

PLANNING COMMISSION PACKET

June 1, 2016

Hello All,

Enclosed please find your packet for the meeting of **June 6, 2016**.

We have:

- One new resurvey
- Planning Commission Guidelines for Solar Panel applications
- Solar Panel application on Lake Drive (carried over from April)
- Amendment to Zoning Code regarding Open Houses/Special Events
- Amendment to Zoning Code regarding office uses and medical clinics

If you receive any citizen inquiries regarding these cases the plans may be viewed by going to:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Planning Commission
- **2016-June-6 Planning Commission Agenda**

If you have any questions about these cases please don't hesitate to give me a call at 802-3821 or send me an email at hazend@mtnbrook.org.

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION

JUNE 6, 2016

PRE-MEETING: (ROOM A106) 5:00 P.M.

REGULAR MEETING: (ROOM A108) 5:30 P.M.

CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

1. Call To Order
2. Approval of Agenda
3. Approval of Minutes: May 2, 2016
4. **Case P-16-14:** Canterbury Subdivision Resurvey of Lot 1, being a resurvey of Lot 1 according to the survey of Canterbury Subdivision as recorded in Map Book 25, Page 54, in the office of the Probate Judge of Jefferson County, Alabama and acreage situated in the NE ¼ of the NE ¼ of Section 8, Twp-18S, R-2W, in the City of Mountain Brook, Jefferson County Alabama – **3010 Canterbury Lane - Joshua and Kathleen Hartman**
5. **Review/Adopt Guidelines** for Planning Commission Review of Solar Panel Applications.
6. **Case P-16-09:** Request approval for the installation of an alternative solar energy system consisting of a ground mount array (55 feet x 8 feet, 6-1/2 feet high). – **122 Lake Drive** (undeveloped lake property) - **Sam and Heidi Yates.** (*carried over from April 4, 2016*)
7. **Amendment to Article XVIII,** Section 129-295 Temporary Uses Regarding Open Houses, Home Tours and Special Events. (*carried over from April 4, 2016*)
8. **Amendment to Articles I, X, XI, and XII** regarding Office Uses and Medical Clinics.
9. Next Meeting: July 5, 2016
10. Adjournment

MINUTES
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
MAY 2, 2016

CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

The meeting of the Planning Commission of the City of Mountain Brook, Alabama, was held in the City Hall Council Chamber on Monday, May 2, 2016 at 5:30 p.m. The roll was marked as follows:

Present: Fred Murray, Chairman Absent: Jamie Gregory
Susan Swagler, Vice Chairman
Alice Williams, Secretary
Cay Alby
Jack Carl
Philip Black

Also present: Dana Hazen, Director of Planning, Building and Sustainability; Building Official Glen Merchant; Attorney Carl Johnson and Administrative Assistant Tammy Graham.

1. **Call to Order:** Chairman Murray called the meeting to order at 5:30 p.m., there being a quorum present.

2. Boy Scout Troop 63, sponsored by Canterbury United Methodist Church, attended the meeting. Scout Master Charles Cobb explained that the Scouts are working to obtain a required Eagle Scout merit badge for "Citizenship in the Community". The following scouts introduced themselves: Mason Johnson, Edward Cobb, Hugh Seton, John Gray, Grant Blackwell, Stuart Jinnette, Byers Stewart, Luke Gilbert, and Daniel Carmichael. Assistant Scout Master Randy Gilbert was also present.

3. **Approval of Agenda:**

Motion: Mr. Black, to approve as printed
Second: Mrs. Alby
Vote: Unanimous approval

4. **Approval of Minutes:** April 4, 2016

Motion: Mrs. Swagler, to approve as printed
Second: Mr. Black
Vote: Unanimous approval

5. **Case P-16-10 - 700 Euclid Avenue - Bryant Gann Building Group, LLC** **EXHIBIT 1**

Resurvey of Lots 9 and 10 Block "E" Overlook Subdivision being a resurvey of Lot 10 and the west 15' of Lot 9 of Overlook Subdivision as recorded in Map Book 15, Page 19, in the Office of the Judge of Probate, Jefferson County, Alabama; and a 10' strip off south of Lot 10 and the west 15' of Lot 9 and being bounded on the east and west by a continuation of the east and west line of above

Minute Book 19

property and on the south by the north line of Euclid Avenue situated in the NW ¼ of the SE ¼ of Section 33, Twp-17S, R-2W, Jefferson County, Alabama.

Ray Weygand, Weygand Surveyors, represented Bryant Gann Building Group, LLC, property owner.

Mrs. Swagler asked if the required changes were made to the plat. Mr. Weygand stated that not all changes are included; the plat will be amended and returned to City Hall for signatures.

Public comment: John Allen Roberts, 704 Euclid Avenue (property owner adjacent to applicant).

Mr. Roberts asked for clarification of the setback off of his property.
Mrs. Hazen : 10’.

Mr. Roberts: Does this action set a precedent for the other property owners that were included in the 10-foot strip along the Euclid right-of-way that was vacated and added to their lots?

Mrs. Hazen: All of the front setbacks will be 35’. A resurvey is only required when a building permit application is submitted. A resurvey can be done at any time by the owner and the 10’ strip can be incorporated at that time.

Mr. Roberts: Do City regulations for setbacks supersede all other covenants in place?

Mrs. Hazen: Yes.

Motion: Mrs. Alby, to approve resurvey as requested, subject to required amendments to plat

Second: Mr. Black

Vote: Ayes: Fred Murray
Susan Swagler
Alice Williams
Cay Alby
Jack Carl
Philip Black
Nays: None

Resurvey approved, subject to required amendments, by a vote of 6-0.

6. **Case P-16-11 – 200 Beech Street - Renee Corda**

EXHIBIT 2

Resurvey of map of a resurvey and subdivision of Lot 4, Block 707, Birmingham, by the Elkton Land Company, as recorded in Map Book 88, Page 63, in the Office of the Judge of Probate, Jefferson County; situated in the NW ¼ of NW ¼ of Section 32, Twp-17S, R-2W, Jefferson County, Alabama.

Ray Weygand, Weygand Surveyors, presented the clean-up resurvey request.

Mrs. Swagler asked if all of the required changes were made to the plat. Mrs. Hazen confirmed changes.

There were no public comments.

Motion: Mr. Black, to approve resurvey as requested

Second: Mrs. Alby

Vote: Ayes: Fred Murray
 Susan Swagler
 Alice Williams
 Cay Alby
 Jack Carl
 Philip Black
 Nays: None

Resurvey approved by a vote of 6-0.

**7. Case P-16-12 - John & Donna Nathan - 3215 Salisbury Road
 Elaine Smith - 3216 Rockledge Road**

EXHIBIT 3

Resurvey of Lots 19 & 24-A, Rockhouse Circle, being a resurvey of Lot 24-A of a resurvey of Lots 20, 24 & part of Lots 21 & 25 of Rockhouse Circle as recorded in Map Book 69, Page 71 and part of Lot 19 of Rockhouse Circle as recorded in Map Book 19, Page 23, both in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the West ½ of Section 5, Twp-18S, R-2W, Jefferson County, Alabama. - 3215 Salisbury Road and 3216 Rockledge Road

Presenting the case: Trip Galloway, Galloway, Scott, Moss & Hancock, LLC
 Ray Weygand, Weygand Surveyors

Mr. Galloway:

- This is a request for a “clean-up” resurvey: The rear of existing Lot 19 (Rockledge Road) is at a much higher elevation than the front of the lot (making it inaccessible from the lower portion of the lot). The owners of existing Lot 24-A (Salisbury Road) wish to purchase the rear of Lot 19, since it is level with their lot and would be usable to them.
- After implementing the change, the Nathan’s lot (Salisbury) will continue to fully meet the Zoning Regulations for Residence-A district. The Smith’s lot (Rockledge) will become slightly more non-conforming in size, but will remain conforming on all setbacks.
- Safety issue: The cliff presents extreme and unusual circumstances. It is the mutual desire of the property owners for the Nathan’s to have dominion of the cliff land portion for liability purposes.
- The cliff line on the Smith’s back property currently looks and functions as part of the Nathan’s backyard.

Mr. Galloway asked the Commission to consider approving this application rather than sending the case to the Board of Zoning Adjustment. The Subdivision Regulations have a provision that, if *sufficient hardship* is proven, the Planning Commission may grant a subdivision that is not totally conforming. Processing through the BZA could cause a delay, or even a dismissal that could cause the case to go to court for resolution.

Elaine Smith (owner of cliff property): This property is a hazard and threat to me; when my husband was alive, he would not let me go to the area. He often got injured himself.

Donna Nathan (prospective purchaser): We are in a position to maintain the property; we can keep it clean and safe, and secure from those that would attempt to climb the cliff. It looks like part of our property because of the topography.

Chairman Murray: The argument presented meets the intent and spirit of the hardship provision. Hardship – topography.

Mr. Carl: The bluff is a clear boundary line; very sheer and close to 20' in height; these reasons substantiate hardship.

Mr. Black: There is a strong argument for the Planning Commission to make a decision on this request.

Mr. Galloway, representative for property owners: Both parties are in agreement; they are asking the Commission to consider using the hardship provision in the Subdivision Regulations as a basis for possible approval.

Carl Johnson, City Attorney, presented a suggested motion for consideration: A motion to approve the requested resurvey, and to modify the application to the City's Subdivision Regulations so as to permit such resurvey in accordance with Section 1.7, thereof based on the Commission's finding that the circumstances warranting such modification have been satisfied and, in particular, the conditions peculiar to the involved property, warrant invocation of the variance hereby approved.

Motion: Mr. Carl, in addition to the suggested motion by Mr. Johnson, the special conditions (hardship of topography) are sufficient to apply the exception in the Subdivision Regulations that would allow for this resurvey, even with the circumstance that one lot will fall below the zoning square-footage requirement, *to approve the application as submitted.*

Second: Mrs. Alby

Vote: Ayes: Fred Murray
Susan Swagler
Alice Williams
Cay Alby
Jack Carl
Philip Black

Nays: None

Resurvey approved as presented by a vote of 6-0, implementing Section 1.7 of the City of Mountain Brook's Subdivision Regulations based on proof of sufficient hardship.

