



Minutes of the City of Planning Commission Meeting October 10, 2022

The Planning Commission of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Wednesday, October 10, 2022, at 6:30 p.m., in a regular meeting. Chairman Bill Davis presiding.

Chairman and Planning Commission Members Present:

Bill Davis, Chairman
Jon G. Graham, Commission Member
Ernest Montgomery, Commission Member
Brienne Gilliland, Commission Member
Hilton Shirey, Commission Member
Connie Payton, Commission Member
Sandy Roberson, Commission Member

Absent:

Steve McCord, Commission Member
Tommy Edwards, Commission Member

City Attorney:

Bill Justice, City Attorney

Planning and Zoning Team Members:

Chris Pappas, City Engineer
Kevin Shirey, Mapper
Tammy Smith, Business License Clerk

Guests:

Guest list attached

Chairman Davis called the meeting to order at 6:30 p.m.

Approval of Minutes:

Commission Member Gilliland made a motion to approve and dispense with the reading of the following minutes:

September 7, 2022

Commission Member Shirey seconded said motion and upon vote, the results were as follows:

AYES: Davis, Montgomery, Gilliland, Graham, Shirey, Payton, Roberson

NAYS: None

Motion Passed

Public Hearing:

Cetta's Place, Hwy 306- Preliminary Plat

Commission Member Shirey made a motion to approve the Preliminary Plat. Commission Member Roberson seconded said motion and upon vote, the results were as follows:

AYES: Davis, Montgomery, Gilliland, Graham, Shirey, Payton, Roberson

NAYS: None

Motion Passed

Timberline Phase 7 Preliminary Plat

Commission Member Montgomery made a motion to approve the preliminary plat for Timberline Phase 7. Contingent that if they use Hwy 301 for construction access that would require Shelby County Highway dept. approval. If they are unable to use Hwy 301, the developer will need a construction route through the subdivision, approved by the city and post a surety bond for any road damage with the amount to be established by the city engineer. No building permits will be issued for Phase 7 until the 2nd entrance is complete. Commission Member Shirey seconded said motion and upon vote, the results were as follows:

AYES: Davis, Montgomery, Gilliland, Graham, Shirey, Payton, Roberson

NAYS: None

Motion Passed

Walter Yarbrough property at parcel 28 2 10 0 001 017.000
Hwy 213 and I65 rezone from A1 (Agriculture) to B2 (General Business)

Commission Member Hilton made a motion to approve the rezoning from A1(Agriculture) to B2(General Business). Commission Member Graham seconded said motion and upon vote, the results were as follows:

AYES: Davis, Graham, Shirey, Payton, Roberson

NAYS: Gilliland

ABSTAINED: Montgomery

Motion Passed

Walter Yarbrough property at parcel 28 2 10 0 001 004.003
Hwy 213 and I65 rezone from A1 (Agriculture) to B2 (General Business)

Commission Member Hilton made a motion to approve the rezoning from A1(Agriculture) to B2(General Business). Commission Member Graham seconded said motion and upon vote, the results were as follows:

AYES: Davis, Graham, Shirey, Payton, Roberson

NAYS: Gilliland

ABSTAINED: Montgomery

Motion Passed

Walter Yarbrough property at parcel 28 2 10 0 001 025.000
Hwy 213 and I65 rezone from A1 (Agriculture) to B2 (General Business)

Commission Member Hilton made a motion to approve the rezoning from A1(Agriculture) to B2(General Business). Commission Member Graham seconded said motion and upon vote, the results were as follows:

AYES: Davis, Graham, Shirey, Payton, Roberson

NAYS: Gilliland

ABSTAINED: Montgomery

Motion Passed

Old Business:

Discussion of the proposed PUD zoning changes. Members were given the draft of the proposed PUD zoning changes to review.

New Business:

Insite Engineering requested an extension for the preliminary plat of Timberline Phase 6. They have had issues with getting construction materials and ran into problems with rock that had to be blasted.

Commission Member Gilliland made a motion to approve the extension for Timberline Phase 6. Commission Member Graham seconded said motion and upon vote, the results were as follows:

AYES: Davis, Montgomery, Gilliland, Graham, Shirey, Payton, Roberson

NAYS: None

Motion Passed

Commission Member Gilliland made a motion to adjourn the meeting at 8:30 p.m.
Commission Member Roberson seconded said motion.

Approved this 10th day of October 2022.

Bill Davis, Chairman

ATTEST:

Tammy Smith, Planning Commission

To view our Planning Commission Meeting please click the link below:

<https://www.youtube.com/watch?v=iI5S1ega4ec>

Tammy Smith

From: Chris Pappas
Sent: Sunday, October 9, 2022 8:11 PM
To: Matthew Alexander
Cc: Tammy Smith
Subject: Re: [EXTERNAL]Re: against expansion of Timberline Phase 7

Good Evening

I will have your objection entered into the record and a copy of it placed in each planning commission members packets.

Thank you for your participation.

Chris Pappas
City Engineer
(205) 668-3814
cpappas@calera.org

> On Oct 9, 2022, at 8:06 PM, Matthew Alexander <matthewalexanderphd@gmail.com> wrote:

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> Dear Mr. Pappas,

>

> My name is Matt Alexander and I am a homeowner (1024 Valhalla Way) in the Timberline community.

>

> My fiance and I currently reside here and are against the planned Phase 7 expansion of Timberline as there is already large amounts of ongoing construction that blocks several of the access points on our daily commute. We've been promised by the HOA a second corridor for months now, but there appears to be no timeline for this. It is extremely dangerous now as construction trucks already block off key parts of the outgoing roads during the day and night.

