TOWN OF
HARPERSVILLE
RICH PAST • BRIGHT FUTURE
FOUNDED 1815

PLANNING & ZONING MEETING
Harpersville Town Hall
November 20, 2023 - 6:15PM

MINUTES

BY GENERAL CONSENT OF THE PLANNING & ZONING BOARD, AGENDA ITEMS MAY BE ADDED, REMOVED OR CONSIDERED OUT OF ORDER

Proper notice of the regularly scheduled meeting of the Harpersville Planning & Zoning was given in advance of such public meeting and the notice remained posted throughout the scheduled meeting.

CALL TO ORDER AND INVOCATION
Chairman Sanders called the meeting to order at 6:17PM. Invocation was led by Board member Mayor Perkins

RECORD OF ATTENDANCE

Board Member	Present	Absent
Martin Dates	✓	
Della Pender	✓	
Earl Kidd	✓	
Angela Hicks		✓
Paul Brooks	✓	
Dale Glasscock	✓	
Mayor Perkins	✓	
Chairman David Sanders	✓	
Quorum	Yes	No

APPROVAL OF AGENDA
Approval of the November 20, 2023 Planning and Zoning Agenda. Board member Earl Kidd made the motion to approve the agenda with an amendment to add Justin Jones with Insite Engineering. Board member Della Pender seconded the motion. The motion passed unanimously by voice vote of all those present. Chairman Sanders declared the same passed.

APPROVAL OF MINUTES
Approval of the October 16, 2023 Planning and Zoning Minutes. Board member Martin Dates made the motion to approve the board minutes as written. Board member Earl Kidd seconded the motion. The motion passed unanimously by voice vote of all those present. Chairman Sanders declared the same passed.

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PRELIMINARY HEARING

Board member Paul Brooks made a motion to recess the Planning & Zoning Board meeting and to go into preliminary hearing. Board member Della Pender seconded the motion. The motion passed by unanimous voice vote of those members present, and the meeting was recessed at 6:21 p.m.

1. Language amendment of Article XXIII; Section 3.4 of the Zoning Ordinance.

David Sanders began by letting the board know a copy of the revised language is presented in the packets and asked for questions.

Della Pender asked was this language ever recorded in the ordinance and David stated no. Mrs. Pender then asked if this was pertaining to one specific subdivision. Mr. Sanders stated no, this will be added to ensure developments move efficiently. Mrs. Pender asked if other cities enforced a time frame as it pertains to rezoning and Mr. Sanders stated yes.

Mayor Perkins shared concerns about the Town being the cause of a delay in construction at no fault to the developer. David Sanders stated if that happens the developer can request an extension as it does state in the language. Mayor then voiced worries on the language not being clear as it pertains to what documents are required. He states the wording list "etcetera" for required documents and Mayor believes if the board is going to require certain documents, they need to be concrete in the language to allow the developer to know exactly what is asked up front. He is concerned that by stating etcetera it allows the board to require documents half way through the project delaying the construction or holding up a job.

Board member Pender asked how the language was executed. David stated he researched the language from the county's regulations.

Mr. Brooks mentioned that the board has spoken on this subject several times and some thought this clause was in the ordinance already; however, it has not been located - therefore the board is now wanting to add the time limit for re-zoning. Mr. Glasscock shared he does not think it's unreasonable to place a time limit of the developer. Mr. Brooks stated this time boundary would ensure a property would not sit and become an eye sore to the Town and the board can be practical if something happens out of the developers control and issue an extension. The time frame is more to push projects along once a re-zoning is approved by the Town Council.

David Sanders confirmed that if nothing is done to the property within the time limit given and an extension is not requested, the property would revert back to its original zoning. He stated we would give the company advice notice if time is starting to run out as well.

Mayor Perkins commented again that he is not against the time frame being put in place; however, he wants it to be more clear on what is required to get started and be set in concrete what documents would be needed. Mr. Brooks wanted clarification on what the Mayor's objection was. Mayor stated again the Town could be responsible for the hold up in not allowing the project to get started due to the board requesting documents or permits half way through their

allotted time. Or not adding projects to agendas for two to three months. Mr. Brooks stated most of the request are across the board such as ALDOT, Sewer, erosion, ADEM, etc. Mayor stated the "etcetera" allows the board to throw whatever in as a requirement at any given time. Mr. Glasscock stated that different projects may require different things. David stated this language would not just pertain to subdivisions, this would pertain to any re-zoning applications that have been approved by the Planning and Zoning and Town Council. Time would start once the Town Council gives approval to re-zone. At that time the required documents would need to be provided. Mayor asked what the documents are and David replied it depends on the project. Mayor asked if the board would let each applicant know what documents would be needed at the start of the project or if it would be requested as we go. Mr. Sanders stated the applicant should be knowledgeable of the documents they need. Mayor Perkins gave an example from the case at Garrett Farms. He stated they were not given everything they needed up front holding up their project by many months. He believes we need to give everything up front and not ask for documents in the middle of the project causing the applicant to stop construction half way through and needs to be concrete. He is fine with the time frame but wants the requirements to be clear and firm. David stated again that this does not just pertain to subdivisions. For example if a property is already in the correct zone the owner would not be required to come before the board to request a re-zoning. And he believes it is their responsibility to know what would be required if they did need to request a re-zone.

David stated once they apply normally the engineers get involved and the board will not do anything without the recommendation of the Town Engineer. Town Engineer, Milton Warnock stated everything comes from the sub division regulations. He gave an example from MTTR Engineering and explained that situation. Milton stated the Town's sub division regulations are very clear on what is required. The regulations are well laid out and very specific. Milton stated he makes sure everything is prepared before each applicant goes before the board. He stated there are issues that come up as property is developed that has to be dealt with at the time it arises. Mr. Brooks asked if Harpersville is doing anything different or not to standard than other municipalities. Milton stated no, our regulations are standard and we are not requiring anything extra of contractors or developers. The regulations were put together to be development friendly but to ensure a quality product.

