

**ORDINANCE NO. 135-199**

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 135-199 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 14.83 acres located on the East side of Huntley Parkway, Pelham, Alabama shall be re-zoned from PR-1 Planned Single Family District and PR-2 Planned Attached Family 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: C & A Enterprises, 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**SECTION TWO:** All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.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 26<sup>th</sup> day of April 2014.

**THEREUPON** Ron Scott, a member moved and Beth McMillan, a member seconded the motion that Ordinance No. 135-199 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. 135-199 passed by majority vote of the Council and the Council President declared the same passed.

**ADOPTED** this 21<sup>st</sup> day of April 2014.

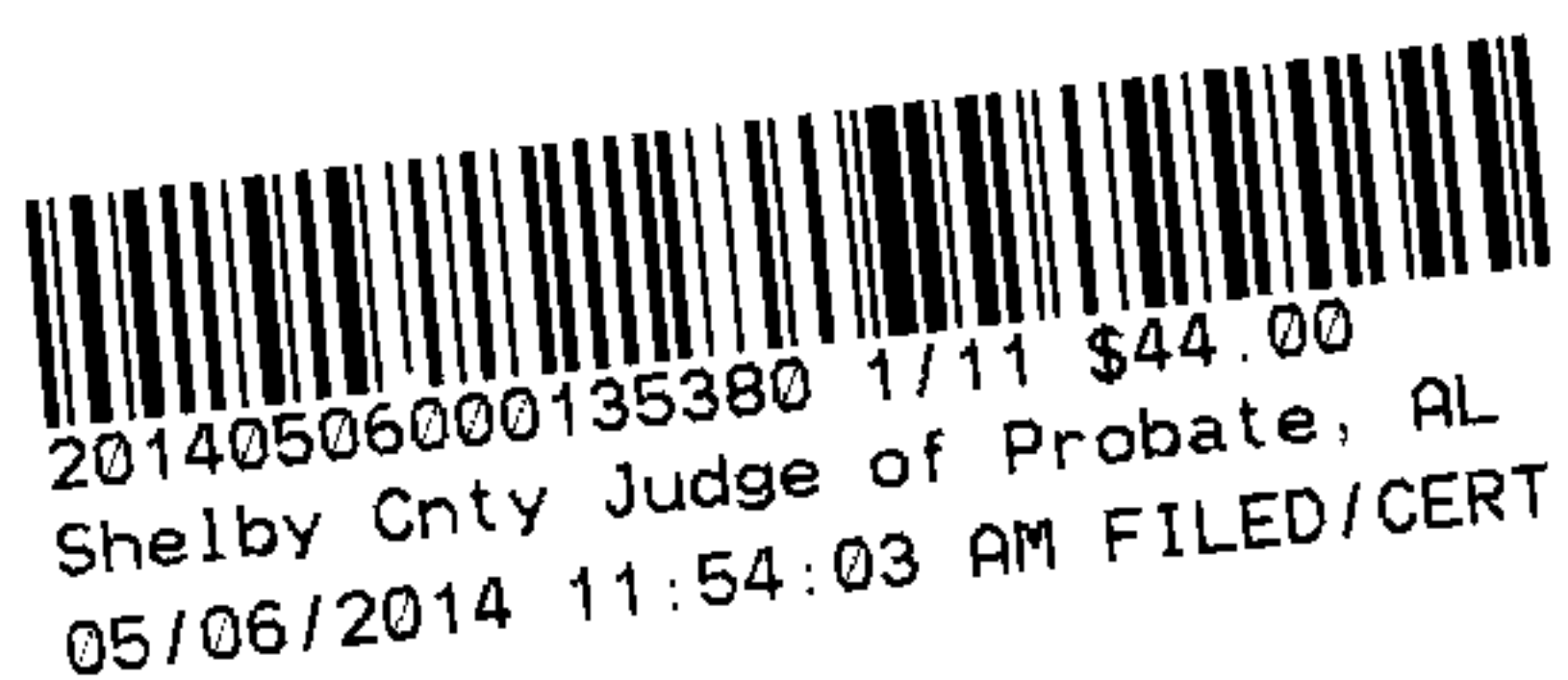
R. Hayes  
Rick Hayes, Council President

