TOWN OF
HARPERSVILLE
RICH PAST • BRIGHT FUTURE
FOUNDED 1815

PLANNING & ZONING MEETING
Harpersville Town Hall
October 16, 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 6:16PM. Invocation was led by Board member Martin Dates

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 October 16, 2023 Planning and Zoning Agenda. Board member Martin Dates made the motion to approve the agenda. 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 August 21, 2023 Planning and Zoning Minutes. Board member Martin Dates made the motion to approve the board minutes. Board member Angela Hicks seconded the motion. The motion passed unanimously by voice vote of all those present. Chairman Sanders declared the same passed.

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APPROVAL OF MINUTES
Approval of the September 18, 2023 Planning and Zoning Minutes. Board member Martin Dates made the motion to approve the board minutes. Board member Della Pender seconded the motion. The motion passed unanimously by voice vote of all those present. Chairman Sanders declared the same passed.

PUBLIC HEARING – None

REQUEST TO ADDRESS THE BOARD – None

OLD BUSINESS

1. Town Attorney's opinion of the Preliminary Hearing

Town Attorney, Bent Owens, was present and spoke on his opinion on the Public Hearing held on September 18, 2023. He told the board they handled the crowd very well. He recommended Harpersville studies from surrounding neighbors on how they are handling new developments and learn from their experiences. Understand what challenges they are facing and how they react to those challenges. He stated we have a lot of resources to draw from and he recommended the board take their time and review all aspects of the development before decisions are made. It is good developers are interested in coming to Harpersville, as Shelby County is growing at a rapid pace but we can still take our time and have slow but steady growth.

2. Flow of the Preliminary Hearing

Chairman Sanders stated he spoke to several members of the board to discussed options to help meetings flow more efficiently. A few recommendations were to place a time limit on speaking. Allow each individual 3 – 5 minutes to speak in order to cut down on prolonged statements or questions. Mayor Perkins and Town Attorney Bent Owens chimed in and stated the Town has already adopted a speaking time of 3 minutes per person. Mr. Owens stated most cities in the county abide by the 3 minute rule. Board member Dates stated the board should stick to that rule and enforce it. Chairman Sanders shared the option of having a visual clock counting down the minutes to allow everyone to see how much time they have left to speak. It was discussed to ensure any comments or questions being made pertain to the meeting agenda only and not allow persons to debate someone's character or other issues in town not pertaining to the discussion topic. Mickey Bird made a comment to cut down on individuals repeating the same questions or comments someone else already conveyed and to not allow the same person to speak during the entire meeting. Mr. Sanders agreed and stated it will be looked into. Chairman Sanders stated all recommendations and request will be taken under advisement.

3. Comprehensive Plan

Chairman Sanders open to floor to Board member Hicks to start discussion on the Comprehensive Plan. Mrs. Hicks stated the board needs to continue to review the comprehensive plan especially since so much time and effort was put in to create it. She asked what would be

the purpose of having the plan if it is not going to be followed and reviewed. Mayor Perkins specified the future land use map is not an official document but serves as a road map. He informed the board when the land map was being created Harpersville was asked where we see certain properties in 10 years or what we believe it may become. Mayor Perkins said we kept most land as Agriculture and decided to leave it as such until a developer comes to the Town wanting to change it. Harpersville decided it would be reviewed at that time and changed if we see fit. Mayor Perkins informed the board that this allows Harpersville to have more control about what does come into Town and where. He reiterated the future land use was not done to its potently, because all land along 280 should have been changed to a business district. However, we kept it as is instead of what it could be to force companies to come to the board requesting approval for change. Mr. Glasscock recommended with every new development the board circle back to the land use map and comprehensive plan and decide if the request is suitable for the Town and Mayor Perkins agreed.

4. Request for Golden Eagle

Chairman Sanders stated the board has requests for Golden Eagle and he shared those during the discussion. Some of which are, but not limited to: hiring an independent group to evaluate runoff and rain water. Secure information from Colonial Pipeline. Environmental Studies as well as road studies, etc. Mr. Jett was present and reviewed the requests. Mr. Jett stated he was here to understand what the board is looking for and to work with the Town to ensure everything flows smoothly to code. He also mentioned some of the request will come with design and may not can be answered right away but will be fulfilled. He stated some of the items are focused more on design rather than re-zoning. He also mentioned that the Traffic study is currently underway and will take roughly a month to six weeks to complete. Mr. Sanders asked what might be presented or discussed at the next Board meeting. Mr. Jett stated he has been in contact with the owners and they plan to compile a plan of action and have it sent out a month prior to the meeting. This may include revisions and studies. Their goal is to have information sent into the Town Office and allow it to be available for review by Town Officials and the community prior to the meeting held in December. Mr. Jett did ask the board what will be required by the board specific to the rezoning. He stated some requests are above what other applicants may have been required to do for the re-zoning purpose. He emphasized the finical burden these requests would put on the developer without prior knowledge if the property will be re-zoned. Mayor Perkins stated they did submit and present all requirements for the re-zoning application however, the board is asking for additional information but it's not a requirement of their re-zoning application. Mayor Perkins and Chairman Sanders stated the board is treading into the preliminary plat by asking for these request to be fulfilled but asking Golden Eagle to get answers sooner than when they typically would. None of which are required for an approval or denial of re-zoning the property. Town Engineer Milton Warnock made a suggestion to do a "desk top review" which may not be exact final results but would give them an idea of how to answer these questions to the best of their ability.

