

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

July 18, 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; Bill Norton; Kenneth Wilder; Brett Winford

Members Absent: None

Staff Present: David Willingham, County Engineer; Josh Osborne, Supervisor, Planning & MS4; Sharman Brooks, Supervisor, Planning & MS4; Kristine Goddard, Senior Planner; Andrew Harris, Planner; Brenda Hungerford, Administrative Assistant; John Slaughter, Chief Civil Engineer

PUBLIC HEARING

Jim Davis, Chairman, called the meeting to order at 6:00 pm. Following roll call, **Commissioner Davis** stated there was a quorum with seven Commissioners present. He introduced the Commissioners and staff and reviewed the meeting procedures. There were 14 audience members.

1. Approval of the Minutes of the June 20, 2022, Planning Commission Regular Meeting

Commissioner O’Kelley made a motion to approve the meeting minutes of June 20, 2022; **Commissioner Little** seconded the motion. **Commissioner Davis** called for a vote and the Planning Commission unanimously approved the meeting minutes of June 20, 2022, with a vote of seven to zero (7-0).

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

2. Z22-007 – Highpointe Ridge Rezoning from H-Z to A-R

This is a request from Connor Farmer, Highpointe 41 LLC, property owner, for approval of a change in the zone district boundaries from H-Z, Holding Zone District, to A-R, Agricultural Residential District, for approximately 104 acres to allow for the subdivision of the property into 30 residential lots. The subject property is located at the end of Double Oak Way off County Road 41 (Dunnavant Valley Road); Parcel Identification Nos. 58-09-2-10-0-000-001.000 (part) and 58-09-1-11-0-000-001.002.

Josh Osborne gave a presentation on the request for agenda item #2 based on the written staff report provided in the meeting information. He distributed a public comment in opposition to this case because of concern related to displacing wildlife in the surrounding natural environment, traffic flow needs to be taken into consideration, and concerns due to adverse impacts to the aquatic ecosystem related to the existing pond at residence.

In response to **Commissioner Nesbitt**, Mr. Osborne confirmed he received two different emails from the same individual.

Responding to **Commissioner O’Kelley’s** question regarding sufficient water service with the current water pump at the top of the mountain, Mr. Osborne said no additional water towers would be required.

Prior to the meeting, **Commissioner Norton** had driven up the road through the proposed site and he asked about the road’s condition and narrow width as well as the turnaround at the gate. John Slaughter explained the developer is aware of the required improvements that will include widening the road to two lanes and bringing the condition to County standards, noting the specific details will be determined in the preliminary plat phase of this project. He also explained there is sufficient space for the turnaround at the gate that can be either a hammerhead or three-point turn rather than a cul de sac.

Commissioner O’Kelley asked about the right of way at Double Oak Way; John Slaughter stated the minimum would be 60 feet per regulations but he was unable to answer whether the right of way would affect residential properties.

In response to **Commissioner Norton’s** question regarding the process if this zoning request was approved, Mr. Osborne stated if approved based on the conceptual plan, there would be two more public hearings—for a master plan and then the preliminary plat.

Commissioner Davis invited the applicant to speak.

Connor Farmer stated he was the owner of Highpointe with offices at 120 Bishop Circle in Pelham. He explained Highpointe acquired the property a few months ago and it includes the road with a private easement and variable width of right of way that will be deeded to them at closing. Mr. Farmer stated Gonzalez-Strength is the project engineer and a representative was present to answer any questions. He discussed the road being designed to County standards with a gate at the top before you reach the first lot and the turnaround before the gate. He described the individual home lots being designed based on topography with the lots ranging from a minimum width of 200 feet up to 310 feet. With the maximum square footage of a house being 3600, he asserted there would be approximately 60-70 feet on each side of every house required to be left as wooded and natural as possible. Mr. Farmer talked about an architectural review committee approving the home plans with the intent to build the driveways prior to selling lots to ensure proper drainage and home site location. Connor Farmer stated he feels this is the best use of this property with three-acre lots complementing the surrounding areas. Mr. Farmer described the Fire Chief’s extensive review of the property and their agreement for the maximum house size of 3600 square feet, with each house requiring a sprinkler in the garage, kitchen, and laundry room. He stated there would be a booster pump in the back of lot 3 that will be owned and managed by the Homeowners Association; not the Shelby County Water Services.

