

ORDINANCE NO. 1903

**AN ORDINANCE TO REZONE CERTAIN PARCELS OF LAND IN THE
CITY OF MOUNTAIN BROOK, ALABAMA
FROM RESIDENCE C DISTRICT TO RESIDENCE D DISTRICT**

WHEREAS, after due consideration, the City Council has determined that the zoning classification of the real estate owned by Margi Ingram and Charles Ray Ingram which is located along Cahaba Road, as more particularly described below, should be zoned Residence D District such property being presently zoned Residence C District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook as follows:

Section 1. The zoning map of the City of Mountain Brook, as referred to in Chapter 129, Article VII of the Mountain Brook City Code, as amended from time to time, is hereby further amended by zoning to Residence D District the following described real property said property currently zoned Residence C District:

LOTS 1-8 IN THE SOUTH HIGHLANDS SUBDIVISION ALONG WITH THE ADJACENT ALLEYS LOCATED TO THE SOUTH AND EAST OF SAID LOTS, AS PER MAP BOOK 7, PAGES 105 AND 106, AS RECORDED IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

Section 2. The provisions of this ordinance are severable. If any provision of this ordinance is held by a court of competent jurisdiction to be invalid, such invalidity shall in no way affect the remaining provisions of this ordinance.

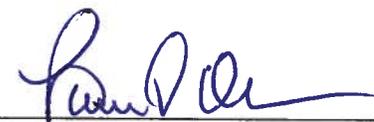
Section 3. This ordinance shall become effective when published by posting the same as required by law.

ADOPTED: This 12th day of May, 2014.



Council President

APPROVED: This 12th day of May, 2014.



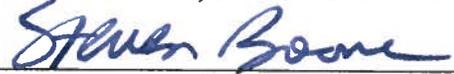
Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on May 12, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on May 13, 2014, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
The Invitation Place, 3150 Overton Road



City Clerk

1903

Council Memo - May 12, 2014

The Manning - Rezoning from Res-C to Res-D

Petition Summary

Request to rezone eight (8) lots, containing 80,634 square feet from Residence-C to Residence-D for a fourteen (14) unit condominium development (The Manning).

The request also involves a petition to vacate the alleys to the south and east of the subject property (*petition to vacate alleys will be heard by the council on May 27, 2014*).

Subject Property and Surrounding Land Uses

The subject property contains eight (8) single family dwellings. To the north, across Cahaba Road, is the Residential Infill District containing the Botanical Place development. To the northwest and west are single family dwellings. To the south is the Birmingham Zoo and to the east, across Cahaba Road, is the Birmingham Botanical Gardens.

Residence-D Development Standards

The proposed development meets the Res-D development standards for Section 129-93 (Duplexes and Apartments); in this case, condominium stacked flats. The required front, side and rear setbacks are 35, 25 and 20 feet, respectively. The height limit is 45 feet; proposed is 33 feet at the front elevation and 44 feet at the rear elevation. It should be noted that the height of the front building elevation is only 24 feet above the grade of Cahaba Road to the north of the subject site. The maximum story limit is three (3) stories. The minimum required on-site parking is two (2) spaces per unit (or twenty-eight). The proposed development will have thirty-two (32) enclosed spaces, allocated at three (3) for each of the four (4) three/four-bedroom units, and two (2) for each of the remaining ten (10) units. Eleven (11) surface parking spaces for guests are proposed.

Density and Petition to Vacate Alley

The maximum density for the Res-D District is one unit per 6,000 square feet, which in the case of the subject eight (8) lot acreage would be 13.43 units (80,634 sf/ 6,000). In order to build the proposed fourteen (14) units the site would need to contain 84,000 sf; hence the proposed petition to vacate the alleys to the south and east of the subject property. If the alleys are ultimately vacated then the 5,400 square feet of alleyway will be zoned Res-D and will be added to the development acreage, resulting in a parcel size that would support the fourteen (14) units proposed (86,034 sf).

These alleys are depicted on the attached Exhibit "A" in the petition to vacate. No person or entity will be affected by the vacation of the alleys, as they serve only the subject eight (8) lots. A 10-foot wide dedicated utility easement is proposed in place of the vacated alley.