>

> I encourage you to drive through Timberline and see how congested it currently is. The addition of another 150 homes without a secondary access point will likely lead to accidents as people try to avoid the additional construction.

>

> Thank you for your time and I urge you to vote against the proposed amendment.

>

> Sincerely,

>

> Matthew Alexander and Kimberly Vansandt

> 1024 Valhalla Way, Calera AL

CaSondra Lusco

2127 Timberline Dr.

Calera, Al. 35040

205-447-8117

To: City of Calera Zoning & Planning

I am in opposition to any further construction being approved for Timberline.

There are many reasons I am opposed.

Here are a few:

- 1) Too many houses for the few amenities currently available.
- 2) Only one entrance/exit - which is already against code.
- 3) Construction company parks vehicles in the road making them very dangerous.
- 4) Roads have never been finished and are atrocious & dangerous to drive.

CaSondra Lusco

City of Calera
Calera Planning Commission

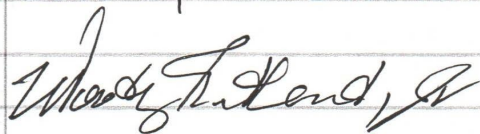
October 7, 2022

I hereby oppose approval of
Timberline Phase 7.

Improvements to enhance the property
value and lives of current residents should
be instituted prior to future development.

1. Road Conditions
2. Additional entrance/exit to subdivision
3. Amenities for residents: Neighborhood
park, walking trail, resident's clubhouse
not affiliated with golf course for various
community activities.

Sincerely,
Woodrow W. Rutland, Jr.
1032 Valhalla Way
Calera, AL 35040



Tammy Smith

From: Jessica Tolbert <jessica.tolbert@hotmail.com>
Sent: Friday, October 7, 2022 1:37 PM
To: Tammy Smith
Subject: [EXTERNAL]Timberline Construction protest

Justin and Jessica Tolbert
1113 Merion Dr
Calera AL 35040

We are writing in opposition to the current construction and development of the Timberline community. Firstly, the current infrastructure for roads as well as the lack of amenities does not allow for any more homes to be built. There is already incredible difficulty entering and exiting the community during morning and evening hours because of school buses, standard vehicles, and construction traffic, not to mention the golf center and tournaments that take place. There are not enough entrances and exits for current homes, not to mention adding hundreds more. This community is a family community, with most homes having multiple children. The danger of them playing outside with too many cars is very high, as the more people move in, the faster and more frequent the vehicles are. There should be speed bumps in place, as well as alternative methods to reach main roads.

The second reason for this letter is the lack of amenities. Every other large community has amenities for children and families; walking paths, playgrounds, large swimming pools, basketball and tennis courts, etc. The current pool is not large enough to accommodate the people in our community right now, not to mention hundreds more. There is no safe way to reach a park or playground from our community. Downtown Calera is too far and too dangerous to travel to by bike or walking, so kids have no recourse. This has resulted in many issues with kids entertaining themselves by ding dong ditching neighbors or getting themselves into mischief. If they had an adequate place to play, they would not have to play in the street. The "basketball court" is not a court at all, but a parking lot that I find quite dangerous and will not allow my children to play in, both because it could cause them harm since it is in a rather secluded area and could make them susceptible to predators, because they could get hit by a car, and because it is a financial liability if they play near parked cars and damage one with a ball. We pay hundreds of dollars a year individually to the HOA and our common areas are hardly tended to and quite frankly, look terrible. The "fix" to the curbs on the street destroyed the asphalt they just laid and is a total eye sore, and for the amount of money we pay, both in taxes and in association fees, we should have safe places for our children to play and for families to enjoy, that do not cause undue stress and potentially life threatening harm.

Thank you.

Sent from [Mail](#) for Windows

City of Calera

Planning Commission

1074 10th St,

Calera, AL 35040

Formal Protest of Preliminary Plat approval for Timberline phase 7

County Road 306/Hwy 25

Good Afternoon,

As a resident of Calera for well over eight years, I have been saddened by the recent escalation in the number of unfinished and planned subdivisions flooding our community. At this time we have several in progress (Koslin Farms, Camden Park) as well as two approved planned subdivisions that are either doing ground work with no progress (area behind Emerald Ridge) or haven't yet broken ground (planned subdivision behind Stone Creek). At this time we do not have the infrastructure or the capacity in the school to handle another addition to this subdivision at this time. My reasons for protest are listed below in more detail.

- No infrastructure or poor infrastructure on Hwy 25 and Co Rd 306 to support the requested or planned subdivision. At this time, we still haven't gotten the round-about on Hwy 25 to support the traffic needs with getting on and off the interstate. The back entrance to Timberline has also not yet been completed but when it is completed, we will have a massive influx of traffic just from Timberline alone down Co Rd 306. There is already an issue with traffic trying to get out of the front of the Timberline subdivision in the mornings, especially during the school year. So if we add another 100 plus small homes that is at least 2 cars per home which is almost 200 more cars to add to that traffic which you all know is coming.
- Our schools are currently so maxed out that more people, even with the already approved and incomplete subdivisions, are filled to the brim. The elementary school and the intermediate school although adding classrooms will not be enough in a years' time to keep up with the currently in progress subdivisions much less a new addition to this subdivision. The elementary school will eventually run out of room to even house all the students as there is no other room on that lot to create any other classrooms. At this time, they took away the only walking track the children had just to create those new classrooms. The situation is also similar for the intermediate school, once the new classrooms are added there is nowhere else to grow for that school unless they take away the area currently used for the children's recess hours. This is not acceptable.

