



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 January 10, 2019 MEETING MINUTES

- I. Meeting called to order by Chairperson Kim Speorl at 7:05 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, Claude Peacock, Mildred Lanier, Danny Tate, Chad Hester, Bob Sinclair and Mayor Gary Waters. Chris Cousins, Engineer, Josh Osborne GIS Director and Bob Miller, City Building Official were also present.**
- IV. Claude Peacock moved to accept the minutes of the last board meeting of December 10, 2018 as written. Chad Hester seconded the motion and all approved.**
- V. Public hearing was held to consider changing the present zoning of R-1 (Single Family Residential) to A-1 (Agricultural District) for the following property located Adjacent to and West of Deer Ridge Sector 6, Phase 1.
Applicant: Donovan Gravlee**

Beverly Craft had questions regarding what Mr. Gravlee had in mind to do on this property such as will there be any livestock on this property or maybe even mobile homes placed on this property. And there were questions regarding if there were other type zonings that he could apply for that would not allow chicken farms or things of this nature on it. Bob Miller stated the only zoning you can have livestock on is A-1 Zoning. Wayne Patton had questions regarding the gate and the access to the land. Mr. Gravlee stated that he could not access his property through this gate the gate was installed only for the fire department entrance in case of fire on the property. There was a fire on the mountain several years ago when the previous owner set fire to the mountain and the fire department needed access to the property. That is the only reason for the gate at this location. Bob Miller stated that when this property was sold from the developers of Deer Ridge Lakes the covenants stated that there would not be any access to this neighborhood through this location. The concerns of the neighborhood were mainly what will happen if in the future something happens to Mr. Gravlee and a chicken farm or something of this nature is

placed on this property and they use the fence to access this property it will affect their property values. Mr. Gravlee stated there are two lots at the end of that road that prevents him from having total access to that property.

There were questions and statements about the map that was provided in the packet shows Whitetail Run possibly having access to the property. Kim Speerl pointed out that the map in the packet is not a survey but is only the tax map from Shelby County. Mr. Chandler stated that if you pull the Shelby County website up and zoom into his property that this property line does touch his property line and that there is no buffer zone. Kim Speerl stated that what Bob Miller was stating that there is a denied access provision in the covenants. Mr. Chandler stated that just as in the previous court case if it is not ruled in favor of the subdivision covenants that he would have access because in the previous case it was ruled as a no decision which because he had access through the gate he has access to use. Because the Alabama Supreme court ruled it no decision which in a sense throws the covenants out. The same thing could happen here if a lawsuit was brought up either by this property owner or if he sold the property the next owner could just say this is the only access I have to the property and then they can do whatever they want to on the property because it is now zoned A-1 instead of R-1 zoning.

Cindy Lightsey stated she understood and appreciates that he wants to do what he wants to do with his property but she stated that her concerns were with what may happen in the future and if the way it is zoned is currently meeting the needs of the property owner she doesn't see the need to make the zoning change. Mr. Gravlee stated he did not want livestock or mobile homes on the property. He stated he did not want anything on the property. Jeff Lightsey requested that it be kept as a natural area except for maybe a single family dwelling and no barns or anything of this nature and possibly put these in the provisions of the request.

Beverly Craft asked again is there another zoning that could be applied as a park or a wildlife preserve or something of this nature. Kim Speerl explained that currently the city does not have this type zoning. Beverly Craft asked if this property was adjacent to his other property. Mr. Gravlee stated it was and that the other property is A-1 zoning as well and that was one of the reasons he was requested this zoning so that it could all be A-1 zoning. Beverly Craft asked if he was going to resurvey this piece of property or keep it as it is. He stated he had no plans of resurveying it and combining it into one entity.

Chad Hester asked how he accessed the property now. Mr. Gravlee stated he could only get to that property by foot. He stated that his access to his property is from county road 36. But to get to this piece of property you have to go straight through the forest on foot.

Mayor Waters stated that based on the agreement between Mr. Gravlee and the city six years ago he is a man of his word because he has fulfilled everything he said he

would do. Mayor Waters also stated that this body cannot prohibit this man from managing his property based on what the next property owner might do.

Chad Hester made a motion to recommend approval of this zoning with the condition that there are no homes and no chicken farms or anything of this nature as long as Mr. Gravlee owns this property. Russell Biciste seconded the motion, Claude Peacock voted no, Bob Sinclair voted no and Mildred Lanier abstained from the vote. The motion was approved to recommend this rezoning to City Council.

- VI.** 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. Russell Biciste seconded the motion all approved and the meeting was adjourned at 7:20 PM.

Respectfully Submitted,
Cathy Sweeney
Planning Commission Secretary