

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting – July 20, 2020 – 6:00 PM
Pelham Civic Center Banquet Hall
500 Amphitheater Road, Pelham, AL 35124

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

Members Absent: Joseph Little

Staff Present: Chad Scroggins, County Manager; 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; Brenda Hungerford, Administrative Assistant

PUBLIC HEARING

[**Note:** The quality of sound during this meeting was muffled at times because of the room set up to enable social distancing for public participation.]

Bill Kinnebrew, Chairman, called the meeting to order at 6:00 pm and noted this meeting was being live-streamed (<https://Live.Shelbyal.com>). **Commissioner Kinnebrew** introduced the Commissioners and County staff. He called the roll and then reviewed the meeting procedures related to COVID-19 restrictions. He also described possible scenarios related to actions taken and the appeal process. In addition to the Planning Commissioners and County staff, approximately twenty-seven (27) audience members were present over the course of the meeting and presentation/discussion of the agenda items.

1. Approval of the Minutes of the June 1, 2020, Planning Commission Regular Meeting

Commissioner Davis made a motion to approve the minutes of the June 1, 2020, meeting and **Commissioner Gunther** seconded the motion. By a roll call vote, with Commissioners Davis, Gunther, Kinnebrew, Nesbitt, and Wilder voting in favor and Commissioner O’Kelley abstaining, the Planning Commission approved the minutes of the June 1, 2020, meeting with a vote of five to zero with one abstention (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. Approval of the Minutes of the June 4, 2020, Planning Commission Special Meeting

Commissioner Davis made a motion to approve the minutes of the June 4, 2020, special meeting and **Commissioner Gunther** seconded the motion. By a roll call vote, with Commissioners Davis, Gunther, Kinnebrew, and Wilder voting in favor and Commissioners Nesbitt and O’Kelley abstaining, the Planning Commission approved the minutes of the June 4, 2020, special meeting with a vote of four to zero with two abstentions (4-0-2).

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

Commissioner Kinnebrew reordered the meeting agenda to consider agenda item #9 when Ms. Brooks stated the applicant was not present and had requested the case be tabled.

9. Z20-002 – Arlington Hwy 280 Rezoning from B-2 to R-5

This is a request from David G. Ellis, Arlington Properties, Inc., on behalf of Wal-Mart Realty, property owner, for the approval of a change in the zone district boundaries from B-2, General Business District to R-5, Multiple Dwelling District for approximately 13.62 acres for development of a 198-unit apartment complex. The property is located at 5352 Highway 280 in the North Shelby – I-65 Zoning Beat; Parcel Nos. 58-03-9-31-0-002-008.002 and 58-03-9-31-0-002-010.000 (part).

Kristine Goddard stated the applicant had submitted a request to table this request due to access issues at the site.

With no one present to speak in support or opposition and no discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner O’Kelley** made a motion to table Case **Z20-002 – Arlington Hwy 280 Rezoning from B-2 to R-5** and **Commissioner Davis** seconded the motion. Upon a roll call vote, by a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, David G. Ellis, Arlington Properties, Inc., on behalf of Wal-Mart Realty, the property owner, has requested approval of a change in zone district boundaries from B-2, General Business District to R-5, Multiple Dwelling District for approximately 13.62 acres for development of a 198-unit apartment complex; and,

WHEREAS, the subject property is located at 5352 Highway 280 in the North Shelby – I-65 Zoning Beat; Parcel Nos. 58-03-9-31-0-002-008.002 and 58-03-9-31-0-002-010.000 (part); and,

WHEREAS, the applicant has provided a letter to the Planning Commission stating that site access issues have arisen and they are working toward correcting the situation; and,

WHEREAS, the applicant has requested to *Table* consideration of the change in zone district while the property access is addressed; and,

WHEREAS, the Planning Commission has accepted the request of the applicant to *Table* consideration of the zone district change; and,

WHEREAS, the applicant must request to be removed from the Table and the Planning Commission must agree by a majority decision; and,

WHEREAS, the applicant must request to be placed on a Planning Commission agenda for consideration of the zone change request to be reviewed by the Planning Commission during a regularly scheduled public hearing; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of David G. Ellis, Arlington Properties, Inc., on behalf of Wal-Mart Realty, the property owner, for approval of a change in the zone district boundaries from B-2, General Business District to R-5, Multiple Dwelling District for approximately 13.62 acres for development of a 198-unit apartment complex and located at 5352 Highway 280 in the North Shelby – I-65 Zoning Beat; Parcel Nos. 58-03-9-31-0-002-008.002 and 58-03-9-31-0-002-010.000 (part), be and the same is hereby **TABLED**.

CONTINUED CASES

As **Commissioner Kinnebrew** requested, Sharman Brooks explained that when cases are continued to a certain date and time as occurred with cases on the agenda for June 1 and June 4, a second adjoining property owner notice is not mailed; rather the agenda and staff report posted on the website is considered to be the official notice, plus a courtesy sign is posted at the site location. She explained cases can be continued from the regularly scheduled meeting to another meeting with a date/place/time certain when additional information is needed, clarification is requested by the Planning Commission, or more time is needed prior to a vote. She noted two cases were continued from June 1 due to the request for additional information and three cases were continued from June 4 when the Planning Commission did not have a quorum present to conduct business.

Cases Continued from June 1, 2020, Regular Meeting**3. V20-002 – Mason Front Yard Variance - Shoal Creek Lot 137-A**

This is a request from Robert and Gail Mason, property owners, for approval of a front yard variance of 47 feet to reduce the required front yard setback from 100 feet to 53 feet for the construction of a single family home. The subject property is zoned, E1-SD, Single Family Estate-Special District and located at 4 Bellerive Knoll in the Shoal Creek Subdivision; Parcel Identification No. 58-03-7-26-0-000-023.000.

Josh Cameron gave a brief recap of the June 1st presentation and discussed additional information provided in the July 20, 2020 staff report that included an updated request from Mr. and Mrs. Mason for (1) a front yard variance of 41 feet (with a required setback reduced from 100 feet to 59 feet) and (2) a golf course setback variance of 5 feet (with a required setback reduced from 75 feet to 70 feet). He referenced letters from Jimmy Nolan, President of the Shoal Creek Association Board of Directors, stating both the Architectural Review Committee and the Board of Directors approved the updated request, as well as two letters of support from property owners received after the June 1 meeting.

Caroline Little, 3745 Mountain Park Drive, Jefferson County, stated she was here on behalf of the Masons and she is President and Co-Owner of Thompson Realty (Shoal Creek Properties); she did not attend the June 1st meeting but watched the video, and she understood the Planning Commission continued this case to give an opportunity for compromise on the requested variance. She did not believe previous discussions and written comments detailed the topographical issues on the back of the lot. After the June 1st hearing, the Masons contacted the Shoal Creek Golf Club to see if they would consider a variance to the required 75-foot setback; the Club agreed and, subsequently, the variance was approved by both the Architectural Review Committee and the Shoal Creek Association Board. She opined that while a few neighbors might not be happy, it is important to recognize they all worked together within Shoal Creek to determine a buildable footprint and, on behalf of the Masons, she asked the Planning Committee to approve this variance. [Note: Ms. Little and George Thompson, co-owners of Thompson Realty, submitted a written letter of support on July 1, 2020, that was included in the meeting packet.]