- The citizens of this city are tired of progress for progress sake for the revenue dollars and want to see this commission take action on the roads and work with the school board before we add any new developments to this city. Work smarter not harder for us.

I am not against progress but you as a commission need to have more common sense and care for the people who already live here and not look for the revenue it will bring if we have more people. We need to do things the right way and have the roads ready to hold the capacity and the schools capable of handling that influx. All we as citizens hear from either certain members of the city council or members of the planning commission are excuses and we are tired of it. Please, take a stand for the tax paying Calera residents that are already here and want to stay here.

Thank you for your time and consideration.

Sincerely,

Jennifer McGilvray-Burgett

130 E Willow Cir

Calera, AL. 35040

Tammy Smith

From: Chris Pappas
Sent: Friday, October 7, 2022 10:24 AM
To: shaina staab
Cc: Tammy Smith
Subject: Re: [EXTERNAL]Timberline phase 7

Good Morning

Your email will be entered into the record and placed in the packets the members receive.

Thank you for your participation.

Chris Pappas
City Engineer
(205) 668-3814
cpappas@calera.org

> On Oct 7, 2022, at 10:05 AM, shaina staab <shaysilver123@gmail.com> wrote:

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> Please let my email serve as a written protest to this preliminary plat. Already our schools have to have 4 buses run in the neighborhood. The streets are overcrowded ,and there is one exit to leave the neighborhood with a stop sign. The traffic on 25 to exit or enter the neighborhood is 45mph. This becomes a hazard for residents. If EMS would have to go to back of the neighborhood during an emergency by that one entrance/exit what would the response times be? I would suggest opening the second entrance/exit before anymore houses be approved. My address is 1164 Merion Dr, Calera, AL 35040. I am the property owner.

>

> Shaina Staab.

> 2052678674

10/6/22

Debra L. Walters

Opposing the beginning of a
new development in the
Lumberline Subdivision.

Reason: There are so many areas
being developed now. We need
houses finished and streets
finished. We need a playground
and walking trail. The current
construction needs to be finished
before any more starts.

1011 Merion Drive
Calera, AL 35040

Debra L. Walters

To the City of Calera and

Secretary to the Planning Commission of the City of Calera

Re: A Written Protest

In reference to Timberline's Phase 7, my concern as a resident of County Road 301 is the access for the contractors, machinery and other required vehicles entering and exiting the Phase 7 area. Currently the main construction entrance has been on the paved road portion of County Road 301 and is approximately a quarter of a mile from County Road 306. My concern is the access point that is approximately 1 ¼ miles from County Road 306 and is on the portion of this road that is not paved.

This access was recently used by the timber company while logging approximately 120 acres where Phase 7 will be built. My request is that this access not be used to enter or exit Phase 7. The reason for this request is for safety concerns, the impact of the road and the stress of the current residents in the area. The safety issue is that the road is not wide enough to allow cars to pass each other and has blind curves that present safety hazards for possible collisions. This was highlighted during the logging of Phase 7 with logging and work trucks using the road to enter the area. To address the impact to the road is the multiple vehicles along with the weights of the vehicles and the speed of the vehicles. Also included in this is there is no turn around areas and a breakdown of a large vehicle would prevent entrance or exit to the area including emergency vehicles. The stress of the residents was also identified during the logging process as the residents were trying to enter or exit our homes and not knowing what obstacles you would face ie. a truck, debris etc.

After my discussion with a county employee, it was revealed that the use of the unpaved portion of County Road 301 would have multiple code violations to allow this to become a construction access to Phase 7. As a resident of Calera, I understand the growth of the Timberline neighborhood, but I believe the current construction access being used now is sufficient to continue to be used as an access point for Phase 7.

Respectfully submitted,



Russ McLeod
1235 County Road 301
205-267-9995

Jim Sheehan
522 Timberline Trail
Calera, AL 35040

October 6, 2022

Ref: City of Calera Planning Commission – Timberline Phase 7 - Public Hearing
10/10/2022

Subject: Timberline Phase 7

To: Secretary, Planning Commission – City of Calera

In response to the referenced notification provided for the public hearing on the Planning Commission's review of the Timberline Phase 7 development, I hereby submit a formal protest to the approval of this Development without prior completion of additional roadway access points.

The current situation with a single access roadway through Timberline to the Timberline Reserve is not adequate to support the level of current resident/construction traffic. Adding the Phase 7 construction traffic will only exacerbate the current conditions.

The authority to proceed with the Phase 7 Development should be contingent upon full completion of additional Entrances/Exits to Timberline Reserve and Phase 7 prior to all Development. Until this milestone is met, Development should not be authorized in any manner.

Thank you,

Jim Sheehan

Jim Sheehan
Homeowner

Mike Bullard

526 Timberline Tr.

Calera, AL 35040

Timberline Phase 7- Preliminary Plat Proposal 10/10/2022: Written notice of protest

I am in protest of any further development or additional homes being built in the Timberline/ Timberline Reserve community until more than one paved entrance/ exit is completed. Currently, there is only one paved entrance/ exit (HWY 25- no traffic light) servicing all of Timberline and it is insufficient to support the current residents or any proposed growth.

Signed, 10/4/2022

Mike Bullard

Tammy Smith

From: Chris Pappas
Sent: Thursday, October 6, 2022 9:45 AM
To: Jessica Hill
Subject: Re: [EXTERNAL]Timberline Protest

Good morning

I will have your letter of protest entered into the record.

Hopefully, I can clarify some issues for you. The master plan, which includes the proposed phase 7 was part of the original plan approved back in 2005. Phase 7 will be the final sector of timberline and will complete the subdivision. Phase 6 is currently under construction and includes the construction of the second entrance. The 2nd entrance should be paved in the next few months. It will be my recommendation that no building permits be issued for phase 7 until the 2nd entrance is constructed and in service.

