

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

March 15, 2021 – 6:00 PM

Pelham Civic Complex – Banquet Hall
500 Amphitheater Road, Pelham, AL 35124

Members Present: Joseph Little, Chairman; Jim Davis, Vice Chairman; Bill Kinnebrew; Samuetta Nesbitt; Michael O’Kelley; Kenneth Wilder

Members Absent: Bill Norton

Staff Present: David Willingham, Chief Development Officer; Christie Hester, Manager, Planning & Community Development; Josh Cameron, Principal Planner; Kristine Goddard, Principal Planner; John Slaughter, Chief Civil Engineer

PUBLIC HEARING

Joseph Little, Chairman, called the meeting to order at 6:03 pm and noted the meeting would be live-streamed (<https://Live.Shelbyal.com>). He stated there was a quorum with six Commissioners and introduced the Commissioners and County staff members. **Commissioner Little** reviewed the meeting procedures and described possible scenarios related to actions taken and the appeal process. In addition to the Planning Commissioners and County staff, approximately seven (7) audience members were present.

1. Approval of the Minutes of the March 1, 2021, Planning Commission Regular Meeting

Commissioner Davis made a motion to approve the minutes of the March 1, 2021, meeting and **Commissioner Nesbitt** seconded the motion. **Commissioner Little** called for a vote and the Planning Commission approved the minutes of the March 1, 2021, meeting with a vote of five to zero (5-0) with one abstention by **Commissioner Wilder** who stated he abstained because he did not attend the March 1st meeting.

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

2. SD20-010 – DSLD Land Management Special District Rezoning from H-Z to SD

This is a request from Chris Latham, P.E., on behalf of DSLD Land Management Co. Inc., property owner, for approval of a change in the zone district boundaries from H-Z, Holding Zone District to SD, Special District for approximately 18.03 acres of a 38-acre parcel to allow development of a full-service landscape design and construction company including an office, warehouse/production, and laydown yard. The subject property is located on the west side of Dunning Valley Road at 1200 Dunning Valley Road, in the Chelsea North-Dunning Valley South-Westover North Zoning Beat; Parcel Identification No. 58-09-2-09-0-001-002.000 (part).

Kristine Goddard gave a presentation on agenda item #2 based on the written staff report provided in the meeting information packet. Ms. Goddard reported the applicant submitted a revised plan to address the outstanding items discussed in the written report. She stated that Development Services and Highway Department staff approved the revised plan, with one notation regarding a typographical error to be corrected.

In response to **Commissioner Davis'** question about the outstanding items, Ms. Goddard confirmed all outstanding items discussed in the written staff report had been satisfactorily resolved. She noted the applicant had submitted a digital copy of the corrected plan that afternoon and would be submitting the paper copy of the plan with the corrected topographical error.

There being no other questions, **Commissioner Little** invited the applicant to speak.

Chris Latham, applicant, on behalf of DSLD Land Management, thanked County staff for their assistance through the application process. He stated they are excited about the opportunity to grow their business and mentioned a great history of being a good neighbor. The Planning Commissioners did not have any questions for the applicant.

Commissioner Little opened the floor for public comment and asked if there was anyone to speak in favor.

James Graham, 702 Highland Lakes Cove, stated that shortly after moving in about a year ago, he and his wife engaged DSLD regarding plans for their new home. Mr. Graham believes DSLD is a good neighbor and requires a place to expand its business in order to meet the needs of growing residential communities in the area. He supports this request, asserting it is better to give landscaping business to a local entity rather than outside companies.

Commissioner Little asked if there was anyone to speak in opposition.

