



**PLANNING COMMISSION MEETING
DECEMBER 14, 2017
MEETING MINUTES**

- I. Meeting called to order by Chairperson Kim Speorl at 7:00 PM in the Council Chambers at Pelham City Hall.
- II. Invocation led by Russell Biciste.
- III. Roll call was taken with the following members present: Kim Speorl, Russell Biciste, Mildred Lanier, David Russell, Mayor Gary Waters, Claude Peacock, Chad Hester and Bob Sinclair. Gretchen DiFante, City Manager and Jesse Jowers City Engineer and Bob Miller, City Building Official were also present.
- IV. Claude Peacock moved to accept the minutes of the last board meeting of November 9, 2017 as written. Bob Sinclair seconded the motion and all approved.
- V. **Final Plat: Camellia Ridge Phase 1 (31 Lots)**
Applicant: Newcastle Development LLC – Presented by Eric Mann of Newcastle Development LLC. Mr. Mann stated they are in negotiation with Crosscreek Baptist Church and their insurance company. Pastor Brandon Hudson stated they were trying to come to an agreement on a resolution for what is best for the church now and the future as well. Claude Peacock asked Mr. Mann where they were in the process of the resolution. Mr. Mann stated that the insurance company is working with the church to resolve the issues they are having. Mayor Waters asked Pastor Hudson at what state of resolution were they at between the church and the insurance company. Pastor Hudson stated they were at 55%. Claude Peacock asked how much of the building was affected by the damage. Pastor Hudson stated one third of the building was useable. He stated they have had no kitchen since July. Eric Mann stated ServPro's offer was met and Newcastle had all the asbestos removed out of pocket. Gretchen Difante cautioned the Planning Commission members that the agreements can have no bearing on this case.

Chad Hester asked Eric Mann what has your company done to the detention pond since all of this has happened and has there been any reports done on the detention pond. Mr. Mann stated they had cleaned the pond up and were maintaining the pond. He stated they would send a copy of the reports on the detention pond. Pastor Hudson stated they had hired a Hydrogeologist and had sent the report to the

city of his findings. David Stovall of Engineering Design Group stated he had read the report and his information does not agree with this report. He stated they stand behind their design on the pond and stated the rain event was the issue not the design of the pond. He stated that the rain event was an act of God. It rained at least 5.31 inches in a 24 hour period. He also stated that the pond was built to the requirements of the City of Pelham which is the 100 year emergency overflow. Chad Hester asked Mr. Stovall if he thought vegetation on the hill would have helped. Mr. Stovall replied yes it probably would have. Mr. Stovall explained that detention ponds and retention ponds are two different things. The pond was actually designed as a detention pond not a retention pond. The pond already had water in it due to the previous rains. The design meets the sub-division regulations. Chad asked Mr. Stovall do you think if Newcastle Development had cleaned the pond out and maintained the pond would this still have happened. Mr. Stovall stated in his opinion no it would not. Kim Speerl requested the report on the pond. Chad Hester asked if ADEM contacted Newcastle. Eric Mann stated that they have. Wade Lowery of EDG received the reports form ADEM, walked the sight and the changes were made and pictures were taken and sent back to ADEM. Chad Hester asked Wade Lowery if they were doing the inspections on the erosion control. Mr. Lowery explained they were not contracted to do those inspections. Mr. Hester asked who was doing the inspections and Mr. Lowery explained it was self-inspected by Newcastle Development LLC. Chad asked if the erosion control was stable now. Mr. Lowery explained he had not been to the sight. Brandon Hodges of Newcastle Development LLC presented pictures and a report to the commission.

Tom Robinson a member of the church said all of this was sounding like a broken Record. The report that was presented was from an independent company out of Tuscaloosa, Alabama. He stated he would like to hear from each Commission Member on what they think about the situation individually.

Mildred Lanier stated before we do that I would like to get clarification on the Pond. It is a retention pond during the construction and detention pond after Construction and stabilization. She also questioned why the subdivision was not designed with a detention pond and a retention pond. Mr. Stovall explained it is not something that we are required to do. It's not typically a requirement until the sidewalks and streets are in. Ms. Lanier asked of Mr. Stovall what they propose for now and the future. David Stovall stated that he believed if the ditch behind the church had been cleaned out this would not have happened. He stated that once again he would like to reiterate that they stand behind the design of the pond. Mr. Mann stated that the change in the Home Owners Association states they have to hire a third party to maintain the pond.

Claude Peacock asked once you have the houses and roof tops in place will this not cause flooding and are the ponds setup to protect all the residences. Mr. Stovall explained once again that the pond was designed and constructed correctly.

