

ORDINANCE NO. 135-203

AN ORDINANCE OF THE CITY OF PELHAM, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF PELHAM, ALABAMA, BE AMENDED BY ADDING A SECTION TO BE NUMBERED 135-203 PROVIDING THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELHAM, ALABAMA AS FOLLOWS:

SECTION ONE: The zoning of 3.67 acres located on the East side of Huntley Parkway, Pelham, Alabama shall be re-zoned from B-2 General Business District to PR-3 Planned Multiple Family District restricted to use as an apartment community in accordance with all conditions and restrictions specified in Attachment A to this ordinance. This rezoning is further conditioned upon there being no requirement for the Board of Adjustment to grant any variances, and if any such variance is required then the property shall remain as currently zoned and the conditional rezoning approved by this ordinance shall be null and void. Applicant: SAC, LLC. Legal Description attached.

SECTION TWO: All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

SECTION THREE: This ordinance shall become effective on the 26th day of April 2014.

THEREUPON Beth McMillan, a member moved and Maurice Mercer, a member seconded the motion that Ordinance No. 135-203 be given vote. The roll call vote on said motion was as follows:

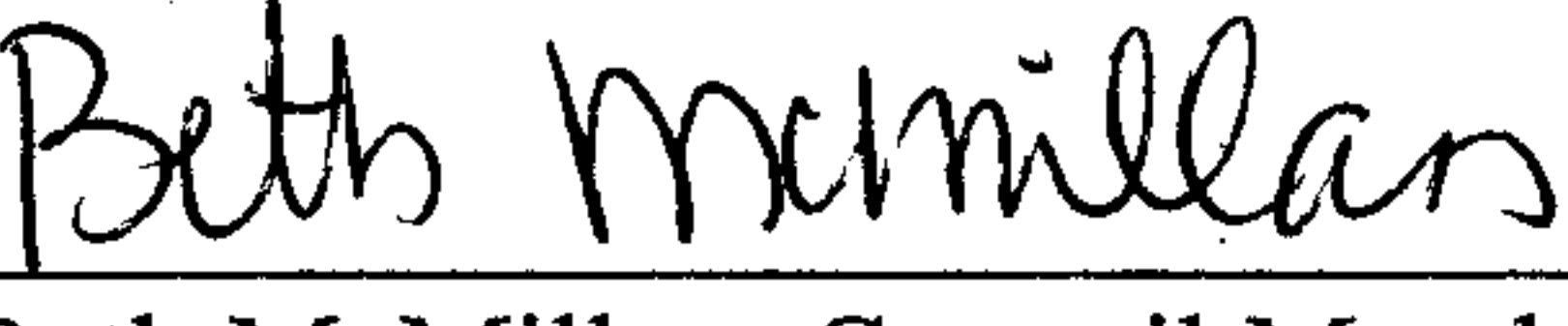
Rick Hayes Council President	<u>yes</u>
Ron Scott Council Member	<u>yes</u>
Beth McMillan Council Member	<u>yes</u>
Maurice Mercer Council Member	<u>yes</u>
Karyl Rice Council Member	_____

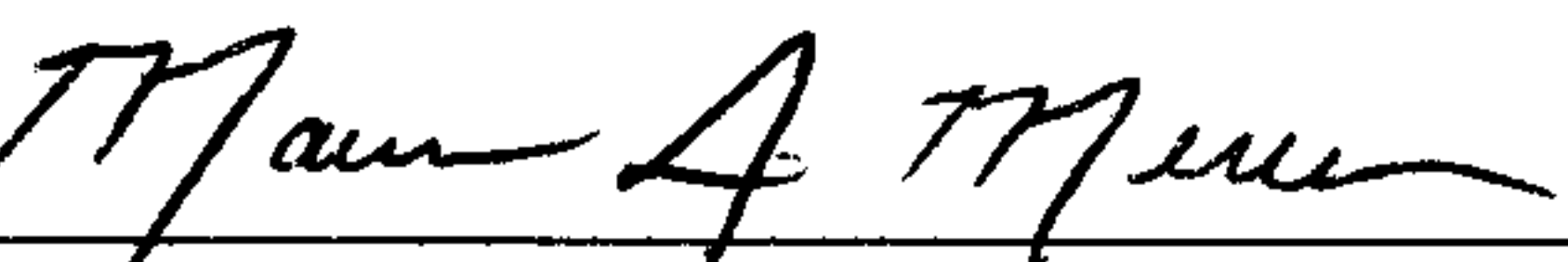
Ordinance No. 135-203 passed by majority vote of the Council and the Council President declared the same passed.

