

PLANNING COMMISSION MEETING
February 16, 2022
MEETING MINUTES

- I. Meeting called to order by Chairperson Kim Speorl at 6:20 PM at the Pelham Library.
- II. Invocation led by Russell Biciste.
- III. Roll call was taken with the following members present: Kim Speorl, Russell Biciste, Rick Wash, Chad Leverette, Chad Hester, and Mayor Gary Waters. Acting City Engineer Andrew Golden was also present.
- IV. Chad Hester moved to accept the minutes of the last board meeting of January 13, 2022 as written. Russell Biciste seconded the motion Chad Leverette abstained and all others approved.
- V. **Final Plat: Camellia Ridge Ph3, Sect 1 (9 lots)**
Applicant: Newcastle Development LLC. Presented by Shawn Aterburn and Engineer Design Group. Kim Speorl requested that Andrew Golden, Acting City Engineer go over the items listed to see where we stand with them. Andrew stated that item one on the list has been completed and the detention pond has been cleaned out. Item two on the list has been completed the road has been patched. Andrew referred the third item to Wes Greene of the Fire Department which is the access road Wes stated that he had gotten the compact score back and everything was fine with that. He also stated they do need to make sure the slope was not more than 15 percent but right now it is all good with the fire department. He also stated that they were going to put a 96 foot turn around on the main road so that they can also turn the truck around. But as of now the fire department is good with the access road. Kim asked if the applicant for the final plat was present. Shawn Aterburn with Newcastle Development LLC stated this was a 42 lot development and they were only proposing 9 lots due to the weather it has taken 14 months to get it ready. He stated that with the Engineer Design Group they had designed the plan per the city's regulation and subdivision regulations. He stated that per the city's engineer they have met all the regulations of the city. He asked that The Commission accept and approve the 9 lots in this first sector of this last phase of Camellia Ridge. Kim Speorl asked the Planning Commission members if they had any questions for the developer. Rick Wash asked if they were only developing 9

lots of the 42 lot development because when it was approved it was not broken down into sectors and how many sectors are there. Mr. Aterburn stated due to hardships it has taken 15 months to get to this point and due to having to work with the city on some issues with the water tower and some changes that had to be made. He stated that they request to get the first 9 lots of the 42. Mr. Wash asked where they stand on meeting the infrastructure with the remainder of the 42 lots. Mr. Aterburn stated they are currently working with the city on the water line that is connected to the water tower and the retaining wall that wasn't initially required by the city. He stated they had to stop with lot 309 because lot 310 is affected by the tower in the changes. The following behind the tower is the last phase and the goal for that is in April. Kim asked Andrew to give more information on the retaining wall and the water line. Andrew stated that there has been a preliminary design on how one of the city's water mains comes out of that tank and serves a portion of the city and will pass under the proposed retaining wall. The retaining wall was necessary because we did not want to lose any of the tank city property due to maintenance of the tank such as cleaning and painting or up keep outside of the tank. So we are waiting on a revised design of how the water main and wall interact and how we would be able to maintain the water main in the long term. Kim asked if the water main would be moved and Andrew stated that was correct. Mr. Aterburn stated that this item was missed by everybody on the front end of this project so obviously we want to do what is right and take that lot which is lot 310 and stop recording at 309 and resolve this situation. Mayor Waters stated that typically when we get a final plat it is generally housekeeping. It indicates to us that everything you said you were going to do when you submitted your preliminary plat has been done. Speaking of the two storm water events that we have had since the beginning of Camellia Ridge, one caused what is now a functioning detention pond to over top, it was an extraordinary event and then on October 6th when we had an unreasonable amount of rain that caused storm water runoff to encroach in adjacent subdivisions. It has put this body in a precarious situation. We have enough cause based on those flood events to be reluctant to approve anything else that could possibly lead to more storm water runoff. Is there anything you have done or could do to mitigate the apprehensions we have of finding any reason we might have not to let you build another house? Mr. Aterburn stated that when the planning commission approved the preliminary plat you gave us the order to spend the money and develop the 42 lots. What happened on October 6th was a 500 year flood event. He stated that we were here to approve the 9 lots and not to talk about whether or not phase one failed. He also stated that this is a totally new team everyone here is with New Castle is totally new with the team. We believe in doing the right thing. What we are asking for is not going to impact anyone it is designed per the city's regulations and per the city's engineer. He stated that he had dealt with houses from phase one that had issues on the east side. They had issues with a couple of slopes and they have fixed them. He stated that one thing to remember is that where Camellia Ridge is, is a mountain and the water was coming anyway. Going back to the question of why 9 lots, it's taking forever to get the lots in the ground. Rick Wash stated that he has lived in Pelham since 1976 and that mountain never flooded. So you can understand that the concerns of the citizens is our