Bob Sinclair stated that Engineering Design Group was a fine engineering firm. He questioned David Stovall if the detention pond was actually built to his specifications. Mr. Stovall confirmed that it was built to their specifications with the requirements of the City of Pelham.

Catherine Hopeland expressed her concerns stating that a year ago her husband spoke against the subdivision and had concerns then about flooding. She asked that at this point let's make sure we get it right this time. Mr. Copeland presented the commission with a copy of the ADEM report.

Mr. Jebco spoke to the commission in reference to the fact that there has been several floods in the City of Pelham however, the church has never flooded until now.

Neville Peacock stated she was present at the meeting when the subdivision was approved last year. She stated that at that time the reports that were brought in to Jesse were not brought in in time for him to review before the meeting. She stated that many people had concerns and ask the commission to highly consider not approving.

Pastor Hudson quoted the statement "Don't judge someone by what they do but by what they do to make it right." We just want the church to be restored.

Chad Hester stated that all the points that were spoken were good points. We as the commission have the best intent of the citizen's and the construction company.

Russell Biciste stated he thought it was sad that it had taken this long and come to this. Builders own property and are entitled to build what they want to build with the requirements but not to infringe on others.

Mildred Lanier stated we need quality homes here in the City of Pelham. Meeting a requirement is a good thing but above and beyond is better. My hope and thoughts are that the development company will go above and beyond the requirements, building a retention and a detention pond as soon as possible. Mr. Stovall stated this pond grossly exceeds the requirements. Mr. Mann stated Newcastle did go above and beyond. He also stated he thought it was unfair to question the integrity of Newcastle Development LLC, stating their business is a reputable company and located here in the City of Pelham. This project is important to us and so are the people here. Mildred stated she was not questioning the integrity of the company.

Paul Tally stated he was a new resident to the city and had some dealings with an issue of a detention pond. He stated that in his opinion the City of Pelham needs to look at the requirements and make some changes. Kim Speorl explained that the subdivision regulation were actually on the agenda for tonight and changes were in the making for the requirements.

Bob Sinclair stated he feels bad for everyone involved. He stated that when the plan was brought in last year it looked like a good sound plan. He asked Mr. Mann how long has this project been going on. Mr. Mann stated it has been almost a year. Mr. Sinclair stated had the 5.31 inches of rain not happened would we be here, probably not.

Claude Peacock stated sometimes you just don't have the ability to develop but we're here.

Angie Hester asked David Stovall would you say that the reason the flood happened was because there was no vegetation. Mr. Stovall said he did not. He stated that 5.31 inches across that one spot over one day was more of the problem along with the ditch having debris in it and blocking the flow of the water. She inquired of Mr. Stovall if they had checked the ditch when the water was diverted to it. Mr. Stovall again stated they stand behind their design of the pond.

Mayor Waters states to Mr. Mann that we as a city are in a precarious situation and are faced with a dilemma. Nobody could foresee the 5.31 inches of rain. We've got to take this situation and go forward with it.

Pastor Hudson stated we would like to see them work with the hydrogeologist. He also wanted to thank First Baptist Church of Pelham for allowing them to host a Thanksgiving meal at their church.

Rick Hayes spoke to the fact that he had concerns in the past. He stated he did not think the pond was designed to function at its best capacity. He stated he had concerns with nothing being done and hopes we can find a way to move forward.

Mayor Waters made a motion to table the issue to the January 11, 2018 meeting.

Mr. Mann stated they did not want to table the issue they wanted a vote on the issue. Mildred Lanier inquired of Mr. Mann as to why they did not want to continue. Mr. Mann stated they stand behind their engineers and the design of the pond.

Mayor Waters withdrew his motion.

Kim Speorl cautioned Mr. Mann that because they only have a preliminary plat approval from previous meetings they could not legally sell the lots until a final plat approval. Mr. Mann acknowledged he understood this fact.

Mayor Waters made a motion to approve the final plat for Camellia Ridge Phase 1 as presented. Chad Hester seconded the motion. Kim Hester called for a vote for approval of the motion presented. Mayor Waters approved the vote all others denied the vote. Final Plat was denied Kim Speorl quoted the State of Alabama codes for denying the final plat:

Section 11-52-32

(b) Every plat approved by the municipal planning commission shall, by virtue of the approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

Section 11-52-9

Adoption, etc., of master plan for physical development of municipality by commission - Conduct of surveys and studies; purpose of plan.

In the preparation of such plans the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory.

The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

VI. Preliminary Plat: Camellia Ridge Phase 2 (52 Lots)

Applicant: Newcastle Development LLC presented by Eric Mann of Newcastle Development LLC. Henry Copeland a property adjoiner asked the Planning Commission how they could go forward with phase 2 when phase 1 was not approved. Neville Peacock said she had the same issues with Phase 2 as she had with phase 1. Angie Hester asked Mr. Mann what the cost and time would be to build a detention and a retention pond. Mr. Mann stated he could not answer that question. He did not have all the information he would need.