Resurvey Required

If the proposed rezoning and petition to vacate the alleys is approved by the council, then the eight (8) lots would have to be resurveyed into one (1) lot, and said case would be reviewed by the Planning Commission at that time.

Planning Commission Recommendation on Rezoning

On April 7, 2014, the Planning Commission recommended approval of the rezoning, as proposed, and of the petition to vacate the alleys. Many residents of the neighborhood were in attendance and were in support of the rezoning and the project. No one spoke in opposition.

Affected Regulation

Article VII, Residence D District; Section 129-93, Area and Dimensional Requirements

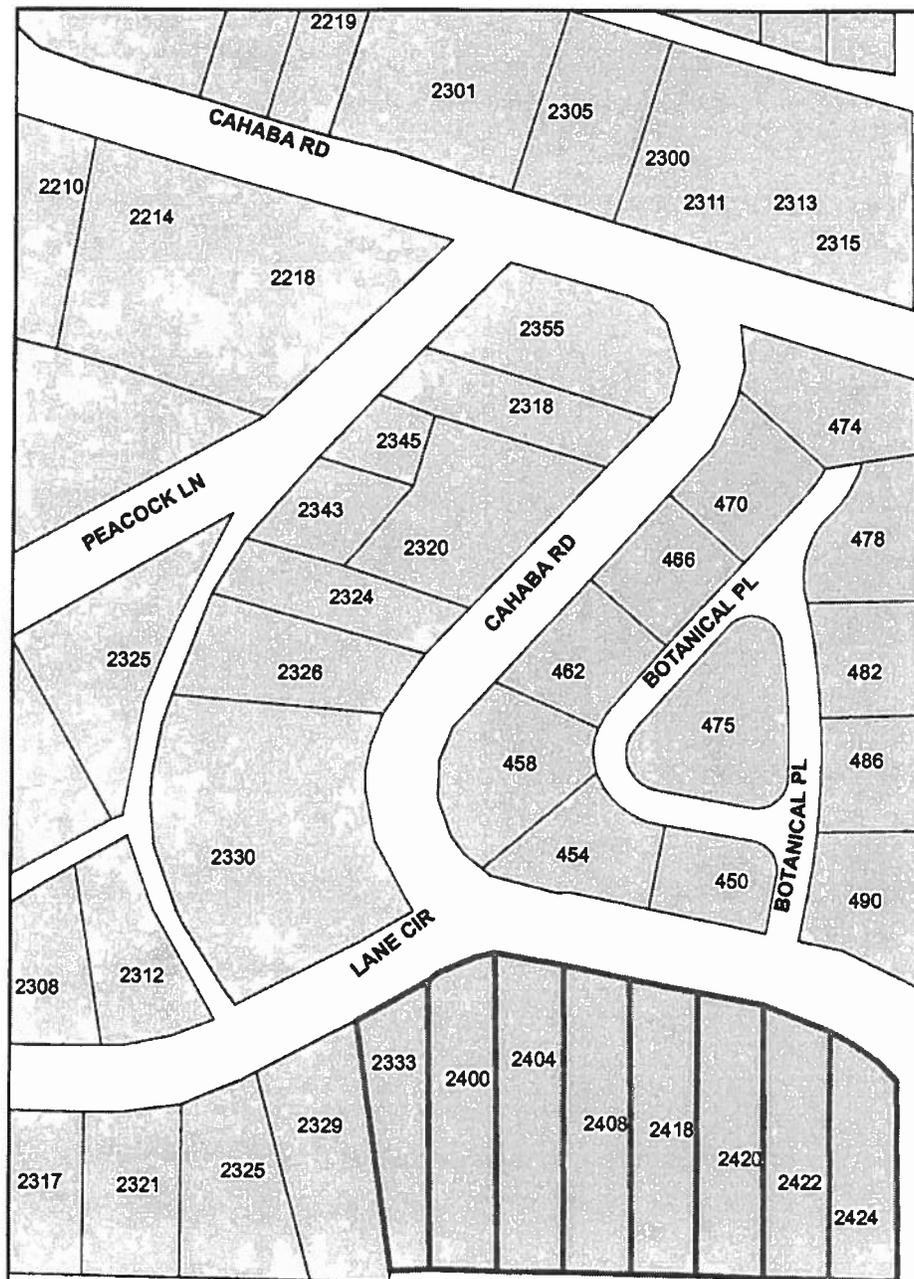
Article XXV, Amendments

Appends

LOCATION: 2400, 2404, 2408, 2418, 2420, 2422 & 2424 Cahaba Road
and 2333 Lane Circle