With no one present to speak in support or opposition and no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner Davis** made a motion in **Case V20-002 – Mason Front Yard Variance - Shoal Creek Lot 137-A** that the evidence presented in the written staff report and presentation warrants Approval of the amended request with conditions of the written staff report, and **Commissioner O’Kelley** seconded the motion. Upon a roll call vote, by a unanimous vote of six to zero (6-0) in favor, the Planning Commission approved the following resolution:

WHEREAS, Robert and Gail Mason, property owners, have petitioned the Shelby County Planning Commission for approval of a front yard setback variance of 47 feet to reduce the required setback from 100 feet to 53 feet along Bellerive Knoll for the construction of a single family home; and,

WHEREAS, the subject property is zoned E-1 SD and is located at 4 Bellerive Knoll in the Shoal Creek Subdivision. Parcel Identification No. 58-03-7-26-0-000-023.000 and identified as Lot 137-A of the Shoal Creek Subdivision, situated in Section 35, Township 18 South, Range 1 West; and,

WHEREAS, Shoal Creek is a master planned community and thus setbacks were established in the 2015 Master Plan approved by the Planning Commission on July 20th, 2015; and,

WHEREAS, the Shoal Creek Master Plan requires a 100 foot setback from all lot lines adjacent to a public road and 75 foot setbacks from all lot lines adjacent to the Shoal Creek Golf Course; and,

WHEREAS, the public comment received at the June 1, 2020 Planning Commission meeting indicated that nearby residents were aggrieved by the decision of the Shoal Creek Architectural Committee’s approval of the variance request; and,

WHEREAS, the Planning Commission *Continued* the case to the regularly scheduled meeting on July 20, 2020 in order for the applicants, nearby property owners, and Shoal Creek Architectural Committee to reach an agreement on the variance relief needed for the construction of a single family home comparable in size and character to other homes located in the Shoal Creek Subdivision; and,

WHEREAS, the applicant has demonstrated efforts to reach a compromise with the surrounding community and the Shoal Creek Architectural Committee regarding the variance relief needed; and,

WHEREAS, The Shoal Creek Association Board of Directors and the Shoal Creek Architectural Committee have presented written approval of the request for setback variance; and,

WHEREAS, the applicant has provided a revised request that includes a variance of 41 feet to reduce the required setback from 100 feet to 59 feet and a variance of 5 feet to reduce the required golf course setback from 75 feet to 70 feet; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Robert and Gail Mason, property owners, for the approval of a front yard setback variance of 41 feet to reduce the required setback from 100 feet to 59 feet and a variance of 5 feet to reduce the required golf course setback from 75 feet to 70 feet for the construction of a single family home in the E-1 SD, Single-Family Estate Special District; a variance of Section 3, Article X.A, pursuant to Section 3, Article XXIII for property located at 4 Bellerive Knoll, Lot 137-A of the Shoal Creek Subdivision, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Section 35, Township 18 South, Range 1 West; Parcel Identification No. 58-03-7-26-0-000-023.000 be, and the same is hereby **APPROVED**.

4. SD20-002 - Mt Laurel Master Plan Amendment

This is a request from Nick Dawson, EBSCO Development Company, for approval to amend the Master Plan of Mt Laurel to identify the road and lot configurations for approximately 174 single-family lots northeast of Mt Laurel Elementary School to be known as Hillsong at Mt Laurel. The subject property is zoned SD, Special District and located south of the intersection of Olmsted Street and Hawthorne Street in the Mt Laurel development. Parcel Identification Nos. 58-09-2-03-4-001-010.000; 58-09-2-03-4-001-011.000; 58-09-2-03-1-005-064.000; 58-09-1-02-0-000-001.001; 58-09-1-02-0-000-001.002 and 58-09-1-02-2-001-001.001.

Ms. Brooks again reminded the audience of the notifications for continued cases. She then provided a recap of the request and June 1st presentation and explained the Planning Commission continued this case to allow the applicant to address community concerns regarding the untimely physical removal of the tennis courts without approval of an amended master plan by the Planning Commission in a public hearing. Ms. Brooks explained, that in response to the Planning Commission's request, the applicant has provided (1) an amended master plan that reflects a tennis/multisport court to be built in the same location as the tennis courts shown on the approved Mt Laurel Master Plan; and (2) a cover letter with the assurance that the applicant will continue to work with the Mt Laurel Homeowner Advisory Committee (HOAC) and other interested Mt Laurel property owners to finalize the design and layout of the tennis/multisport courts. She noted a correction to the June 1st staff report is that sanitary sewer service is now provided by Shelby Ridge. Ms. Brooks summarized the information on the request before the Planning Commission, which now includes two components:

- Designated lot layout for a new sector with approximately 174 single-family residential lots and a community area to be developed by Harris Doyle Homes, to be known as Hillsong at Mt Laurel.
- Reconfigured road and lot layout eliminating a connecting road from near Spoonwood Lake to Hawthorn Street at the edge of the Town Center, and adding an emergency access easement connection between Hillsong at Mt Laurel and Spoonwood Lake at such time that is required.

Following the staff presentation, **Commissioner Kinnebrew** asked the applicant to hit the highlights from the June 1st discussion. Nick Dawson, EBSCO, stated that in response to the resolution from the June 1st meeting, EBSCO committed to working with the residents related to the tennis courts, and he was happy to report they have met and held discussions with the Mt Laurel HOAC and other members of the community. He stated EBSCO has committed to rebuild the courts and has engaged both the HOAC and interested community residents to get their input on exactly what type of courts would be built; the HOAC sent out a survey and while the results are not yet completely reviewed, there was a good response.

In response to **Commissioner Kinnebrew's** questions regarding what other concerns were discussed at the June 1st meeting, Ms. Brooks stated there was discussion regarding the buffer between Mt Laurel and the proposed Hillsong development and a future emergency access easement, noting the developer can speak to it not being constructed until warranted. She reiterated the tennis courts were the main concern regarding the Planning Commission's continuance. Mr. Dawson agreed, and stated there is approximately 350 feet of buffer between existing homes on Mt Laurel Avenue and the proposed lots in Hillsong, of which about 250 feet is undisturbed. He explained the emergency access easement identified on the Amended Master Plan would allow the easement once there is a need based on proposed development of future Mt Laurel lots; this connection was designed in response to the feedback from Mt Laurel residents to limit access to Spoonwood Lake by Hillsong residents.

Commissioner Kinnebrew opened the floor for public comment.

- Terry Stiles Harrison, 4106 Lakeshore Drive, Fowler's Lake Estates, stated she had questions for the Commission regarding development on Highway 41, specifically due to this development, Eddleman is presenting a new development tonight, and then there is another new development planned in Shoal Creek. She believed there is a long-term plan concerning the new growth and development, and wondered how that plan addresses the impact of development, particularly, regarding schools and roads. She asked if the long-term impact on schools and roads is being considered before the Planning Commission rubberstamps these developments, saying she wondered if it is all being incorporated into the new community development plans.

Commissioner Kinnebrew asked John Slaughter, the County's Chief Engineer, to address the questions on roads. Mr. Slaughter stated related to Dunnivant Valley—Mt Laurel, The Village at Highland Lakes communities, and tonight's Town Center request, all access management has been considered for this Dunnivant Valley corridor, including all the turn lanes and even the tunnel project. He noted Highway 41 is a minor arterial and has been protected as such which is why you see all the turn lanes. He asked, does it 100 percent control all the access—no—it is a highly developed area. He cited the current improvement project underway at the intersection of Highway 41 and Hugh Daniel Drive deemed as warranted because of the demand. Mr. Slaughter explained it is his understanding there was a delay in this project because they needed to wait on signal poles and other materials, and some redesigning was required. He noted some of these things have been ongoing since the original Mt Laurel community and will continue as such.

Commissioner Kinnebrew asked Ms. Brooks to address the schools. Ms. Brooks stated we do not have school representation or comments from the School Board; however, in the recent past, the School Board has indicated "if you build it, we will accommodate it." She noted that may not be the best way to address things but that is the way schools have been addressed in the past.

- Coulter Boyle, 60 Burnham Street, stated he filed the comments he will present in writing in advance of the meeting. [Note: His written comments were included in the Planning Commission meeting information packet.] Mr. Boyle indicated he has a few concerns about Mt Laurel. He stated Mt Laurel is a wonderful community with both private residences and the public town center. Mt Laurel residents want to keep a number of very nice amenities private, with the keystone amenity being Spoonwood Lake. He explained that it is hard for him to understand how a developer like EBSCO can develop nearly 180 homes basically within a stone's throw from the lake and propose no barrier, and it is unclear to him why the burden to maintain the privacy of the lake is on the Mt Laurel community. He indicated that people already come to the private lake, walking right past the entrance, and without a barrier it will be that to the second power. He does not understand why a barrier between Hillsong and the lake is not required since it would be simple and inexpensive. He feels the residents deserve the help a barrier would provide.

Mr. Boyle further stated he does not understand the request to modify the roadway around Spoonwood Lake since it has nothing to do with the proposed Hillsong development. To him, that modification has been said to be needed for an emergency connector. He explained that it has not been discussed with the community and it does not need to be done now. He stated when it is developed ten years from now there will be any number of amendments required, so let this request come at that time. There is no harm in waiting to be properly discussed. He reiterated that it feels this is the beginning of our loss of privacy. He explained that calling this development Hillsong at Mt Laurel is an invitation to say, okay, look at the Mt Laurel amenities. It seems enough to him to say Hillsong is located by Mt Laurel but not have Mt Laurel in the name.