Thank you for your participation in the process, it is greatly appreciated.

Chris Pappas
City Engineer
(205) 668-3814
cpappas@calera.org

> On Oct 6, 2022, at 9:35 AM, Jessica Hill <jessicaleigh1101@gmail.com> wrote:

>

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> Mr. Pappas,

>

> I am writing in protest to the proposed development within Timberline. I reside at 1112 Merion Dr. When I purchased my home, I was told there were no further plans to develop the Timberline subdivision. I understand growth is an important part of our community and welcome new neighbors. However, I feel that the choice not to include a second entrance/exit would be an over site in the development. The only entrance to Timberline is already at capacity, especially in the morning. School traffic and the interstate entrance do not facilitate timely exit from the neighborhood. I fear that with the addition of another 100+ homes this will just get worse. I am not opposed to more homes but would appreciate some consideration for myself and fellow residents with regards to adding another entrance/exit. We love our community but we are already suffering from the heavy construction traffic and the unsafe situations that imposes. Please consider this request while planning and know that everyone within Timberline feels the same.

>

> Thank you for your time,

>

> Leigh Tucker

> Sent from my iPhone

You are hereby notified of a public hearing of the Calera Planning Commission to be held at the Calera City Hall at 6:30 P.M. on October 10, 2022. The purpose of this public hearing is to receive public comments on a Preliminary Plat approval for: **Timberline Phase 7** for land owned by: **Timberline Development, LLC**. A written protest of the proposed amendment may be filed with the Secretary to the Planning Commission of the City of Calera one (1) day prior to the proposed date of the public hearing for the consideration of the Preliminary Plat approval. The protest must be signed by the property owner making such protest, and only one protest shall be allowed for each separately assessed unit of property.

This notice is sent by certified mail on September 30, 2022 which is at least seven (7) days before the fixed hearing date, to all adjacent property owners as obtained by the applicant from the most recent records of the Shelby County Tax Assessor.

CALERA PLANNING COMMISSION

To whom it concerns,

My names is Twiana Newton. I am writing this statement base on this petition of a new development being built in the back of my home. I bought my house in 2007, and was told that no addition house development will not be built at the back of my property line. I was told this information by my Realtor and the home ~~devel~~ developers in the process of the viewing the property, which is my home and the process of buying my home. The intent in buying my home or this property was the ideal of privacy. ~~But not an~~ active intent of construction, and keep the property untouched, which made it appealing to me and many buyer. These buyers were my neighbors as well. I do not agree with ~~the~~ this development and was shock that this ~~is~~ decision was moving forward. I feel that I was misled and lied too. I don't appeal, and petition.

at right
this information
was told to
me verbally.

§5.20. PUD Planned Unit Development District

Intent. Planned Unit Development (PUD) is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan; the intent of which is to:

- Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units such as industrial or office parks or complexes, commercial uses, service centers, residential developments of multiple or mixed housing, including multi-family dwellings, attached and detached single-family dwellings, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
- Permit higher densities of land in conjunction with provisions for functional open space and community services;
- Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities;
- Combine and coordinate uses, building forms, building relationship, and architectural styles within a PUD,
- Promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible, and utilize such features in a harmonious fashion;
- Except a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum greenbelts, off-street parking regulations, minimum floor areas, and other regulations so as to achieve the intent described herein;
- Give the ~~Provide a~~ developer reasonable assurance of ultimate approval before expending complete design monies while providing city officials with reasonable assurance that the development will retain the character envisioned at the time of ~~concurrence~~ **original approval**.

5.20.1. Application and Requirements for a PUD

1. Submission of Application. In lieu of the provisions of ~~§2.9.3~~ Petition for Amendment herein, the owner (or ~~his~~ **the owner's** duly appointed representative) of a tract of land shall submit **an application for approval of a PUD** to the Zoning Administrator a minimum of twenty-one (21) days prior to a regularly scheduled Commission meeting, ~~an application for approval of a PUD~~. At the time of submission of the application, a ~~\$500~~ **\$50.00** fee shall be paid by the applicant to defray the cost of processing the application.