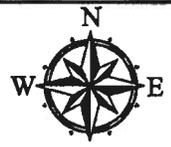
ZONING DISTRICT: Residence-C

OWNER: Margi and Charles Ray Ingram



Botanical PL

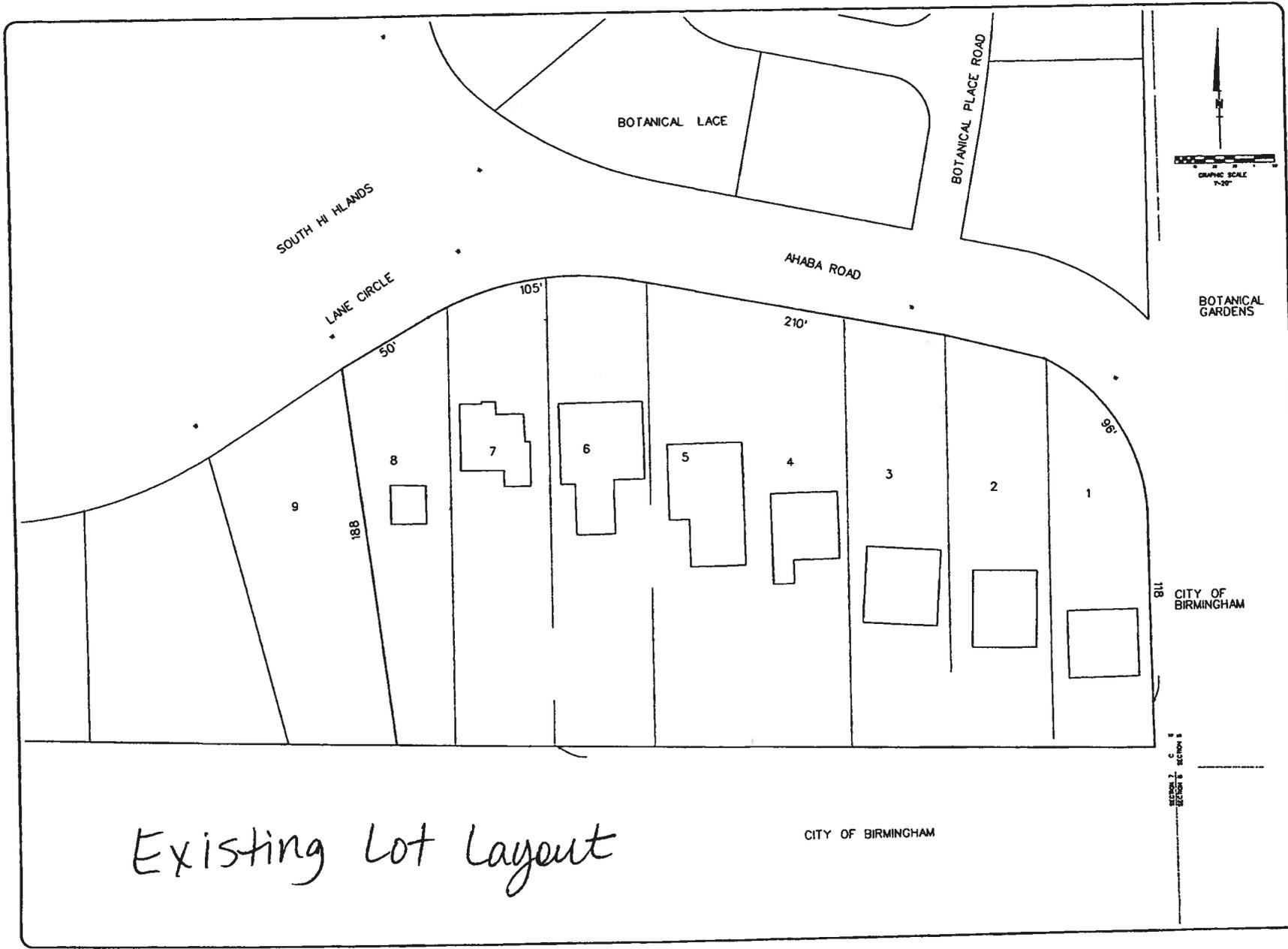
CAHABA



Legend

- Lockerbie Split Zoning
- Lockerbie_10_foot_Zoning
- Total_PropJune2006**
- Zoning**
- Clustered Residential
- Community Shopping
- Estate Residence District
- Local Business District
- MXD
- Office Park District
- Professional District
- PUD
- Residence A District
- Residence B District
- Residence C District
- Residence D District
- Residence E District
- Residence F District
- Recreation District
- RID
- Rec-2