Responding to **Commissioner O’Kelley**, Connor Farmer showed the Forest Park water towers on the presentation map and he described the Fire Chief taking out a truck and testing the water hose with 70 psi on the existing water service, noting the extensive research performed to ensure property fire protection on ridge.

Commissioner Nesbitt asked about the pond referenced and the 21-acre estate lot. Connor Farmer stated the 21-acre estate lot was not included in the rezoning request; that lot will be restricted to just one home site when sold.

Commissioner Norton talked about the Oak Mountain Ridge seen when driving down Highway 280 and how unfortunate for development to break up the character of the mountain. He asked Connor Farmer to describe what will be seen from Highway 41. Mr. Farmer asserted there would be no mass grading of the ridge; rather there will be a house in the midst of trees then a good distance to the next house because they are keeping a minimum of 100 feet of natural woods between every house; and they are selling individual

lots and managing the house location on each site. He mentioned HOA covenants will contain restrictions, including 50-foot set backs on each side.

Commissioner Norton asserted the Planning Commission has no purview over an HOA so they will not have a way to enforce any covenants; recognizing this will be great for the residents of these new homes, he opined for the 10,000 residents in the Valley, there will be a change in the ridge's character and it is unfortunate the Planning Commission cannot enforce what is being described for the HOA.

Connor Farmer suggested they would be happy to have Michael O'Kelley [an architect] serve on the ARC. He reiterated the house and lots sizes, stressing the ARC will approve each individual home site location.

Commissioner O'Kelley suggested the potential to set a clearing limit to include sufficient space for the driveway, yard space, and house/deck space; he would like to see such language on the preliminary plat if the zoning request is approved.

Commissioner Norton wondered if this development should be a special district.

In response to **Commissioner O'Kelley**, Connor Farmer estimated 60-70 percent of their sales will be an individual lot to an individual person; perhaps six to eight lots will involve a builder who brings in a specific client to purchase a lot. He referenced Russell Homes on Lake Martin that have big windows, cedar wood, and rock as the types of homes to be built in this development.

Commissioner Davis opened the floor for public comment and asked if anyone wanted to speak in support of the request; no one spoke in support. He then invited anyone who wished to speak against the request.

Richard Lazenby stated he has lived at 6128 Double Oak Way for 33 years, has always supported EBSCO, and he does not oppose this rezoning request. Mr. Lazenby described his experience in recent months during surveying and drilling for soil samples when he was unable to leave his property for work. He talked about the current condition of the road and the care given by nearby property owners over the years. Mr. Lazenby expressed concern that there was very little communication between the developer and residents of Oak Mountain Estates, and he hoped communication would improve going forward, particularly related to the impact on residents' access to Highway 41 during the construction. He concluded with the statement they want to be good neighbors and he would appreciate better communication.

April Destafino stated she lives at 5221 Dunnivant Valley Way and was the individual who submitted written comments via email. Ms. Destafino stated she has lived in this area her entire life and talked about the views, wildlife, and described changes that have already occurred with previous development nearby. Ms. Destafino stated her desire for an environmental impact study prior to more future development. She expressed concern that 30 houses would bring increased traffic because of the additional 80-90 vehicles. Ms. Destafino understood the developer want to make money and creating views for potential homeowners while at the same time taking away the view from those already living nearby. She talked about impacts of nearby housing developments and the strain on sewage lines, water contamination, and increased traffic.

Jeff Flannery, residing at 3810 Double Oak Lane, showed his house on the map and stated he has two horses and five goats, and this has been an amazing place to raise a family the last 28 years. He expressed appreciation for Commissioner Norton's comments on the beauty of the ridge and Commissioner O'Kelley's suggestion to add language to a formal document to restrict clearing around the houses. Mr. Flannery stated his belief that formalizing the developer's understanding of certain restrictions will ensure this area does not end up like Highland Lakes. He talked about traffic concerns, the current road easement, the reasonableness of the maximum home size, concern about blasting, and his desire for more public meetings with the developer. Mr. Flannery mentioned the ability to hike and ride horses when EBSCO owned the property that allowed them access to the property on the other side of what will be this development. He wondered if there

could be some access available to them. He did not receive a notice of this meeting because he is not an immediate adjoining property owner; he hoped to have more communication in the future.