2. Area Requirements. ~~Except when the master development plan of an existing approved PUD is amended by the original applicant, successor or assigns, to include additional area as provided in §5.20.6, Any tract of land to be zoned PUD shall have a minimum of 50 acres.~~
3. Contents of Application. The application submitted in accordance with this §5.20.1 shall contain the following:
- a. Name and address of the applicant.
 - b. Current zoning of the property under consideration.
 - c. List of owners of the property together with disclosure of name(s) and address(es) of the applicant(s) and/or owner(s):
 - (1) If corporation, principal officers and members of the Board of Directors;
 - (2) If partnership, general and managing partners; and
 - (3) Any material change to the above shall be submitted within 60 days of such changes.
 - d. A Master Development Plan of the PUD and any maps necessary to show the following minimum information:
 - (1) The direction of North, exact location of the site in relation to the vicinity in which it is located, appropriate scale and topography (in not greater- than 5 ft contour intervals) water ways, and forest cover.
 - (2) The location of the various land uses by PUD land use districts as listed in §5.20.4.
 - (3) Location of any existing streets and general outlines of the interior roadway system, greenbelts, natural or man-made open spaces, schools, parks and community service areas within and adjacent to the project area.
 - e. The Planning Criteria of the PUD. The application shall include the following written statements and other matters:
 - (1) A legal description of the total site proposed for the PUD.
 - (2) A general description identifying the surrounding area within 500' of the proposed PUD, including current zoning and/or land uses.
 - (3) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant and how they are consistent with the City's Comprehensive Plan. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the overall community growth.
 - (4) If the development is to be staged, a general indication, of how the staging is to proceed, including an estimated date when construction of the PUD will begin.
 - (5) Delineation of the various land use districts, indicating for each such area its general extent, size and composition in terms of total number of acres. In residential use districts the total number of dwelling units and approximate percentage allocation by dwelling unit type (i.e. townhouses, garden homes, single family detached, condominiums or duplexes) shall be provided, and for non-residential use districts, the gross square footage of non-residential uses.
 - (6) A calculation of the total acreage for the proposed PUD and a calculation of the residential density in dwelling units per gross acre including interior roadways, including maximum density in units per acre.
 - (7) Development criteria which shall include setbacks or other location methods, minimum finished floor areas, sign criteria, loading areas, greenbelts, buffers, and off street parking requirements for each land use district proposed, and/or any other development criteria which the owner/developer may propose.
 - (8) The interior open space system.
 - (9) Principal ties to the community at large with respect to transportation, water supply and sewage disposal.
 - (10) General statement as to how common open space is to be owned and maintained.
 - (11) Protective and/or restrictive covenants, homeowner or business associations and architectural review committees and their function.
 - (12) A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards.
 - (13) Any planned interim uses.
 - (14) A traffic study shall be required.
 - (15) Landscaping criteria.
 - (16) Tree Preservation Plan.
 - a. A scaled plan of the site with all deciduous trees of fifteen (15) inches or greater at diameter breast height 4.5 feet above

ground level ("DBH") or greater located thereon.

b. No healthy deciduous tree with a caliper of fifteen (15) inches (DBH) shall be removed from the site unless such trees are replaced. Such trees shall be shown as an existing condition on a site plan at the time of the permit submittal. No replacement trees shall have a caliper of less than three (3) inches, measured six (6) inches from the ground, at the time of planting, and the total caliper of replacement trees shall equal or exceed the total caliper of trees fifteen (15) inches or greater DBH, removed from the site. These replacement trees shall be in addition to any other landscaping requirement(s). However, such trees may be removed without replacement within the area of any road (minimal constriction limits), storm water management structure, utility easement on site, or of the footprint of the building, and within (20) feet of the foundation of the structure and within ten (10) feet of the preimeter of the driveways.

4. Building Facades.

- a. All buildings shall maintain a public entrance, accessible by public sidewalk along the street on which the building fronts. Additional entries are permitted, as necessary.
- b. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material ~~and~~ but shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

5. Parking Standards

- a. Parking shall be located to the side or rear of the unit. Vehicles should use an alley for access where available.
- b. There shall be four (4) paved, off-street parking spaces for each unit. Spaces in garages do not count toward this requirement.

6. Townhomes

Any proposed townhomes within a PUD development shall conform to the standards set forth in Section 5.10.

5.20.2. Other Regulations not Applicable.

It is the intent of this §5.20 that the PUD application shall set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon. Accordingly, subject to the terms herein for the purposes of this §5.20, Articles 6, 7, 8 and 9 shall not apply to this §5.20. The development criteria submitted with the application for the PUD will set forth sign, off-street parking and loading requirements, and supplemental regulations (including standards for specific uses as provided in Article 7). If the application does not contain such information, or if the Commission finds that the criteria is insufficient or incompatible with the Comprehensive Plan and the intent of these regulations, then the provisions of Articles 6, 7, 8 and 9 shall apply.

5.20.3. Review Procedure.

1. General. The PUD Application shall be reviewed as provided in §2.9 in relation to the review process.
2. Approval. Approval of the application for the PUD by the Council shall be an approval of the Master Development Plan and Planning Criteria of the application (the "Plan"). Upon receipt of such approval, the developer of the PUD may proceed with the development of the property in accordance with the Plan, and no further approvals shall be required, except as set forth in §5.20.5.
3. Special Exceptions not Applicable. §2.8.3 Special Exception Uses shall not apply within areas having a PUD designation as provided in this §5.20. Special exception uses may be submitted as part of the original application and be reviewed by the Commission, and a recommendation issued and approved by the Council without being heard by the ZBA.

5.20.4. PUD Land Use District. It is intended that the flexibility of the PUD will allow, in appropriate circumstances, mixed uses on any particular parcel within the PUD, taking into consideration the compatibility of the intended uses with the surrounding use(s). "Mixed Use", as used herein, shall be defined as a combination of principal permitted use(s) and special exception use(s) and shall be considered as a "special exception use" under each land use district. For the purposes of this §5.20, §4.4 Joint Occupancy shall not apply. The following PUD land use districts shall apply to all or part of a PUD:

1. Planned Single-Family (PR-1)

- a. Intent. To provide for maximum flexibility in the development of single family residences and to coordinate with appropriate community services;
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.2;
- c. Maximum Building Height. Buildings in the PR-1 District shall not exceed three (3) stories in height and shall conform to the City Building Code, Fire Code and Fire Prevention Code;