8. Case P-16-13 - 3041 Cahaba Road **EXHIBIT 4**
Mountain Brook Board of Education
City of Mountain Brook Parks and Recreation

Request for a development plan for the Mountain Brook Elementary recreational fields to add a permanent restroom facility and a scoreboard.

Brian Lucas, Parks and Recreation Board, spoke on behalf of Shanda Williams, City of Mountain Brook's Parks and Recreation Superintendent. Mr. Lucas presented the request to install a restroom and scoreboard at Mountain Brook Elementary School field.

Daniel Carmichael, Scout Troop 63, 2857 Canterbury Road, expressed his support of the installation of the restroom and scoreboard.

Motion: Mr. Carl, to approve the request as presented

Second: Mrs. Swagler



Planning Commission Application PART I

Project Data

Address of Subject Property 3010 Canterbury Lane

Zoning Classification Res-A

Name of Property Owner(s) Joshua L. and Kathleen D. Hartman

Phone Number 205-879-0540 Email josh@hartmanspringfield.com

Name of Representative Agent (if applicable)

Bob Easley

Phone Number 205-803-2161 Email bob@claens.com

Property owner or representative agent must be present at hearing

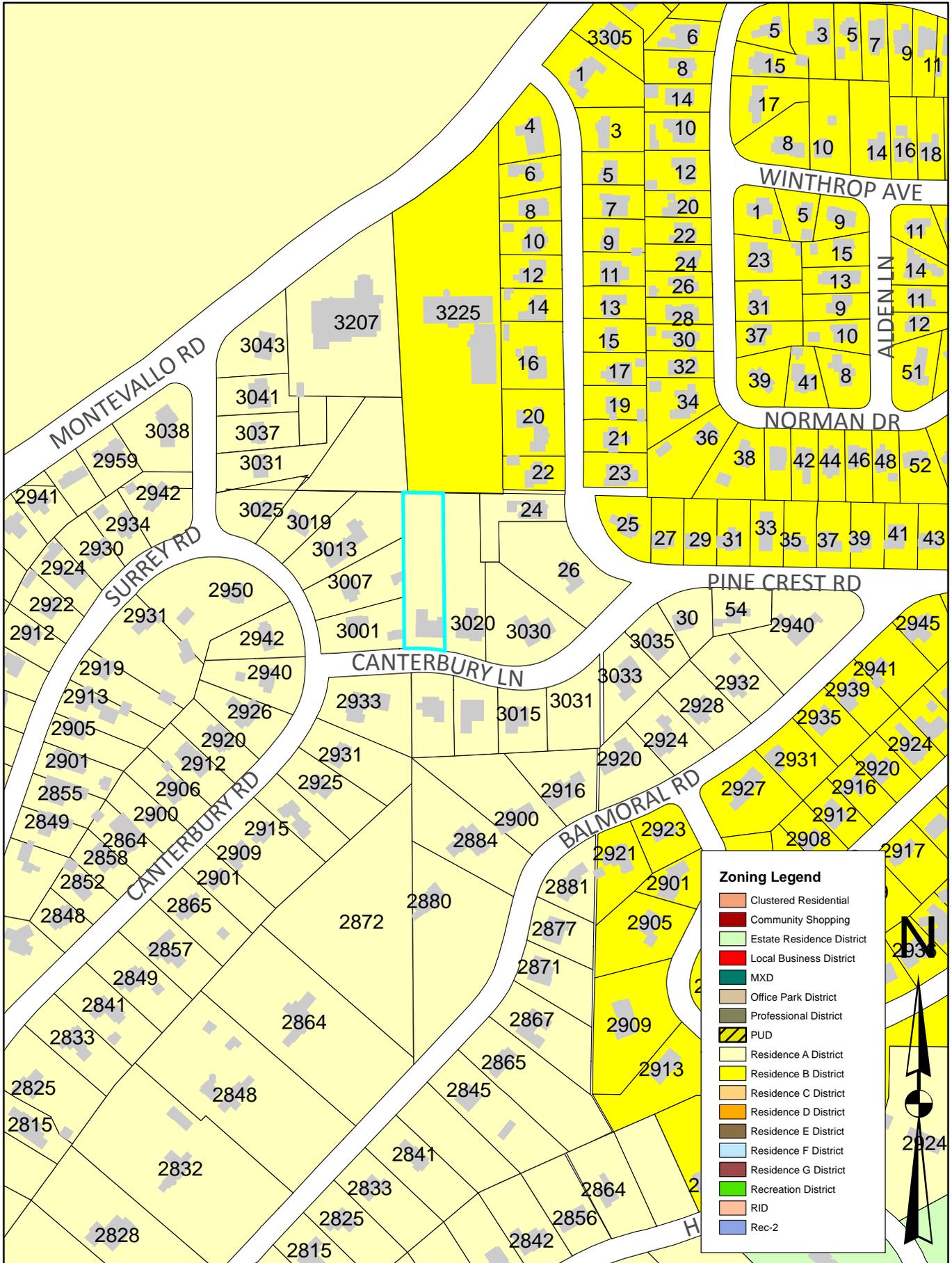
Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

The project in connection with the proposed and requested re-platting and combination of two presently existing parcels of real property located at 3010 Canterbury Ln. consists of a swimming pool, pool cabana structure and landscaping. No variances from existing zoning regulations or building setbacks are being requested therewith. The project is expected to be completed in early July.

Josh L. Hartman
Hartman & Springfield
460 East, Mountain Brook Center
2700 Highway 280 South
Birmingham, Alabama 35223
Phone: [\(205\) 879-0500](tel:(205)879-0500)
Direct: [\(205\) 879-0540](tel:(205)879-0540)
Fax [\(205\) 271-7575](tel:(205)271-7575)

P-16-14 Zoning



P-16-14

Resurvey in existing Residence A zoning

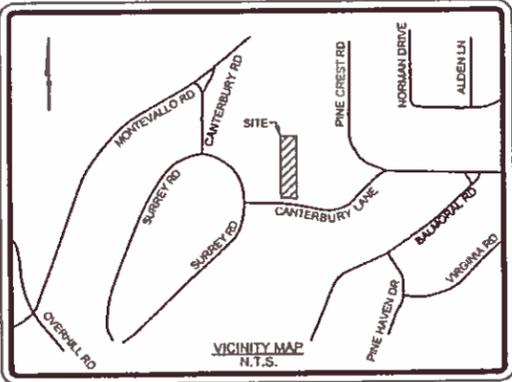
- ✓ Resurvey combining an established lot with adjoining acreage.
- ☑ **May be approved as a final plat;** the following correction for the final plat is required by the Subdivision Regulations, and **is suggested as a condition of approval:**
 - 1) Correct City of Mountain Brook signature blocks to only include one for the Planning Commission Chairman and one for the Planning Commission Secretary.
- ✓ Meets the Zoning Regulations for the Residence A district.
- ✓ **Overall layout is acceptable,** with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.
- ✓ No floodplain present.
- ✓ No relevant history or prior cases.
- **Project Data:**

NAME: Canterbury Subdivision Resurvey of Lot 1

CURRENT ZONING: Residence A

OWNERS: Joshua and Kathleen Hartman

LOCATION: 3010 Canterbury Lane



OWNER: JOSHUA L. HARTMAN
3010 CANTERBURY LANE
MOUNTAIN BROOK, AL 35223
205-879-0540
ENGINEER/SURVEYOR: ALABAMA ENGINEERING COMPANY, INC.
2 OFFICE PARK CIRCLE, SUITE 11
BIRMINGHAM, AL 35223
205-803-2161

FINAL PLAT OF THE SUBDIVISION OF:
**CANTERBURY SUBDIVISION
RESURVEY OF LOT 1**

Being a resurvey of Lot 1 according to the survey of Canterbury Subdivision as recorded in Map Book 25, Page 54, in the office of the Probate Judge of Jefferson County, Alabama and acreage situated in the Northeast 1/4 of the Northeast 1/4 of Section 8, Township 18 South, Range 2 West, in the City of Mountain Brook, Jefferson County, Alabama

