

ORDINANCE No. 135-219

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 135-219 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 rezoning of property located off Oak Mountain Drive and Amphitheater Road changing the present zoning A-1 (Agricultural District) and O & I (Office & Institutional) to R-A (Apartment Dwelling District) and B-2 (General Business District).

Applicant: HES Investments, LLC

Legal Description is attached as Exhibit A.

This rezoning is subject to the following condition(s):

- A. Exhibit B
- B. Transfer of title of all properties to HES Investments, LLC or its assigns within 180 days of the effective date of this ordinance.
- C. Should these condition(s) not be satisfied, then the rezoning shall be null and void, and the property shall revert to its prior zoning classification.

SECTION TWO: All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

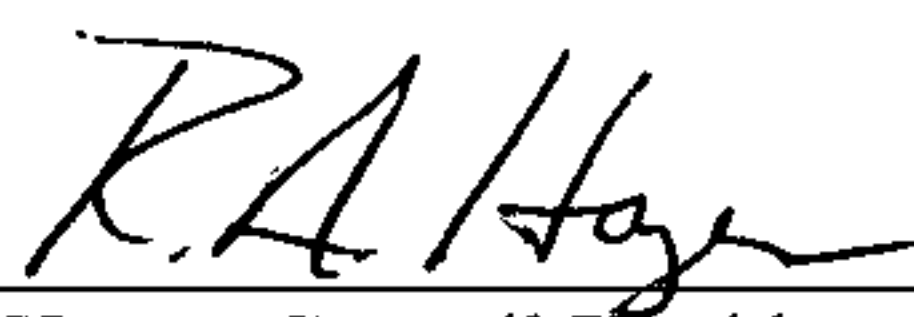
SECTION THREE: This ordinance shall become effective upon its passage and publication or posting as required by law.

THEREUPON Mildred Lanier, a councilmember moved and Beth McMillan, a councilmember seconded the motion that Ordinance No. 135-219 be given vote. The roll call vote on said motion was as follows:

Rick Hayes, Council President	<u>Yes</u>
Ron Scott, Councilmember	<u>Yes</u>
Beth McMillan, Councilmember	<u>Yes</u>
Maurice Mercer, Councilmember	<u>Yes</u>
Mildred Lanier, Councilmember	<u>Yes</u>

Ordinance No. 135-219 passed by majority vote of the Council and the Council President declared the same passed.

ADOPTED this 18th day of October 2018.


Rick Hayes, Council President


Ron Scott, Councilmember

Beth McMillan
Beth McMillan, Councilmember

Maurice Mercer
Maurice Mercer, Councilmember

Mildred Lanier
Mildred Lanier, Councilmember



ATTEST

Tom Seale
Tom Seale, MMC, City Clerk/Treasurer

APPROVED:

Gary W. Waters 10/18/18
Gary W. Waters, Mayor Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk/Treasurer of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No. 135-219 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a special meeting of such Council held on the 18th day of October 2018 and duly published by posting an exact copy thereof on the 19th day of October 2018 at four public places within the city, including the Mayor's Office at City Hall, City Park, Water Works and Library, and at www.pelhamalabama.gov. I further certify that said ordinance is on file in the Office of the City Clerk/Treasurer and a copy of the full ordinance may be obtained from the Office of the City Clerk/Treasurer during normal business hours.