Dale Glasscock made a motion to roll call vote to approve amending Article XXIII; Section 3.4 of the Zoning Ordinance to include the time limit on re-zoned property. Board member Paul Brooks seconded the motion. By roll call vote. Motion passed.

Paul Brooks	-	YES
Martin Dates	-	YES
Dale Glasscock	-	YES
Angela Hicks	-	NOT PRESENT
Earl Kidd	-	YES

Della Pender	-	NO
David Sanders	-	YES
Mayor Theoangelo Perkins	-	NO

The motion to approve amending Article XXIII; Section 3.4 of the Zoning Ordinance to include the time limit on re-zoned property passed, with the Town Clerk noting there were five (5) Yes votes, and two (2) NO.

David Sanders entertained a motion to adjourn the preliminary hearing. Earl Kidd moved and Paul Brooks seconded. Regular Board meeting proceeded at 6:50 p.m.

REQUEST TO ADDRESS THE BOARD – None

OLD BUSINESS - NONE

NEW BUSINESS

1. Document from Trip Galloway

David Sanders asked members of the board if they have a copy of the document handed out during the September 18th public hearing to please provide a copy to the Town Clerk.

2. Meeting with ALDOT concerning access management

Paul Brooks and David Sanders met with ALDOT and spoke with them about access management. He gave a brief summary of what was discussed during the meeting. A few points from the meeting were; anyone who is building a commercial or residential structure needing access to Highway 280 or a state road has to contact ALDOT to get a permit from ALDOT and other required documents provided by ALDOT at that time. From the information given by the builder, ALDOT will let them know what will be required to gain access to the road. It will be the responsibility of the builder to complete the required construction to the road provided by ALDOT. Another thing they mentioned is Engineers that are building developments near one another should communicate, that again is their reasonability to make contact with one another. ALDOT stated Shelby County Highway Department works closely with them as well and they will be involved in permitting and other requirements.

3. Land Disturbance Permit

David Sanders explained what a land disturbance permit is and what the purpose would be. Dale Glasscock asked if the permit could be extended into a farmer clearing a draining ditch or someone fixing a pad for a portable building in their back yard. Mr. Glasscock asked if it could be modified to only pertain to new developments. David Sanders mentioned this would become part of the sub division regulations and give us a way to monitor when work will begin. Mr. Brooks asked if it would be required for commercial property as well. Mr. Sanders stated yes it would be for new developments. However the intent would be for new sub division. Milton jumped in and stated this permit would allow a developer to do earth work while they are trying

to obtain required permits and documents. The board wants the permit to be clear that it will only pertain to new commercial, residential or large utility structures.

Dale Glasscock made a motion for a roll call vote to approve the land disturbance permit with clarifications that this document only applies to land being developed in accords to the Town's sub division regulations. . Board member Martin Dates seconded the motion. By roll call vote. Motion passed.

Paul Brooks	-	YES
Martin Dates	-	YES
Dale Glasscock	-	YES
Angela Hicks	-	NOT PRESENT
Earl Kidd	-	YES
Della Pender	-	YES
David Sanders	-	YES
Mayor Theoangelo Perkins	-	YES

The motion to approve the land disturbance permit with clarifications that this document only applies to land being developed in accords to the Town's sub division regulations passed unanimously.

4. Justin Jones from Insite Engineering to provide an update on Rawya Farms

Mr. Jones provided an update on information that has been requested by the board and obtained as it pertains to Rawya Farms. Mr. Jones provided an updated master plan to the board which shows the removal of 82 wooded acres at the eastern end of the property that is adjacent to Deerwood Lake Community. This property will retain its existing zoning. Mr. Jones informed the board 3 acres will be donated to the Town for a future fire/safety facility. He also educated the board of the reduction from 1,086 residential lots to 977 as well as the removal of 12 acres for the commercial building.

Mr. Jones provided a copy of the traffic study and briefly discussed the comings of the study. A few points being: (1) the two entrances as shown on the master plan are acceptable (2) road improvements will be a right turn lane off of Rt. 280N into the main property entrance along with a left turn lane on Rt. 280S into the property. He stated a traffic light would be anticipated at 400 residential units but additional traffic studies will be performed during the development. Mr. Jones discussed the flood plan study, sewer capacity and ALTA Survey/ Title. The analysis determined there is no flood plain on the property with a letter to confirm. Mr. Jones presented a letter from Enviro Systems stating they will be able to service the community with two proposed

routes. The ALTA Survey identified all easements located on the property and the updated title report showed none of the easements will have an impact on the proposed development.

ANNOUNCEMENTS

1. The next meeting of the Harpersville Town Council will be held at The Harpersville Community Center with a Work Session on Monday, December 4th, 2023 at 5:00pm., with the regular Council meeting to follow at 5:30 p.m. The Town Council will be serving cookies and hot chocolate for the community.
2. The next meeting of the Harpersville Water Board will be held at the Harpersville Community Center with a Work Session on Monday December 11th 2023 at 4:30 p.m., with a regular board meeting to follow at 5:00 p.m.
3. The next meeting of the Harpersville Planning and Zoning Board will be held at The Harpersville Community Center on Monday, December 18, 2023 at 6:15p.m. With a public hearing addressing the re-zoning application for Rawya Farms by Golden Eagle during the meeting.

ADJOURNMENT

Being no further business. Motion was made by Paul Brooks to adjourn. Board member Della Pender seconded the motion. The motion passed unanimously by voice vote of all those present. Chairman Sanders declared the same passed. Time of adjournment was 7:23 PM.

Mayor, Theoangelo Perkins

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