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NEW BUSINESS

1. Article XXIII - Zoning Amendments and Changes

Chairman Sanders recommended adding language to the zoning regulations. He mentioned we have discussed is past meetings that developers have 1 year after re-zoning approval to act of the land. That within that year, if no work has been approved or constructed the property is to resort back to its original zoning. He informed the board that through his research, that language is not found in our current regulations. Mr. Sanders is proposing the follow to be added to Article XXIII, Section 3. No. 4 of the Zoning Ordinance.

The Planning Commission reserves the right to establish a grace period for the approved rezoning to become effective. The grace period cannot extend past one (1) year from the date of the rezoning approval by the Town Council. All necessary documents needed for the intended project must be secure by the expiration date of the grace period. No Building or Work Permits will be issued until all necessary documents (ALDOT, Sewer, ADEM, etc.) are secured. Failure to secure the necessary documents would constitute the rezoning to revert back to the previous zoning classification. The Planning Commission may amend, modify, or grant and extension or repeal the grace period if such action is needed.

Dale Glasscock made a motion to hold a preliminary hearing to amend the language of Article XXIII, Section 3. No. 4 in the Zoning Ordinance. Mayor Perkins second the motion. By voice, motion passed with a unanimous vote. Chairman Sanders declared the same.

2. Garrett Farms

Chairman Sanders informed the board the Garrett Farms Preliminary Plot Plan was approved with conditions during the July 17th 2023 Planning and Zoning meeting. They were expected to secure a permit from ALDOT and Enviro Systems prior to starting any construction of any structure on the subdivided properties. Mr. Sanders let the board know the permit from ALDOT was received on August 15th 2023. He also made the board aware the Town Engineer has reached out to Enviro Systems asking them to provide a map showing the proposed route by which the sewer line will serve the proposed development. To date the request has yet to be fulfilled. Chairman Sanders stated Garrett Farms has begun clearing the property and this is considered the beginning phase of building residential facilities. It is Mr. Sanders belief this action is a violation of the conditional approval and Section 2:04(b) of the subdivision regulations. A Resolution is recommended to stop or allow Garrett Farms to continue clearing the land without proper permits.
Ben Watson was present and stated this was a miscommunication between himself and the Town. Mr. Watson submitted plans prior to the July 17th meeting along with construction documents. He assumed the plat was approved pending the comments with ALDOT and Sewer. He understood the plans were approved because no request were made regarding comments on the construction documents. He did confirm Enviro Systems has submitted letters they will serve the property. They are trying to determine the right of way line being on public or private property. He is asking the Board to allow them to continue to clear land and earth work as they

have no intent to begin construction on structures until all proper documents and permits have been received.

Town Engineer, Milton Warnock, clarified the letter was clear that the conditional approval was regarding the preliminary plat only. As well as it being listed several times throughout the letter in addition to the subject matter stating preliminary plat approval only. Milton stated it must have been a misconception when they looked at the letter outlining what needed to be done to the preliminary plat and confused it with the approval of the construction documents. He reiterated the letter clearly states this does not approve the construction drawings in any form or fashion. In addition Mr. Warnock said he received information from Mr. Watson and he will be requesting further documents needed from him as well. Milton explained the approval process and who is involved in review those documents. Once comments are made a letter is then sent to the developer informing them of next steps. Typically the construction documents are not reviewed until the preliminary plat have been approved and at this time Garrett Farms is still under a conditional approval.

Milton Warnock also shared his professional opinion to the board about their request to continue clearing land. He is recommended we work with the developers in a professional manner and be reasonable. What Garrett Farms is asking for is reasonable. To allow him to continue to clear grub, established silk fences and do things outlines in their ADEM permit have no impact of his approval on the construction drawings. Milton also brought up the need to adopt a land disturbance permit for cases such as this.

Resolution 2023-10-16-06 – Approve the continuation of land clearing and earth work as it pertains to Garrett Farms.

Board member Martin Dates made a motion to approve Resolution 2023-10-16-06 to allow Garrett Farms to continue clearing land and doing earth work only. That no construction is to be done until an official approval of construction documents have been granted by the Town of Harpersville. Board member Della Pender seconded the motion. By voice, motion passed unanimously. Chairman Sanders declared the same.

3. RG District Moratorium – *Stricken from the Agenda*

ANNOUNCEMENTS

1. The next meeting of the Harpersville Town Council will be held at The Harpersville Community Center with a Work Session on Monday, November 06, 2023 at 5:00pm., with the regular Council meeting to follow at 5:30 p.m.
2. The next meeting of the Harpersville Water Board will be held at the Harpersville Community Center with a Work Session on Monday November 13, 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, November 20, 2023 at 6:15p.m.

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ADJOURNMENT

Being no further business. Motion was made by Della Pender to adjourn. Board member Martin Dates seconded the motion. The motion passed unanimously by voice vote of all those present. Chairman Sanders declared the same passed. Time of adjournment was 7:28 PM.

Mayor, Theoangelo Perkins