SCALE: 1" = 30' May 11, 2016

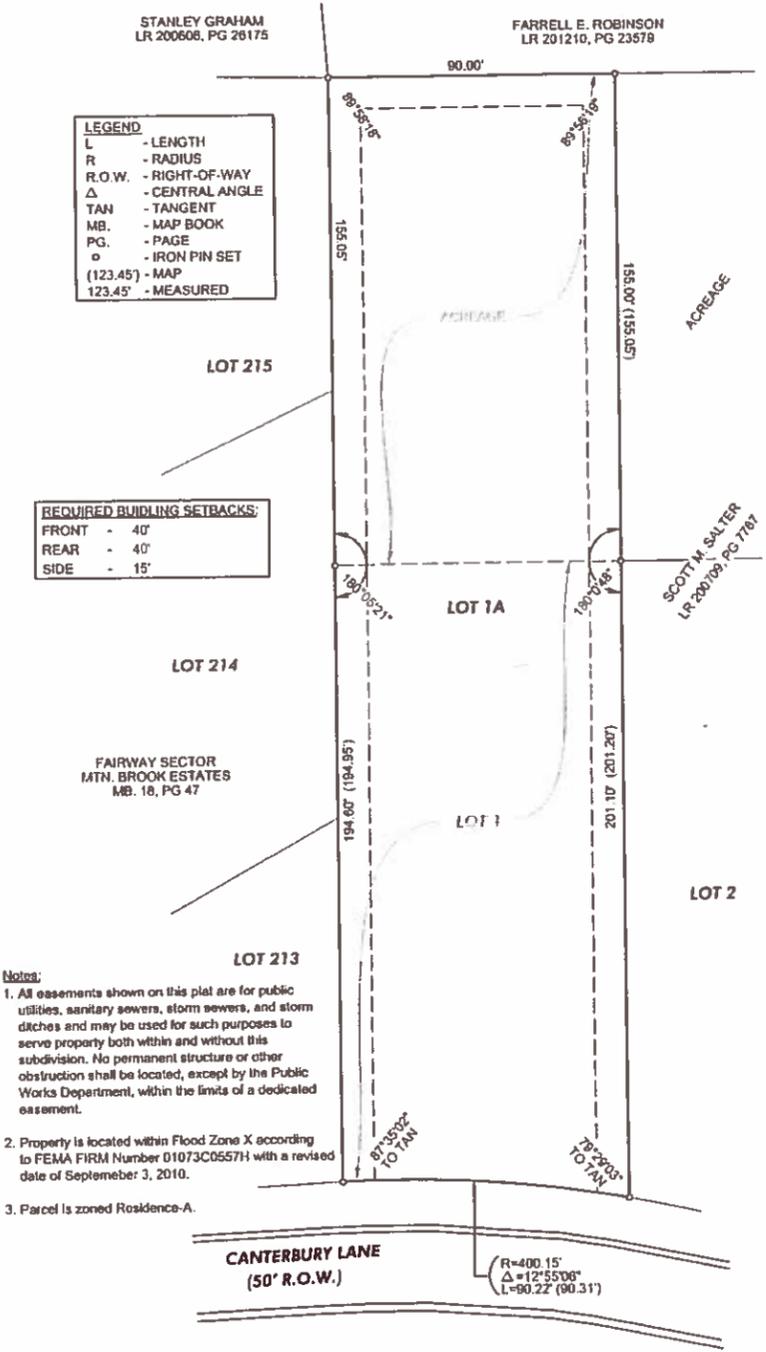


LEGEND

L	- LENGTH
R	- RADIUS
R.O.W.	- RIGHT-OF-WAY
Δ	- CENTRAL ANGLE
TAN	- TANGENT
MB.	- MAP BOOK
PG.	- PAGE
o	- IRON PIN SET
(123.45)	- MAP
123.45'	- MEASURED

REQUIRED BUILDING SETBACKS:

FRONT	- 40'
REAR	- 40'
SIDE	- 15'



I, ROBERT F. WEIMORTS JR., A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, AND THE UNDERSIGNED AS AN AUTHORIZED REPRESENTATIVE OF THE OWNER OF THE LANDS SHOWN HEREON HEREBY STATE THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAT OR MAP WERE MADE AT THE INSTANCE OF SAID OWNER. ROBERT F. WEIMORTS JR., SURVEYOR, FURTHER STATES THAT THIS PLAT OR MAP IS A TRUE AND CORRECT MAP OF LANDS SHOWN THEREIN AND KNOWN AS OR TO BE KNOWN AS CANTERBURY SUBDIVISION RESURVEY OF LOT 1 SHOWING THE DIVISIONS INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS, GIVEN THE LENGTH AND ANGLES OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEYS, AND PUBLIC LANDS GIVEN THE ANGLES, LENGTHS, WIDTHS AND NAME OF EACH STREET, AS WELL AS THE NUMBER OF EACH LOT AND BLOCK, AND SHOWING THE RELATION OF LANDS TO THE GOVERNMENT SURVEY AND THAT IRON PINS HAVE BEEN INSTALLED AT ALL LOT CORNERS AS SHOWN AND DESIGNATED BY SMALL OPEN CIRCLES ON SAID MAP OR PLAT. SAID OWNER ALSO CERTIFIES THAT IT IS THE OWNER OF SAID LANDS AND THAT THE SAME IS SUBJECT TO A MORTGAGE HELD BY TRUSTRAM NATIONAL BANK.

ROBERT F. WEIMORTS JR., PLS
ALABAMA REG. NO. 23008
FURTHER, I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.



Joshua L. Hartman, Owner
Kathleen D. Hartman, Owner
Glenn Bryan, Legacy Community Federal Credit Union
John Marks, National Bank of Commerce

I, the undersigned, a Notary Public in and for said County and State hereby certify that Robert F. Weimorts, Jr., whose name as surveyor is signed to the foregoing plat, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he executed the same voluntarily.

Notary Public
State of Alabama
County of Jefferson

I, the undersigned, a Notary Public in and for said County and State hereby certify that Josh L. Hartman, whose name is signed to the foregoing plat as owner, and who is known to me, acknowledged before me, on this date that after having being duly informed of the contents of said certificates, he executed the same voluntarily as such individual with full authority thereof.

Notary Public
State of Alabama
County of Jefferson

I, the undersigned, a Notary Public in and for said County and State hereby certify that Kate Hartman, whose name is signed to the foregoing plat as owner, and who is known to me, acknowledged before me, on this date that after having being duly informed of the contents of said certificates, he executed the same voluntarily as such individual with full authority thereof.

Notary Public
State of Alabama
Jefferson County

I, the undersigned, a Notary Public in and for said County and State hereby certify that Glenn Bryan, whose name as _____ of Legacy Community Federal Credit Union, is signed to the foregoing plat, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he as such persons and with full authority, executed the same voluntarily.

Notary Public
State of Alabama
Jefferson County

I, the undersigned, a Notary Public in and for said County and State hereby certify that John Marks, whose name as _____ of National Bank of Commerce, is signed to the foregoing plat, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he as such persons and with full authority, executed the same voluntarily.

Notary Public

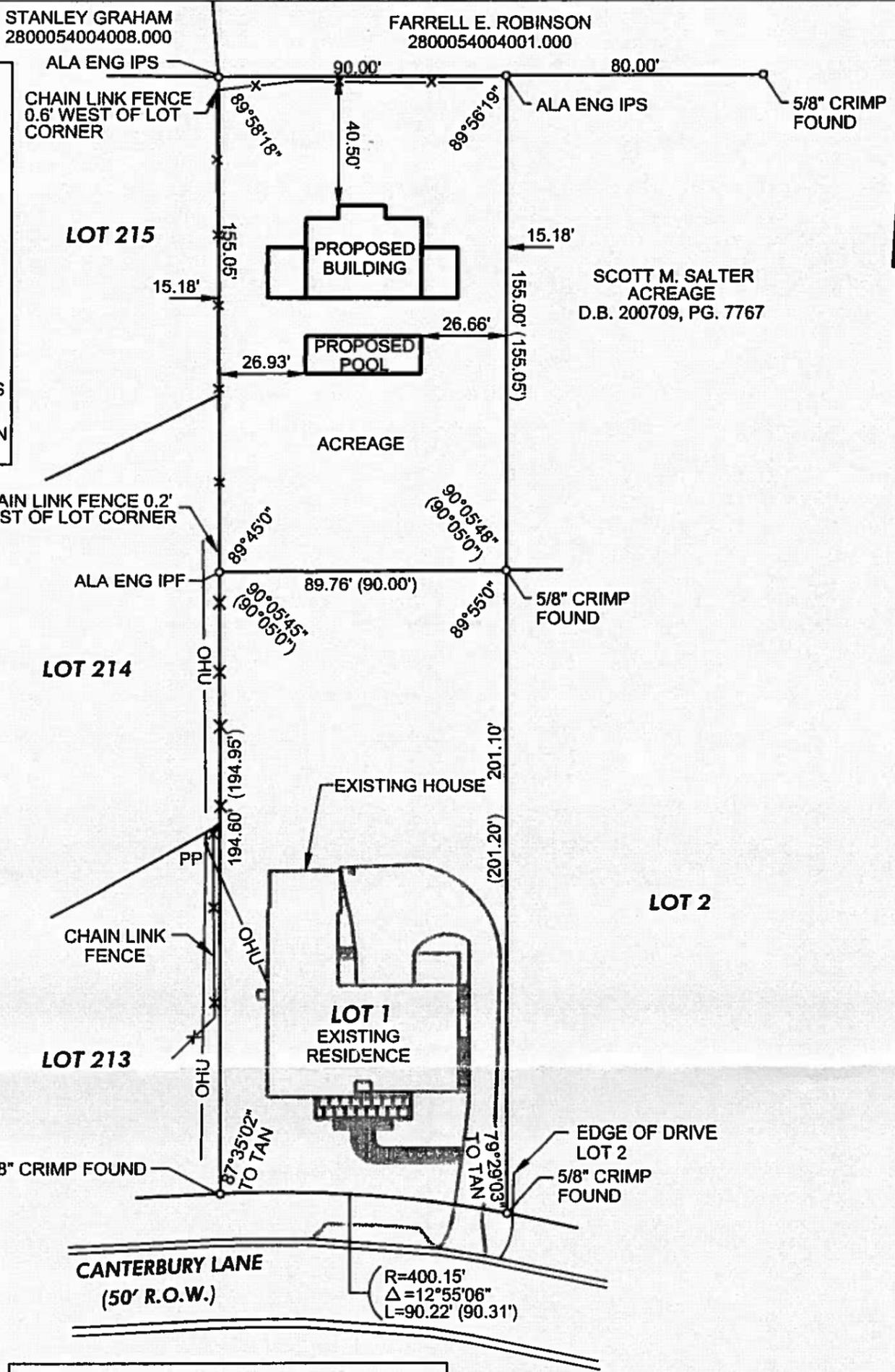
CITY CLERK, CITY OF MOUNTAIN BROOK
APPROVED: CITY ENGINEER
APPROVED: CHAIRMAN PLANNING AND ZONING
ACKNOWLEDGED BY: DIRECTOR, ENVIRONMENTAL SERVICES DEPARTMENT

(FOR RECORDING PURPOSES ONLY)

The purpose of this resurvey is to reconfigure the lot lines of Lot 1 and an acreage parcel.

LEGEND

- L - LENGTH
- R - RADIUS
- R.O.W. - RIGHT-OF-WAY
- Δ - CENTRAL ANGLE
- TAN - TANGENT
- CL - CENTERLINE
- IPS - IRON PIN SET
- IPF - IRON PIN FOUND
- MB. - MAP BOOK
- PG. - PAGE
- (123.45') - MAP
- 123.45' - MEASURED
- PP - POWER POLE
- OHU - OVERHEAD UTILITIES
- - EXISTING HOUSE
- - PROPOSED ADDITION



Site address is
3010 Canterbury Lane
Mountain Brook, AL 35223

SCALE: 1"=40'

State of Alabama,
Jefferson County,

Special Purpose Survey
The Purpose of this Survey is to show the proposed pool and building addition in relation to the property lines and the existing house on the lot.