Patrick Hagood, 1016 Dunnivant Place, stated his property abuts the DSLD property. He explained that he is not opposed to DSLD's location and he believes it is a neat operation that will continue to do well; but he had questions related to the fuel/wash shed and drainage, specifically concerned about the diesel fuel runoff in the direction of his property after looking at a topographical map. Mr. Hagood mentioned the Special District includes a laundry list of different businesses and he is just concerned about DSLD building and operating as it is proposed and approved, rather than adding a side business—he referenced Tree Top on Highway 41 as an example of construction not built as approved. Mr. Hagood stated he knows that, for certain covenants, it is easier to ask forgiveness than permission. He also discussed potential flood lighting that could shine on the neighboring homes into kitchens, bedrooms, and patio areas. In conclusion, Mr. Hagood reiterated that he was not opposed to this business; he just wanted to share his concerns.

Ms. Goddard explained the Special District ties the development to a specific plan; any deviation from that plan requires approval by the Planning Commission. She stated if the zoning request was approved, DSLD would be required to go through the County's site plan approval process, and that construction (including drainage) would be reviewed and approved through the building permit process.

Chris Latham stated that DSLD has the same concerns regarding soil contamination since they are in the landscaping business growing plants and trees on their own property; problems with their plants would be the canary warning of a problem should there ever be one related to diesel fuel seepage. He explained the County would have oversight in approving DSLD plans and construction. Mr. Latham noted they currently have a diesel fuel station on site and have not had any problems, and he stated that ADEM [Alabama Department of Environmental Management] heavily regulates diesel run-off. He explained that all new tanks have a double wall for even more protection. Responding to the concern regarding lighting, Mr. Latham stated the development plan includes a 100-foot buffer. He again stressed that DSLD wants to be a good neighbor and will definitely make sure they address these concerns.

Wendy Paige stated she just moved into her home at 1012 Dunnivant Place, having relocated from a 42-acre property. She shared her concerns regarding lighting and privacy, and suggested consideration be given to a thicker buffer for more privacy. Ms. Paige also expressed concern with the development's impact on wildlife, particularly deer, noting she had seen fewer deer in recent weeks since they started clearing the land

compared to the deer seen when she was looking at property. She stated she was not opposed to the development but just concerned about privacy and lighting for those who back up to this property.

Kristine Goddard explained that while the applicant proposed a 100-foot buffer, most of the buildings are at least 200 feet from neighboring properties—and that area includes uncut, undeveloped, heavily treed land. She stated that the current zoning of H-Z, Holding Zone District allows a minimum residential lot size of three acres with no buffer requirement if it were one residential subdivision neighboring another residential subdivision. Ms. Goddard added that the H-Z district requires just a 30-foot buffer between a business and residential subdivision; in both instances, the planned buffer will provide more privacy if the rezoning to SD, Special District was approved.

Chris Latham assured residents their concerns do matter to DSLD, which wants to continue being a good neighbor. He noted seeing fewer deer recently is not surprising since they began clearing land a few weeks ago; he is hopeful the deer and other wildlife will be there once construction is completed. Mr. Latham asserted that DSLD is very transparent about the land and their business plans. He encouraged everyone to come and talk with them whenever there are concerns. He again noted DSLD shares the same concerns expressed tonight, noting the owner already resides nearby and will eventually live on this property. Mr. Latham stated that the owner, David Sharp, takes seriously every aspect of being a good neighbor, appearances of people and property, staff conduct and interactions, and the cleanliness of vehicles; just to name a few examples. He concluded his remarks by reiterating that neighbor concerns definitely matter and DSLD appreciates their willingness to express their concerns.

In response to a question by Patrick Hagood, Mr. Latham confirmed the owner will live on the northern end of the property. Mr. Hagood again stated his support for the business with just the few minor concerns he shared.

