-001.007 and 58-09-2-04-0-002-001.008.

Kristine Goddard gave a presentation on agenda item #4 based on the written staff report provided in the meeting information packet. She distributed one emailed comment form a neighbor who would prefer reducing the size of certain lots and moving the drainage easement into the common area. [Note: The written comment will be attached to the approved minutes.]

In reference to the written comment, **Commissioner O’Kelley** surmised the property owner was not concerned about the easement if it was moved to the common area and he asked if the current lot layout is consistent with the approved Master Plan. Ms. Goddard responded affirmatively.

There being no additional questions, **Commissioner Davis** invited the applicant to speak. Scott Vaughn stated he represents Doug Eddleman as the project engineer and was available for questions but had nothing to add to the presentation.

Commissioner Davis opened the floor for public comment. While no one spoke in support or opposition, several individuals had questions.

William Clemons stated he resides at 2026 Stone Ridge Road, backing up to a common area with a big dirt mound. He wondered about the plan for this common area, noting a concern for drainage and the time frame for construction. Mr. Clemons stated he was unsure what can or cannot be done on his own property within the slope and drainage easement and questioned if the dirt mound will remain in the adjacent common area.

Terry Stiles Harrison, stated she lives at 4106 Lakeshore Drive, Fowler Lake Estates. She expressed concern regarding ongoing development issues from The Village at Highland Lakes Phase 3 related to drainage and runoff into Fowler Lake, mentioning tree removal, culverts, and chemical runoff from lawns. Now with Phase 4 moving forward, she would like assurance that previous concerns with Phase 3 are resolved prior to this additional development.

Responding to questions by **Commissioner O’Kelley and Davis**, Scott Vaughn discussed their work related to road construction and shaping/grading the land with the dirt mound remaining as part of the development’s soil stockpile. He explained the slope and drainage easements are to prevent a builder from building in sensitive slope areas; as for the dirt mounds being discussed, the developer has no control over what is done to a lot during the housing construction and, from an engineering standpoint, the mounds do not need to be there.

John Slaughter stated that if a future property owner wanted to change or remove the dirt mounds, they can do so provided it abides by the Subdivision covenants. Hypothetically, he explained a neighbor could only change the dirt mound on their own lot; they cannot do anything that impacts the adjacent property.

Mr. Vaughn recalled previous concerns of the Fowler Lake residents regarding drainage into the lake, and he discussed the topography, drainage in the area, and common construction practices. Responding to a question by Ms. Stiles Harris regarding Lake Shore Drive, Mr. Vaughn stated they currently discharge into an existing detention pond and he was not aware of plans to dredge Fowler Lake.

Tyler Davis, employed by Eddleman Residential, discussed the status of Lakeshore Cove culvert improvements related to Phase 3, Sector 1. He stated the Corps of Engineers permit was not received until fall of 2021. He described work to date related to tree removal and utilities and discussed the plan for further work in the May time frame once the rainy season subsides. Mr. Davis stated it was his understanding there would be some dredge work once the dirt and utility work is completed.

Tom Jury stated he lives at 4325 Lakeshore Cove and is the immediate past president of the Homeowner’s Association. Mr. Jury stated they have waited nearly 8 years for this work to be done, and they are very concerned with plans for Phase 4 before Phase 3 problems are addressed. He recognized that Eddleman Residential has done a lot for them but the utilities were already in place when promises were made to residents, so drainage should have already been addressed. He discussed the weir at the upper lake being blocked and in need of maintenance. Mr. Jury said the residents want firm answers rather than blaming the rainy season; they are running out of patience.

Commissioner Davis explained that the concerns being expressed are matters between the HOA and the developer; the Planning Commission handles matters related to zoning, and the zoning matters have been addressed. He encouraged the residents to continue their due diligence with the developer in order to keep them accountable.

Mr. Jury stated they just want the Phase 3 culvert situation fixed before Phase 4 construction begins and, if maintenance is required, they absolutely need to do the work.

In response to questions by Mr. Jury and Mr. Clemons, Tyler Davis explained they have done the retaining walls but the County will not let them pull a pool permit until the final plat for Phase 3 is completed—and that will not happen until the road is finished. He assured the residents they completely understand their frustration and also desire this work to be done as soon as possible; again stressing the contractor is lined up to do the culvert work in May.

Brandon Scordino, stated he resides at 4343 Lakeshore Cove and is the current President of the HOA. He knew the narrowest width of the common area was 40 feet and wondered about other common areas. Kristine Goddard stated the average width is 50 feet.

Responding to a question by **Commissioner O’Kelley** regarding the emailed comment concerning the easement, Tyler Davis stated nothing can be built in the easement but he is not the right person to discuss whether the easement can be moved from a lot to the common area.

In response to a question by **Commissioner Little** regarding ownership of the common area when construction is completed, Tyler Davis stated it will be owned by the residents.