I, Robert F. Weimorts, Jr., a Registered Land Surveyor in the State of Alabama hereby state that all parts of this survey and drawing have been completed in accordance with the Current Requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief for the following described property:

Lot 1 according to the survey of Canterbury Subdivision as recorded in Map Book 25, Page 54 in the office of the Judge of Probate, Jefferson County, Alabama.

Also a tract of land situated in the NE 1/4 of the NE 1/4 of Section 8, Township 18 South, Range 2 West, in Jefferson County, Alabama, and more particularly described as follows:

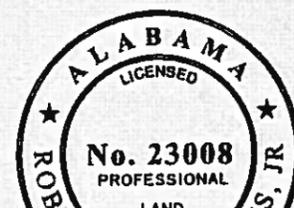
Begin at the Northwest corner of Lot 1, in Canterbury Subdivision, as recorded in Map Book 25, Page 54, in the Office of the Judge of Probate of aforesaid county and state, run East along the North line of said Lot 1 for 89.76 feet; thence 89 degrees, 54 minutes, 12 seconds, to the left in a Northerly direction for 155.00 feet, more or less, to the North line of said Section 8; thence West along the North line of said Section 8 for 90 feet to the Northeast corner of Estate 215 of Mountain Brook Estates, as recorded in Map Book 18, Page 47; thence South for 155.05 feet, more or less, to the point of beginning.

I further state that there are no rights of way, easements or joint driveways over or across said land visible on the surface except as shown, that there are no electric or telephone wires (excluding those which serve the premises only) or structures or supports thereof, including poles, anchor or guy wires on or over said property except as shown; that there are no encroachments except as shown; that the improvements are located as shown above. No underground utilities have been located.

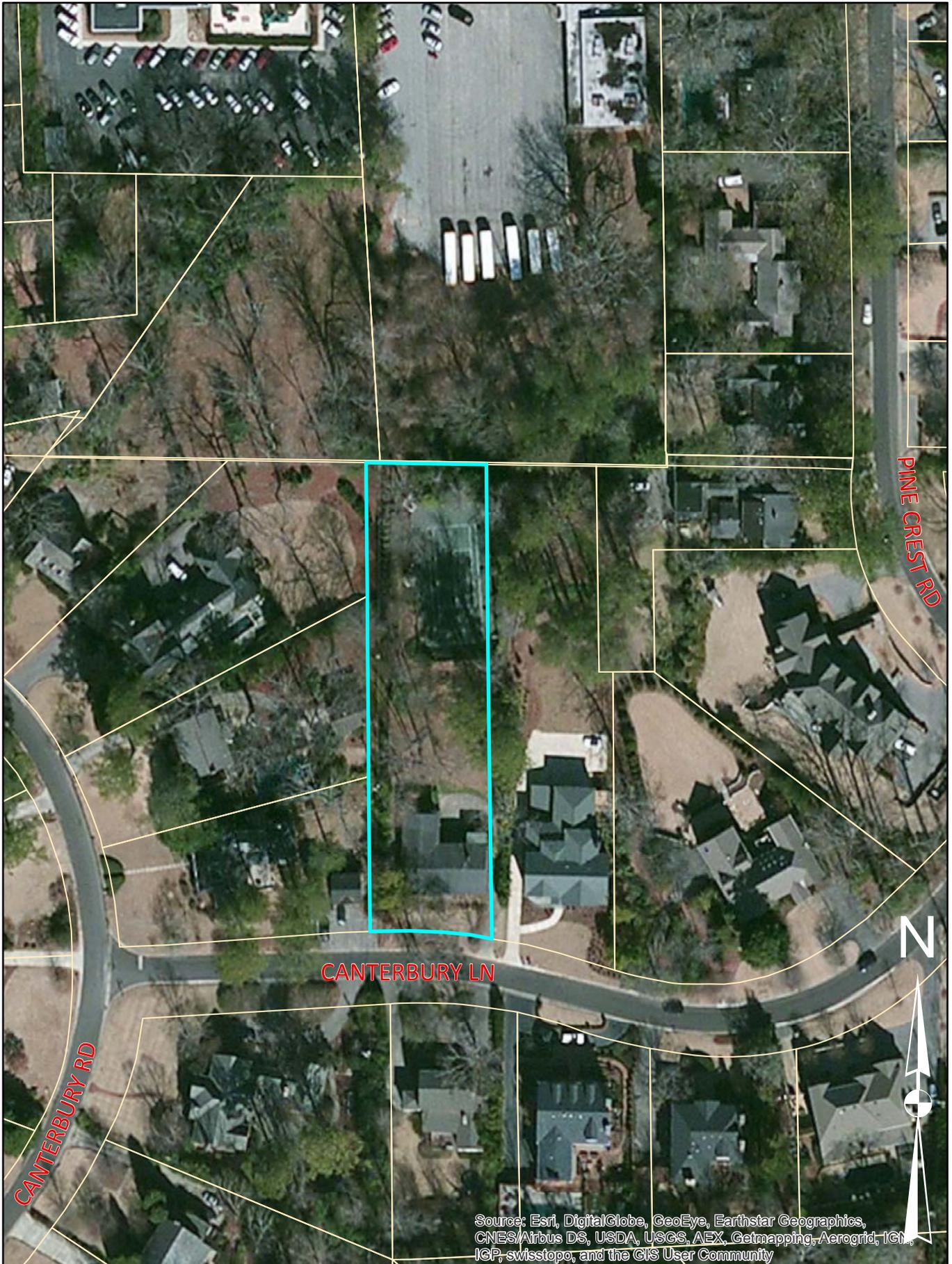
According to my survey this the 14th day of March, 2016.

Alabama Engineering Co., Inc.
2 Office Park Circle, Suite 11

Robert F. Weimorts, Jr.



P-16-14 Aerial



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Guidelines for Planning Commission Review of Solar Energy Systems

Whereas Section 129-292 of the Municipal Code allows the installation in or upon a parcel located within any zoning district, such equipment and minor structures and improvements incidental to the provision and distribution of gas, electricity, water and similar services as may be approved by the planning commission; which approval shall be subject to such conditions, if any, which the planning commission may require to promote the purposes of Chapter 129 of the Municipal Code; and

Whereas the planning commission has determined that it is desirable for the City to permit and regulate the use of solar energy in the City of Mountain Brook; and

Whereas the planning commission has determined that the use and regulation of solar energy systems in the City will reduce the need for additional electrical generation and distribution and tend to reduce atmospheric pollution that are considered harmful to the environment; and

Whereas the planning commission recognizes that the purpose of regulating solar energy systems is to provide for appropriate locations for solar energy systems, to ensure compatibility with surrounding uses, and to promote safe and effective use of solar energy to increase opportunities for generation of renewable energy.

Therefore the following are guidelines to be used by the Planning Commission when approval of an application for a solar energy system has been requested:

Definitions:

Solar Energy System (SES). An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a portion of the energy requirements of a principal building or an associated accessory structure.

Solar Energy Equipment (SEE). Items including but not limited to solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundation used for or intended to be used for the collection of solar energy in connection with a building on residential, municipal or commercial properties. Solar energy equipment and its use are accessory to the principal use of the property.

Solar Energy Systems, generally.

- 1) SES shall not be commercial operations and are prohibited as a principal use. The main purpose of the SES may not be to generate energy for sale back to the energy grid rather than being consumed on site.
- 2) Abandoned or inactive SES shall be removed within twelve (12) months of the cessation of operations.

Roof Mounted Solar Energy Systems

- 1) The placement of SES on roofs of principal buildings is preferred and encouraged.
- 2) For pitched, hipped or gambrel roofs, roof mounted SES shall not be more than twelve (12) inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The twelve (12) is measured from the upper side of the solar panel.
- 3) For flat roofs or the horizontal portion of mansard roofs, roof mounted SES may extend up to five (5) feet above the highest point of the roof.
- 4) In no instance shall any part of a roof mounted SES extend beyond the edge of the roof.
- 5) Roof mounted SES shall be designed to blend into the architecture of the building.
- 6) No portion of the SES shall be visible from any public street.
- 7) All exterior plumbing and electrical lines must be painted and/or coated to match the color of adjacent roofing material and walls.
- 8) Roof Mounted SES shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations, and may not exceed the height of the ridge of the roof on which it is located.

Ground Mounted Solar Energy Systems

- 1) Ground mounted SES and SEE shall be considered accessory structures and shall be governed in accordance with Section 129-314 of the Municipal Code of the City of Mountain Brook.
- 2) Ground mounted SES shall be of permanent installation and shall not be portable in nature.
- 3) To the extent possible, without compromising the solar SES's access to sunlight, ground mounted SES shall be screened from view at-grade from all adjacent streets and properties.