ADOPTED this 21st day of April 2014.

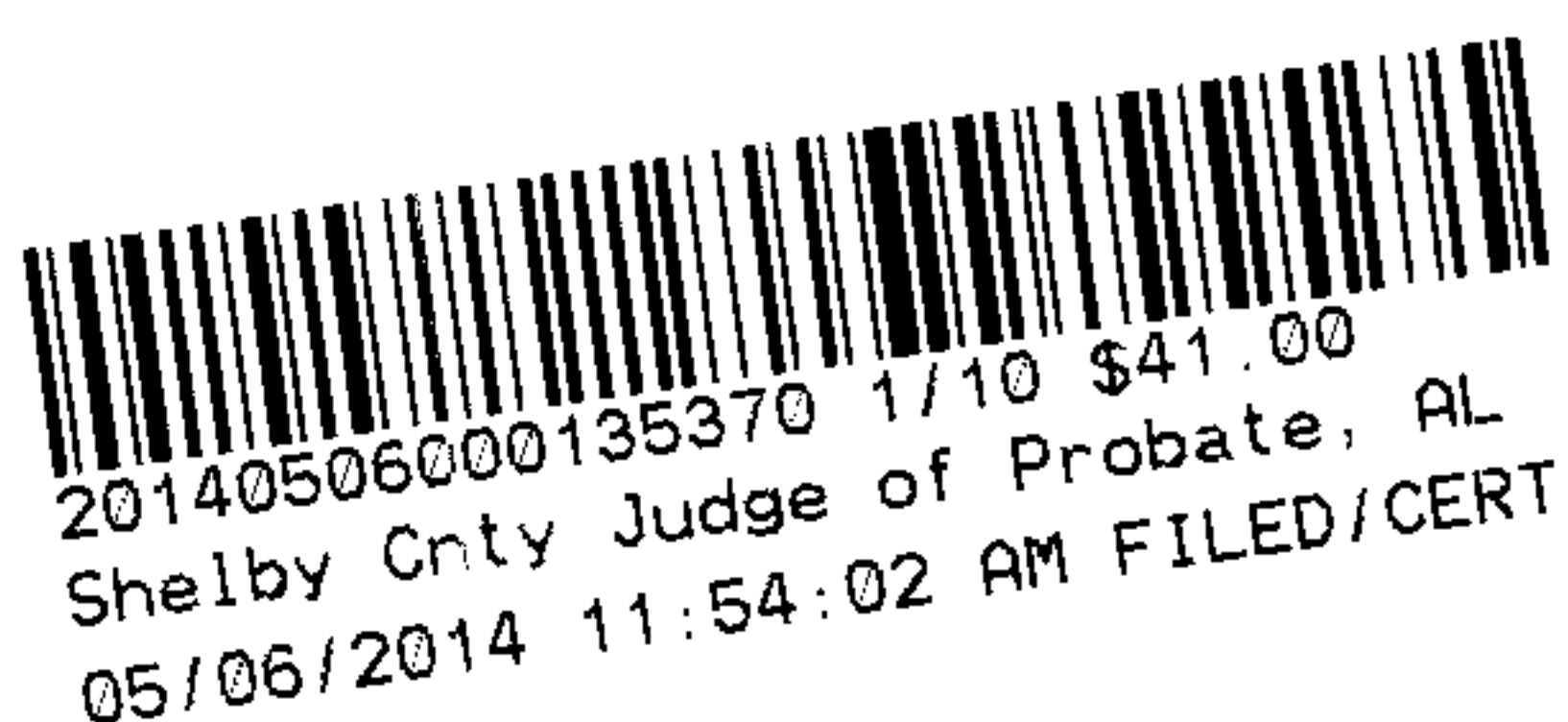

Rick Hayes, Council President

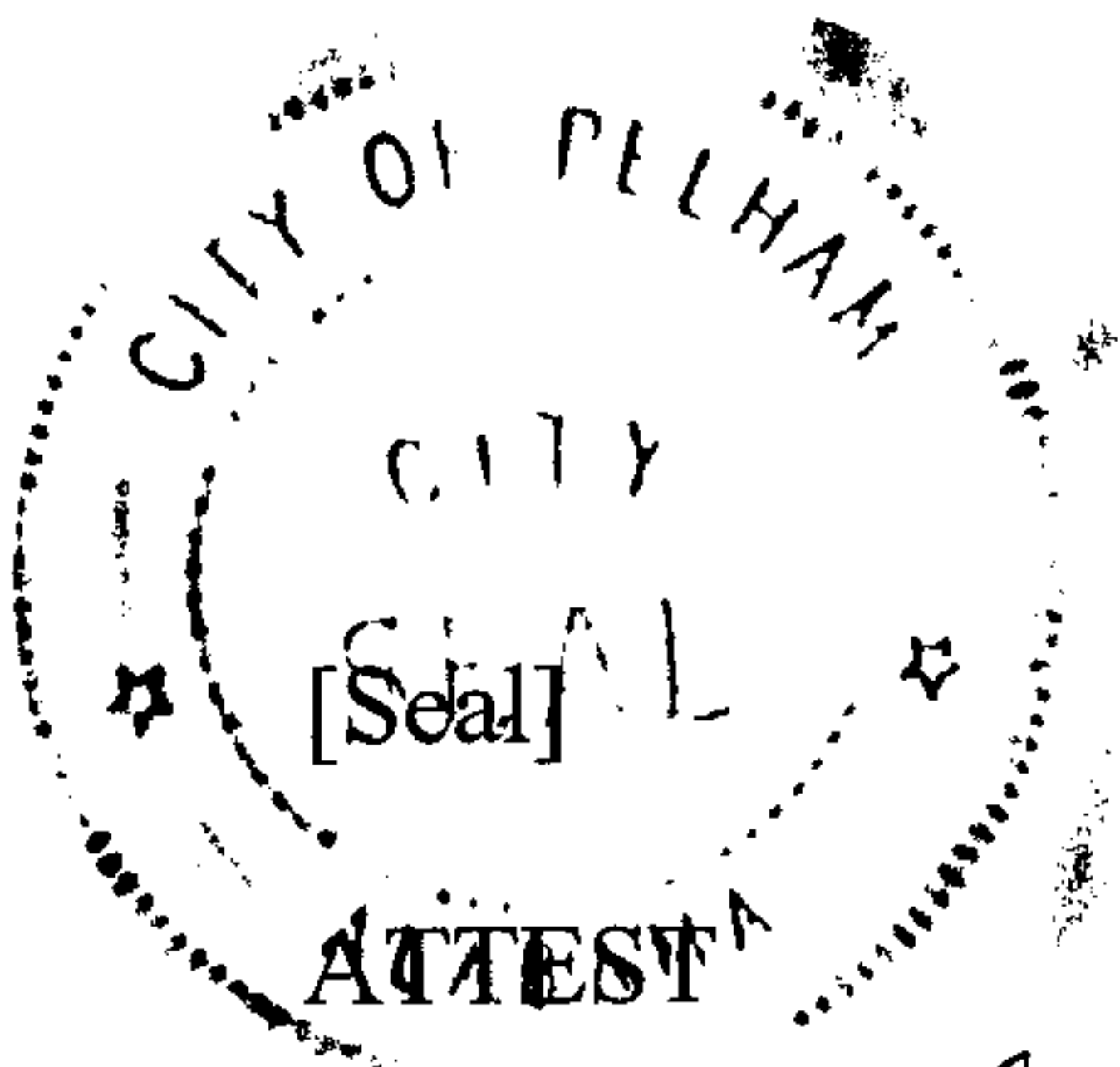

Ron Scott, Council Member


Beth McMillan, Council Member


Maurice Mercer, Council Member

Karyl Rice, Council Member





ATTEST

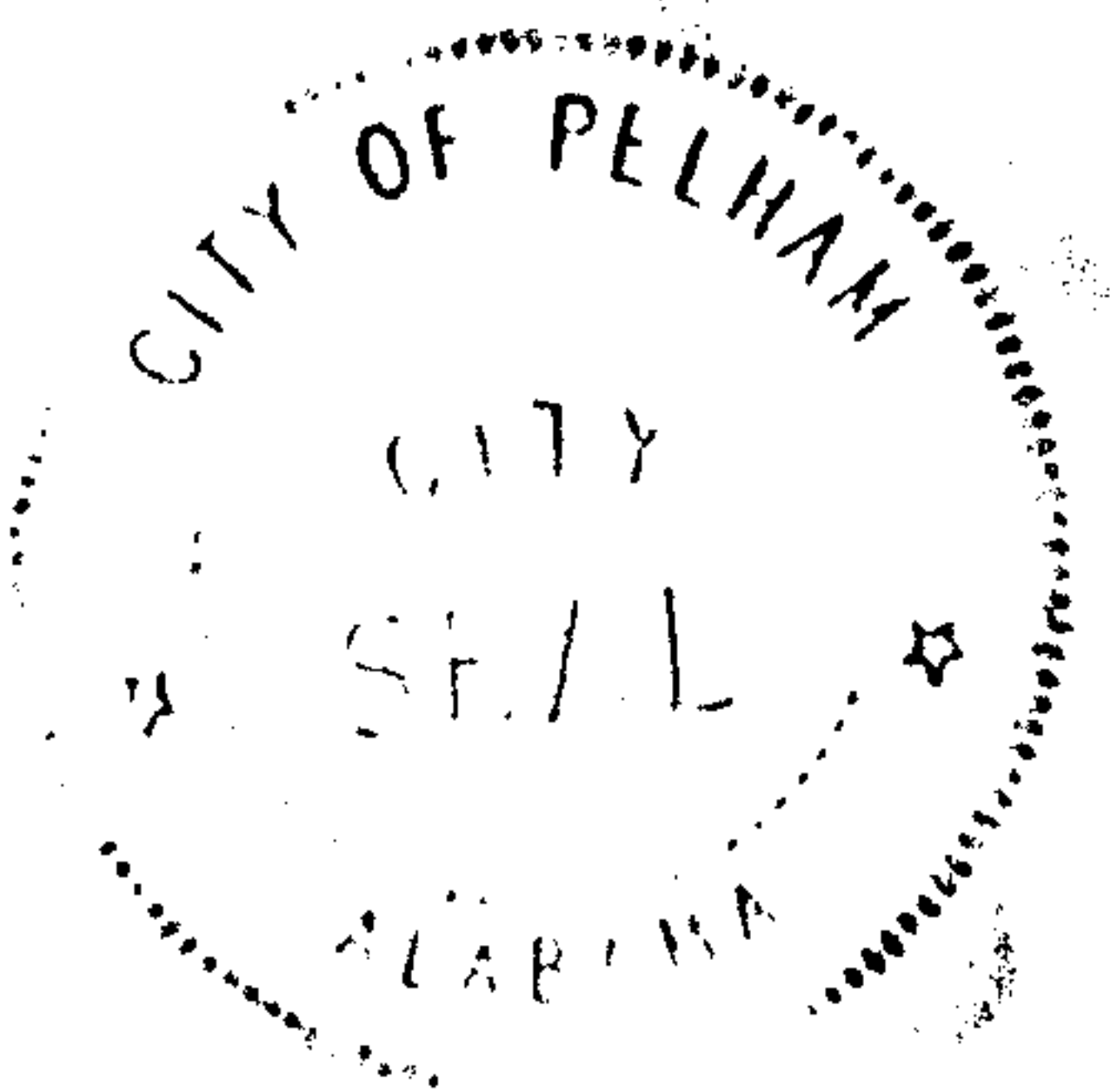
Marsha Yates
Marsha Yates, CMC, City Clerk

APPROVED:

Gary Waters 22 Apr 2014
Gary Waters, Mayor Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No.135-203 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a regular meeting of such Council held on the 21st day of April 2014 and duly published by posting an exact copy thereof on the 22nd day of April 2014 at four public places within the city, including the Mayor's Office at City Hall, City Park, Water Works and Library, and at www.pelhamonline.com. I further certify that said ordinance is on file in the office of the City Clerk and a copy of the full ordinance may be obtained from the office of the City Clerk during normal business hours.