- Michael Odom stated he is an attorney with the Birmingham Law Firm of McGlinchey Stafford and he is representing several residents of Mt Laurel including Harold Kushner, John Floyd, Steve Gregory, and Ward Tishler. He explained that his clients have concerns regarding the proposed amendment to the Master Plan and the proposed development that would follow.

Mr. Odom stated at the June 1st meeting there was discussion about prior community meetings where it was represented this development would be beyond the rise, but at the last Planning Commission meeting it was established the development would start at the same elevation as Mt Laurel and so it turns out the early community meeting discussions were not true. He explained that one concern raised in June was clear-cutting, and Commissioner Kinnebrew asked the developer to address clear-cutting and they did not. The applicants were entirely silent about the issue of clear-cutting. He believes clear-cutting would be a violation of the regulations in Mt Laurel. Presently the Landscape Regulations for Mt Laurel effectively prevent and prohibit clear-cutting, straightening, or impacting of lots. The regulations are very detailed, and if this is a master planned community of which Hillsong will be a part, Hillsong should be under the same rules and regulations as Mt Laurel.

Mr. Odom explained that if the Hillsong development will not be beyond the rise, nor not visible as promised by EBSCO, then, at the very minimum, it should be required to follow the same landscape rules which are very specific, and he sent a copy with his written comments [that were included in the meeting packet]. Mr. Odom proceeded to read a portion of the regulations regarding lot grading, siting of each structure with the absolute minimum/maximum distances.

Mr. Odom stated that he has heard two primary concerns from numerous people. The first concern is that the two developments will be dissimilar; but if Hillsong were required to follow these landscape regulations, they would be more similar. The proposed Hillsong development already has lesser lots on the exterior of the development, which is contrary to the Master Plan and contrary to Shelby County's development guidelines. The other concern is the environment, specifically citing the stream and hillside, stressing that both should be protected. He asserted that, in the very least, if the Hillsong development will not be beyond the rise as promised then they ask for some assurances that no clear-cutting will be allowed, no scraping will be allowed, and that the developer must follow the Mt Laurel landscaping regulations.

Responding to **Commissioner Kinnebrew's** request for a representative from EBSCO to address the questions, Bob Easley, Project Engineer, stated while some of the issues were discussed at the June 1st meeting he would go back through them again.

Mr. Easley clarified the distance from the back of the lots on block 5 where several of Mr. Odom's clients live to the nearest lot line is nearly 355 feet. He was on site earlier today and walked the area. There is a 250-foot undisturbed buffer starting at the south side of the alley behind the block 5 lots that goes all the way to the closest point they are clearing to; the shortest distance is 250 feet but most of the area is more than 250 feet. He described the buffer as a nice forest with 16- to 20-inch trees with undergrowth and a mix of both small and large trees. He verified that Shelby County regulations require the zoning buffer between an industrial site and residential to be 30 feet; yet the developer is giving more than 250 feet of undisturbed buffer.

Mr. Easley further explained the property has one narrow ridge and one broad ridge with a ravine through the middle of the Hillsong site. Then there is a big ravine between Mt Laurel block 5 and the Hillsong site; this is the buffer. EBSCO is not clear-cutting the entire site. The Hillsong topography is much more difficult than the rest of Mt Laurel. Part of Hillsong is the old Borrow Pit that was excavated when Highway 41 was built sometime in the 1950s. They removed dirt from this area via dump trucks to use for the road construction, so this area has already been partially graded. The topography is both very rough and up/down; while they are not clear-cutting the whole site, they do have to do more grading—this is unlike most of Mt Laurel where they were able to cut in the road and save the trees on each lot because it was very flat. He referenced north Mt Laurel where they are building today; noting some of that grading is similar to what will be required in Hillsong. They had to take out trees, flatten it out, and do more grading than they would have liked because the topography is not conducive to building houses without grading.

Mr. Easley stated he has worked with EBSCO and Mt Laurel for a very long time. The topography in this section of Mt Laurel is vastly different from the first phase, so there is no way to develop this property without grading. He explained they are not clear-cutting the whole site and will be doing the minimal amount required. Approximately 30

percent of the Hillsong parcel is staying undisturbed and some requires full grading. We are preserving all around the perimeter except on the side where there are streets and the big area in the middle.

Commissioner Kinnebrew asked Mr. Easley about the environmental concerns. Mr. Easley explained that every site developed is subject to ADEM and NPDES requirements. They will have to submit a permit to both to protect the streams and the drainage in this area. He described a couple large pipes that drain under Highway 41 near the tunnel; everything drains just to the south of Mt Laurel Town Center.

Responding to **Commissioner Kinnebrew's** question regarding the modified road, Mr. Easley stated on a previous Master Plan the road around Spoonwood Lake was connected to Mt Laurel but is now a tear-shape cul de sac on the proposed Amended Master Plan. Originally, the road hooked around, across a large stream, and connected to the Town Center. Instead of taking the road down the hill and tying it into the Town Center, we are terminating it into the cul de sac.

In response to **Commissioner Kinnebrew's** question regarding the name of "Hillsong at Mt Laurel," Mr. Dawson stated the reference to Mt Laurel is regarding location but Hillsong is not intended to be subject to the Mt Laurel Homeowners Association; rather Hillsong will adhere to its own, separate covenants, rules, and setbacks, and have its own homeowner association.

Commissioner O'Kelley asked how important "at Mt Laurel" is to the development of Hillsong. Brooks Harris, Harris Doyle Homes, replied that Hillsong will have its own covenants but "At Mt Laurel" is important as an identifier for the development and the amenities at the Town Center. He stated that stormwater and environmental regulations are very important, and ADEM will remain in close contact with the developer.

With no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner Davis** made a motion in **Case SD0-002 – Mt Laurel Master Plan Amendment** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report, and **Commissioner Wilder** seconded the motion. By a roll call vote, with Commissioners Davis, Gunther, Kinnebrew, Nesbitt, and Wilder voting in favor and Commissioner O'Kelley abstaining, the Planning Commission approved the following resolution with a vote of five to zero with one abstention (5-0-1):

WHEREAS, Nick Dawson, EBSCO Development Company, has petitioned the Planning Commission for approval to amend the Master Plan of Mt Laurel to identify the road and lot configurations for approximately 174 single-family lots, northeast of Mt Laurel Elementary School to be known as Hillsong at Mt Laurel; and,

WHEREAS, the subject property is zoned SD, Special District and located south of the intersection of Olmsted Street and Hawthorne Street in the Mt Laurel development; and,

WHEREAS, Special Districts are authorized for the purpose of providing optional methods of land development that encourages imaginative solutions to environmental design problems, including infill development; and,

WHEREAS, the Special District overlay binds this rezoning request to a specific development proposal and site development plan, including the building architecture and types of allowable uses; and,

WHEREAS, the Planning Commission requested a continuance of the proposal from June 1, 2020 until July 20, 2020 to allow the applicant an opportunity to address community concerns regarding the untimely physical removal of the previously installed tennis courts without approval of an Amended Master Plan by the Planning Commission in a public hearing; and,

WHEREAS, the applicant provided an amended master plan that reflects a tennis/multisport court to be built in the same location as the tennis courts shown on the 2015 Mt Laurel Master Plan with the assurance that they will continue to work with the Mt Laurel Homeowner Advisory Committee and other interested Mt Laurel property owners to finalize the design and layout of the tennis/multisport courts; and,

WHEREAS, the proposed amended master plan includes two requested changes:

- Designated lot layout for a new sector with approximately 174 single-family residential lots and a community area to be developed by Harris Doyle Homes; and,

- Reconfigured road and lot layout eliminating a connecting road from near Spoonwood Lake to Hawthorn Street at the edge of the Town Center, and adding an emergency access easement connection between Hillsong at Mt Laurel and Spoonwood Lake; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Nick Dawson, EBSCO Development Company, has petitioned the Planning Commission for approval to amend the Master Plan of Mt Laurel to identify the road and lot configurations for approximately 174 single-family lots to be known as Hillsong at Mt Laurel, located northeast of Mt Laurel Elementary School; Parcel Identification Nos. 58-09-2-03-4-001-010.000; 58-09-2-03-4-001-011.000; 58-09-2-03-1-005-064.000; 58-09-1-02-0-000-001.001; 58-09-1-02-0-000-001.002 and 58-09-1-02-2-001-001.001, and the same is hereby **APPROVED with the two requested changes.**

Cases Continued from June 4, 2020, Special Meeting

5. SD20-004 - The Village at Highland Lakes Town Center Amended Master Plan

This is a request from Doug Eddleman, owner, Village at Highland Lakes, Inc., for the approval of an Amended Master Plan for The Village at Highland Lakes to establish the street network; residential, commercial, and mixed uses layout; and designation of the Town Center, TND, previously identified as future development. The subject properties are located on the north and south side of County Road 41 (Dunnivant Valley Road) approximately 3.5 miles northeast of U.S. Highway 280, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Section 3, and the E ½ of Section 4, Township 19 South, Range 1 West; Parcel Nos. 58-09-2-03-0-001-013.012 and 58-09-2-03-0-001-013.002.