- d. The total average density of all residential areas within the PUD shall not exceed 3.5 dwelling units per acre;
- e. Open space. At least twenty (20%) percent of the gross acreage must be open space. At least twenty-five (25%) percent of the open space shall be common open space dedicated for public use. Common open space will be left in its natural state, except for recreational trails and associated facilities that may be constructed along with surface water detention and retention facilities. Common open space may include environmentally sensitive areas such as slopes in excess of 25% and 100-year floodplains, natural or man-made bodies of water, buffers between uses, and active and passive recreational uses. Common space must be legally and practicably accessible to the residents and/or users of the development out of which the required common open space is taken. No designated common open space area may be subdivided in the future, nor may it be used for any purpose other than those permitted by definition. No re-arrangement or alteration to any approved common open space shall be permitted. Maintenance provisions shall be made by the Developer for the maintenance, repair, upkeep of all common open space areas such that the governing Association(s) and thereafter the PUD property owners shall be responsible for the maintenance, repair and upkeep of all common open space areas.
- f. Buffer Regulations. All uses shall provide a buffer which is at least ****thirty (50)**** feet wide along all rear and side property lines which abut a residential or agriculture district. **THE MINIMUM BUFFER SHALL NOT BE CONSIDERED "OPEN SPACE" under § 50.20.4.1.e.**
- g. With the exception of townhouses, lots shall be greater than seventy (70) ft in width;
- h. When a proposed PUD abuts an existing subdivision/neighborhood, whether inside the city limits or not, the section of the proposed PUD that is adjacent to said existing subdivision/neighborhood shall, at a minimum, match the existing subdivision/neighborhood with an equivalent residential lot size.

2. Planned Multi-Family (PR-2)

- a. Intent. To provide for maximum flexibility in the development of multi-family residences and to coordinate with appropriate community services.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.
- d. Open space. At least twenty (20%) percent of the gross acreage must be open space. At least twenty-five (25%) percent of the open space shall be common open space dedicated for public use. Common open space will be left in its natural state, except for recreational trails and associated facilities that may be constructed along with surface water detention and retention facilities. Common open space may include environmentally sensitive areas such as slopes in excess of 25% and 100-year floodplains, natural or man-made bodies of water, buffers between uses, and active and passive recreational uses. Common space must be legally and practicably accessible to the residents and/or users of the development out of which the required common open space is taken. No designated common open space area may be subdivided in the future, nor may it be used for any purpose other than those permitted by definition. No re-arrangement or alteration to any approved common open space shall be permitted. Maintenance provisions shall be made by the Developer for the maintenance, repair, upkeep of all common open space areas such that the governing Association(s) and thereafter the PUD property owners shall be responsible for the maintenance, repair and upkeep of all common open space areas.
- e. Buffer Regulations. All uses shall provide a buffer which is at least ****thirty (50)**** feet wide along all rear and side property lines which abut a residential or agriculture district. **THE MINIMUM BUFFER SHALL NOT BE CONSIDERED "OPEN SPACE" under § 50.20.4.2.d.**

3. Planned Office (PO)

- a. Intent. To provide for maximum flexibility in the development of areas for coordinated employment activity, services and compatible residential uses which do not materially detract from nearby residential areas.
- b. Permitted Principal Uses. Uses shall be permitted as shown in Table 5.20. In addition, offices used exclusively for office purposes shall be permitted in structures, wherein retail or wholesale trade or business is not conducted or wherein no merchandise or products are manufactured, stored, handled, conveyed, sold or otherwise disposed of; together with usual related support businesses (such as, but not limited to, restaurants and food service restaurants, drug stores, barber shops, beauty parlors, and like uses), provided that such related support uses are physically located inside the structures devoted to the permitted principal uses set forth above.

- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

4. Planned Commercial (PC)

- a. Intent. To provide for maximum flexibility in the development of retail business districts and other compatible uses.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20. On-premise and off-premise sale of alcoholic beverages, including private clubs, night clubs; liquor stores and lounges is allowed only upon approval by the Council.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

5. Planned Business (PB)

- a. Intent. To provide for maximum flexibility in the establishment of areas compatible with the office, commercial and limited light industrial uses which are performed inside buildings with limited outside storage or operations that may be adjacent to residential districts.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

6. Planned Light Industrial (PI)

- a. Intent. To provide for maximum flexibility in the establishment of areas compatible with commercial and light industrial uses.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

5.20.5. Building Permit.

1. General. The developer of the PUD shall proceed with the development of the property in accordance with the plan and no further approvals shall be required except as set forth in this §5.20.5. If plans are submitted for the construction of improvements on any particular parcel within the PUD, a Building Permit shall be approved or denied according to the procedure set forth in this §5.20.5.
2. Issuance of Permits for Permitted Principal Uses. Upon application for a Building Permit for the construction of improvements on any parcel within the PUD, if the Building Official shall determine that the intended use of the improvements is a "principal permitted use" within the applicable land use district of the PUD, then a Building Permit shall be issued in accordance with the provisions of §2.2.
3. Subdivision Plats and Roads. Nothing in this §5.20 shall be construed to require a Building Permit for approval of subdivision plats or road designs. The construction of roads within the PUD requires approval of preliminary and final subdivision plats and all required design drawings according to the Subdivision Regulations of the City to build roads and infrastructure.

5.20.6. Amendment to the Plan.

1. Intent. It is the intent of this §5.20 to provide for flexibility in the development of the property submitted for the PUD, and to approve minor changes administratively. Accordingly, additional approvals shall be required only for major changes as defined in §5.20.6.2.
2. Major Change. A "major change" in the plan shall be defined as an increase in the number of lots or parcels within the approved PUD, the decrease in size of any lot or parcel in the approved PUD, the decrease in the square footage of common open space in the approved PUD, any decrease in the amount or form of buffer within the approved PUD, a

change in the boundaries of any land use district reflected on the master development plan, and/or any changes in the planning criteria submitted with the master development plan, including a change in an approved use from one that is permitted to one that is categorized as a "special exception" within the applicable PUD land use district. No segment, tract, lot or parcel of land within the approved PUD shall be processed for a change of land use districts to other PUD land use district or conventional zoning districts unless the total PUD is submitted along with the rezoning request. Any other changes shall be considered "minor changes" and shall not require any additional approvals, other than the plat approval which shall be obtained through the typical plat approval procedures of the City and all said plats for a PUD will be reviewed and approved on the basis of the approved planning criteria of the PUD only.