Commissioner Davis asked Mr. Farmer to speak to the concerns expressed regarding potential blasting, specifically notifications and monitoring of any blasting.

Connor Farmer asserted they do not anticipate a need for blasting. He described their experience taking a tractor up to the top and digging big holes 8-12 feet deep all the way down the road without hitting rock; you see rock as you get closer to the edge of the ridge. He noted with water lines being close to the road, they most likely will be hammered, and they believe the home site footprint will also be rock-hammered.

Mr. Farmer apologized for the limited communication, stating he intends to be very open with the public about their projects. He offered to give individuals his cell phone number and to visit with them following the meeting. Connor Farmer committed to better communication in the future.

Commissioner O’Kelley stated that blasting can be addressed; he did not believe this is a case for blasting and perhaps language related to lot clearing might even prohibit blasting. **Commissioner Winford** concurred, noting with the amount of trees remaining on individual lots, this is very different from someone who is scraping land to buildout many lots simultaneously.

Commissioner Davis wondered if there is any chance for access to the park across the ridge for the existing homeowners who will lose their current access to the Shelby County Park on the north side because of the new gated community.

Mentioning that EBSCO still owns thousands of acres, **Connor Farmer** stated he did not believe there would be a problem coming to the top of the road for the residents.

Responding to **Commissioner Davis**, John Slaughter stated the review statements on roads during a zoning case are more general but they can expect to widen the road to two lanes with new asphalt at a minimum; the County will require the public road to the top of the mountain to be built to County standards and the detailed review will take place in the preliminary plat phase of this project.

Commissioner O’Kelley asked if widening Double Oak Way would take land away from anyone. Connor Farmer stated that EBSCO owned the road from Highway 41 to the top of the mountain. John Slaughter added a 60-foot right of way will need to be dedicated to the County.

When asked by **Commissioner O’Kelley** if this was the appropriate time to discuss maximum lot clearing and blasting, Sharman Brooks explained those specific details and language should be included in the Master Plan or the Preliminary Plat since they would need more information on the site design and individual homes.

Referring back to **Commissioner Norton’s** question about a special district, Ms. Brooks opined this is not a special district project. She explained that (1) the proposed zone district setbacks, minimum lot width and size based on zoning gets you more than a special district would provide; (2) if zoning is approved, the project team will prepare a master plan with more detail than tonight’s conceptual plan and can include information from the covenants; and (3) the preliminary plat would then include the meat of engineering, road construction, and driveway locations. Ms. Brooks stated a minimum of two more public hearings are required through this project.

Commissioner Norton expressed appreciation for Ms. Brooks’ experience and comments while asserting Highway 280 is an eyesore and he believed ridges are unique as opposed to flat farmland and should be enjoyed by everyone but it takes greater care to ensure the interest of our public is preserved.

Sharman Brooks cited Highland Lakes as a special district and did not accomplish the preservation of the ridge for lack of setbacks; stressing the additional review does not accomplish more control because the Planning Commission does not have the authority you are trying to assert with the special district.

Commissioner Winford asserted there is a big difference when you have this size house and larger lots; there will not be mass grading because there is so much vegetation left on the three-acre lot. **Commissioner Norton** stated his subdivision requires 50 yards on the side of each house but it is not enforced.

Michael Hodges asked to speak. He lives at 6121 Double Oak Way and was concerned with the discussion regarding this not being a special district because it was special for the seven families living here. If Mr. Farmer owns the road and he lives on the road, he should have been notified, and asked to be added to the list for future notices.

Commissioner Norton suggested notifying more broadly, perhaps through 280 Living Magazine.

Commissioner Davis explained that “special district” as discussed in this meeting is a word used in zoning and did not relate to their neighborhood and he asked staff to provide a sign-up sheet for anyone interested in adding their name to the notification list. He mentioned it was gracious of Connor Farmer to give out his phone number.

John Slaughter spoke briefly about what homeowners can expect during the road upgrade as this project moves forward.

