

INDIAN SPRINGS VILLAGE
TOWN COUNCIL MEETING
October 15, 2019

The Indian Springs Village Town Council met Tuesday, October 15, 2019 following the Founders day celebration. Mayor Brenda Bell-Guercio called the meeting to order at 8:05 p.m. All councilmembers were in attendance except Councilmember Whatley.

Also, in attendance was Ben Goldman, attorney representing ISV, Bert Boykin attorney representing Cape Group LLC., and Murphy Lynch, acting chairman of ISV Planning and Zoning Committee.

Lynch reported that PAZ approved the petition for rezoning by Cape Group LLC. The petition was for rezoning from the current zoning district of E1 to a B-2 Zoning District. The property, described by the Shelby County Property Tax Assessor as ID 10-8-28-0-001 012.009, and as owned by Cape Group LLC consist of a parcel of land which runs along Cahaba Valley road for a distance of 303.69 feet and is 323.18 feet deep. The current property is within a Judgement Order which has classified the property as Commercial Retail. The Cape Group LLC has agreed to rezoning property subject to the property owner obtaining a special exception use and a variance of setback and buffer. The motion to approve made by the PAZ is attached to these minutes.

The first reading of Ordinance No. 2019-001, an ordinance to amend zoning ordinance no. 2015-002 and the zoning map adopted on July 21, 2015, by the Town Council of the Town of Indian Springs Village, Alabama, to rezone certain property from its present zoning to B-2 general business district was read and discussed. A copy of the ordinance is attached to these minutes.

Additionally, Resolution No. 10-15-19-01 was presented. The resolution is to set a Public Hearing concerning whether to grant the petition of Cape Group, LLC for the rezoning of 3125/3127 Cahaba Valley Road, Indian Springs Village, Alabama, to B-2. The public hearing will be held November 5, 2019 at 7:00 pm. at the ISV town hall. A copy of the Resolution is attached to these minutes. Councilmember Dale Elliott made a motion to adopt the resolution and Councilmember Stauss seconded. The vote was unanimous.

Mayor Bell-Guercio adjourned the meeting at 8:15 pm.

Respectfully submitted,

Joan Downs, Town Clerk

MOTION

INDIAN SPRINGS PLANNING AND ZONNING COMMISSION

October 15, 2019

Indian Springs Village Planning and Zoning

CAPE GROUP LLC Petition for Rezoning

There being a quorum of members present the Planning and Zoning Commission opened the meeting for the sole purpose of considering the Petition for Rezoning filed on behalf of CAPE GROUP LLC by Jeff Brewer. All notices were posted with Certified Mail notices being sent to the property owners within 500 feet of the subject property.

The Petition for Rezoning was considered by the Planning and Zoning Commission of Indian Springs Village on October 15th, 2019. After the presentation, and everyone being given the opportunity to speak in favor or against the petition the Commissioners having had discussion and due consideration,

A motion was made by _____ - - - - - JOAN DOWNS _____ to recommend to the City Council approval/ disapproval, of the application to Rezone the property described by the Shelby County Property Tax Assessor as ID 10 8 28 0 001 012.009 as owned by CAPE GROUP LLC., which consist of a parcel of land which runs along Cahaba Valley road for a distance of 303.69 feet and is 323.18 feet deep from its current zoning district to a B-2 Zoning District and for the adoption of proposed Ordinance #2019-001.

Subject to the Property Owner obtaining the Special Exception use and Variance of setback and buffer. Failing to obtain said conditions the property will revert back to E-1 zoning district. The property owner will remain obligated to comply with all Building codes, development ordinances and regulations.

Motion was seconded by _____ Tom Allison _____:

On vote of _____ 6 _____ in favor; _____ 0 _____ opposed; _____ 0 _____ abstaining

ORDINANCE NO. 2019-001

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 2015-002 AND THE ZONING MAP OF INDIAN SPRINGS VILLAGE HERETOFORE ADOPTED ON JULY 21, 2015, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA, TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING TO B-2 GENERAL BUSINESS DISTRICT.

BE IT ORDAINED by the Town Council of the Town of Indian Springs Village, Alabama, as follows:

Section 1. That the Town Council finds as follows:

a. That the requested change in zoning classification is compatible with the Town of Indian Springs Village's comprehensive plan in that i.) the Subject Property (as defined below) has been consistently used for commercial uses for many years, ii.) this rezoning will help resolve disagreements regarding the application or interpretation of purported judicial zoning and legislative zoning as it relates to the Subject Property, iii.) the Subject Property currently has a gas station with a convenience store located on the front of the parcel while the rear of the parcel has been used for other commercial purposes for a number of years, iv.) the owner of the Subject Property desires to build a mini warehouse on the back of the parcel, which is only allowed in a B-2 General Business District as a special exception, v.) this appears to be a low impact use that will be a substantial improvement for the adjoining property owners, and vi.) the Subject Property is unique in its history, uses, and regulations;

b. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there is available and adequate public infrastructure and services, including water, sewer, roads, police and fire protection, etc., to support the proposed rezoning classification, and to the extent that improvements are required, the owner has agreed to make such improvements; and

c. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there will be no significant impact of the requested change in zoning classification on neighboring properties and the surrounding area, including traffic, noise, light, odors, etc.