Tom Seale
Tom Seale, MMC, City Clerk/Treasurer

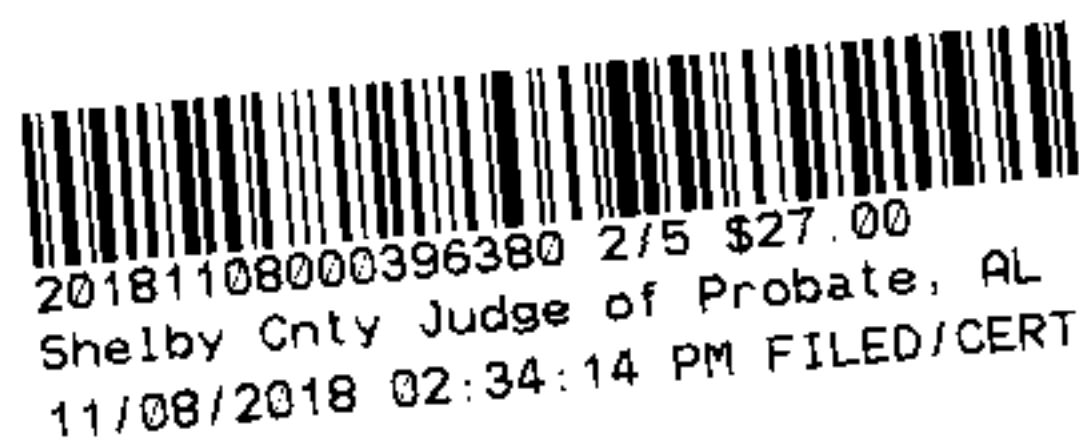


EXHIBIT A

Subject property is located off Oak Mountain Drive and Amphitheater Road

DESCRIPTION RA ZONING:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 16 MINUTES 01 SECOND EAST ALONG THE WEST LINE OF SAID 1/4 - 1/4 SECTION FOR 347.39 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF AMPHITHEATER ROAD; SAID POINT BEING ON A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 631.32 FEET, A CHORD BEARING OF NORTH 54 DEGREES 09 MINUTES 18 SECONDS EAST, AND A CHORD LENGTH OF 73.06 FEET; THENCE RUN ALONG SAID ARC AND SAID ROAD RIGHT OF WAY FOR 73.11 FEET; THENCE RUN NORTH 65 DEGREES 58 MINUTES 58 SECONDS EAST ALONG SAID ROAD RIGHT OF WAY FOR 56.56 FEET TO A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 559.97 FEET, A CHORD BEARING OF NORTH 78 DEGREES 44 MINUTES 08 SECONDS EAST, AND A CHORD LENGTH OF 246.81 FEET; THENCE RUN ALONG SAID ARC AND SAID ROAD RIGHT OF WAY FOR 248.85 FEET; THENCE RUN SOUTH 88 DEGREES 32 MINUTES 03 SECONDS EAST ALONG SAID ROAD RIGHT OF WAY FOR 74.41 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 04 DEGREES 34 MINUTES 39 SECONDS WEST FOR 166.73 FEET; THENCE RUN SOUTH 45 DEGREES 01 MINUTES 21 SECONDS WEST FOR 9.22 FEET; THENCE RUN SOUTH 63 DEGREES 16 MINUTES 51 SECONDS WEST FOR 138.72 FEET; THENCE RUN SOUTH 61 DEGREES 03 MINUTES 20 SECONDS WEST FOR 80.42 FEET; THENCE RUN SOUTH 35 DEGREES 25 MINUTES 28 SECONDS WEST FOR 268.07 FEET; THENCE RUN SOUTH 51 DEGREES 54 MINUTES 40 SECONDS WEST FOR 196.05 FEET; THENCE RUN SOUTH 58 DEGREES 46 MINUTES 27 SECONDS WEST FOR 49.41 FEET; THENCE RUN SOUTH 52 DEGREES 14 MINUTES 24 SECONDS WEST FOR 319.35 FEET; THENCE RUN SOUTH 48 DEGREES 43 MINUTES 10 SECONDS WEST FOR 140.60 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF OAK MOUNTAIN DRIVE; THENCE CONTINUE SOUTH 48 DEGREES 43 MINUTES 10 SECONDS WEST ALONG SAID ROAD RIGHT OF WAY FOR 45.21 FEET TO A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1885.86 FEET, A CHORD BEARING OF SOUTH 53 DEGREES 17 MINUTES 51 SECONDS WEST, AND A CHORD LENGTH OF 303.57 FEET; THENCE RUN ALONG SAID ARC AND SAID ROAD RIGHT OF WAY FOR 303.90 FEET; THENCE RUN SOUTH 57 DEGREES 54 MINUTES 50 SECONDS WEST ALONG SAID ROAD RIGHT OF WAY FOR 252.81 FEET; THENCE RUN SOUTH 33 DEGREES 03 MINUTES 29 SECONDS EAST FOR 338.52 FEET; THENCE RUN NORTH 77 DEGREES 52 MINUTES 29 SECONDS EAST FOR 342.28 FEET; THENCE RUN NORTH 54 DEGREES 03 MINUTES 56 SECONDS EAST FOR 59.78 FEET; THENCE RUN NORTH 38 DEGREES 30 MINUTES 28 SECONDS EAST FOR 985.67 FEET; THENCE RUN NORTH 63 DEGREES 55 MINUTES 03 SECONDS EAST FOR 150.09 FEET; THENCE RUN SOUTH 89 DEGREES 12 MINUTES 38 SECONDS EAST FOR 563.14 FEET; THENCE RUN NORTH 01 DEGREES 46 MINUTES 07 SECONDS EAST FOR 276.10 FEET; THENCE RUN SOUTH 88 DEGREES 13 MINUTES 53 SECONDS EAST FOR 436.68 FEET; THENCE RUN NORTH 00 DEGREES 00 MINUTES 50 SECONDS WEST FOR 560.51 FEET; THENCE RUN NORTH 89 DEGREES 37 MINUTES 46 SECONDS WEST FOR 352.49 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF AMPHITHEATER ROAD; THENCE RUN SOUTH 41 DEGREES 36 MINUTES 09 SECONDS WEST ALONG SAID ROAD RIGHT OF WAY FOR 47.53 FEET TO A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 515.01 FEET, A CHORD BEARING OF SOUTH 66 DEGREES 32 MINUTES 03 SECONDS WEST, AND A CHORD LENGTH OF 434.18 FEET; THENCE RUN ALONG SAID ARC AND SAID ROAD RIGHT OF WAY FOR 448.19 FEET; THENCE RUN NORTH 88 DEGREES 32 MINUTES 03 SECONDS WEST ALONG SAID ROAD RIGHT OF WAY FOR 126.15 FEET TO THE POINT OF BEGINNING. CONTAINING 1,139,68.55 SQ. FT. OR 26.16 ACRES.