Responding to **Commissioner O’Kelley**, Sharman Brooks stated if this rezoning request is approved tonight but this project does not move forward, the new A-R, Agricultural Residential District, zoning remains on this parcel.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner Wilder** made a motion in **Case Z22-007 – Highpointe Ridge Rezoning from H-Z to A-R** that the evidence presented in the written staff report and presentation warrants Approval; **Commissioner Nesbitt** seconded the motion. On a vote of five to two (5-2) with **Commissioners Little** and **Norton** voting No, the Planning Commission approved the following resolution:

WHEREAS, Connor Farmer, Highpointe 41 LLC, property owner, has requested approval of a change in the zone district boundaries from H-Z, Holding Zone District, to A-R, Agricultural Residential District, for approximately 104 acres to allow for the subdivision of the property into 30 residential lots; and,

WHEREAS, the subject property is located at the end of Double Oak Way off County Road 41 (Dunnavant Valley Road); Parcel Identification Nos. 58-09-2-10-0-000-001.000 (part) and 58-09-1-11-0-000-001.002; 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, the applicant has requested the 104.1-acre subject area be rezoned from H-Z, Holding Zone District, to A-R, Agricultural Residential District, to allow for the development of a large-lot residential subdivision; and,

WHEREAS, the Holding Zone District is intended to provide for the preservation of environmentally sensitive areas including flood plains and ridge tops, as well as the proper timing, phasing, and transitioning of growth within areas of undeveloped and/or environmentally sensitive areas including flood plains and ridge tops; and,

WHEREAS, the A-R district is intended to provide a zoning classification for low-density development of primarily agricultural purposes and single-family dwellings and neighborhoods; and,

WHEREAS, the A-R district is encouraged as a transitional residential district between the Holding Zone and estate residential zones with one-acre or larger lots, and smaller one-half acre single-family residential lots located in the surrounding area; and,

WHEREAS, the A-R district allows for the potential gross development and construction of approximately 34 single-family residential lots; and,

WHEREAS, as proposed, the 30-lot layout provides less than the allowed maximum density; and,

WHEREAS, the request to change the zoning district from H-Z, Holding Zone District, to A-R, Agricultural Residential District, is consistent with other established residential uses and zoning in the surrounding area; and,

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

WHEREAS, the Planning Commission finds that, based upon the evidence and testimony presented, the proposed A-R zone district is consistent with the Dunnivant Valley Small Area Plan (DVSAP); and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Connor Farmer, Highpointe 41 LLC, property owner, for approval of a rezoning from H-Z, Holding Zone District, to A-R, Agricultural-Residential District, to develop a proposed 30-lot residential subdivision to be known as the Highpointe Ridge Subdivision and located at the end of Double Oak Way off County Road 41 (Dunnivant Valley Road); Parcel Identification Nos. 58-09-2-10-0-000-001.000 (part) and 58-09-1-11-0-000-001.002, and the same is hereby **APPROVED**.

DISCUSSION ITEMS

- **Development Services Staff Update**

Josh Osborne announced Chanelle Blaine will join our staff as a Principal Planner next month. David Willingham has been promoted to County Engineer with the pending retirement of Randy Cole on September 1, 2022.

- **Shelby County Comprehensive Plan – Future Development Map**

Josh Osborne stated the deadline to submit feedback on the draft Future Development Map had been extended until July 22 and encouraged anyone with questions to reach out to staff.

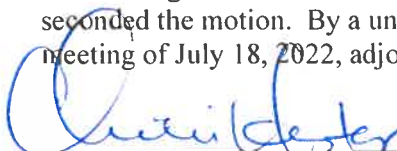
- **Shoal Creek Special District**

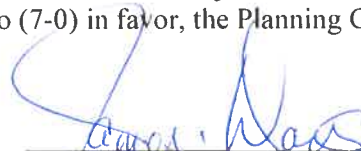
Kristine Goddard distributed a memorandum on the Shoal Creek Amended Special District that was prepared after staff contacted Bill Justice, the County’s legal counsel, regarding Shoal Creek setbacks as requested at the previous meeting. Following discussion, **Chairman Davis** asked staff to add this topic to the meeting agenda for September 19, 2022.

- **Next Meeting of the Planning Commission**

Josh Osborne stated there would be one public hearing for a waiver request at the next regularly scheduled meeting of the Planning Commission on August 1, 2022.

There being no further business, **Commissioner Norton** made a motion to adjourn and **Commissioner Little** seconded the motion. By a unanimous vote of seven to zero (7-0) in favor, the Planning Commission meeting of July 18, 2022, adjourned at 7:16 pm.


 Christie Hester, Manager
 Planning & Community Development


 James Davis, Chairman
 Shelby County Planning Commission