[Seal]

Marsha Yates
Marsha Yates, CMC, City Clerk

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1. The Grand Reserve at Pelham will be a Gated Luxury Apartment Community. Entry into the community will require the swipe of an entry card or similar secured entrance. Each entry will be logged into a computer together with the date and time of entry. The entrance and exit gates will be video monitored 24 hours a day.
2. The one, two and three bedroom units will be as proposed: 24 one bedroom units, 120 two bedroom units and 40 three bedroom/combo units if approved for the proposed 184 units.
3. The minimum pricing shall be \$870/\$895 for a one bedroom/one-and-one-half bath unit, \$890/\$915 for a one bedroom deluxe/one-and-one-half bath unit.
4. The rental of four apartment residences to local police officers will be offered for half the established rental.
5. The following are standards which will be applied in the leasing of residential apartments in The Grand Reserve at Pelham:
 - a. Tenants must have an annual income equal to at least three times the annual rent for the apartment to be leased;
 - b. Each tenant must pass a credit check (a prior eviction or a prior failure to pay for housing is an automatic disqualification);
 - c. Each tenant must pass a criminal background check (any felony or sex crime conviction is automatic disqualification);
 - d. Any person living in an apartment unit who is 18 years or older must also pass the criminal background check;
 - e. Each lease will list the names of the persons who are authorized to occupy the apartment and will restrict occupancy to those persons only;
 - f. Only two (2) occupants per bedroom will be permitted in each apartment residence; and
 - g. Apartments within the community will not be leased to persons who have been convicted of certain misdemeanors, including crimes related to sex, violence, drugs, child abuse, crimes against persons or property, and drug related crimes.
6. The apartments will be constructed of quality materials such as granite counter tops, high end flooring and energy efficient windows. Each apartment will have fire sprinkler systems, 5/8 inch type X sheetrock between floors and units and a 1 to 2 hour fire rated wall between units. They will have light-weight concrete floors between units for fire protection and noise diversion.
7. There will be a clubhouse with an exercise room equipped with top-rated gym equipment, a sauna and a large pool with clubhouse.
8. The financing for this community will come from private funds. No government subsidized funding will be involved. No government subsidized housing vouchers will be accepted.
9. The developer of The Grand Reserve at Pelham will provide sidewalks from the apartment community to the current retail development located at Huntley Parkway and County Road 52 East.
10. Roadway Improvements

The developer of The Grand Reserve at Pelham will install the extension of a turn lane onto I-65 North in accordance with the following:

1. The developer will extend the existing right turn lane from County Road 52 onto I-65 North, which will include the following:
 - a. Installation of erosion control;
 - b. Installation of the rough grading;
 - c. The compaction of the sub-base;
 - d. Installation of GAB (the base required by ALDOT specifications);

- e. Installation of the asphalt paving;
- f. All pavement markings, pavement legends and raised pavement markers;
- g. All striping; and
- h. All this work shall be completed by the developer, at its expense, through a contractor acceptable to ALDOT, Shelby County and the City of Pelham, and pursuant to bids from up to three different contractors for the performance of the work.

2. The developer understands that the City of Pelham will complete the following to enable the above-described roadway construction to be implemented:

- a. Engineered drawings, plans, and specifications;
- b. Obtaining all governmental approvals, authorizations, and permits (Shelby County, Alabama Department of Transportation (ALDOT), Federal Highway Administration (FHWA), City, etc.); and
- c. All signage.



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Date: March 3, 2014

APPLICATION FOR REZONING OF PROPERTY

The undersigned property owner hereby applies to the City of Pelham to rezone certain property located at SEE ATTACHED within the City of Pelham. Please find attached a legal description, and a map of the property to be rezoned. I would like the property to be changed from the present zoning of

SEE ATTACHED to SEE ATTACHED

Please send any correspondence to the following name and address:

Charles A. J. Beavers, Jr.
Bradley Arant Boult Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2119

I can be reached at the following number during the day (205) 521-8620.