Commissioner Davis suggested the Planning Commission add a condition to the approval of this request that any maintenance requirements mentioned in regard to the weir be completed prior to approval of the Final Plat for Phase 4. In response to a question by John Slaughter, **Commissioner Davis** confirmed he is asking the maintenance on both the drainage pipe and the control valve be performed.

With no further discussion or any public comments, **Commissioner Davis** called for a motion. **Commissioner Winford** made a motion in **Case SN21-033 – The Village at Highland Lakes Phase 4, 8th Sector** that the evidence presented in the written staff report and presentation warrants Approval with the condition that any necessary repairs and maintenance work on the weir and valve be completed prior to approval of the Final Plat for Phase 4; **Commissioner Wilder** seconded the motion. The Planning Commission approved the following resolution on a vote of five to zero and one abstention by Commissioner Little who stated he resides in an Eddleman Subdivision (5-0-1):

WHEREAS, Scott Vaughn, Arrington Engineering, on behalf of Doug Eddleman, Eddleman Residential, LLC, property owner, has petitioned the Shelby County Planning Commission for approval of a preliminary plat to subdivide 16.37 acres into 10 residential lots and a common area to be known as The Village at Highland Lakes Phase 4, 8th Sector; and,

WHEREAS, the subject property is zoned SD, Special District and located approximately 185 feet north of the intersection of Glendale Drive and Stone Ridge Road in the Village at Highland Lakes; and

WHEREAS, the subject property is further identified as Parcel Identification Nos. 58-09-2-04-0-002-001.000, 58-09-2-04-0-002-001.007 and 58-09-2-04-0-002-001.008; and,

WHEREAS, a Master Plan amendment for The Village at Highland Lakes was approved by the Planning Commission in June 2020 that included 788 residential units; and,

WHEREAS, setbacks for The Village at Highland Lakes Phase 4, 8th Sector are consistent with 90-foot lots identified in the Master Plan: 25-foot front setbacks, five-foot side setbacks on each side and 15-foot rear setbacks; and,

WHEREAS, the applicant is required to submit construction drawings to Shelby County Water Services for review and approval prior to any utility work; and,

WHEREAS, the weir and valve located above Fowler’s Lake Estates serving as detention for The Village at Highland Lakes and Fowlers Lake Estates should have a routine maintenance inspection performed; and,

WHEREAS, any deficiencies in performance of the weir must be addressed prior to the final plat approval of Phase 4, 8th Sector; and,

WHEREAS, said preliminary plat is consistent with the approved Master Plan for The Village at Highland Lakes, adopted June 2020; and,

WHEREAS, said preliminary plat meets 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 Scott Vaughn, on behalf of Doug Eddleman, Eddleman Residential, LLC, property owner, has petitioned the Shelby County Planning Commission for approval of a preliminary plat to subdivide 16.37 acres into 10 residential lots and a common area to be known as The Village at Highland Lakes Phase 4, 8th Sector, located approximately 185 feet north of the intersection of Glendale Drive and Stone Ridge Road in The Village at Highland Lakes; Parcel Identification Nos. 58-09-2-04-0-002-001.000, 58-09-2-04-0-002-001.007 and 58-09-2-04-0-002-001.008 be, and the same is hereby *Approved* subject to:

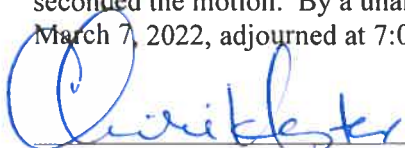
- Applicant submitting construction drawings to Shelby County Water Services for review; and
- Applicant addressing any deficiencies in performance of the weir; and,
- Applicant submitting an application for final plat approval within two (2) years of approval of the preliminary plat; and,
- Failure to apply may necessitate reapplication for preliminary plat approval; and
- Compliance with the regulations, policies and guidelines of Shelby County.

John Slaughter, Chief Civil Engineer, recommended caution to the Planning Commission for future decisions that bring the County into agreements that are between a developer and the residents, such as the scenario in The Village of Highland Lakes between Eddleman Residential and Fowler Lake residents. He recalled a previous public outcry when the Planning Commission voted for a pipe under the road to be updated—thus, requiring Highway staff to inspect a pipe they did not require.

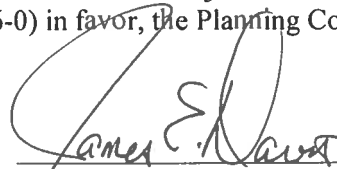
DISCUSSION ITEMS

Sharman Brooks confirmed the next scheduled meeting of the Planning Commission is Monday, March 21, 2022 and distributed the meeting agenda that was posted last week.

There being no further business, **Commissioner Wilder** made a motion to adjourn and **Commissioner Little** seconded the motion. By a unanimous vote of six to zero (6-0) in favor, the Planning Commission meeting of March 7, 2022, adjourned at 7:05 pm.



Christie Hester, Manager
Planning & Community Development



James Davis, Chairman
Shelby County Planning Commission