

**Council Members**

**Rick Hayes  
Ron Scott  
Beth McMillan  
Maurice Mercer  
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**Mayor**

**Gary W. Waters**

**City Manager**

**Gretchen DiFante**

**City Clerk/Treasurer**

**Tom Seale, MMC, CMRO**

**PLANNING COMMISSION MEETING**

**March 8, 2018**

**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, Billy Crandall, David Russell, Mayor Gary Waters, Claude Peacock, Chad Hester and Bob Sinclair. Chris Cousins, Engineer, Eddy Jowers, Public Works Director, Bob Miller, City Building Official, Tim Honeycutt, Fire Chief and Gretchen Difante, City Manager were also present.**
- IV. Claude Peacock moved to accept the minutes of the last board meeting of February 15, 2018 as written. David Russell seconded the motion and all approved.**
- V. Public hearing to consider the adoption of the revised Subdivision Regulations. Billy Crandall made a motion to approve the revised Subdivision Regulations with the exception of one change, adding the phrase plus \$25.00 per lot to page 11, Section 2.02 (b). David Russell seconded the motion and all approved.**
- VI. Preliminary Plat: Oakmont Subdivision, Phase 1 (115 Lots)  
Applicant: Pelham 157, LLC -- Continued from February 15, 2018 meeting—  
Presented by Brian Harris with Gonzalez-Strength & Associates, Inc. for Pelham 157 LLC. Brian Harris stated item 10 in reference to maintenance access road being provided for the detention ponds will be constructed. He also stated that the access permit from Shelby County Highway Department has been turned in to Shelby County. Mr. Harris stated that the gas mains mentioned by Municipal Consultants and required by the City of Pelham to be located on the opposite side of the street from the water main would be addressed and moved to the other side. Bob Sinclair made a motion to approve the plat subject to the requirements from Municipal Consultants being met and make a motion to approve the variance as stated. Russell Biciste seconded the motion and all approved with the exception of Chad Hester and Billy Crandall opposing. Motion approved.**

**VII. Preliminary Plat: Ambergate @ Ballantrae (20 Lots)**

**Applicant: Mobley Development**

Mayor Waters made the motion to approve the preliminary plat as approved and amending the master plan to Ballantrae from Commercial District to Residential District. Billy Crandall seconded the motion and all approved with the exception of Bob Sinclair abstaining from the vote.

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

**Applicant: Newcastle Development LLC** – Presented by David Stovall of Engineer Design Group for Newcastle Development LLC. Mr. Stovall stated there were no changes to the plat and have had no comments from the city staff pertaining to not meeting the subdivision regulations. He requested that if indeed the plat map is turned down to please state a reason why it is turned down.

Billy Crandall asked Chris Cousins if the plat map meets the regulations of the city. Chris stated that it did meet all the regulations.

Mayor Waters asked Bob Miller if there was anything to do with the building department that was in need of being addressed. Bob stated there was nothing.

Raymond Hayden a citizen presented information on previous flooding in the city of Pelham on Highway 261, about the Flood Mitigation Project, information from the Shelby County Reporter and the Storm Water Regulation Board.

Charles Berk asked EDG where the Phase II and Phase III Detention ponds were located. Joe Schifano with EDG stated one would be located on the Bearden Road side and one would be located closer to the water tank.

Billy Crandall asked Chris Cousins to speak on the pre and post calculations of water runoff and the design. Chris stated that it was built in accordance with standard engineering practices.

Claude Peacock stated his decision was not based on anything personal. He stated he and Joe Schifano had been friends a long time. He stated he did not think the land was suited for construction. He also stated he did not think the flooding can be prevented. He stated he felt as Kim Speorl felt last month when she stated she did not believe the land should be developed any further.

David Stovall stated that the Planning Commission is required to ensure that the plats meet zoning and the regulations the city sets forth. Proper engineering practice has been done. He stated what you are asked to do is to rely on your engineer.

Claude Peacock stated as a Commissioner the responsibility for me is to make sure that the people of the city are not damaged or harmed and sometimes that goes beyond the rules and regulations.

David Stovall stated everybody that sits on the board is asked to set aside your personal feelings and thoughts and be sure we meet the rules and regulations.

Bob Sinclair asked Chris Cousins is more water leaving the property after the construction. Chris replied no, not if it is constructed in accordance with the standard engineering practices.

Henry Copeland asked if the water that will be diverted would be going to Pelham or to the City of Helena. Will it affect the Saddle Run subdivision and go into their detention pond. EDG stated the water would be distributed down the existing ditch and no more water would be on the road than there is at this point.