3. Approval of Major Changes. Whenever the developer of the PUD shall request a major change in the plan, the developer shall file an application for change which shall be reviewed in accordance with the provisions of §5.20.3.

5.20.7. Time Limit for Development of the Plan. The development shall meet the following time limit schedule beginning from the date (herein referred to as the *PUD Effective Date*) that the City Council approves the PUD's Master Development Plan and Planning Criteria, as indicated by §5.20.1.3.e(4):

1. Engineering and permitting shall begin within six (6) months;
2. Initial Preliminary Plat submittal within twelve (12) months;
3. Begin physical construction (i.e. clearing and grubbing, grading, utilities, road work, storm drainage, etc.) of the approved Preliminary Plat within eighteen (18) months;

If the preceding time schedule is not met, the PUD Master Development Plan and Planning Criteria approval shall lapse and be of no further effect. The Planning and Zoning Commission, upon showing of good cause by the developer, may extend the individual parts of the schedule for period(s) not to exceed three (3) months upon written request by the Developer/Applicant. Prior to the PUD being allowed to progress after the PUD Master Development Plan and Planning Criteria approval expires, the Developer/Applicant shall restart the approval process in accordance with 5.20.3.

The Developer/Applicant shall include in the PUD Master Development Plan and Planning Criteria an anticipated development schedule with an anticipated development completion date.

The Developer/Applicant shall submit a Development Status Update to the Commission on or before the PUD Effective Date on a yearly basis. This report shall summarize the current status and progression of the Development and shall also revise the anticipated development schedule. Failure to submit the Development Status Update shall render the Development temporarily halted until the reports are submitted to the Commission.

If a PUD goes for a period of one (1) calendar year or greater without the continuation of development activity (development activity being defined as issuing building permits and/or submitting preliminary plat and/or submitting final plat) then the Developer/Applicant must request a time extension for the Development of the PUD from the Commission.

If a PUD goes for a period of three (3) calendar years or greater without the continuation of development activity (development activity being defined as issuing building permits and/or submitting preliminary plat and/or submitting final plat) then the PUD Master Development Plan and Planning Criteria approval shall lapse and be of no further effect. Prior to the PUD being allowed to progress after the PUD Master Development Plan and Planning Criteria approval lapses, the Developer shall restart the approval process in accordance with §5.20.3. Under this condition, the new PUD Master Development Plan and Planning Criteria must conform to the Zoning Ordinance and regulations in effect at the time of resubmittal.

5.20.8. Definitions.

1. Intent. The intent of this §5.20.8 is to clarify terms of this §5.20. For the purpose of this §5.20, certain terms used herein are herewith defined, and if any terms defined herewith in this §5.20.8 shall contradict or conflict with any terms defined in Article 3 or in any other Section of this Ordinance, those terms as defined in Article 3 or other Sections shall not apply to this §5.20.

2. Definitions.

- a. ATTACHED SINGLE FAMILY DWELLING Those buildings so designed and arranged to provide separate sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy of ~~two or more families~~ ~~more than two families~~ whereby the living units are built for sale, fee simple, and not for lease, including condominiums and townhouses.
- b. DETACHED SINGLE FAMILY DWELLING A detached building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy by one family only, and ~~is~~ ~~are~~ built for

sale, fee simple, and not for lease.

- c. MULTI-FAMILY DWELLINGS A structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen facilities or dining facilities, and which is leased in part or whole, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, or similar housing types, but not including hotels, motels, hospitals, or nursing homes.

- d. **OPEN** OPEN SPACE: * **NEED TO DEFINE** *

- e. INTERIM USES Any temporary use of land in any area of a PUD, which has been approved as a part of the PUD development plan and criteria. An interim use can be any use and may or may not be a principal permitted use or a special exception use of the applicable district.

- f. PLAT Any drawing or drawings and related written material indicating the proposed manner or layout of a road, parcel, and/or subdivision to be submitted to the City for approvals and/or recording purposes.

5.20.9. Changes to Zoning Ordinances. No amendment or modifications of this Zoning Ordinance shall be effective as to any PUD approval issued prior to such amendment or modification, it being intended that the PUD shall continue to be developed in accordance with the Zoning Ordinance in **effect** ~~erect~~ at the time of such prior approval.

5.20.10. Repealer. All ordinances or parts of ordinances **previously heretofore** adopted by the City Council of the City of Calera, Alabama which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