Ms. Goddard gave a presentation on agenda item #5 based on the written staff report, noting this agenda item was continued from the June 4th Special Meeting due to lack of a quorum and the applicant submitted additional detailed plans on June 29th that were included in the information packet for this meeting. She reported that Shelby County Development Services received 52 written public comments prior to the June 4th meeting, which were provided to the Planning Commissioners prior to the June meeting. Following is summary of those comments:

- General opposition to the high density and retail development of the Village Town Center.
- Existing homes and promised amenities in the Village of Highland Lakes should take priority (current single-family sectors, roads, pools).
- Conviction that plenty of retail exists to serve the current community needs and there are existing vacant retail buildings in Mt Laurel and Dunnivant Square.
- High density, noise, tree clearing and traffic will adversely affect nature around the Village at Highland Lakes and Valley.
- Connections to existing neighborhoods promotes cut through traffic.
- Anticipate traffic and crime increase with high density development.
- Disturbance to the existing wetland ecosystem.
- Mt Laurel Elementary/Chelsea Middle School attendance increase/safety.
- Pedestrian disruption during construction across wetland.
- Anticipate Townhomes and retail development will not be consistent with the character or quality of the surrounding developments.
- Conviction that townhomes attract renters, transient home occupiers and those who do not have a vested interest in maintaining the established character of the Valley/neighborhood.
- Anticipate negative impact to property values (price ranges, new development).
- Distrust of developer/Quality of construction.

- Details needed on the proposed retail uses.
- Would like the case to be postponed in light of no notification from the developer/HOA and inability to meet as a group to discuss due to COVID-19 and social distancing

Commissioner O'Kelley stated the Master Plan as submitted is very exact in the square footage for units; using an example of the plan stating a unit would be 1800 square feet, he asked if there was flexibility for the unit to be just 1760 square feet. Ms. Goddard confirmed there is a margin for error.

Following Ms. Goddard's presentation, Doug Eddleman, applicant, recalled that Shelby County planning staff was very involved from the beginning of this project that began prior to zoning; they were challenged at the beginning of this development when the land was first purchased around 2004. Shelby County planners asked them to complete 80 percent of the plan for the long-range future, including what is being presented tonight, for this development to be similar to Mt Laurel. Tonight is fine-tuning that early master plan. He surmised this project would not have happened without the new Piggly Wiggly and that many people who are "coming of age" or "empty nesters" want the pedestrian lifestyle afforded by this new phase. Mr. Eddleman stated he is 64 years old and personally lives in a townhome in Mt Brook just a stone's throw away from Davenport Pizza. He believes town center-like projects will be highly popular over the coming years, asserting the time feels right for a project like this because he is experiencing it personally. He believes you will see a huge response from empty nesters who have always been suburbanites but now want the walkable living with a variety of restaurants and shops nearby.

Mr. Eddleman explained Louis Nequette will present the development plan. Nequette's basic company tagline is "focused on placemaking." He stated that Mr. Nequette designed the Mt Laurel Fire Station, and has been heavily involved in the design of Mt Laurel; Nequette was selected to design the Master Plan for this development since the TND was intended to be similar to Mt Laurel.

Louis Nequette, Project Architect, expressed his excitement to be part of this project and to see the growth and maturity of the Dunnavant Valley area. He stated his first design project in the Dunnavant Valley was 27 years ago; this region is near and dear to him. Mr. Nequette stated the project did not make sense when he first participated in some of the early Mt Laurel work but it feels right now. The goal is to fulfill the design to complete the Village and meet the demands of new user groups in the Valley—empty nesters and young millennials. Things are changing around the country regarding these developments. He explained this development starts to offer more diverse style home options with the incorporation of local commercial entities. It will attract someone who has lived here and is now ready to downsize, perhaps to a single level, who wants to be able to step outside and have access to what is needed within a reasonable walk in a place they love. The other group is the young millennials who are looking for very smart, stylish, well-designed quality product, they do not need as much square footage but they want that sense of community and the ability to engage in groups of people to grow and learn from other generations. This project is unique as it starts to allow three generations of one family to live within a walkable distance of one another. He stated that in his book, this defines a successful, walkable, and mixed generational town.

Mr. Nequette described the additional mixed-use elements of commercial units are intentionally smaller square footage because they are meant to attract local neighborhood/mom & pop shops, restaurants, and offices rather than big box stores or chain restaurants. It does not mean you will not see any big names but the development is not conducive to many of them. It is not meant to attract the drive-by traffic like you see on Highway 280. The design will attract the neighborhood, daily uses and needs that typically serve a very clearly defined range of distance within the area. He explained the quality and character is intended to flow seamlessly; residences with front porches that work together to define outdoor space, creating outdoor rooms that become just as important as indoor rooms. The community design intentionally creates a street scape and really controls the amount of gaps between the buildings so you have a continuous experience as you walk down the sidewalk. The homes are designed to have access from an alley side. The smaller townhouses are predominantly surface parking and the larger townhouses will have a one-car garage and some surface parking, or where the slope starts to drop they may have a basement garage. The commercial space allows for street front-angled parking so you have accessibility but the overflow parking demands wrap around to the back to allow a little more screening privacy to the parking.

Mr. Nequette further explained the quality and character of this development is intended to flow seamlessly with the other villages in the community. The design will connect with Mt Laurel and feel like it is the one place in the end. People who come to restaurants or shops do not always know where that property line begins. The town design goal is for the community to feel the character of the place is complementary to one another so that everyone can be proud of this commercial district and claim it as their own no matter where they live in Dunnavant Valley. He stated these types of programmatic residential typologies are smaller in square footage; some can get quite large but they are also more conducive to the empty nester. Those two groups—empty nesters and millenials—have lower traffic calculation in traffic studies because they do not take as many daily trips and there are not as many people in the household. Obviously, that also tends to not be where the school-age children live so there will be some impact on the local school system but typically far less than single family residences. For these reasons, it is meant to complement what is already in place and provide a more holistic next step for the region.

Commissioner Kinnebrew asked if there was anyone to speak in favor; there was not. He then opened the floor for those with questions or comments.

Terry Stiles Harrison, 4106 Lakeshore Drive, stated she provided written comments and spoke with Ms. Brooks when she first saw this agenda item. Her main concern at first was traffic and now it is the design, and noted they claim to be trying to incorporate the design of Mt Laurel and Dunnavant Square—where Thornton did very well with his townhome design in having two-car garages with rear access. She stated that just one parking spot and a one-car garage is very unattractive and with the garage facing front it is even less attractive. She believes this is an unattractive design and thinks it needs work as far as how many parking spots; she would rather have cars in the garage than on the street and they should all be in the rear.

Ms. Harrison further stated that she can see the use of this kind of development because she is getting older and has 7/10th of an acre, and she might want to live in a loft some day, but she would not want the garage facing the street. Perhaps they can tweak the design. She added that another concern is on the commercial side—EBSCO/Mt Laurel has really struggled to keep any tenants, particularly the restaurant has turned over several times and she thinks EBSCO has even funded it to keep a restaurant open. The grocery store is fine with Piggly Wiggly doing well, but the commercial space on the front and across from this development has not been filled. She listed Ace Hardware, a nail salon, and one or two other businesses but she has a concern regarding how long before it gets filled. She asserted it has not worked well in Mt Laurel; even though there is steady traffic there does not seem to be enough interest on the commercial side.

In closing, Ms. Harrison stated as long as the developer stays with the design of Mt Laurel with some tweaks as suggested, she cannot object to what he is doing, although she thinks the density might be a little heavy.

In response to **Commissioner O'Kelley's** question regarding the location of the garages, Mr. Nequette clarified the primary parking for all of the townhouses is on the rear side. He apologized if the rendering was not clear; noting the most representative rendering is the streetscape rendering with a view of the townhouses that have designated parallel parking for guests. He asserted you will not see any garages from the street.