Kim Speerl stated she feels like she represents the City of Pelham. She stated this project has been hard for her. Stating she sticks to the rules and regulations. But she feels torn between planning commission regulations and doing what is best for the citizens. She stated she still stands by the fact that she feels the property is not suitable for construction. On behalf of the neighbors and the surrounding property. She stated every property that is available does not support further development.

Bill Crandall stated that this puts the city in a legal position. He stated he had studied several cases and does not think we can legally say no.

Mayor Waters stated we brought the city attorney, Bill Justice, in and he presented it very well that the final authority is the law. We cannot replace the law with what we think when our engineer and City Building Official states they have met all the rules and regulations. If we turn this down the developers can and most likely will take it to the courts and the court will rule on it. The courts will not care about our personal feelings. They will rule according to the law and this would be a big hit on this board.

Bob Sinclair stated that he had been told that this was quite possibly a 150 year flood. Mr. Stovall stated there was 5 to 5 ½ inches of rainfall in a very small area and a very short time. He stated that we have had significant rainfall since then and yet there has been no flooding issues.

Billy Crandall made a motion to accept the plat as presented. Mayor Waters seconded the motion and the roll call vote was as follows:

Kim Speorl – no  
Russell Biciste – yes  
Mayor Gary Waters – yes  
Bob Sinclair – yes  
David Russell – yes  
Claude Peacock – no  
Billy Crandall – yes  
Chad Hester – no

With a 5 to 3 vote the preliminary plat was approved.

**IX. Preliminary Plat: Simms Landing Phase 1 (63 Lots)**

**Applicant: Highpoint Properties LLC**

Presented by Joe Schifano with Engineering Design Group for Highpoint Properties LLC. Joe Schifano stated there were 63 lots proposed for this property. Mr. Schifano stated that the commission had questions in the workshop meeting in reference to the fire access road. He stated that the road will be updated either by G & S Glass or by Highpoint Properties, LLC. Fire Chief Tim Honeycutt stated the road would have to be brought up to code due to the fact that the road would not withstand the weight of the fire truck. Mr. Sinclair stated he did not think it would be suitable for the construction trucks to use as well. Mr. Stovall stated the trucks would not be using this entrance. Chris Cousins stated there would need to be a variance for the slopes approaching the intersection and an access permit from Shelby County is required. Mayor Waters made a motion to accept the plat as submitted and grant the variance for the slope approaching the intersection. David Russell seconded the motion and all approved.

**X. Kim Speorl read the following announcement:**

The Pelham Planning Commission will hold a public hearing April 12, 2018, to consider an amendment to the zone district boundaries of the City of Pelham changing the present zoning E-1 (Estate Residential District) to B-2 (General Business District).  
Property Located on Oak Mountain State Park Road

**Legal Description:**

A parcel of land located in the South ½ of the southwest quarter of the southeast quarter of Section 6, and the North ½ of the northwest quarter of the northeast quarter of Section 7, all in Township 20 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the northeast corner of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama and run thence westerly along the north line of said Section 7 a distance of 2674.71 feet to an iron pipe corner in a pile of rocks; thence turn 90°01'29" left and run southerly a distance of 634.89 feet to an iron pin corner; thence turn 89°43'35" left and run easterly a distance of 729.19 feet to an iron corner; thence turn 86°12'08" left and run northerly a distance of 192.90 feet to an old axle corner and the point of beginning; thence continue along last described course North 61°01'37" East a distance of 454.06 feet to a found rebar corner on the westerly margin of Oak Mountain Park Road; thence run North 26°59'10" West along said margin of said road a distance of 102.03 feet to a found rebar corner; thence run South 68°16'28" West along said margin of said road a distance of 17.41 feet to a found concrete monument; thence run North 21°49'31" West along same said margin of same said road a distance of 223.80 feet to a found concrete monument; thence run South 65°47'24" West along said margin of said road a distance of 24.99 feet to a found concrete monument; thence run South 70°04'25" West along said margin of said road a distance of 24.71 feet to a found concrete monument in a curve to the left having a central angle of 05°08'38" and a radius of 854.93 feet; thence run North 24°49'22" West along the chord bearing of said curve a chord distance of 76.33 feet to a found rebar corner; thence run North 54°05'01" West a chord distance of 74.69 feet to a found rebar corner; thence run South 02°25'35" West a distance of 150.74 feet to a found rebar corner; thence run North 67°20'31" West a distance of 100.00 feet to a found rebar corner; thence run South 01°38'24" West a distance of 495.09 feet to the point of beginning.

Said parcel containing 3.1 acres, more or less.

- XI. With no further business to come before the Planning Commission Kim Speorl asked for a motion to adjourn. Billy Crandall made the motion to adjourn. Chad Hester seconded the motion all approved and the meeting was adjourned at 7:50 PM.

Respectfully Submitted,  
Cathy Sweeney  
Planning Commission Secretary