Existing Lot Layout

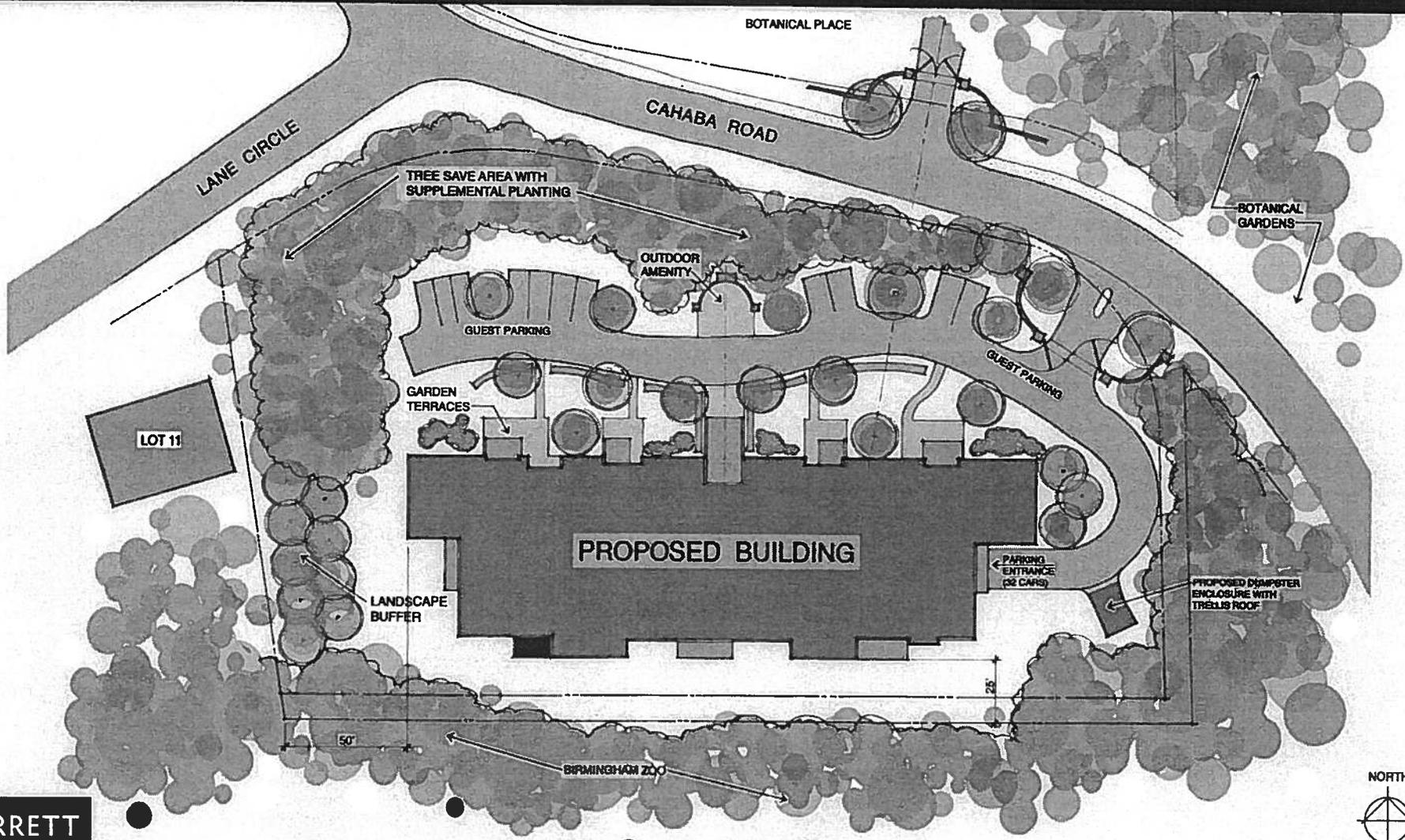
1900

WALTER SCHOEL ENGINEERING CO., INC.
 CONSULTING ENGINEERS
 200 2ND STREET SOUTH
 BIRMINGHAM, ALABAMA 35205

EXISTING CONDITIONS EXHIBIT
 THE MANNING
 2400 CAHABA ROAD
 BIRMINGHAM, ALABAMA