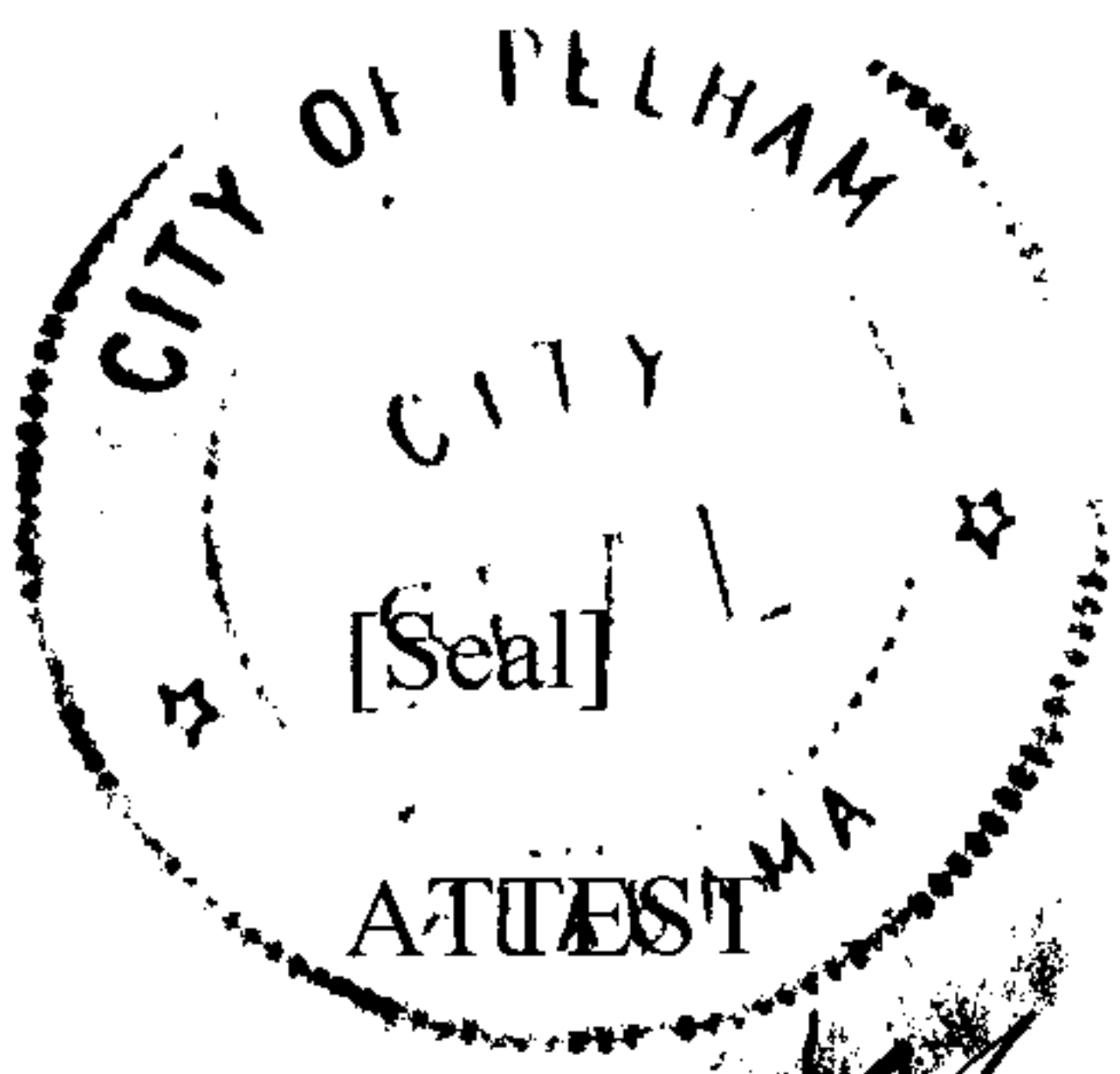
Ron Scott  
Ron Scott, Council Member

Beth McMillan  
Beth McMillan, Council Member

Maurice Mercer  