Planning Commission Application PART I

Project Data

Address of Subject Property Lot 23-A, Between both 120 & 124 Lake Drive

Zoning Classification Residence B District

Name of Property Owner(s) Samuel E & Heidi H Yates

Phone Number 205-482-4103 Email syates@vulcansolarpower.com

Name of Representative Agent (if applicable)

Stephen Stallcup-Maynard, Cooper, & Gale

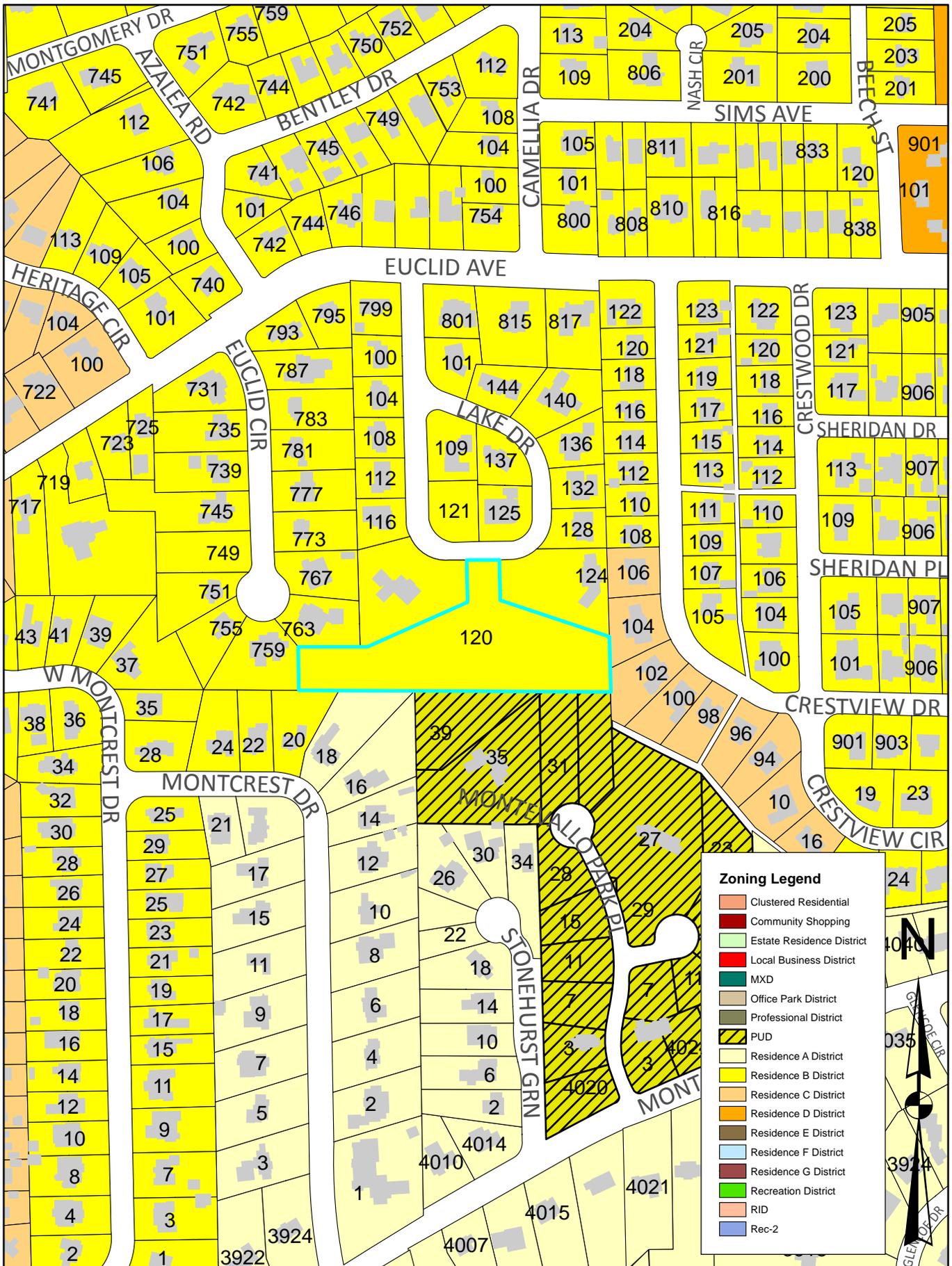
Phone Number 205-254-1073 Email SStallcup@maynardcooper.com

Property owner or representative agent must be present at hearing

Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

P-16-09 Zoning



P-16-09

Petition Summary

Request approval for the installation of an alternative solar energy system consisting of a ground mount array.

Recent Background

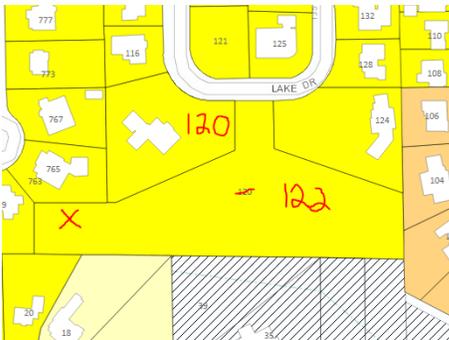
On April 4, 2016, the Planning Commission carried this case over to the June 2016 meeting in order allow an ad hoc committee of the Planning Commission to draft guidelines for the Planning Commission to utilize in the review of this and future solar panel applications. This application is in compliance with the proposed draft guidelines.

Analysis

Section 129-292 (Use Exemptions) of the Zoning Code specifies that the installation of equipment and minor structures and improvements that are incidental to the provision of and distribution of gas, electricity, water and telecommunications may be permitted in any zoning district, subject to Planning Commission approval. In conjunction with any such approval, the Planning Commission may impose conditions which promote the purposes of the zoning ordinance.

The subject solar panel array is proposed by property owners who live at 120 Lake Drive and also own the adjoining undeveloped lake property at 122 Lake Drive. The proposed location of the array is marked in this illustration with an “x” and is to be 55 feet x 8 feet, 6-1/2 feet high.

The proposed location meets the zoning code requirements for accessory structures of this size, and is proposed to be 12.5 feet from the north property line and 35 feet from the west property line. See attached sample photo of a similar array, drawing and specifications. Should the Planning Commission approve this application, the City Building Official recommends the recordation of a perpetual easement from the solar array to the adjoining property which it is intended to serve.



Appends

LOCATION: 120 & 122 Lake Drive

ZONING DISTRICT: Res-A

OWNERS: Samuel and Heidi Yates

Sample Image Only

P-16-09

SY

From: **Sam Yates** syates@vulcansolarpower.com
Subject: representative picture
Date: March 21, 2016 at 11:39 AM
To: Dana Hazen hazend@mtnbrook.org

Hey Dana,

I pulled this from Google images-it's got 13 rows of 4 stacked solar modules. Our system will only have 10 rows. Also, I'm going to lower the front edge to within 12" of the ground so we have a lower profile.

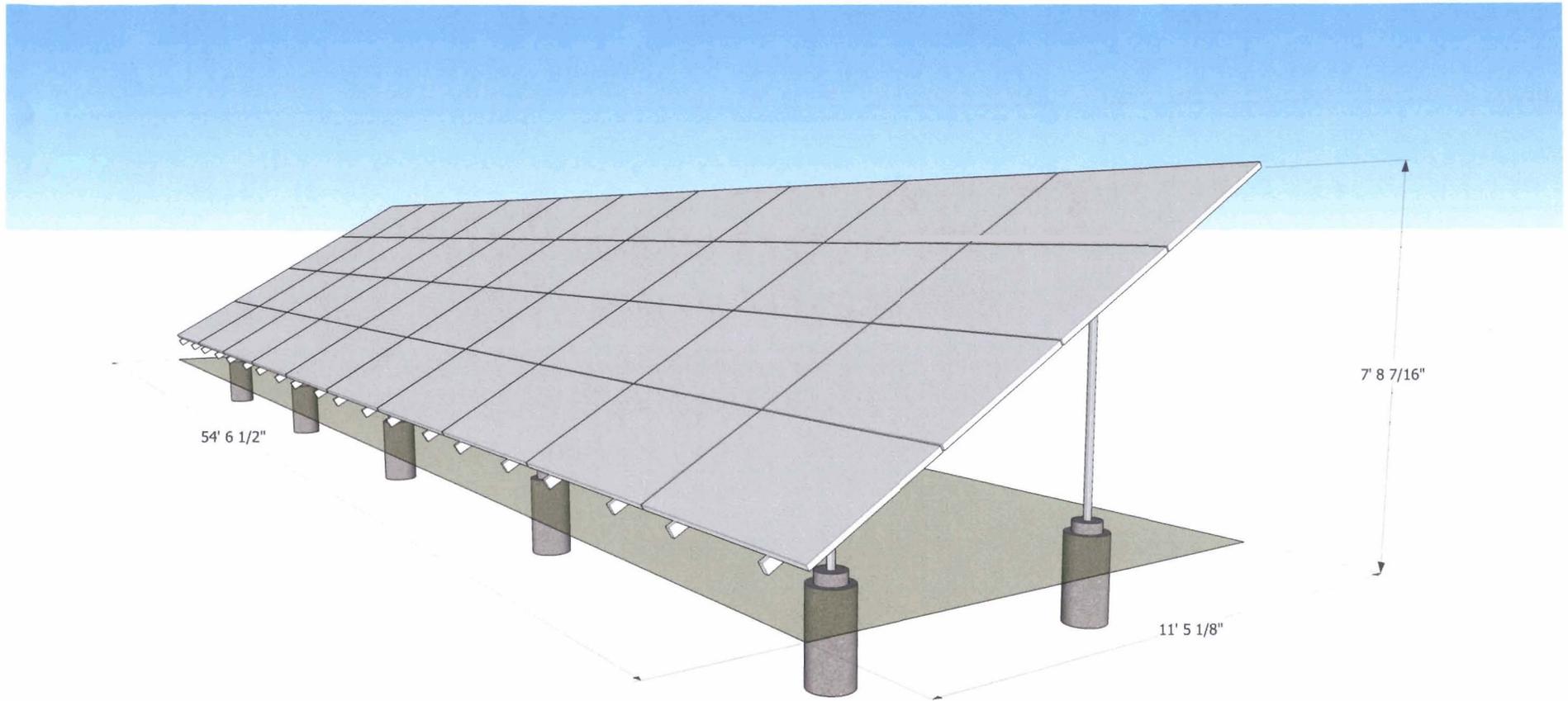
Do we need an actual detailed drawing of the system to be installed?