Section 2. That Zoning Ordinance No. 2015-002, adopted July 21, 2015, and the Zoning Map of Indian Springs Village be amended so that the area described below be rezoned from its present zoning to B-2 General Business District:

Parcel Number:

10-8-28-0-001-012.009

Property Address:

3125/3127 Cahaba Valley Road
Indian Springs Village, Alabama

(“the Subject Property”);

Section 3. That this ordinance shall be effective only when all of the following conditions have occurred:

a. This ordinance has been published by posting the same as required by law following its adoption;

b. Cape Group, LLC has paid all fees required of it in connection with making its petition related to this ordinance;

c. The Board of Zoning Adjustment of Indian Springs Village, Alabama (the “Board”), upon the application of Cape Group, LLC, has approved a special exception for the Subject Property to permit its use for a mini warehouse upon such conditions as the Board deems necessary;

d. The Board, upon the application of Cape Group, LLC, has approved variances for the Subject Property to make necessary accommodations to the rear and side setbacks on such conditions as the Board deems necessary; and

e. The Town Council recongizes by resolution that the Subject Property is, for purposes of its subdivision regulations, “grandfathered” as currently occupied by two separate

uses, so long as the two uses contemplated (gas station and mini warehouse facility) are continued.

ADOPTED: This 5th day of November, 2019.

Herb Robins
Council Chairman Pro Tem

ADOPTED: This 5th day of November, 2019.

Brenda Bell-Guercio
Mayor

ATTESTED: This 5th day of November, 2019.

Joan Downs
Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 5th day of November, 2019.

The above and foregoing ordinance was published on the _____ day of November, 2019, by posting copies thereof in four public places within the Town:

- 1. Indian Springs Village Town Hall,
- 2. Marathon Gas Station,
- 3. Shelby County Fire Station No. 1, and
- 4. Shelby County Fire Station No. 2.

Witness my hand and seal of office this _____ day of November, 2019.

Joan Downs, Town Clerk

ORDINANCE NO. 2019-001

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 2015-002 AND THE ZONING MAP OF INDIAN SPRINGS VILLAGE HERETOFORE ADOPTED ON JULY 21, 2015, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA, TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING TO B-2 GENERAL BUSINESS DISTRICT.

BE IT ORDAINED by the Town Council of the Town of Indian Springs Village, Alabama, as follows:

Section 1. That the Town Council finds as follows:

- a. That the requested change in zoning classification is compatible with the Town of Indian Springs Village’s comprehensive plan in that i.) the Subject Property (as defined below) has been consistently used for commercial uses for many years, ii.) this rezoning will help resolve disagreements regarding the application or interpretation of purported judicial zoning and legislative zoning as it relates to the Subject Property, iii.) the Subject Property currently has a gas station with a convenience store located on the front of the parcel while the rear of the parcel has

been used for other commercial purposes for a number of years, iv.) the owner of the Subject Property desires to build a mini warehouse on the back of the parcel, which is only allowed in a B-2 General Business District as a special exception, v.) this appears to be a low impact use that will be a substantial improvement for the adjoining property owners, and vi.) the Subject Property is unique in its history, uses, and regulations;

b. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there is available and adequate public infrastructure and services, including water, sewer, roads, police and fire protection, etc., to support the proposed rezoning classification, and to the extent that improvements are required, the owner has agreed to make such improvements; and

c. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there will be no significant impact of the requested change in zoning classification on neighboring properties and the surrounding area, including traffic, noise, light, odors, etc.

Section 2. That Zoning Ordinance No. 2015-002, adopted July 21, 2015, and the Zoning Map of Indian Springs Village be amended so that the area described below be rezoned from its present zoning to B-2 General Business District:

Parcel Number:

10-8-28-0-001-012.009

Property Address:

3125/3127 Cahaba Valley Road
Indian Springs Village, Alabama

(“the Subject Property”);

Section 3. That this ordinance shall be effective only when all of the following conditions have occurred:

f. This ordinance has been published by posting the same as required by law following its adoption;

g. Cape Group, LLC has paid all fees required of it in connection with making its petition related to this ordinance;

h. The Board of Zoning Adjustment of Indian Springs Village, Alabama (the “Board”), upon the application of Cape Group, LLC, has approved a special exception for the Subject Property to permit its use for a mini warehouse upon such conditions as the Board deems necessary;

i. The Board, upon the application of Cape Group, LLC, has approved variances for the Subject Property to make necessary accommodations to the rear and side setbacks on such conditions as the Board deems necessary; and

j. The Town Council recongizes by resolution that the Subject Property is, for purposes of its subdivision regulations, “grandfathered” as currently occupied by two separate uses, so long as the two uses contemplated (gas station and mini warehouse facility) are continued.