Maurice Mercer, Council Member

\_\_\_\_\_  
Karyl Rice, Council Member





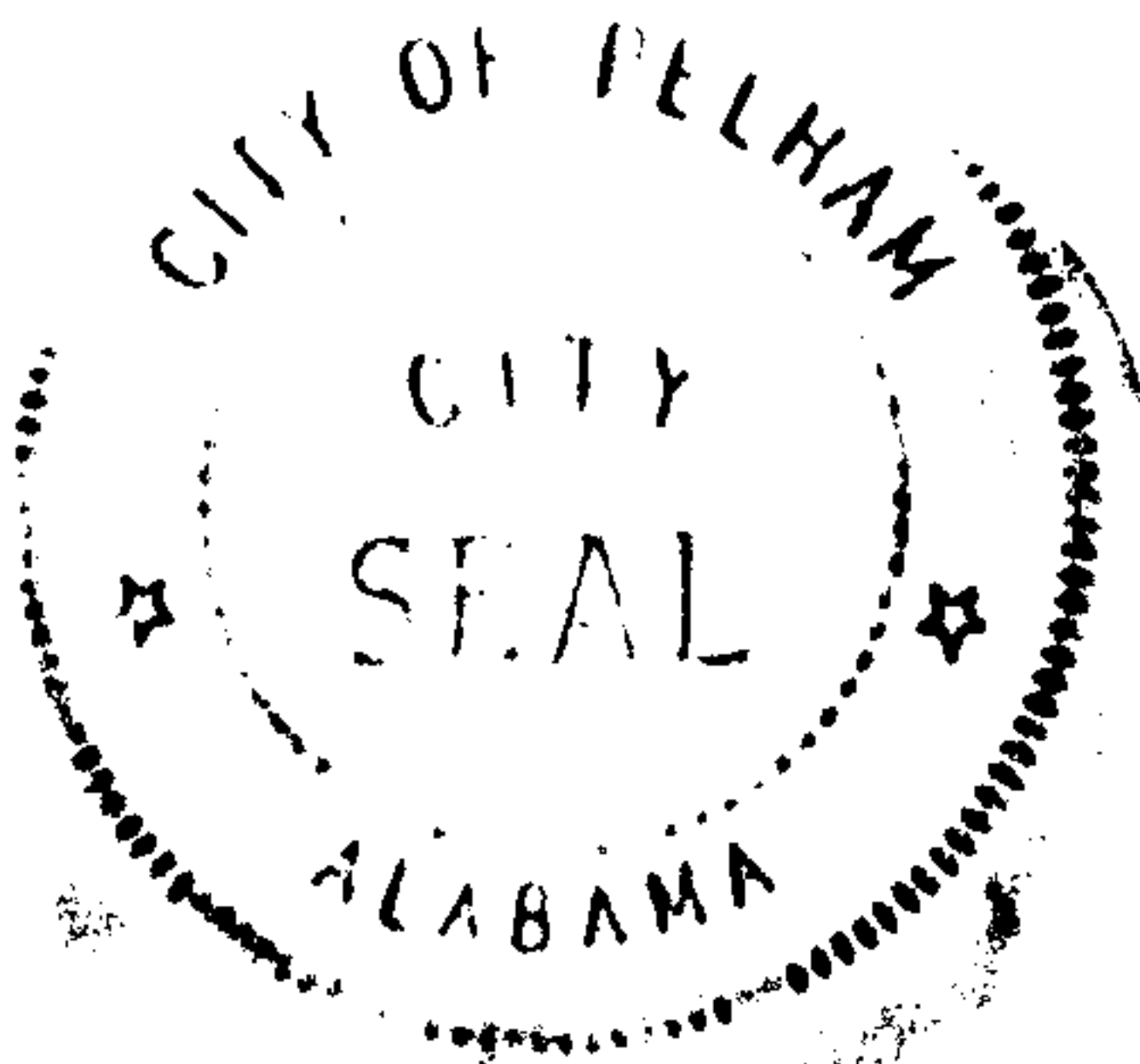
Marsha Yates  
Marsha Yates, CMC, City Clerk