Bonnie Morse, 1215 Highland Village Trail, stated she is concerned with traffic going back and forth across Highway 41 if there will be more interactions with additional restaurants and bars, since Highway 41 is already very busy before the impact of more housing. She mentioned a clearing of a large area on Highway 280 close to Highway 41 and is concerned that might be even more houses which would constitute even more traffic. She stated she is also concerned about the lack of lighting since there is virtually no outside lights at the park or on the street corners and it is awful—absolutely dark so you cannot enjoy the park at night. She stressed the need for lighting to ensure safety.

Wayne Morse, 1215 Highland Village Trail, stated that at times there is already a significant amount of traffic before plans to dump another 400 or so cars, allowing two cars per unit and if there is a teenager living there, it might be a third car. He stated further down Hugh Daniel Drive a traffic light is being added because of the traffic; he does not believe the turn lanes discussed will be adequate to support the traffic and believes there will be a safety problem in the future due to inadequate traffic lights. He referenced the tunnel which is good for those on golf carts but it does not help the others. He added that adequate street lighting to enable nighttime walkability is good and necessary; if the walkways are not lit there will be nose dives.

Commissioner O'Kelley asked what triggers a traffic signal. Mr. Slaughter summarized the in-depth analysis performed to determine whether a traffic signal is warranted that includes a detailed analysis of traffic volume, turn movements, through movements, etc. He stated the Highway Department conducts a thorough review of roads whenever a new development is proposed. He explained a traffic signal is not typically deemed warranted on traffic projections, rather on actual traffic patterns, so that comes later near the end of development.

Terry Stiles Harrison, 4106 Lakeshore Drive, asked if they are ever going to get bike lanes on Dunnivant Valley.

Mr. Slaughter stated the Highway Department was not involved in planning for bike lanes but did work to put in the tunnel to promote walkability and connectivity. Ms. Goddard explained there are many bicyclists living in the Valley and, during the development of the Dunnivant Valley Small Area Plan (DVSAP), they identified the desire for a bike lane along Highway 41. She stated Hwy 41 has many elevation challenges making the construction of a bike lane along the right of way difficult; there is now signage on Hwy 41 indicating the presence of bicyclists to make motorists more aware of their presence. She talked about the Dunnivant Valley Community Greenway (DVCG) and the connection to the existing Phase I that spans between 96 Fields and the new County Service Building under construction to the trailhead on Hwy 41. Phase II of the DVCG would expand the trail from the existing trailhead to the tunnel under Hwy 41. The connection would provide pedestrian access from Mt Laurel to the New County Services building; however, the construction will require privately owned land. The County has initiated conversations with landowners to develop this community connection.

In response to **Commissioner Kinnebrew's** request to address various topics, Mr. Eddleman stated that 16 additional street lights are planned by the Power Company in the very near future for The Village at Highland Lakes single family sectors.

Scott Vaughn, Project Engineer, explained they have done the maximum possible regarding traffic as it relates to left/right turn lanes, for the whole corridor—not just this development—regarding street width, etc. He stated by the end of the development all necessary traffic requirements will be completed but more in-depth, realistic traffic counts to warrant signalization cannot be done until the actual traffic is there but such a study usually would be conducted at completion phase of design.

Commissioner O'Kelley stated he likes the flow of the revised plan and that the architect is top notch, and he opined no one should be concerned with the design plan but his concern is related to whether market can support this development of close to 200 loft units. He believes it is very ambitious to go from 24 such units to 200, and he is particularly concerned if this development is getting ahead of market demand. He further stated that he would not want to see excess inventory of several dozen units that have not sold and the developer determines to rent; it would become an apartment complex. He suggested phasing would be a good strategy to build it in phases—after the first 21, then get in another 50 or 60 units and you know this is working without being too far ahead of the market.

Commissioner O'Kelley also expressed concerns on the long-term possibility of selling to a different developer that has done more attached developments. If so, he would request any approval would be transferred to that developer, asserting any approval given must be transferred to any future owners as part of the Planning Commission's action. He referenced an earlier commercial development, including the Piggly Wiggly, that was initially approved, changed developer ownership, and the final product was not what was originally approved.

Commissioner O'Kelley stated there is a master plan that was approved for years that grants the right to build a certain number of units, so he does not see a reasonable way to not approve what has already been approved; however, as part of that approval on the east side was 80 total units of mixed use and residential. He explained the east mixed use development has loft units but the count does not include the ground-level units. He would like to see the mixed use ground level units included in the total the 80 unit count. He asserted that if the Master Plan has been approved for 80 units total, the 80 count should include both residential and commercial units.

Mr. Nequette spoke about on his experience on phasing and absorption as a market-driven process. He explained the beauty of breaking down residential and commercial per building basically becomes absorbed by the marketing for that the building—it should always stay and flow with the market demand, so you are not getting out ahead. He referenced two developments—Gladstone townhouse project in Crestline Park and the Village at Edenton—where they were incredibly surprised by the demand. They intentionally broke the development into multiple buildings so you are not constructing a large condo building like downtown or the beach; rather it is on a village scale that can be developed accordingly.

Commissioner O’Kelley stated he liked that concept and wants it to be a condition of approval; he also does not want the developer to get ahead of the market so phasing like this works. He anticipates traffic will be less than forecasted; he lives in Mt Laurel and a lot of people work at home or in the lofts so they do not drive for work every day.

Mr. Slaughter clarified the earlier discussion regarding signal qualification, noting that each phase of development will be studied as a minimum requirement for traffic flow at that current point in time, and the developer is acknowledging the minimum requirement is on the zoning request. Responding to **Commissioner O’Kelley’s** question regarding anything on the plans that would hinder a future traffic signal, Mr. Slaughter said there was not and that the methodology approached with the turn lanes is conducive to signalization at a future point in time.

Commissioner O’Kelley asked if it is possible to add in some overflow parking on the west side, perhaps having parking spaces on the back of the alley, such as parallel or 90-degree angled spaces, thinking of a resident needing additional parking space.

In response to **Commissioner O’Kelley’s** comments/questions, Mr. Eddleman stated they have a significant higher number of parking spaces than what is required. He explained the parking spaces are wider and striped, similar to a slightly urban-style parking; the alley would have nice depth to the garage doors so it might be possible to park two deep. He recalled when this development was first planned 16 years ago, they were told to incorporate mixed-use units with residential/commercial similar to what Mt Laurel had started. He appreciates Commissioner O’Kelley’s concern regarding phasing. He agreed they do not want to get ahead of the market, noting these will be fairly expensive units with an approximate \$15 million exposure, so their projects are always done incrementally—if for no other reason than risk mitigation.

Responding to **Commissioner O’Kelley’s** question about a phasing number, Mr. Eddleman asked the Planning Commission to put the restriction on them, not knowing how to break it down on the spot at this meeting. He suggested they could present a phasing approach when the preliminary plat is presented for approval; he agreed it is common sense to develop in a phase approach.

Ms. Goddard noted the next phase in the approval process is a condominium plat and the current plan shows 312 parking spaces—208 are open and 104 are garage spaces.

Commissioner O’Kelley asked for clarification on what is included in the 80 unit count. Mr. Nequette stated the mixed-use retail space is intended to be individual units from the 2nd floor lofts, referencing unit count versus placemaking. Ms. Goddard agreed it is Mr. Nequette’s interpretation of previous Planning Commission decisions—noting the current Planning Commissioners and County staff cannot speak to that interpretation since they were not involved at that time. Following discussion between Mr. Eddleman and **Commissioner O’Kelley** regarding the unit sizes being variable in square footage, there was agreement that the 80 unit count on the east side could be adjusted so that it includes one retail unit per building in the 80 unit count, referencing six mixed-use buildings, so there would be 74 residential units and six commercial units in the count.

