

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
March 14, 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 Russell Biciste.
- III.** Roll call was taken with the following members present: Kim Speorl, Russell Biciste, Mildred Lanier, Danny Tate, Chad Hester, Bob Sinclair, David Russell and Mayor Gary Waters. Chris Cousins, Engineer, and Bob Miller, City Building Official were also present.
- IV.** Bob Sinclair moved to accept the minutes of the last board meeting of February 14, 2019 as written. Chad Hester seconded the motion and all approved.
- V.** Kim Speorl stated there was an addition to the agenda prior to the meeting that needs to be voted on. The addition of the Preliminary Plat to Kinross Highlands @ Ballantrae (31 Lots) Applicant Mobley Development Inc.
Vote was as follows:
Kim Speorl – No
Russell Biciste – Yes
Bob Sinclair – Abstains
David Russell – Yes
Danny Tate – Yes
Mildred Lanier – Yes
Chad Hester – Yes
Mayor Gary Waters – Yes

Motion was granted and added to the agenda.
- VI.** Public Hearing was held to change the present zoning of A-1 (Agricultural District) to B-2 (General Business District) for the following property located on Hwy 33 approximately 1 ¼ miles north of the intersection of Hwy 33 and Shelby County Highway 52, near Exit 242 in Pelham, Alabama.
Applicant: David W. Miles and Nancy Y Miles

Description:

A PART OF THE Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama, described as:

Commence at the Southwest corner of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama, and run thence Easterly along the South line of said Section 7, a distance of 42.38 feet to a point on the Easterly right of way line of Shelby county Highway NO. 33; thence turn a deflection angle of 69 degrees 17 minutes 6 seconds left and run Northeasterly a distance of 310.53 feet to a point on the southeasterly right of way line of said Highway NO 33 and the point of beginning of the property being described; thence turn a deflection angle of 68 degrees 22 minutes 38 seconds and run 724.58 feet to a point on the Westerly right of way line of Interstate Highway No. 65 (I-65); thence turn a deflection angle of 58 degrees 46 minutes 25 seconds left and run Northeasterly along said right of way line a distance of 189.92 feet to a point; thence turn a deflection angle of 5 degrees 21 minutes 39 seconds right and continue Northeasterly along said right of way line a distance of 317.91 feet to a point; thence turn a deflection angle of 79 degrees 55 minutes 16 seconds left and run a distance of 132.27 feet to a point; thence turn a deflection angle of 90 degrees 0 minutes and 0 seconds left and run Southwesterly a distance of 208.71 feet to a point; thence turn a deflection angle of 90 degrees 0 minutes 0 seconds right and run a distance of 2.15 feet to a point; thence turn a deflection angle of 90 degrees 0

minutes 0 seconds left and run Southwesterly a distance of 246.79 feet to a point; thence turn a deflection angle of 44 degrees 38 minutes 9 seconds right and run Westerly a distance of 442.03 feet to a point on Southeasterly right of way line of said Highway NO. 33 in a curve to the left having a radius of 3,396.92 feet; thence turn a deflection angle of 56 degrees 40 minutes 8 seconds left to chord and run Southwesterly along the chord of said Highway curve a chord distance of 258.75 feet to the point of beginning.

Also, a parcel of land situated in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama, described as follows:

Commence at the Southwest corner of said Section 7, township 20 South, Range 2 West, Shelby County, Alabama and run thence Easterly along the South line of Said Section 7 a distance of 42.38 feet to a point; thence turn a deflection angle of 69 degrees 17 minutes 6 seconds left and run Northeasterly a distance of 310.53 feet to appoint; thence turn 68 degrees 22 minutes 38 seconds right and run 724.58 feet to a point on the Westerly right of way line of Interstate Highway NO. 65 (I-65); thence turn a deflection angle of 58 degrees 46 minutes 25 seconds left and run northeasterly along said right of way line 189.92 feet to a point; thence turn a deflection angle of 5 degrees 21 minutes 39 seconds right and continue along said right of way line a distance of 317.91 feet to the point of beginning of the property being described; thence continue along last described course a distance of 50.78 feet to a point; thence turn a deflection angle of 79 degrees 55 minutes 16 seconds left and run Northwesterly a distance of 434.28 feet to a point on the Southeasterly right of way line of Shelby County Highway No. 33; thence turn a deflection angle of 90 degrees 0 minutes left and run southwesterly a distance of 50.0 feet to a point on the same said right of way line of same said Highway No. 33; thence turn a deflection angle of 90 degrees 0 minutes left and run a distance of 443.17 feet to the point of beginning.