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.135-199 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 21<sup>st</sup> day of April 2014 and duly published by posting an exact copy thereof on the 22<sup>nd</sup> 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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Shelby Cnty Judge of Probate, AL  
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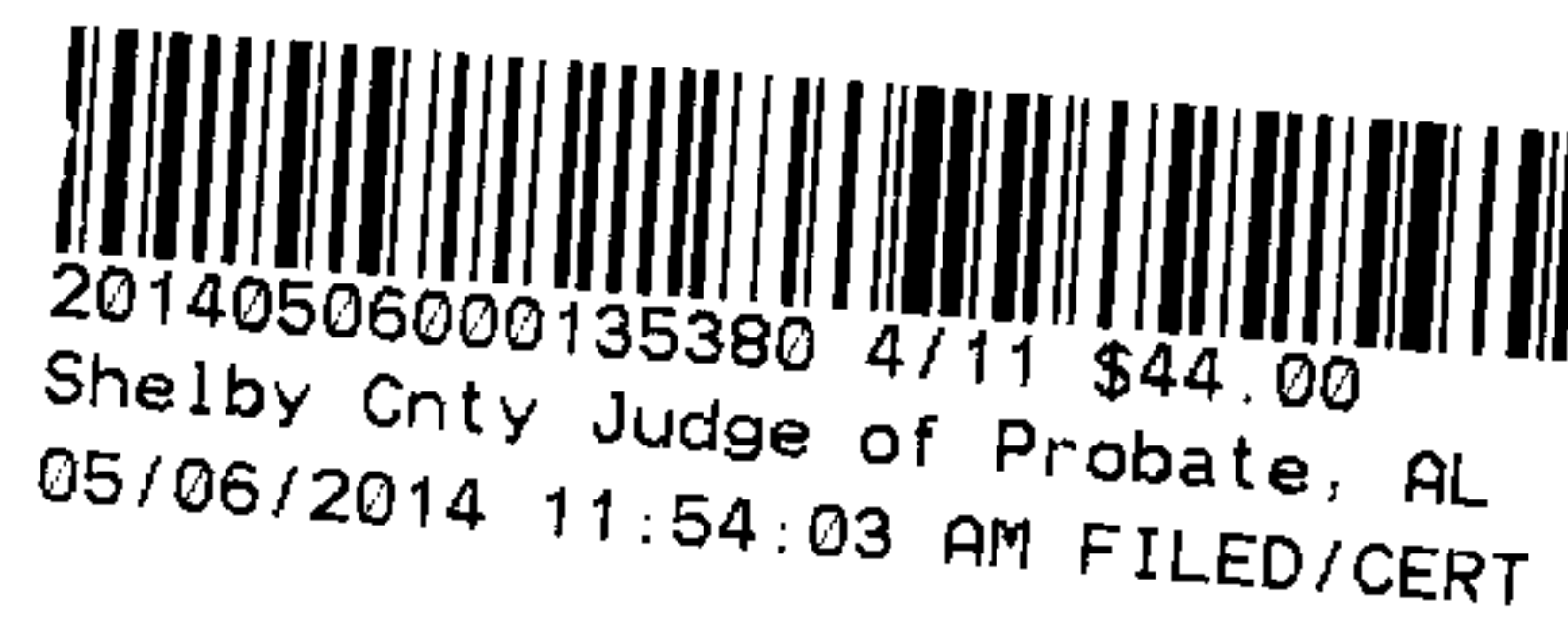
1. The Grand Reserve at Pelham will be a Gated Luxury Apartment Community. Entry into the community will require the swipe of an entry card or similar secured entrance. Each entry will be logged into a computer together with the date and time of entry. The entrance and exit gates will be video monitored 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.