With no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner O’Kelley** made a motion in **Case SD20-004 – The Village at Highland Lakes Town Center Amended Master Plan** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report and additional conditions including (1) a phasing plan with the condominiums; (2) for the condominium mixed-use building, count the ground-level space as a unit (and reduce the total count by 6 on the east side; and (3) the spirit of design elevations is part of the approved plan and transferrable should the development rights be sold. **Commissioner Gunther** seconded the motion. Upon a roll call vote, by a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Doug Eddleman, owner, Village at Highland Lakes, Inc., has petitioned the Planning Commission for the approval of an Amended Master Plan for the Village at Highland Lakes to establish the street network; residential, commercial, and mixed use layout; and designation of the Town Center, TND, previously identified as future development; and,

WHEREAS, the subject property is located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.5 miles northeast of U.S. 280, in the Chelsea North – Dunnivant Valley South – Westover North

Zoning Beat and situated in Section 3, and the E ½ of Section 4, Township 19 South, Range 1 West; Parcel Nos. 58-09-2-03-0-001-013.012 and 58-09-2-03-0-001-013.002; and,

WHEREAS, the request was *Continued* from the June 4, 2020 Planning Commission meeting due to a lack of quorum for the conduct of business; and,

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

WHEREAS, the Planning Commission set a maximum threshold of 848 residential units on June 17, 2013 for the Village at Highland Lakes; and,

WHEREAS, The Village at Highland Lakes Master Plan has been amended seven times since the original 2004 approval and now identifies a total of 788 lots; and,

WHEREAS, the *proposed* amendment to The Village at Highland Lakes Master Plan is the eighth amendment request and maintains the previously approved number of residential units; and,

WHEREAS, the *proposed* amendment to The Village at Highland Lakes Master Plan is specific to the Town Center, TND, previously identified as future development; and,

WHEREAS, the 2004-2019 Master Plans identified 143 mixed residential units on the West side of Dunnivant Valley Road (TND West) including townhomes and condominiums; and,

WHEREAS, the 2004-2019 Master Plans identified 80 mixed land use units on the East side of Dunnivant Valley Road (TND East) including townhomes, condominiums, retail and office; and,

WHEREAS, the *proposed* amendment to The Village at Highland Lakes Master Plan identifies 143 residential units on the West side of Dunnivant Valley Road in TND West; and,

WHEREAS, the *proposed* amendment to The Village at Highland Lakes Master Plan identifies 80 residential and commercial units with additional commercial square footage spaces on the East side of Dunnivant Valley Road in TND East; and,

WHEREAS, the Planning Commission has determined that all units, including commercial units must count toward the total unit count as identified on the 2004-2019 Master Plans; and,

WHEREAS, the Planning Commission has expressed a concern regarding the development of townhomes and condominiums in the Town Center outpacing the demand for such home types in the Dunnivant Valley; and,

WHEREAS, the Planning Commission has indicated that the design component of the proposed amendment is as important to the unification of the project into the community core as the pedestrian oriented layout and variety of housing types; and,

WHEREAS, the Planning Commission has determined that the proposed amendment is consistent with the 2004-2019 Master Plans; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Doug Eddleman, owner, Village at Highland Lakes, Inc., has petitioned the Planning Commission for the approval of an Amended Master Plan for the Village at Highland Lakes to establish the street network; residential, commercial, and mixed use layout; and designation of the Town Center, TND, previously identified as future development and located on the north side of County Road 41 (Old Dunnivant Valley Road) approximately 3.5 miles northeast of U.S. 280, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Section 3, and the E ½ of Section 4, Township 19 South, Range 1 West; Parcel Nos. 58-09-2-03-0-001-013.012 and 58-09-2-03-0-001-013.002, be and the same is hereby **APPROVED with the following conditions:**

1. The applicant shall include with the condominium plat application, a phasing plan to allow for the gradual integration of townhomes and loft style condominiums into the Dunnivant Valley to allow for development timing that is driven by, but not outpaced by, market demands.
2. TND East shall be limited to 80 total units, as approved in the original 2004-2019 Master Plan. All units, including commercial units must count toward the total unit count.

3. All future construction of buildings and homes in the Town Center must bear a resemblance to and meet the spirit of the elevations, dated 6-29-2020, as presented to the Planning Commission on July 20, 2020.

6. SN20-005 - The Village at Highland Lakes Phase 3, 2nd Sector

This is a request from Doug Eddleman, Eddleman Residential, LLC, for approval of a preliminary plat to subdivide 16.76 acres into 32 residential lots and a common area to be known as The Village at Highland Lakes Phase 3, 2nd Sector. The subject property is zoned SD, Special District and located adjacent to Regent Park on Highland Village Trail in the Highland Lakes Development; Parcel Identification Nos. 58-09-2-03-0-001-013.004, 58-09-2-03-0-001-013.010, 58-09-2-04-0-002-001.000, and 58-09-2-04-0-002-001.004.

Mr. Cameron gave a presentation on agenda item #6 based on the written staff report. He reported there were no written comments for this case. There were no questions.

Following the staff presentation, Mr. Eddleman, Applicant, discussed how the project started in April 2018 but they ran into issues with the Coosa River Keeper when there were concerns about runoff. He explained they found a nearby creek leading into Fowler Lake with natural turbidity, although the runoff from their land was within the permit. He stated they stopped the project, redesigned the master plan with larger lots that have been approved by the Planning Commission, so their current focus is related to the grading of the street with limited grading on certain lots due to topography to reduce the runoff. He added the previously approved master plan includes a swimming pool with three lots right at the mouth of this sector and tonight the request is for the additional, larger lots as part of the redesign that are more environmentally friendly and require less grading and less damage to trees.

Commissioner O'Kelley asked if Shelby County received a letter from the Fowler Lake Homeowners Association indicating they had no comments and were okay with this proposal. Mr. Cameron confirmed receipt of this letter.

Commissioner Kinnebrew opened the floor for public comment.

Terri Styles Harrison, 4106 Lakeshore Drive, stated she did not know if it could be addressed but has walked this hill and seen the runoff. She expressed concern there is no retention pond on site to control the runoff. This could really be impactful to the Lake in the long run, perhaps it is an ADEM issue, but Fowler Lake is a 400-acre watershed and everything filters into it. She stated she would like someone to address the harm to the pond, fish, and people who swim there and eat the fish out of the lake; he has been a good neighbor working with residents but she did not know how to address it but they need to filter the storm runoff long before it gets to Fowler Lake.

Mr. Eddleman stated the Coosa River Keeper issue really relates to all of our concerns. They cannot disturb the natural wetlands per the Corps of Engineers. While the Coosa River Keeper did not require them to do anything specifically, they voluntarily went above the ADEM requirements because they want to be a good neighbor. They changed the grading so it is just on the road, which is 60 feet wide. In the whole Village—not just this development—they challenged the construction crews building the houses to determine how to grade the site to keep the runoff out of the street and then there is grading of the whole lot. They voluntarily put gravel on the front yard, cut out the house site, have the silt fencing all around, and immediately get the foundation in before rain falls, so they do not have mud flowing into the street. He believes the Coosa River Keeper has mentioned this, and Mr. Eddleman suggested perhaps it should be adopted as a County standard.

Mr. Eddleman stated he has personally seen the sites following rainstorms and there has not been mud in the street where they have put in the gravel and foundation as he described. From the construction side, the cost is approximately \$5000 more per house on this step. He explained they recognize this is a wetland area neighboring Fowler Lake and Blue Stone Lake, with a creek between residences and TND. He acknowledged this is a sensitive area so we need to adopt an aggressive and environmental friendly plan to prevent all this runoff. We have done this very successfully on the opposite side of Fowler Lake and are trying to do the same thing here. We cannot build a retention pond on this side because of the wetland.

Wayne Morse, 1215 Highland Village Trail, stated there is a new section going above his home with a small retention pond; however, when there is very much rain—and it does not take much for it to be full and running across the yard—he has seen it go from 10 feet across up to 50-75 yards, and up to 2-6 feet deep. He stated he is not sure how Mr. Eddleman is making this happen or what he thinks he will accomplish but this development needs significant drainage otherwise it will go to Fowler Lake. The way his backyard slopes, he asserted that if he puts fertilizer down and a week later it rains, then his fertilizer flows down to the lake.

In response to Mr. Morse's concern, Mr. Vaughn explained that in this particular portion of the subdivision, they are at the top of the ridge. He is not exactly sure where Mr. Morse lives in the lower area but they have about 20 acres of common area in the low lands of this development which is in the wetland area.

With no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner Davis** made a motion in **Case SN20-005 – The Village at Highland Lakes Phase 3, 2nd Sector** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report and **Commissioner Wilder** seconded the motion. Upon a roll call vote, by a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Doug Eddleman, Eddleman Residential, LLC., property owner, has petitioned the Shelby County Planning Commission for approval of a preliminary plat to subdivide 16.76 acres into 32 residential lots and a common area to be known as The Village at Highland Lakes Phase 3, 2nd Sector; and,

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

WHEREAS, located adjacent to Regent Park on Highland Village Trail in the Village Highland Lakes Development and situated in Section 3, Township 19 South, Range 1 West; Parcel Identification Nos. 58-09-2-03-0-001-013.004, 58-09-2-03-0-001-013.010, 58-09-2-04-0-002-001.000, and 58-09-2-04-0-002-001.004; and,

WHEREAS, a Master Plan amendment for the Village at Highland Lakes was approved by the Planning Commission in October 2019 that included 788 residential units; and,

WHEREAS, setbacks for the Village at Highland Lakes Phase 3, 2nd Sector will be 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, said preliminary plat is consistent with the approved master plan for The Village at Highland Lakes, adopted October 2019; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from Doug Eddleman, Eddleman Residential, LLC., property owner, has petitioned the Shelby County Planning for approval of a preliminary plat to subdivide 16.76 acres into 32 residential lots and a common area to be known as The Village at Highland Lakes Phase 3, 2nd 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:

- 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.