Planning Commission chairperson Kim Speorl asked if anyone in the audience wanted to speak for or against the proposed rezoning. There was no response. Bob Sinclair made a motion to recommend the rezoning request to the city council. Chad Hester seconded the motion and all approved with the exception of Mildred Lanier abstaining.

VII. Final Plat Resurvey of Lots 32, 33, 34, 35, 36, 41 and CA2 Keeneland Valley.
Applicant: Harris Doyle ****PULLED FROM AGENDA****

VIII. (Added) Preliminary Plat Kinross Highlands @ Ballantrae (31 Lots).
Applicant: Mobley Development Inc presented by Walt Wickstrom, Engineer. Kim Speorl asked Chris Cousins, City Engineer to speak on this issue. Chris stated that there was some confusion over the timeline on the submission in regard to new subdivision regulations verses the old regulations so what he is suggesting is that we review this one section under the old regulations until we can get clarification from our attorney as to which set, new or old regulations apply to Ballantrae since it is a PUD. Walt Wickstrom stated it was the same size lots as previous lots in this area. Kim Speorl stated she has no problem with the development but she stated that she thinks the commission is out of order by not abiding by the subdivision regulations. Chad Hester questioned if this property was grandfathered in to the old

regulations. Chris Cousins stated that was the root question that would be asked of the city attorney when he returns. He has been out of town all week and we have been unable to get a legal opinion from him. Chris stated he was concerned with it due to the consistency of plans being brought into the city. But since there is some confusion on this one he does not have an issue moving forward under the old regulations for this one sector. However, we will need to get clarification before the next meeting from council on how we move forward on Ballantrae. He stated because the root question is does the PUD itself pull in the old subdivision regulations with it. Kim Speorl stated that the PUD section in the zoning ordinance does reference that subdivisions have to be approved by the Planning Commission and she doesn't think that one approval at the beginning will cover every approval.

Chris stated that from our stand point new regulations or old is ok it's just that we need to know what the rules are so that we can apply them appropriately as new plans come in. We have no issues with Ballantrae and no problems with the work they have done out there however, that is not always the case with developers. If we treat one differently to the other that's ok we just have to have a reason for doing that so that we can be consistent in the application of our rules and regulations. Kim Speorl asked if this was just for planned communities or all subdivisions. She stated that Camellia Ridge has been under the old regulations for one of their plats so using the same logic does that mean their plats that will be coming in the future will they not be subject to the new regulations. Chris stated that the question is not so much that it was a master plan it is just that it was setup as a PUD.

Mildred Lanier asked Chris in terms of the preliminary plat was there any issues that concern you. He stated that they had done a quick preliminary look at the plans and there are a few procedural type things that will need to be looked at due to the new subdivision regulations. Such as the check list and pre-meetings and that sort of thing. We do have some technical comments that are normal such as the fire hydrant location but nothing that I would call a red flag.

Kim Speorl asked if there was a motion. Mildred Lanier made the motion to approve this plat subject to any findings that the City Engineer might find with further evaluations and that these must be corrected before work can be performed. Chad Hester seconded the motion. Kim Speorl opposed the motion and Bob Sinclair abstained from the vote. Motion was approved.

- IX. With no further business to come before the Planning Commission Kim Speorl asked for a motion to adjourn. Mildred Lanier made the motion to adjourn. Chad Hester seconded the motion all approved and the meeting was adjourned at 7:15 PM.

Respectfully Submitted,
Cathy Sweeney
Planning Commission Secretary