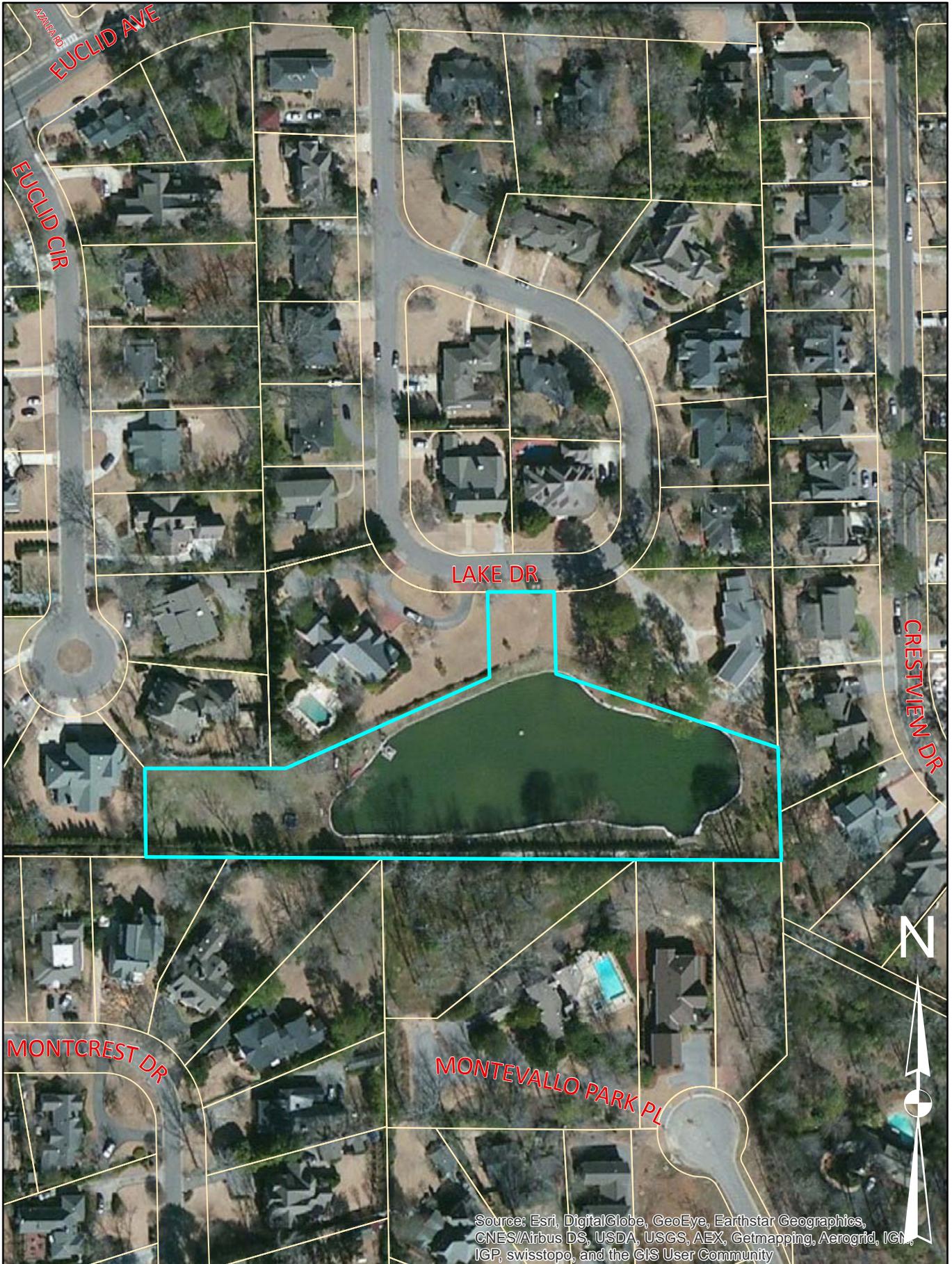
SAM YATES
President and Chief Operating Officer
VSP Solar, LLC
T: 205.679.8666
C: 205.482.4103

YATES HOME - 120 LAKE DR.

P-16-09



P-16-09 Aerial



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Mor...

Euclid Circle

Lake Dr









Series 200 Configuration Tool Report



Company Name: VSP Solar
Project Name: Yates

Create Date: 2016-03-21T04:53:55-0700
Bill of Materials #44454

PV Module Data:

Module brand:	SolarWorld	Length:	65.95 inches	Frame color:	Silver
Model:	SW 285 mono	Width:	39.4 inches	Module Clamp Color:	Silver
Rated power @ STC:	285 W	Depth:	1.2 inches	Weight:	39.5 pounds

Environmental Requirements:

Wind Speed Standard:	IBC 2012	Tilt:	30 degrees
Snow Load:	0 psf	Existing Terrain: N-S Slope:	0 degrees
Wind Speed:	150 mph	End Clamp Type:	Universal
Topographic Condition:	Standard		

Array Information:

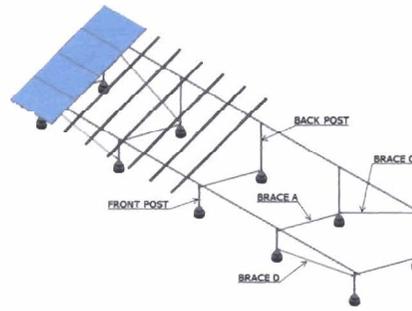
Number of rows per array:	4 High (Landscape)	Grounding Method:	UL 2703 Listed
Number of columns per array:	10 columns	Foundation Option:	Standard Pier
Number of arrays:	1 arrays	Bracing:	Standard
Minimum Height of Leading Edge:	12 inches	Pipe:	Sch.40
Module Overhang:	16 inches	Microinverter Attachment Kits:	No

Proposed Bill of Materials:

Part Number	Description	Qty
015-09855	SNAPNRACK, GROUND RAIL SET, 162IN, SILVER, 4 PC	5
242-02050	SNAPNRACK, BONDING MID CLAMP ASSEMBLY, 1,20 - 1,48IN, SILVER	60
242-02215	SNAPNRACK, UNIVERSAL END CLAMP	40
242-09004	SNAPNRACK, BONDING PIPE CLAMP ASSEMBLY FOR 1-1/2IN	40
232-01043	SNAPNRACK, GROUND RAIL END CAP, BLACK	40
242-02101	SNAPNRACK, GROUND LUG ASSEMBLY, 6-12 AWG	1
172-05800	HOLLAENDER, 5E-8, SINGLE SOCKET TEE, 1-1/2IN, AL-MG	20
172-05803	HOLLAENDER, 17-8, SINGLE ADJUSTABLE SOCKET TEE, 1-1/2IN, AL-MG	32
172-05808	HOLLAENDER, 62-8, PLUG END, 1-1/2IN, AL	24

STANDARD OPTIONS:

Maximum E-W post spacing: **72 inches**
 Adjusted E-W post spacing: **69 inches**
 N-S post spacing: **83.14 inches**
 Rails per Column: **2.00**
 Total Array Length: **55.05 feet**
 E-W exterior post distance: **51.75 feet**
 E-W exterior rail distance: **52.39 feet**
 Rail Span (RS): **96 inches**
 Rail Overhang (RO): **31.55 inches**
 Total Number of Modules: **40**
 Front Pier Depth: **30 inches**
 Back Pier Depth: **57.94 inches**



Front Post:		Back Post:	
Per Array:	10 posts	Per Array:	10 posts
Above grade:	27.78 inches	Above grade:	75.78 inches
Total length:	57.78 inches	Total length:	133.72 inches
Total quantity:	10 posts	Total quantity:	10 posts
Total feet of pipe:	48.15 feet	Total feet of pipe:	111.43 feet

Horizontal:	Brace A:	Brace C:	Brace D:
Per Array:	2	Per Array:	10
Length:	52.89 feet	Per Array:	3 (Every 3rd Bay)
Total quantity:	2	Length:	104.53 inches
Total feet:	105.78	Total quantity:	3
		Total feet:	26.13
			Total feet:
			19.29

NOTE: All pipe lengths are estimated to be slightly long. Pipe fittings will slightly reduce length of cross braces, and terrain variations may effect lengths as well. Pipe is typically purchased from a plumbing supply in 21 foot sections. It is important to make sure the pipe is threaded on both ends and includes a coupler. Use this coupler to connect pipe sections together for the Horizontal Pipe.

Total:		Concrete Estimate:	
Total Posts:	20	Cubic Yards:	2.6
Total Pipe:	399 feet	60 lb Bags of Concrete:	130



March 20, 2016

City of Mountain Brook

Planning Commission

Mountain Brook, AL

VSP Solar, LLC (AHB license #24971) will install an alternative solar energy system at the home of Sam & Heidi Yates, 120 Lake Drive, Mountain Brook, AL 35213.

Sam Yates is also a managing member of VSP Solar, LLC, and will perform the install with a NABCEP certified installer.

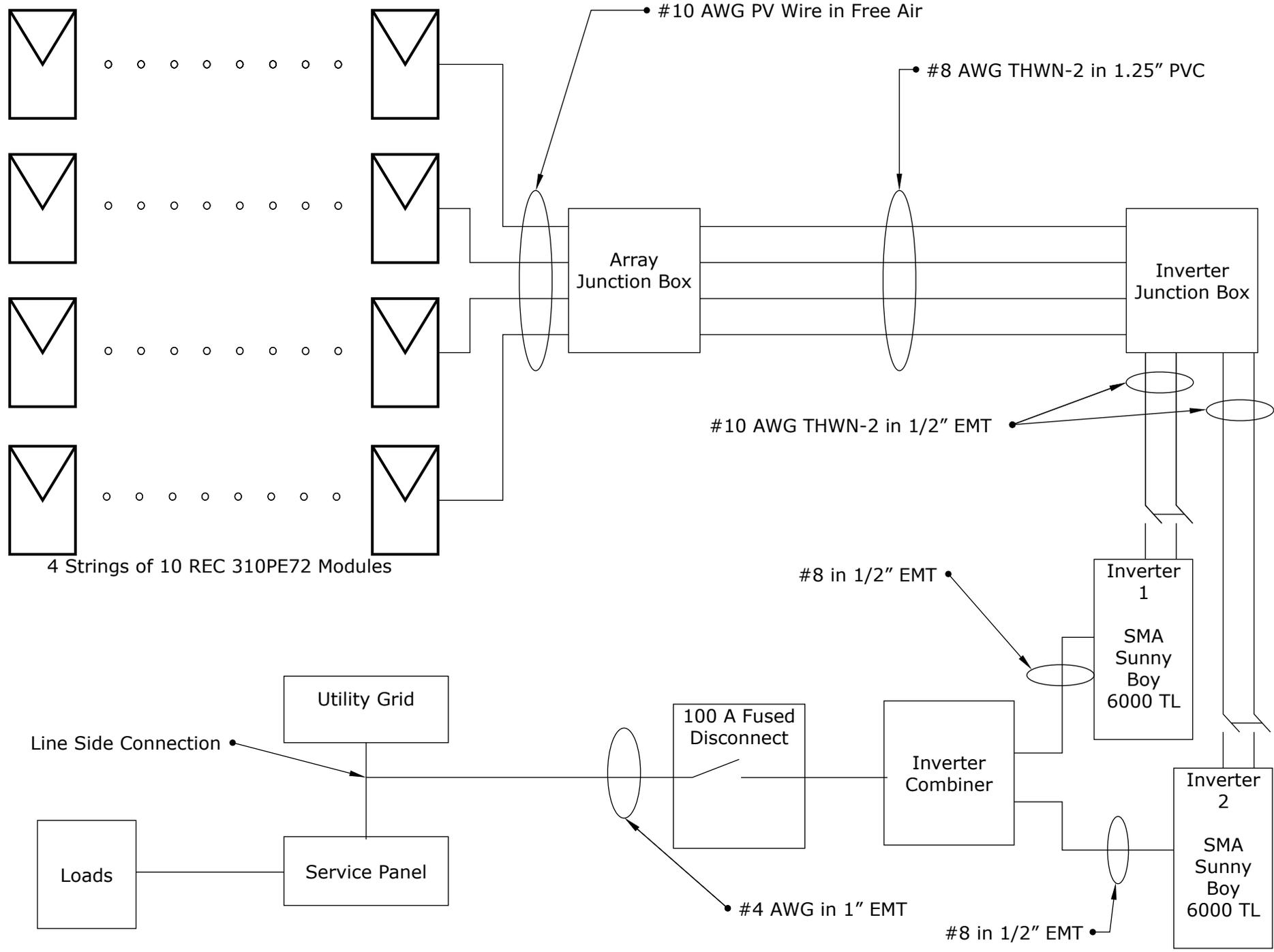
The system includes a 12 kW ground mount array, per the attached design, engineered to the International Building Code 2012 to withstand 150 mph winds. The structure is also designed to UL 2703 (Mounting Systems).

