

Council Members

**Rick Hayes
Ron Scott
Beth McMillan
Maurice Mercer
Mildred Lanier**



**Mayor
Gary W. Waters**

**City Manager
Gretchen DiFante**

**City Clerk/Treasurer
Tom Seale, MMC, CMRO**

**PLANNING COMMISSION MEETING
April 12, 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 Mildred Lanier.**
- III. Roll call was taken with the following members present: Kim Speorl, Russell Biciste, David Russell, Chad Hester and Bob Sinclair. Chris Cousins, Engineer, Eddy Jowers, Public Works Director, Bob Miller, City Building Official were also present.**
- IV. Bob Sinclair moved to accept the minutes of the last board meeting of March 8, 2018 as written. Chad Hester seconded the motion and all approved.**
- V. Public hearing was held 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).
Applicant: Jimmy Olen Humphries
Property Located on Oak Mountain State Park Road**

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.

Randy Britton spoke on the issue for Mr. Jimmy Humphries. In 2010 the land was subdivided into two 1 ½ acre lots and zoned E-1 at the suggestion of the City Engineer. The City of Pelham took an easement and placed a water pipe in the front of the property. After trying for several years to sell the property and not getting much interest in the residential market Mr. Humphries decided to try to get the property zoned for commercial use. Kim Speorl asked if there was anyone who would like to speak to the zoning request. Connie LaBue spoke to the issue in opposition to the rezoning due to her property flooding now from Coales Branch and stating that the property if graded would cause more flooding on her property. She also stated she was concerned with the environmental issues on this property, stating she did not know if the owners of this property now were aware that there was in the past a double wide mobile home buried on this property with the contents still in it. Also there is a landfill on the property and the former owners, the Nations, also dumped raw sewage on the property. She has concerns with egress and ingress coming from that property due to the traffic on the road. Mr. Humphries asked Ms. LaBue if she knew exactly where the trailer was buried. Ms. LaBue stated she knew close enough to where the mobile home was buried. Mr. Humphries stated he would be glad for her to show him where the trailer is and they would be glad to extract the mobile home. Kim Speorl asked Ms. LaBue how long she had owned her property. Ms. LaBue stated they had purchased it in the 60's it was family property. Kim Speorl asked Mr. Britton if he would like to address

these issues. Mr. Britton stated the buried mobile home is an environmental issue as it is now. Any company that would come in to do any excavating would first do a soil test. A perk test has been done and there was no evidence of any of this. Ms. LaBue stated she was still concerned with the water issue. Mr. Sinclair asked if there was any way to improve the water situation when the land is developed. Mr. Humphries stated that any improvement would address the current codes. Ms. LaBue stated if the land is raised it would then throw even more water on her property stating there was nowhere to route the water too. Mildred Lanier questioned Mr. Humphries if he had spoken with engineers in reference to the water issue. Mr. Humphries stated he had not, but also stated that any improvements would go from A to Z with everything but since we are not trying to do any improvements at this time we are just trying to sell the property. Mr. Sinclair asked Chris Cousins if he had looked at the water issue. Chris Cousins stated he had not at this time. Mr. Sinclair asked the property owners if this was the first that they had heard of a mobile home being buried on the property. Mr. Humphries stated it was his first time to hear about this. Mr. Sinclair asked Ms. LaBue if she was positive it was buried on this property. Ms. LaBue stated she was. Mr. J. B. Kovakas presented pictures to the commission in reference to flooding on his property which is close to this property. Chris Cousins stated he has a meeting with the County project manager on another matter and he will be glad to speak to him in reference to this matter. In looking at what the uses of adjacent properties and at the comprehensive plan the property appears to be designated for residential or institutional uses which would not be consistent with B-2 zoning. Mr. Rick Hayes stated that as far as the strategic comprehensive plan for the city right now this would be inconsistent with the current plan. We are in the process of getting ready to start a new comprehensive plan. He suggest that at this time it would be premature to rezone this property at this time. Kim Speorl asked for a motion. Mildred Lanier made a motion to not recommend this rezoning. Chad Hester seconded the motion. With a roll call vote the vote is as follows:

Kim Speorl – yes
Russell Biciste – yes
Bob Sinclair – yes
David Russell – yes
Mildred Lanier – Abstains
Chad Hester – yes

The motion was approved to not recommend this rezoning to City Council.

VI. Steve Mobley of Mobley Development spoke in the work session in reference to the Ballantrae Master Plan. The following is the minutes from that meeting.

Mr. Steve Mobley with Mobley Development spoke to the Planning Commission in reference to the Conceptual plan for Ballantrae. Regarding the issues that have brought forward in reference to removal of commercial property under the master plan for the

Ambergate section. The area in the original master plan was designated commercial at this time there is no commercial market for this area. There are other areas that can be converted to commercial and will still allow the city the same opportunity for the tax revenue down the road as it has now. The area that Mr. Mobley is proposing for commercial property at this time is close to the entrance to Ballantrae. Mr. Mobley has donated property for a conservation easement in the amount of approximately 215 acres which eliminates over 500 units of potential density for the Ballantrae development. The development was originally approved for 4000 units. And can only be used for very limited things and will never have development on this property. This property is the Southeast ridge above Kirkwall, the fire station and the pool and will never have any trees removed and no structures built on this property. Kim Speerl asked Mr. Mobley what this area was designated for in the first conceptual plan portions of it was originally planned for relatively high density residential. Mr. Mobley stated he feels like that is a fair trade off for the 18 lots in Ambergate. He stated they would commit to allocating a comparable size tract of land on the main thoroughfare for commercial closer to the entrance at a later date once they see where the market deems it best.

Kim Speerl asked for a motion to accept the amendment of the master plan. Mildred Lanier made a motion to approve the amendment to the master plan. Chad Hester seconded the motion and all approved.

VII. Final Plat: Birkdale at Ballantrae (40 Lots)

Applicant: Ballantrae Development Company LLC / Mobley Development Inc
Presented by Walt Wickstrom Professional Engineer, representing Ballantrae Development Company LLC/Mobley Development Inc. Chris Cousins stated the only thing the city is in need of on this issue is the water as-builts and the digital copy of the as-builts. Kim Speerl asked if there was a motion. Mildred Lanier made the motion to accept the plat subject to the as-builts and the digital copy of the as-builts being received. David Russell seconded the motion and all approved.

VIII. With no further business to come before the Planning Commission Kim Speerl asked for a motion to adjourn. Bob Sinclair made the motion to adjourn. Chad Hester seconded the motion all approved and the meeting was adjourned at 7:35 PM.

Respectfully Submitted,
Cathy Sweeney
Planning Commission Secretary