With no further discussion, **Commissioner Little** called for a motion. **Commissioner Kinnebrew** made a motion in **Case SD20-010 – DSLD Land Management Special District Rezoning from H-Z to SD** that the evidence presented in the written staff report and presentation warrants Approval with conditions of the written staff report and **Commissioner Davis** seconded the motion. On a roll call vote, the Planning Commission unanimously approved the following resolution by a vote of six to zero (6-0):

WHEREAS, Chris Latham, P.E., on behalf of DSLD Land Management Co. Inc., property owner, has requested approval of a change in the zone district boundaries from H-Z, Holding Zone District to SD, Special District for approximately 18.03 acres of a 38-acre parcel to allow development of a full-service landscape design and construction company including an office, warehouse/production, and laydown yard; and,

WHEREAS, the subject property is located on the west side of Dunnivant Valley Road at 1200 Dunnivant Valley Road, in the Chelsea North-Dunnivant Valley South-Westover North Zoning Beat; Parcel Identification No. 58-09-2-09-0-001-002.000 (part); and,

WHEREAS, the H-Z district is intended to provide for the proper timing and phasing of growth within areas of undeveloped property for which the Shelby County Planning Commission's zoning authority encompasses; and,

WHEREAS, Special Districts are authorized for the purpose of providing optional methods of land development that encourage imaginative solutions to environmental design problems, including infill development; and,

WHEREAS, in 2014, Shelby County Department of Development Services, working closely with the community, developed the Dunnivant Valley Small Area Plan (DVSAP); and,

WHEREAS, two primary goals outlined in the DVSAP include promoting consistent growth patterns and preserving the Dunnivant Valley’s rural character; and,

WHEREAS, DSLD is an established business in Dunnivant Valley that will relocate all services from the current 2.85-acre site; and,

WHEREAS, relocating the existing business from the 2.85-acre site to an 18.03-acre site maintains the rural context of the Dunnivant Valley and incorporates low impact design elements with significant natural buffers; and,

WHEREAS, the Special District binds the rezoning request to a specific development proposal and site development plan; and,

WHEREAS, the use of a Special District at this location accommodates the mix of uses and protects environmentally sensitive features within the rural context to meet the intent of the goals of the DVSAP; and,

WHEREAS, the applicant must submit a fully engineered site plan that complies with the approved Special District site development plan and the *Zoning Regulations of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Chris Latham, P.E., on behalf of DSLD Land Management Co. Inc., property owner, for approval of a change in the zone district boundaries from H-Z, Holding Zone District to SD, Special District for approximately 18.03 acres of a 38-acre parcel to allow development of a full-service landscape design and construction company including an office, warehouse/production, and laydown yard and located on the west side of Dunnivant Valley Road at 1200 Dunnivant Valley Road, in the Chelsea North-Dunnivant Valley South-Westover North Zoning Beat; Parcel Identification No. 58-09-2-09-0-001-002.000 (part), be and the same is hereby **APPROVED**, subject to:

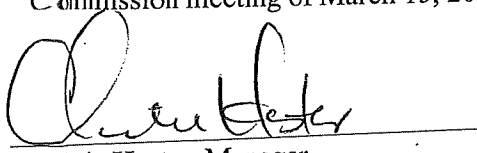
- Applicant submitting a revised site development plan to correct the labelling of the County right of way for Old Dunnivant Valley Road; and
- Compliance with the regulations, policies and guidelines of Shelby County, Alabama.

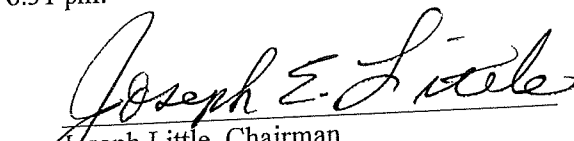
OTHER INFORMATION

Christie Hester informed the Planning Commission that Shelby County was in the initial stages of updating the 2004 Comprehensive Plan; staff will work with a consultant and will continue to share information with the Planning Commission as it becomes available.

Christie Hester confirmed the next scheduled meeting of the Planning Commission is Monday, April 5, 2021, noting the meeting will be held at the Shelby County Services Building.

There being no further business, **Commissioner Davis** made a motion to adjourn and **Commissioner Kinnebrew** seconded the motion. By a unanimous vote of six to zero (6-0) in favor, the Planning Commission meeting of March 15, 2021, adjourned at 6:31 pm.


Christie Hester, Manager
Planning & Community Development


Joseph Little, Chairman
Shelby County Planning Commission