Sincerely,

SAC, LLC

By:

Eugene K. Cole
Eugene K. Cole
As Managing Member



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ADDRESS OF PROPERTY:

The Property is located on the east side of Huntley Parkway in Pelham, Alabama. Please see the attached Master Development Plan for the location of the Property. Please see the attached legal description for the legal description of the Property.

AMENDMENT TO EXISTING PUD/CHANGE IN LAND USE DISTRICTS:

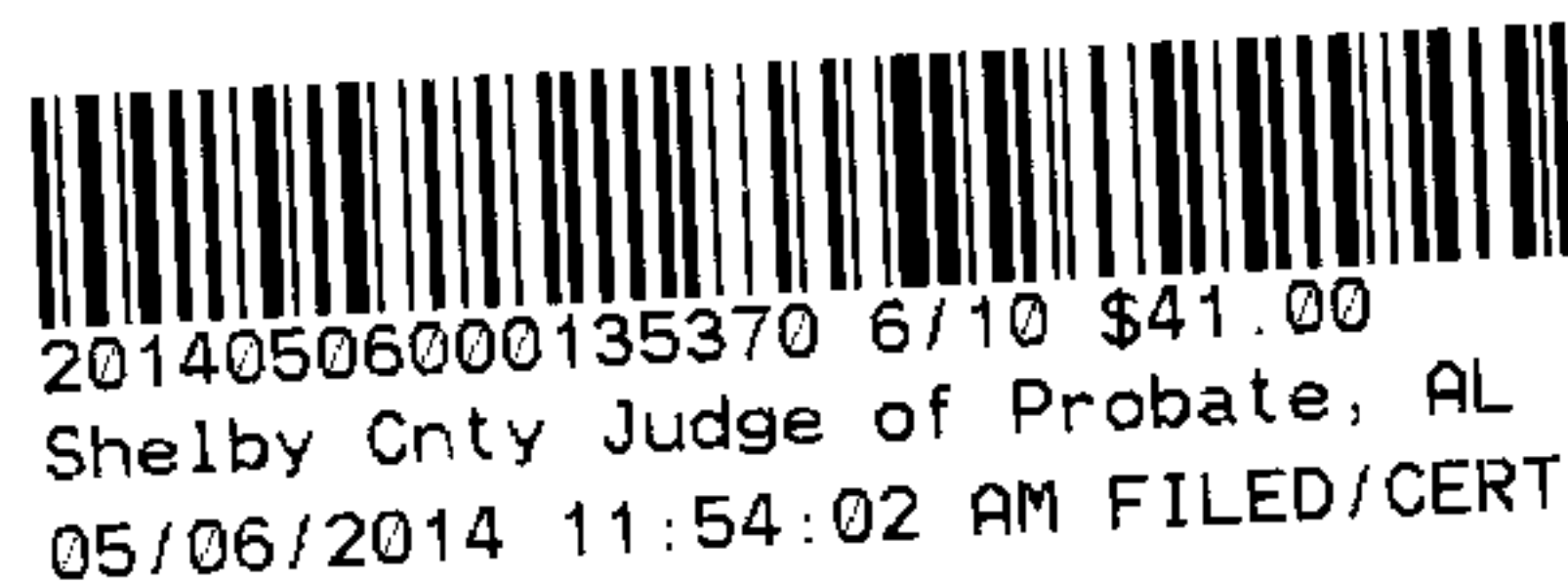
Change from the present zoning of General Business District (B-2) to PUD Planned Unit Development District, Planned Multiple Family (PR-3).

The subject 3.67 acres is adjacent to that certain 14.83 acre tract which is subject to a pending application for rezoning. Attached is a site plan for the 14.83 acre tract. Also attached is a drawing which shows the location of the 3.67 acre tract relative to the 14.83 acre tract. The subject 3.67 acre tract will continue to be used for surface water drainage to benefit adjacent development (the Publix retail center and the commercial parcel adjacent to the 3.67 acre tract to the south and west) as part of this application.

It is proposed that the development of the 3.67 acre tract and the adjacent 14.83 acre tract participate in the development of certain roadway improvements as described on the exhibit entitled "Roadway Improvements".