DESCRIPTION B2 ZONING:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 16 MINUTES 01 SECONDS EAST ALONG THE WEST LINE OF SAID 1/4 - 1/4 SECTION FOR 347.39 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF AMPHITHEATER ROAD AND THE POINT OF BEGINNING; SAID POINT BEING ON A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 631.32 FEET, A CHORD BEARING OF NORTH 54 DEGREES 09 MINUTES 18 SECONDS EAST, AND A CHORD LENGTH OF 73.06 FEET; THENCE RUN ALONG SAID ARC AND SAID ROAD RIGHT OF WAY FOR 73.11 FEET; THENCE RUN NORTH 65 DEGREES 58 MINUTES 58 SECONDS EAST ALONG SAID ROAD RIGHT OF WAY FOR 56.56 FEET; TO A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 559.97 FEET, A CHORD BEARING OF NORTH 78 DEGREES 44 MINUTES 08 SECONDS EAST, AND A CHORD LENGTH OF 246.81 FEET; THENCE RUN ALONG SAID ARC AND SAID ROAD RIGHT OF WAY FOR 248.85 FEET; THENCE RUN SOUTH 88 DEGREES 32 MINUTES 03 SECONDS EAST ALONG SAID ROAD RIGHT OF WAY FOR 74.41 FEET; THENCE RUN SOUTH 04 DEGREES 34 MINUTES 39 SECONDS WEST FOR 166.73 FEET; THENCE RUN SOUTH 45 DEGREES 01 MINUTES 21 SECONDS WEST FOR 9.22 FEET; THENCE RUN SOUTH 63 DEGREES 16 MINUTES 51 SECONDS WEST FOR 138.72 FEET; THENCE RUN SOUTH 61 DEGREES 03 MINUTES 20 SECONDS WEST FOR 80.42 FEET; THENCE RUN SOUTH 35 DEGREES 25 MINUTES 28 SECONDS WEST FOR 268.07 FEET; THENCE RUN SOUTH 51 DEGREES 54 MINUTES 40 SECONDS WEST FOR 196.05 FEET; THENCE RUN SOUTH 58 DEGREES 46 MINUTES 27 SECONDS WEST FOR 49.41 FEET; THENCE RUN SOUTH 52 DEGREES 14 MINUTES 24 SECONDS WEST FOR 319.35 FEET; THENCE RUN SOUTH 48 DEGREES 43 MINUTES 10 SECONDS WEST FOR 140.60 FEET; THENCE RUN NORTH 37 DEGREES 11 MINUTES 49 SECONDS WEST FOR 274.28 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF AMPHITHEATER ROAD; THENCE RUN NORTH 52 DEGREES 50 MINUTES 04 SECONDS EAST ALONG SAID ROAD RIGHT OF WAY FOR 832.12 FEET; THENCE RUN NORTH 00 DEGREES 16 MINUTES 01 SECONDS WEST ALONG SAID ROAD RIGHT OF WAY FOR 94.03 FEET TO THE POINT OF BEGINNING. CONTAINING 316,824.60 SQ. FT. OR 7.27 ACRES.

END OF LEGAL DESCRIPTION


20181108000396380 4/5 \$27.00
Shelby Cnty Judge of Probate, AL
11/08/2018 02:34:14 PM FILED/CERT

EXHIBIT B

1. The proposed apartment development will be a gated luxury apartment community. Entry into the community will be secured.
2. The total number of units proposed shall not exceed 250 units.
3. Three-bedroom units will be limited to no more than ten percent of the total number of units.
4. The anticipated initial monthly minimum pricing for a one bedroom unit is \$900.
5. The following are typical standards which will be applied in the leasing of residential apartment units as permissible by law:
 - a. Tenants will have an annual income equal to at least three times the annual rent for the apartment unit to be leased;
 - b. Each tenant and adult occupant will be subject to a credit check;
 - c. Each adult tenant will be subject to a criminal background check (any felony or sex crime conviction is automatic disqualification);
 - d. Each lease will list the names of the persons who are authorized to occupy the apartment and will restrict occupancy to those persons only;
 - e. Only two (2) occupants per bedroom will be permitted in each apartment unit ; and
 - f. There shall be no government subsidized rentals.
6. The apartment buildings will be constructed of quality materials consistent with “Class A” luxury apartment communities (adhering to modern fire and safety codes).
7. There will be a clubhouse with an exercise room equipped with gym equipment and a pool.
8. The initial 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 will provide sidewalks from the apartment community to the proposed retail development located along Amphitheater Road and as required by City Overlay District requirements.
10. The property shall conform to all applicable City Codes and Ordinances.
11. The developer will cooperate with the City to reach a mutual development agreement for any off-site improvements.

END OF EXHIBIT B CONDITIONS