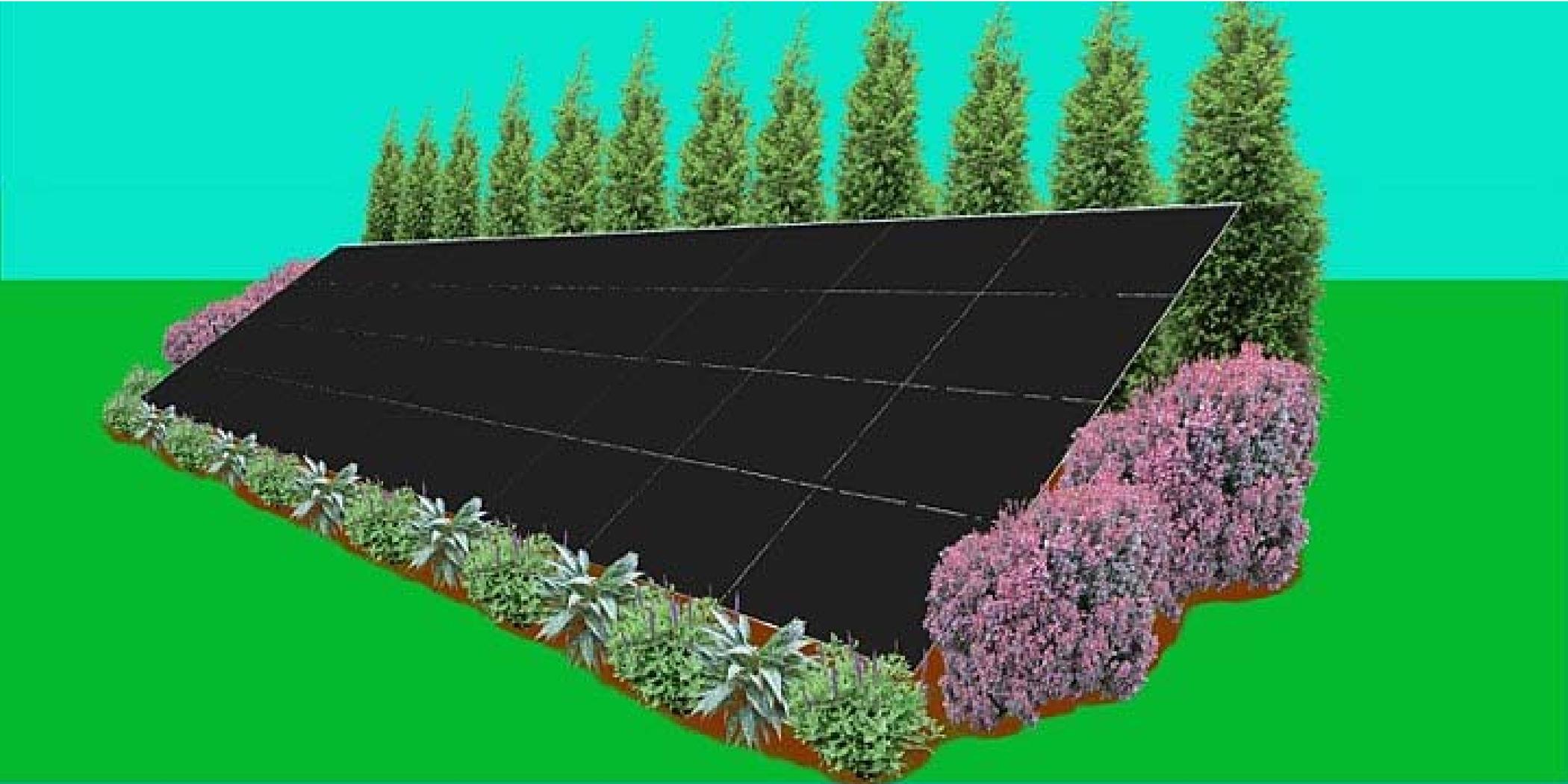
The array, consisting of 40 solar modules, will be constructed as indicated on the survey, stacked 4 ea. high in landscape profile, facing due south, angled at 30 degrees to the horizontal.

The solar array measures 55' long x 8' deep x 6-1/2' tall.

The panels are wired in series, 10 ea to a string, then run on #10 AWG PV Wire to a combiner box adjacent to the array. The #8 AWG THWN-2 wire is run in conduit to the house, buried at a minimum of 18" to meet code. Please see accompanying wire diagram.

Samuel E Yates







April 24, 2016

Mr & Mrs Allen
20 Montcrest Drive
Birmingham, AL 35213

Dear Mr & Mrs Allen

Enclosed is a drawing of our solar ground mount array, as we have designed/depicted it at completion, with an appropriate amount of landscaping for a more aesthetic appeal.

Additionally, we will shift the array towards the east, such that it will not be visible from your back deck.

Please let me know if you have additional questions, etc.

Thank you for your patience and understanding.

Sincerely,

Sam Yates
120 Lake Drive
Birmingham, AL 35213
syates@eaglesolarandlight.com
eaglesolarandlight.com
205-482-4103

Amendment to Article XVIII, Section 129-295 Temporary Uses – Open Houses, Home Tours and Special Events.

Summary

The proposed amendment is designed to provide a regulatory framework for open houses, home tours and other similar charitable and special events in the residential districts of the City. The frequency of these types of events has increased over the past few years, and the attendance at such has increased as well, causing parking problems, fire lane hazards and neighborhood contention. The proposed ordinance will help streamline the process and mitigate potential negative impacts to surrounding properties.

See attached draft ordinance (new language in red, and *new-er* language in ~~strikeout~~ and underline).

**CITY OF MOUNTAIN BROOK
NOTICE OF PROPOSED AMENDMENT TO ZONING
ORDINANCE AND OF PUBLIC HEARING THEREUPON**

Notice is hereby given that at a regular meeting of the Planning Commission of the City of Mountain Brook, Alabama, to be held on June 6, 2016, at 5:30 p.m. in Council Chambers at Mountain Brook City Hall, 56 Church Street, Mountain Brook, Alabama, said Planning Commission will hold a public hearing to consider a proposed amendment to Chapter 129 of the Code of the City of Mountain Brook, as it pertains to Section 129-295 Temporary Uses, as follows:

“Section 129-295 Temporary Uses.

- (a) Yard sales. A resident of the city may conduct sales commonly known as yard sales, garage sales or estate sales (hereinafter collectively referred to as "yard sales") at the resident's dwelling, or at the dwelling of another resident of the city, under the conditions specified herein below. All such sales shall be subject to the same monitoring and enforcement procedures set forth in article XXIII of this chapter (applicable to home occupations).
- (1) Not more than one yard sale shall be held at any dwelling during any calendar year.
 - (2) No person may participate in, including having his property sold at, more than one yard sale in the city during any calendar year, regardless of whether such additional sale is held at his dwelling or at the dwelling of another person.
 - (3) An agent may be hired to assist in the conduct of, or to conduct, such sale if all property for sale is displayed or located within the dwelling or within an accessory structure of the dwelling or in a portion of the dwelling's yard which is not visible from any street which is adjacent to the parcel on which the dwelling is located.
 - (4) Yard sales shall be limited to two days in duration, which days must be consecutive; however, a yard sale may last for up to four consecutive days if all property for sale is displayed or located within the dwelling or within an accessory structure of the dwelling or in a portion of the dwelling's yard which is not visible from any street which is adjacent to the parcel on which the dwelling is located.
 - (5) A permit shall be required for each yard sale, regardless of the number of people who participate in a sale, for which a fee to help defray the cost of issuing the permit will be charged in accordance with article XXVII of this chapter. Although only one permit will be required for each sale, each person who participates in the yard sale must be named as an applicant for the permit. Application for such permit must be filed with the city clerk prior to the first day of the proposed yard sale.
 - (6) One sign, not to exceed six square feet in area, may be posted in the yard of the dwelling in which the yard sale is conducted. The sign may be in the yard for a period not to exceed four consecutive days, including the day or days of the sale itself, and must be removed within 24 hours after the conclusion of the sale.
- (b) Trunk sales. Trunk sales, defined for the purposes of this chapter to mean the sale of new clothes, clothing accessories and other consumer goods by means of the purchaser ordering such items or goods from samples and/or catalogs available for inspection at a dwelling during the trunk sale, may be conducted at the dwelling of a resident of the city under the conditions specified herein below, and all such sales shall also be subject to the same

monitoring and enforcement procedures set forth in article XXIII of this chapter (applicable to home occupations).