Date: 5-20-2013

APPLICATION FOR REZONING OF PROPERTY

I/We, the undersigned property owner(s), hereby apply 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/We would like the property to be changed from the present zoning of SEE ATTACHED to \_\_\_\_\_.

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

I can be reached at the following number during the day [REDACTED].

Sincerely,

ing. member Eugene K. Cole  
(Property Owner)

C+A Enterprises LLC  
(Property Owner)

[Signature] [REDACTED] - Steven W. Corbett  
(Property Owner)

[Signature] [REDACTED] - Justin Trimback  
(Property Owner)



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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 PUD Planned Unit Development District Planned Single Family (PR-1) and PUD Planned Unit Development District Planned Attached Family (PR-2) to PUD Planned Unit Development District, Planned Multiple Family (PR-3). The property owners also hereby apply for approval of the construction of 228 apartment dwelling units on the Property, which consists of 14.83 acres, more or less, as reflected on the Master Development Plan filed with this application.


The Property is part of a previously approved PUD which comprises approximately 65 acres. The purpose of this application is to amend the PUD to reflect the uses permitted in the Property to be those permitted in PUD Planned Unit Development District Planned Multiple Family (PR-3).

**SEND COPIES OF ANY CORRESPONDENCE TO THE FOLLOWING:**

C & A Enterprises, L.L.C.  
1100 East Park Drive, Suite 400  
Birmingham, AL 35235  
Attn: Eugene K. Cole  
Phone: [REDACTED]  
Fax: [REDACTED]  
Email: [gene@bham.rr.com](mailto:gene@bham.rr.com)

Steven W. Corbett  
P. O. Box 3290  
Phenix City, AL 36868  
Phone: [REDACTED]  
Email: [scorbett59@msn.com](mailto:scorbett59@msn.com)

Juston Trimback  
P. O. Box 518  
Phenix City, AL 36868  
Phone: [REDACTED]  
Email: [trimback@msn.com](mailto:trimback@msn.com)


  
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### LEGAL DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH 89°58'11" EAST ALONG THE NORTH LINE OF SAID SECTION LINE FOR 646.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HUNTLEY PARKWAY, AND THE SOUTHWEST CORNER 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, PG. 87, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE RUN SOUTH 89°58'11" EAST ALONG THE SOUTH LINE OF SAID LOT 2A FOR 686.52 FEET; THENCE RUN SOUTH 00°28'44" WEST FOR 1310.93 FEET; THENCE RUN NORTH 89°52'41" WEST FOR 296.33 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HUNTLEY PARKWAY; THENCE RUN NORTH 01°09'05" EAST ALONG SAID ROAD RIGHT-OF-WAY FOR 72.07 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, AND A CHORD BEARING OF NORTH 08°47'53" WEST, WITH A CHORD LENGTH OF 183.05'; THENCE RUN ALONG SAID ARC, AND SAID ROAD RIGHT-OF-WAY FOR A DISTANCE OF 183.97 FEET; THENCE RUN NORTH 18°44'32" WEST ALONG SAID ROAD RIGHT-OF-WAY FOR 329.31 FEET TO A CURVE TO THE LEFT WITH A RADIUS OF 642.74' FEET, AND A CHORD BEARING OF NORTH 25°57'06" WEST, WITH A CHORD LENGTH OF 161.32'; THENCE RUN ALONG SAID ARC, AND SAID ROAD RIGHT-OF-WAY FOR 161.75' FEET; THENCE RUN NORTH 33°09'40" WEST ALONG SAID ROAD RIGHT-OF-WAY FOR 85.91 FEET TO A CURVE TO THE RIGHT WITH A RADIUS OF 897.56 FEET, AND A CHORD BEARING OF NORTH 26°22'46" WEST, WITH A CHORD LENGTH OF 212.00'; THENCE RUN ALONG SAID ARC, AND SAID ROAD RIGHT-OF-WAY FOR 212.50' FEET TO A COMPOUND CURVE TO THE RIGHT WITH A RADIUS OF 720.00 FEET, AND A CHORD BEARING OF NORTH 05°54'37" WEST, WITH A CHORD LENGTH OF 340.72; THENCE RUN ALONG SAID ARC, AND SAID ROAD RIGHT-OF-WAY FOR 343.99' FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 646158.58 SQ. FT. OR 14.83 ACRES MORE OR LESS.