Mayor Waters made a motion to approve the final plat for Camellia Ridge Phase 1 as presented. Chad Hester seconded the motion. Kim Hester called for a vote for approval of the motion presented. Mayor Waters approved the vote all others denied the vote. Final Plat was denied Kim Spearl quoted the State of Alabama codes for denying the final plat:

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- VII. The Pelham Planning Commission held a hearing December 14, 2017, to consider an amendment to the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agricultural District) to R-1 (Single Family Residential District). Property Located on Highway 33.

Legal Description:

BEGIN at the NW Corner of the SE 1/4 of the NW 1/4 of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama, said point being the POINT OF BEGINNING; thence S88°35'05"E and along the North line of above said 1/4-1/4, a distance of 650.00'; thence S45°59'52"W, a distance of 912.51' to the West line of above said 1/4-1/4; thence N00°35'20"E and along above said West 1/4-1/4 line, a distance of 650.00' to the POINT OF BEGINNING.

Said Parcel containing 4.85 acres, more or less.

Randy Goggans speaking for the Pelham Board of Education presented the request. Mr. Sinclair asked Mr. Goggans if he was going to present the entire subdivision in one plat. Mr. Goggans stated that was his plan. Mr. Sinclair asked what type of housing he was proposing. Mr. Goggans stated the lots were 100 foot x 150 foot lots and there will be a mixture of slab housing, crawl space housing and basement housing. Neville Peacock asked what the price range of the house would be. Mr. Goggans explained to her he could not give her those details. Chad Hester made the motion to recommend the rezoning to City Council. Bob Sinclair seconded the motion and all approved.

- VIII. Preliminary Plat: Oakmont Subdivision, Phase 1. (115 Lots)

Applicant: Pelham 157, LLC — Continued by Developer to January 11, 2018.

- IX. Release of Seal Coat Bond for Keeneland Valley. Jesse Jowers, City Engineer, spoke to the fact that there were water issues. Mr. Jowers explained he requested a bond and a secondary bond for repairs in the amount \$10,000.00 from the contractor. Mayor Waters stated he would rather see the problem repaired. Paul Talley, President of the HOA, Spoke to the fact that he does not think \$10,000.00

would be sufficient for all the repair to the road that will need to be done. He stated the water problem was there before the final seal was placed down. He stated the sprinklers have been tested in the area and were found to be ok. He also stated it is clean water so therefore it is not sewer. Chad Hester spoke to the fact that he believes the \$10,000.00 is too low as well. Mr. Hester asked Bob Miller, Building Official, if he had been to the location and what his opinion of the situation was. Mr. Miller stated at first they thought it might be coming from the sprinkler systems, however after the property owners did not use the sprinklers for a month the water was still there. Chad Hester asked Mr. Eddy Jowers if he thought maybe this had been wetlands in the past. Mr. Jowers stated he did not believe it had been, however there may have been a wet weather spring in that area.

Bob Sinclair made a motion to continue this issue to the January 11, 2018 meeting. Chad Hester seconded the motion and all approved. Motion was continued until January 11, 2018.

X. Public hearing to consider the adoption of the revised Subdivision Regulations.

Gretchen Difante, City Manager, stated after a meeting with Mr. Sinclair and Mr. Mobley and Mayor Waters, Mr. Mobley will be getting a letter in reference to the Planned Community.

After much discussion on several items in the revised subdivision regulations Kim Speorl asked for a motion to continue this issue to the January 11, 2018 meeting for a vote. Claude Peacock made a motion to continue this issue to the January 11, 2018 meeting. Chad Hester seconded the motion and all approved. Motion was continued until January 11, 2018.

XI. The following Announcement was read:

The Pelham Planning Commission will hold a hearing January 11, 2018, to consider an amendment to the zone district boundaries of the City of Pelham changing the present zoning A1 (Agricultural District) to R-G (Residential Garden Homes District).