SEND COPIES OF ANY CORRESPONDENCE TO THE FOLLOWING:

SAC, LLC
1100 East Park Drive, Suite 400
Birmingham, AL 35235
Attn: Eugene K. Cole
Phone: (205) 836-8683
Fax: (205) 836-8695
Email: gene@bham.rr.com



Steven W. Corbett
P. O. Box 3290
Phenix City, AL 36868
Phone: (334) 297-6485
Email: scorbett59@msn.com

Juston Trimbeck
P. O. Box 518
Phenix City, AL 36868
Phone: (334) 468-0604
Email: trimback@msn.com

ROADWAY IMPROVEMENTS

The developer of The Grand Preserve at Pelham is willing to install the turn lane as a part of the rezoning of the subject property, together with the additional adjacent property, for a density of 184 units, in accordance with the following:

1. The developer will install one additional turn lane from 52 onto I-65 North, which will include the following:
 - a. Installation of erosion control;
 - b. Installation of the rough grading;
 - c. The compaction of the sub-base;
 - d. Installation of GAB (the base – the blue gravel to ALDOT specifications);
 - e. Installation of the asphalt paving; and
 - f. This work shall be accomplished by the developer, at its expense, by a contractor approved by ALDOT and Shelby County, and pursuant to bids from up to three different contractors for the performance of the work.
2. The developer understands that the City will take care of everything else that is necessary to enable the above-described roadway construction to be implemented, including the following:
 - a. Engineered drawings, plans, and specifications;
 - b. The issuance of all governmental approvals, authorizations, and permits (Shelby County, ALDOT, City, etc.);
 - c. The adjustment and synchronization of the light signals in the area;
 - d. All striping;
 - e. All signage; and
 - f. Any other work necessary to accomplish the installation.



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LEGAL DESCRIPTION OF THE SUBJECT 3.67 ACRE PARCEL

PARCEL III - A PART OF LOT 2A, ACCORDING TO THE RESURVEY OF LOTS 1, 2, 3, 4, 5, 7 AND 8 PELHAM TOWN CENTER, AS RECORDED IN MAP BOOK 40, PAGE 87, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 20 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH 89°58'10" EAST ALONG THE SOUTH LINE OF SAID SECTION LINE FOR 1308.23 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2A, AND THE POINT OF BEGINNING; THENCE RUN SOUTH 89°58'11" EAST ALONG THE SOUTH LINE OF LOT 2A, AND SAID SECTION FOR 57.26 FEET; THENCE RUN NORTH 89°57'08" EAST ALONG THE SOUTH LINE OF LOT 2A, AND SAID SECTION FOR 74.57 FEET TO THE SOUTHEAST CORNER OF LOT 2A OF SAID SURVEY; THENCE RUN NORTH 00°03'55" WEST ALONG THE EAST LINE OF SAID LOT 2A FOR 500.64 FEET TO THE NORTHEAST CORNER OF SAID LOT 2A; THENCE RUN SOUTH 89°45'50" WEST ALONG THE NORTH LINE OF SAID LOT 2A FOR 515.54 FEET TO A POINT ON SAID LOT 2A; THENCE RUN NORTH 00°14'10" WEST ALONG THE NORTH LINE OF SAID LOT 2A FOR 90.46 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2A; THENCE RUN SOUTH 89°45'50" WEST ALONG THE NORTH LINE OF SAID LOT 2A FOR 239.44 FEET TO THE NORTHWEST CORNER OF SAID LOT 2A AND A POINT ON THE EAST RIGHT-OF-WAY LINE OF HUNTLEY PARKWAY; THENCE RUN SOUTH 00°14'10" EAST ALONG SAID ROAD RIGHT-OF-WAY AND SAID LOT 2A FOR 206.44 FEET; THENCE RUN NORTH 89°45'50" EAST FOR 622.80 FEET; THENCE RUN SOUTH 00°03'55" EAST FOR 384.15 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 159,883 SQ. FT. OR 3.67 ACRES MORE OR LESS.

The above described property is shown as Parcel III on the attached map.