concerns. When you look at the house that were built on the mountain side and see that they never flooded and the only thing that has changed in the last 5 years is this subdivision that was developed on the top of this mountain you can see that something has changed it and the water now has become an issue. Kim asked if there was anyone in the audience that would like to speak to this issue. Henry Copeland stated the church flooded and now he is having trouble from the runoff in his yard. His parents' basement floods on Canterbury Lane and now they have a sink hole beside their house. He stated he did not feel that the detention ponds were working. Raymond Hayden stated he had lived in Pelham 30 years and his basement flooded the first time in October. He stated on the map that was presented the City of Pelham's notes stated he has three items he wants addressed by the city. Item D states the entire property is in flood zone X. So this whole thing is in a flood zone. Under Item E it states that the maintenance of the detention ponds and all the structures are the responsibility of the homeowners association. He asked if the homeowners association was required to buy insurance. And do you have to join the homeowners association for insurance purposes. And Item G stated no encroachment, including structures or fill material, shall be placed within a designated flood plain unless and until a flood plain development permit has been submitted and approved by the flood plain administrator. All development within the designated flood plain must comply with the City of Pelham flood damage prevention ordinance. Does this plan exist and can we see it? Andrew Golden stated that flood zone X is not a flood zone FEMA maps the entire country so what is not studied is flood zone X. That is a standard note that goes on every plat that goes before this board. He stated he could not answer the questions on the insurance. And on the item G because of the flood zone X this does not apply to this property. Kim asked Mr. Aterburn if he would like to address the second question about the HOA. He stated that they were still the operator of the HOA and inspected the pond and submitted it to Andrew. And yes we do have insurance for the detention facilities. Wade Lowery of Engineer Design Group stated that he wanted to make a statement in reference to Rick Wash's question on the 9 lots. He stated that it is common to divide the plats into sectors. Russell asked Andrew how extensive is the retaining wall and moving of the water main going to entail. Andrew stated that there are two legs of the retaining wall. It tapers from a foot or a couple of feet tall to at the highest corner maybe eight to nine feet tall range and that is the portion where the water main is going to have to cross under it so we are trying to insure that for future maintenance we can access that water main without causing damage to the retaining wall. The water main was going to have to be moved anyway because they are cutting down the road and if it were not moved it would be suspended in air in the middle of the road. Rick Wash asked where the fire department turn around was to be located. Andrew stated it was at the end of lot 309. Rick asked if the turnaround was in place. Wes stated that if he was not mistaken it was complete. Wade stated that it was installed. Wes stated he would go out tomorrow and look at it. Rick asked where the access road would eventually go when the phase is finished. Wes stated the fire department would like for it to connect to Camellia Ridge Drive around the tower and connect. Wade stated that the access road would eventually connect to Camellia Ridge Drive. Kim asked for a

motion Mayor Waters made the motion to approve the final plat as presented. Russell Biciste seconded the approval. Kim Speorl voted no, Chad Hester opposed, Chad Leverette abstained and Rick Wash abstained. There being no further discussion, the motion to approve the final plat of Camellia Ridge failed to pass by a voice vote of 2-2-2 of those members present with Commission Chairperson Kim Speorl declared the motion failed.

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VI. Final Plat: Grey Oaks Subdivision, Sector 7 (45 lots)

Applicant: Grey Oaks Properties LLC presented by Engineer Design Group LLC Kim Speorl asked Andrew Golden to go over the engineers list. Andrew stated that the repair work in the proximity of lots 701 and 517 is underway. Item number two was damage to a driveway. That has been scheduled and the homeowner request that it be postponed until he gets some yard work completed. The installation of the street sign, the sign has been ordered but due to supply issues it has been held up. Joe with Engineer Design Group LLC stated that this is the third of three sectors that have been completed. The road work that Andrew mentioned is scheduled to be completed as soon as the concrete company can get to it. Chad Hester asked Joe if the road work was pre-seal coat. Joe stated it was. Rick Wash asked what the time line on the street signs was. Joe stated that he had worked with another developer about 2 months ago and ordered the signs and we are still waiting on them. They have been ordered to match the rest of the signs in the neighborhood. There being no further discussion Kim asked for a vote. Rick Wash made a motion to approve the plat as presented. Russell Biciste seconded the motion Chad Leverette abstained. There being no further discussion, the motion to approve the final plat for Grey Oaks Subdivision passed with a 5-1 vote of those members present with Commission Chairperson Kim Speorl declared the motion passed.

VII. Public hearing was held to consider changing the present zoning of M-1 (Light Industrial) to B-2 (General Business District) for the following property located on Pelham Parkway: 2774-2788 Pelham Parkway

Applicant: Pelham CDA Board presented by Ron Scott. Mr. Scott stated the CDA Board thinks that this re-zoning would meet the Overlay Districts objectives and the objectives of the CDA if we would be able to bring retail business to that property as opposed to remaining as Light Industrial District. The proposal is to clean up the area and take down the existing gas station and house that is on the property. Chad asked what the plan was to the existing gas storage tanks that are there. Mr. Scott stated they have a certified tank remover contractor ready to move the tanks. The fuel has been pumped out and there is a survey showing there has been no gas leaks on the property. Rick Wash thanked the CDA and Michael Simon for their work on this project. There being no further discussion Kim Speorl asked for a motion. Russell Biciste made the motion to recommend the rezoning to City Council. Chad Hester seconded the motion, Chad Leverette abstained. There being no further

discussion the motion to recommend the rezoning to City Council passed with a 5-1 vote of those members present with Commission Chairperson Kim Speorl declared the motion passed.

- VIII.** Kim Speorl ask if there were any public comments and Mike Abell 237 Kinross Circle had concerns with the runoff from the hill behind his house and his neighbors and concerning drainage issues. He requested that the city call Mr. Mobley or Mr. Sinclair and ask them to meet with the homeowners in this area. Andrew Golden stated he would call them and request the meeting for them. With no further business to come before The Commission Chairperson Kim Speorl asked for a motion to adjourn. Russell Biciste made a motion to adjourn. Chad Hester seconded the motion all approved and the meeting was adjourned at 7:47 PM.

Respectfully Submitted,
Cathy Sweeney
Secretary
Planning Commission