5.20.11. Severability. If any part, Section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

5.20.12. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

Table 5.20 PUD Land Use District Table of Permitted Uses						
	PR-1	PR-2	PO	PC	PB	PI
<i>Agricultural Uses</i>						
Farm machinery and farm supply sales						P
<i>Residential Uses</i>						
Accessory Dwellings	Y	Y				
Attached single-family dwellings (condominiums and townhouses)	Y	SE	SE			
Detached single-family dwellings (including garden homes)	Y	SE				
Semi-detached single-family dwellings	Y	SE				
Duplexes	Y	SE				
Live-Work/Upper Story dwellings		SE	SE	SE	SE	
Multi-family dwellings		Y	SE	SE	SE	
Residential accessory structures and buildings	Y	Y				
<i>Institutional Uses</i>						
Assisted living care facilities		SE	SE	Y	SE	SE
Child day-care centers	SE	SE	SE	Y	SE	SE
Places of Assembly	SE	SE	SE	SE	SE	SE
Libraries, museums and art galleries	SE	SE	SE	SE	SE	SE
Nursing homes		SE	SE	Y	Y	
Public buildings			Y	Y	Y	Y
Public and Private schools (not providing residential accommodations)	SE	SE	SE	Y	Y	Y
<i>Commercial Uses</i>						
Animal kennels, Domestic						Y
Appliance and small engine repair				Y	Y	Y
Art supply and frame shops				Y	Y	Y
Audio/video stores				Y	Y	Y
Auto dealerships				Y	Y	Y
Auto parts stores				Y	Y	Y
Auto repair/renovation facilities (not housed with auto sales establishment)						Y
Bakeries (for baked goods sold at retail on-premises only)				Y	Y	Y
Banks and other lending institutions			Y	Y	Y	Y
Bicycle shops (including repair)				Y	Y	Y
Building materials sales (no outside storage yards)				Y	Y	Y
Building materials sales (with outside storage yards) and lumber yards						Y
Card, gift and florist shops and drug stores				Y	Y	Y
Convenience commercial uses	SE	SE	SE	Y	Y	Y
Craft and hobby shops, toy and sporting goods stores				Y	Y	Y
Dance studios				Y	Y	Y
Department and jewelry stores				Y	Y	Y
Duplicating and copying services				Y	Y	Y
Furniture and interior decorating stores				Y	Y	Y
Gasoline service establishments (including muffler, tire, battery, brake and transmission services) and car washes				Y	Y	Y
Grocery and health food stores				Y	Y	Y
Hardware stores and domestic equipment rental				Y	Y	Y
Heavy equipment sales and service						Y
Home occupations	SE	SE	SE			
Hotels, inns and motels				Y	Y	Y
Y – The use is permitted by right. SE – Special Exception Use, requires approval pursuant to §5.20.3. A blank cell indicates that the use is not permitted.						
Table continued on following page						

Table 5.20 PUD Land Use District Table of Permitted Uses cont.						
	PR-1	PR-2	PO	PC	PB	PI
Commercial Uses (cont.)						
Indoor sports facilities (bowling, health club or spa, racquet club, skating rink)				Y	Y	Y
Indoor recreational and amusement uses				SE	SE	SE
Medical clinics and opticians				Y	Y	Y
Motion picture theaters				Y	Y	Y
Neighborhood service facilities				Y	Y	Y
Personal services (barber and beauty shops, cosmetic studios, dry cleaning outlets and coin-op laundromats, tanning salons, shoe repair, etc.)				Y	Y	Y
Photographic studios				Y	Y	Y
Pet Services (with no outside runs)				Y	Y	Y
Radio and TV stations (no antennae)				Y	Y	Y
Research laboratories					Y	Y
Residential information offices	SE	SE	SE			
Restaurants				Y	Y	Y
Sales showrooms for appliances, furniture, carpet, lighting fixtures, medical and office equipment				Y	Y	Y
Shopping centers, factory outlet stores				Y	Y	Y
Industrial Uses						
Bakeries						Y
Bottling plants						Y
(Bulk) Distribution facilities					Y	Y
Clothing, textile or dyeing plant						Y
Cold storage and ice plants						Y
Construction yards, highway maintenance yards and buildings						Y
Janitorial and maintenance services					Y	Y
Laundry and dry cleaning plants						Y
Light industrial, fabricating, processing assembling and manufacturing uses					Y	Y
Plumbing, heating and cooling, electrical and other supply and service facilities					Y	Y
Printing establishments						Y
Recycling collection point						Y
Sanitary sewage treatment facilities						Y
Truck or bus terminals						Y
Warehouses (including mini-warehouses, self-storage facilities and office/warehouses)					Y	Y
Water or liquid storage tanks						Y
Woodworking shops					Y	Y
Recreational and Open Space Uses						
Recreational facilities operated on a non-profit basis	SE	SE	SE	SE	SE	SE
Golf courses	SE	SE	SE	SE	SE	SE
Golf courses (if shown on Master Development Plan)	Y	SE	SE	SE	SE	SE
Open spaces	Y	SE	SE	SE	SE	SE
Outdoor amusements and recreation facilities (carpet golf, par-3 golf, go-carts, batting cages, bumper boats, water slides, etc.)				Y	Y	Y
Parks (playgrounds, tot-lots, ball fields, picnic areas, etc.)	SE	SE	SE	SE	SE	SE
Swimming pools and tennis courts	SE	SE	SE	SE	SE	SE
Y – The use is permitted by right.						
SE – Special Exception Use, requires approval pursuant to §5.20.3.						
A blank cell indicates that the use is not permitted.						

Planning and Zoning Meeting

Guest Sheet

Date 10/10/2022

Printed Name

Matt Golab

Autrey-Donna McMiller

Andrew Vanzandt

Calvin Morgan

DAVID STOVALL

Tom Haney

Donna Sue Haney

Phil Busby

Hi Waple

Wynne Waple

W

Spencer Jordan

Jim Sheehan

~~Chris~~

Ron Michel

Cassi Lusco

Base Phillips

Frank Baker

Printed Name

Willie Johnson

Christy

Christy Knowles

James Knowles

John Coughlin

Steve Bunker

Clay Smithman

Dolores Walter

Johnny Brown

Bettie Strick

Tim Powell

Jana Garbary

Carlton Garton

Christy Ash

Terrell Ash

Mike Ash

Shirley

DARIN & ANGELA BENEDICT

Planning and Zoning Meeting

Guest Sheet

Date _____

Printed Name

Kate Klefer

Betsy King

Wesley Kutzend

Jean Powell

DAVID MURPHY

Tip Edwards

Printed Name