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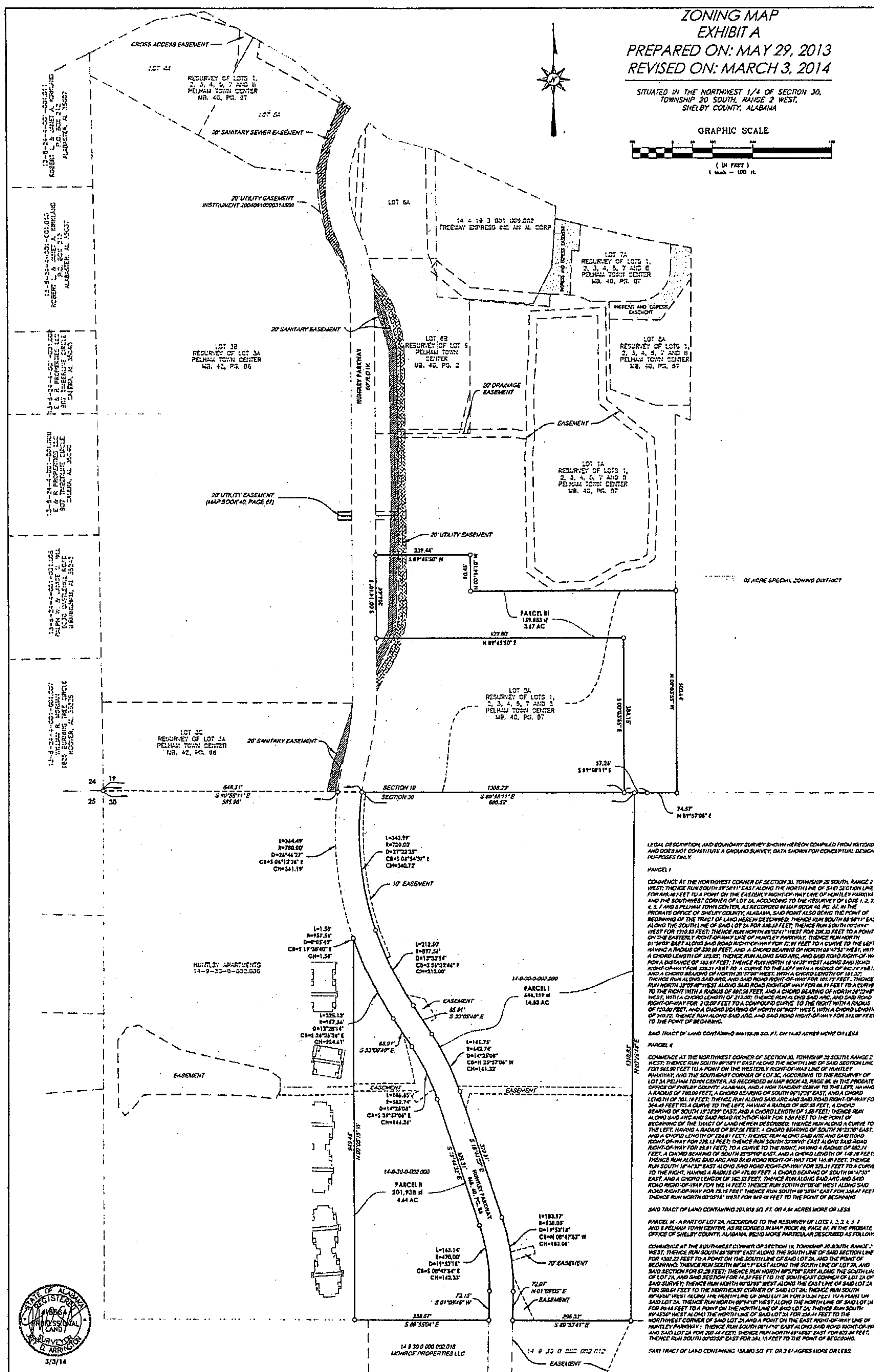
SITUATED IN THE NORTHWEST 1/4 OF SECTION 30,
TOWNSHIP 20 SOUTH, RANGE 2 WEST,
SHELBY COUNTY, ALABAMA

GRAPHIC SCALE

0 50 100 200

(IN FEET)

(1 inch = 100 ft.)



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