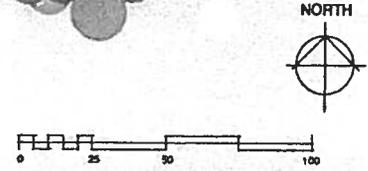
DATE	SCALE	BY	CHK'D BY
1	1" = 30'		
2			

SECTION 1 SECTION 2 SECTION 3 SECTION 4 SECTION 5 SECTION 6 SECTION 7 SECTION 8 SECTION 9

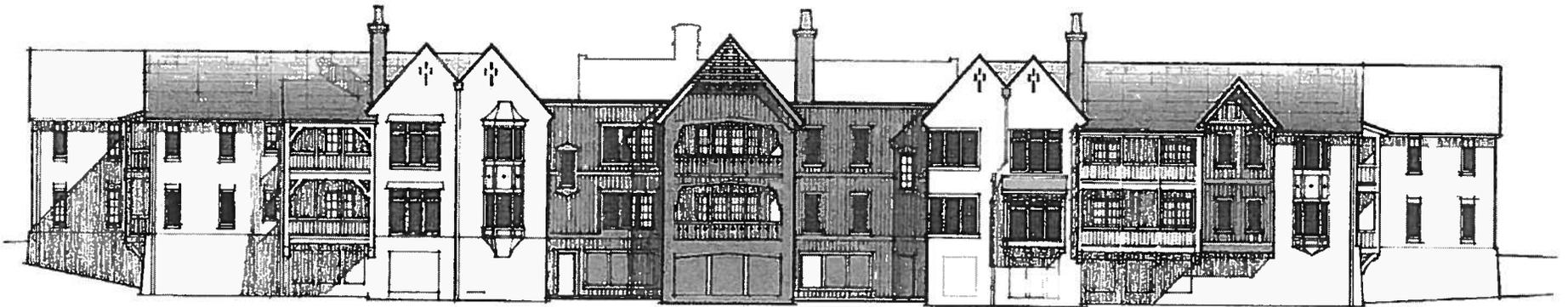


BARRETT
ARCHITECTURE
STUDIO

The MANNING







J. MANNING