ADOPTED: This 5th day of November, 2019.

Herb Robins
Council Chairman Pro Tem

ADOPTED: This 5th day of November, 2019.

Brenda Bell-Guercio
Mayor

ATTESTED: This 5th day of November, 2019.

Joan Downs
Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 5th day of November, 2019.

The above and foregoing ordinance was published on the _____ day of November, 2019, by posting copies thereof in four public places within the Town:

- 5. Indian Springs Village Town Hall,
- 6. Marathon Gas Station,
- 7. Shelby County Fire Station No. 1, and
- 8. Shelby County Fire Station No. 2.

Witness my hand and seal of office this _____ day of November, 2019.

Joan Downs, Town Clerk

RESOLUTION NO. 10-15-19-01

A RESOLUTION TO SET A PUBLIC HEARING CONCERNING WHETHER TO GRANT THE PETITION OF CAPE GROUP, LLC FOR THE REZONING OF 3125/3127 CAHABA VALLEY ROAD, INDIAN SPRINGS VILLAGE, ALABAMA, TO B-2.

WHEREAS, the Town of Indian Springs Village, Alabama (the “Town”) has received a petition from Cape Group, LLC, the owner of the following described real property to rezone the property to B-2:

Parcel Number:

10-8-28-0-001-012.009

Property Address:

3125/3127 Cahaba Valley Road
Indian Springs Village, AL

(“the Subject Property”);

WHEREAS, the proposed amendment to the Town’s zoning map was first submitted to the Indian Springs Village Planning and Zoning Commission (the “Commission”) for its recommendations and report;

WHEREAS, at least fifteen (15) days prior to the Commission meeting at which the rezoning request was to be presented and initially considered, the Chairman of the Planning and Zoning Commission or his duly authorized representative gave written notice to all property owners located in whole or in part within five hundred (500) feet of the boundaries of the Subject Property as shown by the official records of the Tax Commissioner of Shelby County, on a date not more than one (1) year prior to the date of such notice;

WHEREAS, timely notice having been given as required by law, on October 15, 2019, the Commission held a public hearing for the consideration of the change proposed by the Petition;

WHEREAS, at the meeting of the Town Council on October 15, 2019, the Commission reported its recommendations to the Town Council, as required by Section 11-52-79 of the *Code of Alabama* (1975);

WHEREAS, after having received the recommendation of the Commission, the Town Council gave a “first reading” of the proposed amendment at the next regularly scheduled Town Council meeting following the recommendation of the Commission, which was the Town Council’s meeting on October 15, 2019;

WHEREAS, the Town Council desires to set Cape Group, LLC’s petition to rezone the Subject Property to B-2 for a public hearing at its next regularly scheduled Council meeting on November 5, 2019, at 7:00 p.m., which will permit the Town to give notice of the hearing as required by law;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Indian Springs Village, Alabama, while in regular session on Tuesday, October 15, 2019, at 7:00 p.m. as follows:

1. The Town Council hereby sets a public hearing for Tuesday, November 5, 2019, at 7:00 p.m., at Indian Springs Village Town Hall, 2635 Cahaba Valley Road, Indian Springs Village, AL 35124, on the question of whether to grant Cape Group, LLC’s petition to rezone the Subject Property to B-2;

2. At the public hearing on November 5, 2019, Cape Group, LLC shall be given the opportunity to appear personally, or through its counsel, or both, and the Town Council shall proceed to hear any evidence which may be presented both for and against the petition to rezone the Subject Property to B-2. The Town Council requests that Cape Group, LLC appear at the public hearing to speak in support of its petition.

3. The Town Clerk is authorized to deliver a copy of this Resolution to Cape Group, LLC.

4. The Town Clerk is directed to give not less than fifteen (15) days' notice of the time, place, and subject of the public hearing set by this Resolution along with a copy of the proposed ordinance by posting such notice in four (4) conspicuous places within the Town limits, one of which shall be the Town Hall. Such notice will further state that all persons who desire shall have an opportunity to be heard in opposition to or in favor of such ordinance.

ADOPTED: This 15th day of October, 2019.

Herb Robins
Council Chairman Pro Tem

ADOPTED: This 15th day of October, 2019.

Brenda Bell-Guercio
Mayor

ATTESTED: This 15th day of October, 2019.

Joan Downs
Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 15th day of October, 2019, while in regular session, and the same appears of record in the minute book of said date of said Town.

Witness my hand and seal of office this 15th day of October, 2019.

Joan Downs, Town Clerk