7. SP20-002 – Lay Lake Campground

This is a request from Tracey Etheridge, property owner, for the approval of a recreational campground for 82 camper/recreational vehicle lots with a boat ramp and three dock/boat slips on 144 acres. The property is unzoned and located off County Highway 71, approximately 0.75 miles east of the intersection of Highway 400; Parcel Identification Nos. 58-33-1-12-3-000-008.000, 58-33-1-11-0-001-044.000, 58-33-6-14-0-000-001.000, 58-33-6-14-0-000-012.001, 58-33-6-13-0-002-029.000.

Mr. Cameron gave a presentation on agenda item #7 based on the written staff report. He reported that Shelby County Development Services received a total of eight written comments (two in support and six in opposition) plus one petition (in opposition) from citizens interested in this case since prior to the June 4th meeting, and summarized the comments as follows:

In Support

- Lack of recreation opportunities around Lay Lake in this area of Shelby County.
- The campground provides access to natural features that were previously inaccessible.
- The campground could provide additional revenue sources to Shelby County.

In opposition

- RV campgrounds are already plentiful in the area.
- Environmental concerns about grading and drainage, the proposed septic system, garbage from the campsite, additional boating activities, and the number of proposed campsites.
- Additional boat travel in the area will necessitate the need for seawalls to be constructed by the nearby residents.
- Concerns regarding the fire safety of the campsites.
- The shallow depth of the slough and the small size of the causeway that boaters will use.
- Effect on wildlife in the area.
- Safety concerns regarding the density of the site and the number of boaters coming from the site.
- Lack of access to the site by marine patrols.
- Distrust of the developer

Commissioner Davis asked how deep the water is at this location; Mr. Cameron did not know the exact depth but he understood it to be shallow, and Mr. Slaughter confirmed the lake does not fluctuate much during the year, and it can get shallow.

Following the presentation, Kevin Etheridge stated he is the owner. He introduced his wife, Tracey, the owner and master plan architect for the project, and their engineer, Ronald Anderson.

In response to **Commissioner Davis**'s question regarding the status of the Alabama Power permit, Ms. Etheredge stated they are now in Phase 2 with Alabama Power's Commercial Nonresidential Application Permit process. She referenced a letter from Justin Bearden stating the agency and neighbor letters were mailed on June 19th to the Alabama Historical Commission, Wildlife Fisheries, United States Fish and Wildlife Service, and Alabama Law Enforcement agencies. It is her understanding the agencies are currently reviewing the application and that the Alabama Historical Commission has completed its review. For Phase 1 of the process, Alabama Power conducted its internal review and approved letters from Justin Bearden, of which she submitted a copy to the Planning Commission.

Referring to the earlier question regarding water depth, Mr. Etheredge stated it is his understanding the permit process will include a review by the Alabama Shorelines and the Corps of Engineers. He also pointed out there are several boat houses and piers in the slough in the noncommercial range of less than 50 feet and have boats (including pontoons) and there is sufficient depth for these; while their piers start at 50 feet and go out to 100 feet, so they would be in much deeper water.

Commissioner Kinnebrew opened the floor for public comment. There were no comments in support.

Teresa Dollar, 5448 Highway 47, stated she is an adjoining property owner at Lay Lake and her family owns the property directly across the way. She opposes this campground and submitted a petition signed by 102 residents in the

community in opposition to the development. Ms. Dollar stated it is misleading to hear this proposal is on 144 acres when in reality it is on a very small portion of this property. She is very concerned about the sewer and garbage from the campers, as well as the detrimental effect on the wildlife, both on land and in water. She asked where is the wildlife preserve? A year ago, Tracy Etheredge approached her about purchasing the adjoining property, and it was implied to her that Ms. Etheredge had applied for a federal wildlife grant.

Ms. Dollar is a firm believer that what you do on your own land is your own personal business unless it affects other people. The request appears to be twofold—the Planning Commission approves land and Alabama Power approves water. There already are several campgrounds in the area—is another one really needed, she asked, and reiterated concern for sewer and garbage from another campground. She explained campers will be within 50 feet of her property at one end. She owns 1,177 feet of shoreline and four other families have owned $\frac{3}{4}$ of the slough for 55 to 100 years. Her father purchased the property 55 years ago. The small slough may have 82 boats taking up space where there is a large amount of wildlife. There are nests of bald eagles in the slough, fresh water muscues, and all the fish. Canoeing and paddle boarding will be eliminated because of the boats. Nowhere else on this lake are there 82 boats confined by the 11-foot concrete causeway. You cannot see when you are coming perpendicular to this blind causeway. When the waters are turbulent, the boats scrape the causeway. Her number one concern is safety, believing this will be a death trap. Boats for the Alabama State Water Patrol and Shelby County Water Patrol do not go under the causeway so nothing beyond that will be patrolled. The depth is 6 feet but in some areas, it goes to inches. There are numerous sandbars; there is not sufficient space or depth for the existing boats, let alone another 82.

Ms. Dollar believes seawalls will be needed in this area (where there are none today because of the expense) and the proposed piers will damage other boats because there are no boat ramps. The least bit of traffic bangs the boats up against the piers. She understands this is a commercial permit through Alabama Power but when you jut three piers 150 feet out in the water, it will be too crowded.

Ms. Dollar recognizes Shelby County and our country were built on progress but it has to be done in the right place and in the right way. This confined slough is not where it should be done. This is not practical. They welcome new people to the area all the time but they do not welcome something that will obstruct and create a hazard such as this proposed campground. She reminded them that her small effort has produced 102 signed signatures from their community in definite opposition to this request.

Commissioner Kinnebrew asked the applicant to respond to the comments regarding sewer, garbage, and wildlife.

Mr. Etheredge stated the septic field is shown on the drawing—at a great distance from the campground. They have completed a preliminary analysis on the septic field. Mr. Anderson, project engineer, explained they had a preliminary meeting with Shelby County Health Department several months ago, noting there will be septic tanks near the campsites and a pressurized septic system will pump out to the septic field which has been planned in the most ideal location away from the water.

Ms. Etheredge stated they have been in contact with a local trash service, and will follow the recommendation to have dumpsters; initially a dumpster will be in the central area near the office to the south of the loop road, with plenty of space for the trucks. She noted that additional dumpsters will be added as necessary and they will be in compliance with all regulations related to the trash collection and removal.

Mr. Etheredge stated they currently have a grant from the United States Department of Agriculture to provide fodder and food for wildlife, particularly deer and turkey; the Department comes on site to inspect and they receive an annual stipend through this program.

Commissioner Kinnebrew asked about the Alabama Power Company permit process. Mr. Etheredge stated this is a costly and lengthy process, estimating they are approximately $\frac{2}{3}$ through and expect to receive clearance from the Corps of Engineers soon.

In response to **Commissioner Kinnebrew's** question, Mr. Cameron stated this property is unzoned so there are no restrictions; however, this was brought to the Planning Commission because campers and recreational vehicles are treated as manufactured homes by Shelby County and when there is more than one, it is considered to be a manufactured home community which requires approval by the Shelby County Planning Commission.

Responding to **Commissioner Davis's** question about conditional approval based on Alabama Power's permit, Mr. Cameron stated the Planning Commission can grant approval based on the condition the applicant obtain all necessary permits and approvals.