- (1) In addition to the monitoring and enforcement procedures made applicable in this section, the conditions for use of dwelling for a home occupation set forth in article XXIII of this chapter (home occupations) shall also be applicable to the use of dwellings for trunk sales.
 - (2) No more than four trunk sales shall be conducted at anyone dwelling during anyone calendar year.
 - (3) Not more than two people who are not residents of the dwelling at which a trunk sale is conducted may conduct or assist with a trunk sale; provided, that: (1) Any such people must be employees, agents or representatives of the company which produces the goods to be sold at the trunk sale; and (2) An adult resident of the dwelling at which the trunk sale is being held is present at the trunk sale when it is held.
 - (4) There shall be no goods in the dwelling that are available for sale.
 - (5) Trunk sales shall be limited to a maximum of five days in duration, which days must be consecutive.
 - (6) However, a single permit may be issued for all trunk sales to be held at a dwelling during any calendar year, provided that either the dates of all such sales are included in the application for the permit; or written notice of the place, date and time of each sale, along with a copy of the permit previously issued for that calendar year, are delivered to the zoning officer at least seven days before each such sale is to be held.
 - (7) The permit fee must be paid for each permit applied for, but only the application for the first permit must be accompanied by an application for a business license; provided, that thereafter the business license is kept in effect. The drawings, plans or other requirements of article XXIII of this chapter made applicable to trunk sales by this section need be filed only with the application for the first permit unless a different portion of the dwelling is to be used for a subsequent trunk sale.
- (c) **Open Houses, Home Tours and Special Events.** Open houses, home tours and other special events ("Special Events") advertised for tickets sales to the general public wherein a residential premise or part thereof is made open to the public for a fee, donation or other remuneration or otherwise for commercial or charitable purposes may be conducted in the residential districts of the city under the conditions specified herein below. Such uses shall also be subject to the same monitoring and enforcement procedures set forth in article XXIII of this chapter (applicable to home occupation).
- (1) No more than one (1) such Special Event(s) of more than 30 guests at any given time shall be conducted at any one residential premises during any one calendar year.
 - (2) Such Special Event shall be limited to a maximum of ~~five (5)~~ six (6) days in duration which days must be within a ~~fourteen (14)~~ sixteen (16) day period beginning with the first day of the event.
 - (3) ~~No Goods shall be sold at the Special Event other than furniture, furnishings or other~~

Amendment to Articles I, X, XI, and XII - Office Uses and Medical Clinics

These amendments are proposed in order to differentiate between business offices, professional offices and medical clinics, and to clarify and further assign each type of use to an appropriate zoning district.

Current zoning code:

Professional District allows professional offices;

Office Park District allows professional offices and business offices;

Medical and dental walk-in clinics are not permitted in any district.

These changes are meant as a means of cleaning up existing zoning code definitions and adding a definition for medical and dental walk-in clinics and assigning those uses to the Office Park Zoning District category.

CITY OF MOUNTAIN BROOK
NOTICE OF PROPOSED AMENDMENTS TO THE ZONING
ORDINANCE AND OF PUBLIC HEARING THEREUPON

Notice is hereby given that at a regular meeting of the Planning Commission of the City of Mountain Brook, Alabama, to be held on June 6, 2016, at 5:30 p.m. in Council Chambers at Mountain Brook City Hall, 56 Church Street, Mountain Brook, Alabama, said Planning Commission will hold a public hearing to consider proposed amendments to Chapter 129 of the Code of the City of Mountain Brook, as it pertains to Articles I, X, XI, & XII as follows:

“Article I. - Definitions
Section 129-2. Definitions

Clinic, medical and dental. A category of medical and dental care focused on the delivery of routine or ambulatory care, and the treatment of acute or chronic illness or injury requiring immediate care (those not warranting an emergency room visit). Often characterized by, but not limited to, one or more of the following: acceptance of patients on a walk-in basis with no appointment required, extended hours of operation on weekdays and/or weekends, and/or a pool of rotating medical or dental practitioners rather than the primary office of one or more permanent practitioners.

~~Office. A building, or a portion of a building, in which professional clerical, administrative and similar activities are conducted, without any sales.~~

Office, business. Office uses that provide employment and space for the administrative affairs of businesses, but that do not generally involve frequent or intensive interactions by clients or general consumers on a daily basis, and where the delivery of the product or service does not necessarily need to occur on the premises.

Office, professional. Offices uses such as accountants, architects, attorneys, dentists, engineers, insurance agents, physicians, realtors, surgeons or persons conducting similar occupations or professions whose occupation or profession often requires professional licenses or certification.

Article X. – Professional District
Sec. 129-151. - Permitted uses.

The uses permitted in Professional Districts shall be as follows:

- (1) Professional offices; ~~occupied by accountants, architects, attorneys, dentists, engineers, insurance agents, physicians, realtors, surgeons or persons conducting similar occupations or professions;~~
- (2) Private schools for the teaching of dancing, music or other educational courses; and
- (3) The design and assembly of frames for paintings, pictures, photographs, posters, lithographs, shadow boxes and similar items; and
- (4) Accessory structures customarily incidental to the uses permitted by this section 129-151.

Article XI. – Office Park District
Sec. 129-171. - Permitted uses.

The uses permitted in Office Park Districts shall be as follows:

- (1) Professional offices;
- (2) Business offices;
- (3) Clinics, medical and dental;
- (4) Public buildings;
- (5) Gymnasiums and fitness centers;
- (6) Daycare centers;
- (7) Restaurants;
- (8) Dressmaking, millinery, sewing, tailoring, alterations, knitting and crocheting; provided, that any person engaged in dressmaking, millinery, sewing, tailoring or alterations may conduct trunk sales at his place of business, subject to the following conditions: (a) as used herein, "trunk sale" shall mean the sale of new clothes, clothing accessories and other consumer goods by means of the purchaser ordering the finished goods from samples and/or catalogs which are available for inspection at the place of business during the trunk sale; (b) no more than four trunk sales may be conducted at the place of business during any calendar year; and (c) no trunk sale may last for more than five days, which days must be consecutive.
- (9) Laboratories for the compounding and sale of prescription drugs;
- (10) Building and office cleaning services whose primary business is the cleaning of buildings and offices located in the same Office Park District in which the cleaning service is located;
- (11) Not more than ten percent of the rentable floor area in a building or buildings located on a parcel in an Office Park District may be used for retail establishments; provided, that: (a) all such retail businesses shall be designed and intended for the support of the other uses permitted under this section 129-171 and shall not be designed or intended to attract business or customers from without such Office Park District and provided, further, that such retail use shall be subject to the prior approval of the planning commission; and
- (12) Accessory structures customarily incidental to the uses permitted in an Office Park District.

Article XII. – Local Business

Section 129-192 Permitted Uses

(b) Conditional Uses.

- (1) **Service uses** shall be conditional uses in any area covered by a village master plan or the village overlay standards. The conditional review and approval process shall ensure that, in addition to the other factors of conditional review, sufficient parking exists so that the use will not negatively impact existing established businesses, and that the proposed service use, either in isolation or in conjunction with other service or office uses, will not have a detrimental impact on public parking in the villages. The service use category consists of businesses that offer customers services for the performance and delivery on premises, and

may offer some limited products or merchandise associated with the service. The service use category includes the following uses:

- a. Banks;
- b. Barber shops;
- c. Beauty shops;
- d. Dancing academies;
- e. Daycare centers;
- f. Dry cleaning establishments;
- g. Electronic and electrical repair shops;
- h. Fitness centers;
- i. Gymnasiums;
- j. Interior Design Shops
- k. Nail Salons
- l. Neuromuscular therapists;
- m. Personal fitness trainers;
- n. Photography studios;
- o. Physical therapists;
- p. Self-service laundries;
- q. Shipping and wrapping of packages and sale of related items;
- r. Shoe repair shops;
- s. Tanning salons;
- t. Theaters for the performing arts;
- u. Travel agents.

(2) **Office uses** shall be conditional uses in any area covered by a village master plan or the village overlay standards. The conditional review and approval process shall ensure that, in addition to the other factors of conditional review, sufficient parking exists so that the use will not negatively impact existing established businesses, and that the proposed office use, either in isolation or in conjunction with other service or office uses, will not have a detrimental impact on public parking in the villages. ~~The office use category consists of businesses that provide employment and space for the administrative affairs of businesses, but that do not generally involve frequent or intensive interactions by clients or general consumers on a daily basis, and where the delivery of the product or service does not necessarily need to occur on the premises.~~ The office use category includes the following uses:

- a. Business offices;
- ~~b. Interior design shops~~ *(added to Service Uses)*
- b. Professional offices.

Any office use established or permitted by right prior to May 15, 2009, shall be permitted to continue in the same location without regard to these provisions, provided that such use is not expanded. An office use so established or permitted may be replaced by another office use with the same or fewer required parking spaces, it being the intent of the council to permit the continued office use of properties where existing office uses are located without the need for specific approval if parking demand is not increased. However, should such office use be replaced with a retail use, then any future reestablishment of an office use in the same location will require prior written approval of city council per subsection (b) of this section.”

At the aforesaid time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of adoption of the proposed amendment.

For questions concerning these proposed zoning amendments, please contact:

Dana Hazen, AICP, MPA
Director of Planning, Building & Sustainability
205/802-3821
hazend@mtnbrook.org

CERTIFICATION

I, Tammy Graham, Administrative Assistant for the City of Mountain Brook, Alabama, do hereby certify that I have caused notice of the proposed amendment to the zoning ordinance and of public meeting thereupon set forth above to be published and provided in the manner specified by Article XXV, Sec. 129-431, of the Mountain Brook City Code. I further certify that I have posted said notice in four conspicuous places within the City of Mountain Brook, in the manner and within the time permitted by law, said places being:

Mountain Brook City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
Cahaba River Walk, 3503 Overton Road
Overton Park, 3020 Overton Road

Tammy Graham, Administrative Assistant