Property located on Highway 11

LEGAL DESCRIPTION:

PARCEL I

Instrument number 20150821000291660 as recorded in the Office of the Judge of Probate in Shelby County, Alabama. (Tax ID 58-14-9-30-0-000-002.041)

A parcel of land situated in the Northeast 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows:

Commence and Begin at the Northeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama and thence run southerly for a distance of 784.05 feet to a set capped rebar stamped "CARR 0001OLS"; thence turn a deflection angle right of 44°19'12" and run southwesterly for a distance of 721.48 feet to a point within a 20" hardwood, being 18.69 feet southwest of a found 1/2" open top; thence turn a deflection angle right of 45°48'16" and run westerly for a distance of 1160.77 to a set capped rebar stamped "CARR 0001OLS"; thence turn a deflection angle right of 90°34'13" and run northerly for a distance of 672.49 feet to a found 1/2" rebar; thence turn an interior angle left, counter-clockwise, of 180°40'45" and run northerly for a distance of 507.66 feet to a capped rebar that was unreadable, said point being on the southeasterly right-of-way line of Shelby County Road No. 11; thence turn a deflection angle right of 35°29'36" and run northeasterly along said road right-of-way line for a distance of 583.80 feet to a set capped rebar stamped "CARR 0001OLS"; thence turn a deflection angle right of 145°37'57" and run southerly for a distance of 358.04 feet to a set capped rebar stamped "CARR 0001OLS"; thence turn a deflection angle left of 91°09'26" and run easterly for a distance of 1324.59 feet to a found 1/2" rebar at the Point of Commencement and Beginning.

PARCEL II

Tract I of Instrument number 20060501000202370 as recorded in the Office of the Judge of Probate in Shelby County, Alabama. (Tax ID 58-14-9-30-0-000-001.060)

Northeast 1/4 of Section 30, Township 20 South, Range 2 West, described as follows:

Beginning at the SW corner of the NE 1/4 of the NE 1/4 of said Section 30, go North 89 degrees 29 minutes 43 seconds West for 990.43 feet; thence North 36 degrees 18 minutes 16 seconds East for 1040.02 feet; thence North 52 degrees 29 minutes 35 seconds West for 473.71 feet to the South boundary of Shelby County Highway No. 11; thence north 37 degrees 30 minutes 37 seconds East along said South boundary 60.00 feet; thence South 52 degrees 29 minutes 35 seconds East for 422.00 feet to the beginning of a curve to the left, having a central angle of 56 degrees 11 minutes and a radius of 251.02 feet; thence Northeasterly along said curve for 246.15 feet to the point of tangent; thence North 71 degrees 19 minutes 25 seconds East for 117.00 feet; thence North 00 degrees 12 minutes 30 seconds West for 410.13 feet; thence South 89 degrees 32 minutes 54 seconds East for 48.20 feet; thence South 00 degrees 28 minutes 21 seconds West for 326.78 feet; thence South 89 degrees 37 minutes 24 seconds East for 374.51 feet to the East boundary of Grantchester Lane; thence South 08 degrees 22 minutes 58 seconds West for 60.00 feet; thence South 89 degrees 37 minutes 24 seconds East for 80.00 feet; thence South 20 degrees 33 minutes 03 seconds West for 1010.78 feet; thence North 89 degrees 29 minutes 43 seconds West for 100.00 feet to the point of beginning.

LESS AND EXCEPT instrument number 20090317000098690 (Tax ID 58-14-9-30-0-000-001.064)

A parcel of land situated in the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of said Section 30; thence South 00 degrees 28 minutes 21 seconds West for a distance of 326.30 feet; thence North 89 degrees 37 minutes 24 seconds West for a distance of 45.30 feet; thence North 00 degrees 12 minutes 30 seconds West for a distance of 326.31 feet; thence South 89 degrees 32 minutes 54 seconds East for a distance of 47.55 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL III

A part of Instrument number 20040707000375240 (Tax ID 58-14-9-30-0-000-001.000)

A parcel situated in the Section 30, Township 20 South, Range 2 West, Shelby County, Alabama being more particularly described as follows:

BEGIN at a 1/2" rebar at the NW corner of the SE 1/4 of the NE 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama; thence S 0°03'04" W along the west line of said 1/4-1/4 section a distance of 783.61 feet to a 1/2" rebar capped Carr on the northwesterly right-of-way of CSX Railroad; thence N 44°19'45" E leaving said 1/4-1/4 line and along said right-of-way a distance of 773.38 feet to a point; thence N 45°40'47" W leaving said right-of-way a distance of 539.49 feet to a point; thence S 20°05'16" W a distance of 155.69 feet to a 1/2" rebar capped Carr on the north line of said 1/4-1/4 section; thence S 89°49'09" W along the north line of said 1/4-1/4 section a distance of 100.27 feet to the POINT OF BEGINNING.

With no further business to come before the Planning Commission Kim Speorl asked for a motion to adjourn. Bob Sinclair made the motion to adjourn. Claude Peacock seconded the motion all approved and the meeting was adjourned at 7:50 PM.

- XII.** With no further business to come before the Planning Commission Kim Speorl asked for a motion to adjourn. Chad Hester made the motion to adjourn. Bob Sinclair seconded the motion all approved and the meeting was adjourned at 9:45 PM.

Respectfully Submitted,
Cathy Sweeney
Planning Commission Secretary