With no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner Wilder** made a motion in **Case SP20-002 – Lay Lake Campground** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report and subject to the acquisition of all applicable approvals by Alabama Power Company and the State of Alabama and Shelby County. **Commissioner Davis** seconded the motion. By a roll call vote, with Commissioners Davis, Gunther, Kinnebrew, Nesbitt, and Wilder voting in favor and Commissioner O'Kelley voting against, the Planning Commission approved the following resolution with a vote of five to one (5-1):

WHEREAS, Tracey Etheridge, property owner, has petitioned the Shelby County Planning Commission for the approval of a recreational campground for 82 camper/recreational vehicle lots with a boat ramp and three dock/boat slips on 144 acres; and,

WHEREAS, the subject properties are located off County Highway 71, approximately 0.75 miles east of the intersection of Highway 400; Parcel Identification Nos. 58-33-1-12-3-000-008.000, 58-33-1-11-0-001-044.000, 58-33-6-14-0-000-001.000, 58-33-6-14-0-000-012.001, 58-33-6-13-0-002-029.000; and,

WHEREAS, the subject properties are located in an unzoned portion of Shelby County; and,

WHEREAS, the community plan shows 82 recreational vehicle pads, a boat and vehicle storage building, a groundskeeper's house, and owner's house; and,

WHEREAS, the proposed plan includes a 6 acre recreation area between the recreational pads and Lay Lake; and,

WHEREAS, the proposed plan also includes a boat ramp and three boat docks extending into Lay Lake; and,

WHEREAS, amenities within the Alabama Power Shoreline Easement along Lay Lake require permitting from the Alabama Power Company; and,

WHEREAS, a septic system is proposed to handle all waste on-site; and,

WHEREAS, the maps and documentation presented meet the requirements of the Manufactured Home Community Regulations of Shelby County; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application from Tracey Etheridge, property owner, for the approval of a recreational campground for 82 camper/recreational vehicle lots with a boat ramp and three dock/boat slips on 144 acres. The property is unzoned and located off County Highway 71, approximately 0.75 miles east of the intersection of Highway 400; Parcel Identification Nos. 58-33-1-12-3-000-008.000, 58-33-1-11-0-001-044.000, 58-33-6-14-0-000-001.000, 58-33-6-14-0-000-012.001, 58-33-6-13-0-002-029.000, and the same is hereby **APPROVED**, subject to:

- The applicant completing the community streets within 2 years of approval of the community plan. Failure to comply may necessitate reapplication for approval; and,
- The applicant providing an approved Alabama Power Company permit for the proposed amenities along the shoreline within the Alabama Power Flowage Easement; and
- The applicant providing an approved septic system permit from the Shelby County Health Department; and,
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

New Action Items

8. SN20-008 – South Oak Phase I Preliminary Plat

This is a request from Peter Wolnski, Dominion South Oak, LLC, property owner, for the approval of a preliminary plat to subdivide 143 acres into 28 residential lots and common area to be known as South Oak, Phase 1. The subject property is zoned A-R, Agricultural Residential and located at One (1) South Oak Drive off 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.

Mr. Cameron gave a presentation regarding agenda item #8 based on the written staff report and stated there were no written comments for this case.

Following his presentation, in response to **Commissioner Kinnebrew's** question regarding the lot count, Peter Wolnski, applicant, explained how the preliminary plat shows one less lot than what was shown on the Master Plan approved June 1, 2020, stating that three smaller lots (17, 18, and 19) on the Master Plan were combined into two larger lots on the Preliminary Plat.

With no one present to speak in support or opposition and no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner O'Kelley** made a motion to approve **Case SN20-008 – South Oak Phase 1 Preliminary Plat** and **Commissioner Wilder** seconded the motion. Upon a roll call vote, by a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Peter Wolnski, Dominion South Oak, LLC, property owner, has petitioned the Planning Commission for the approval of a preliminary plat to subdivide 143 acres into 28 residential lots and common area to be known as South Oak, Phase 1; and,

WHEREAS, The subject property is zoned A-R, Agricultural Residential and located at One (1) South Oak Drive off 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 Shelby County Planning Commission approved the Master Plan for the South Oak Subdivision that included 70 lots over three phases on June 1, 2020; and,

WHEREAS, the preliminary plat shows a 50-foot buffer along lots adjacent to the Brock Point neighborhood and a 75-foot buffer on lots along Dunnavant Valley Road; and,

WHEREAS, the preliminary plat shows a pedestrian trail easement connecting the lots in this phase to the common areas proposed in Phase 1; and,

WHEREAS, the existing home on lot 29 has a proposed lot line that follows the boundary of the lake in the common area and will not meet the setbacks of the A-R, Agricultural Residential District; and,

WHEREAS, the residence will therefore become a legal non-conforming structure following final plat approval; and,

WHEREAS, the proposed preliminary shows a slightly altered layout of South Oak Drive from the approved Master Plan that necessitated the removal of one lot; and,

WHEREAS, the modification of the layout and reduction of the number of lots does not require a master plan amendment and may be approved through the preliminary plat and final plat reviews of South Oak Phase 1; and,

WHEREAS, the proposed Phase 1 preliminary plat is otherwise consistent with the aforementioned Master Plan; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request of James C. Parsons, property owner, for the approval of a preliminary plat to subdivide 143 acres into 28 residential lots and common area to be known as South Oak, Phase 1 is hereby **APPROVED**, subject to:

- 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;
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

9. Z20-002 – Arlington Hwy 280 Rezoning from B-2 to R-5

The agenda was reordered to consider the applicant's request to table this case earlier in the meeting, as reflected previously in the minutes.

10. Z20-003 – RCC Rezoning A-1 to M-1

This is a request from Ryan Gehrke, Rogers Cartage Co., on behalf of the property owner, for the approval of a change in the zone district boundaries from A-1, Agricultural District to M-1, Light Industrial District for approximately 2.91 acres to allow for truck and tractor parking in conjunction with the transportation hauling services located on the adjacent parcel to the west. The subject property is located at 8428 Highway 25 South, Calera; Parcel Identification No. 58-35-2-04-0-001-019.000.

Ms. Goddard gave a presentation regarding agenda item #10, based on the written staff report. Following her presentation, there were no questions of Randall Minor, who was present on behalf of the applicant.

With no one present to speak in support or opposition and no further discussion, **Commissioner Kinnebrew** called for a motion. **Commissioner Wilder** made a motion to approve **Case Z20-003 – RCC Rezoning from A-1 to M-1** and **Commissioner Davis** seconded the motion. Upon a roll call vote, by a unanimous vote of six to zero (6-0), the Planning Commission approved the following resolution:

WHEREAS, Ryan Gehrke, Rogers Cartage Co., on behalf of the property owner, has requested approval of a change in the zone district boundaries from A-1, Agricultural District to M-1, Light Industrial District for approximately 2.91 acres to allow for truck and tractor trailer parking in conjunction with the transportation hauling services located on the adjacent parcel to the west; and,

WHEREAS, the subject property is located at 8428 Highway 25 South, Calera. Parcel Identification Number 58-35-2-04-0-001-019.000; and,

WHEREAS, the subject property adjoins the applicant's existing business location, currently zoned M-1, Light Industrial; and,

WHEREAS, prior to any construction activities on the site the applicant will be required to submit a site plan that complies with the *Shelby County Zoning Ordinance*; and,

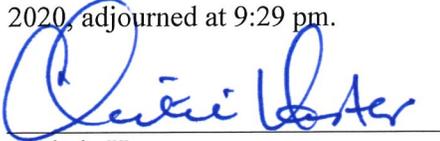
WHEREAS, the subject property is located in an area defined in the *Shelby County Comprehensive Plan* as infill transitional; and,

WHEREAS, the subject property when considered with the adjoining business is likely to have minimal impact on the surrounding area, including existing extraction and commercial/industrial transport operations; and,

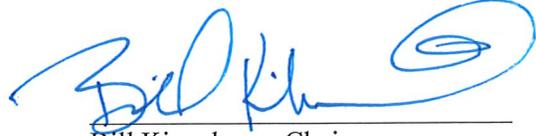
NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Ryan Gehrke, Rogers Cartage Co., on behalf of the property owner, for approval of a change in the zone district boundaries from A-1, Agricultural District to M-1, Light Industrial District for approximately 2.91 acres to allow for truck and tractor parking in conjunction with the transportation hauling services located on the adjacent parcel to the west and located at 8428 Highway 25 South, Calera. Parcel Identification Number 58-35-2-04-0-001-019.000, be and the same is hereby **APPROVED**.

The next scheduled meeting of the Planning Commission will be held Monday, August 17, 2020, at the Pelham Civic Complex at 6:00 pm.

There being no further business, **Commissioner Wilder** made a motion to adjourn, and **Commissioner O'Kelley** seconded the motion. By a unanimous vote of six to zero (6-0) in favor, the Planning Commission meeting of July 20 2020, adjourned at 9:29 pm.



Christie Hester
Planning Services Supervisor



Bill Kinnebrew, Chairman
Shelby County Planning Commission