  
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(which includes the Property referenced in the Application for Rezoning of Property for the amendment of the PUD)

**EXHIBIT A**

SITUATED IN THE NORTHWEST 1/4 OF SECTION 10,  
TOWNSHIP 20 SOUTH RANGE 7 WEST,  
SHELBY COUNTY, ALABAMA

**GRAPHIC SCALE**

( IN FILE )  
( each - 100 )

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# THE PROPERTY

LEGAL DESCRIPTION AND BOUNDARY SURVEY SHOWN HEREON COMPILED FROM RECORDS AND DOES NOT CONSTITUTE A GROUNDED SURVEY, BASE KNOWN FOR CONVEYANCE OR OTHER PURPOSES OR V.

## PART 1

[illegible]

2ND FACTOR 1 AND CONFIDENTIALITY IN 22 FT ON 10 JACKEP  
WORE ON LITE.

**PAPER**[illegible]

TRACT OF LAND CONTAINING 70.128 AC. ST. OR L&A ACRES MORE  
OR LESS





**Subject Property**

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INTER-OFFICE MEMORANDUM

TO: Marsha Yates

From: Cathy Sweeney

Date: July 12, 2013

Subject: Legal Notice

Please review the attached legal notice (Ordinance # 135-199) and sign if approved.

Planning Commission: Announced on June 13<sup>th</sup>, 2013

Planning Commission: Heard on July 11, 2013 (**Continued**)


Planning Commission: Heard on August 8, 2013

City Council: 1<sup>st</sup> Reading August 19th, 2013

City Council: Heard on Sept 9, 2013

Thank you

*Marsha Yates*  
Approved

  
20140506000135380 10/11 \$44.00  
Shelby Cnty Judge of Probate, AL  
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**Council Members**

Rick Hayes  
Ron Scott  
Maurice Mercer  
Beth McMillan  
Karyl Rice



**Mayor**  
Gary W. Waters

**City Clerk**  
Marsha Yates, CMC

**LEGAL NOTICE  
PELHAM CITY COUNCIL**

The Pelham City Council will hold a public hearing September 9, 2013 in the Council Chambers at Pelham City hall at 7:00 pm to consider Ordinance #135-199 an amendment to the zone district boundaries of the City of Pelham changing the present zoning PR-1 Planned Single Family District and PR-2 Planned Attached Family District to PR-3 Planned Multiple Family District (14.83 Acres). If more information is required please contact Cathy Sweeney at 205-620-6480.

Property located on Huntley Parkway  
Applicant: C & A Enterprises LLC

All persons who desire shall have an opportunity of being heard in opposition or in favor of this request. Individuals with disabilities needing special services to participate in applications, activities, programs, or services are requested to coordinate their needs in advance. If special accommodations are required, please contact Marsha Yates, City Clerk, (205) 620-6400.

Marsha Yates  
City Clerk