Architectural Studio

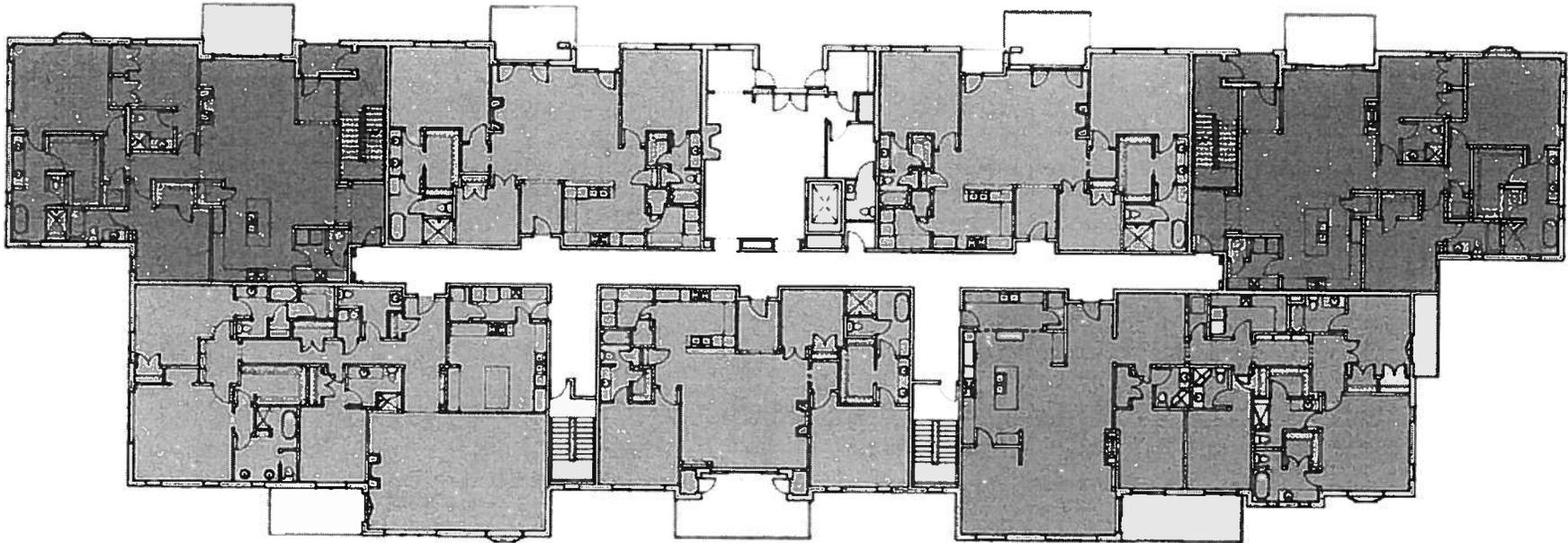
CAHABA ROAD

Boylston
UNITS 107, 207

Allston
UNITS 105, 205

Allston
UNITS 103, 203

Boylston
UNITS 101, 201



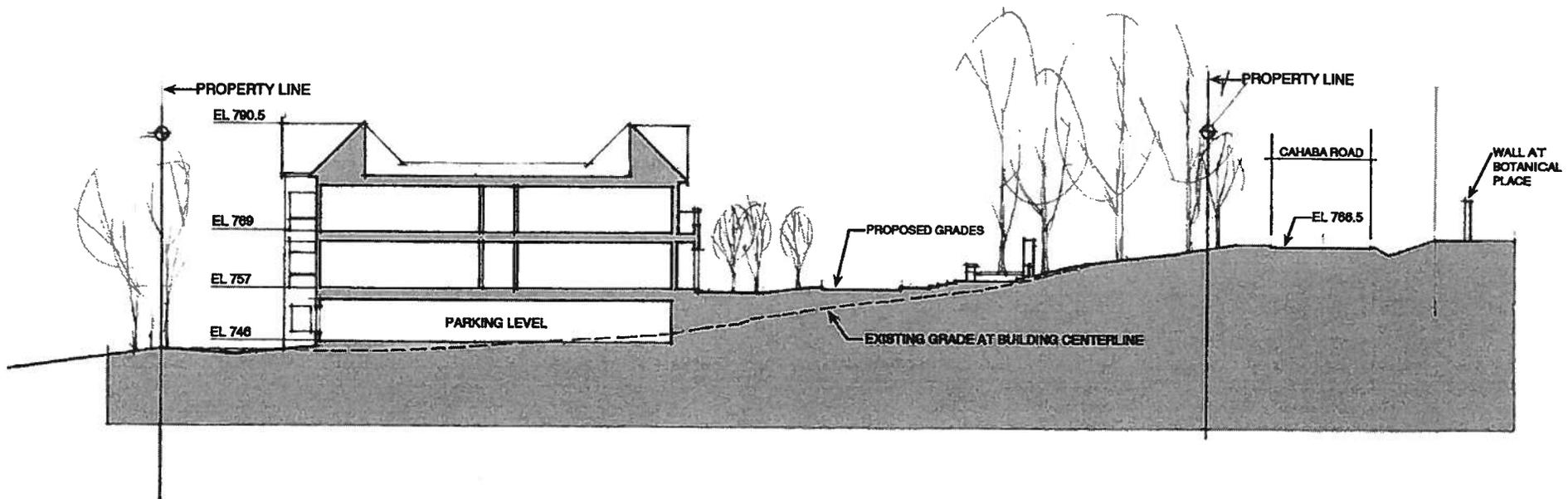
Copley
UNITS 106, 206

Allston
UNITS 104, 204

Dorchester
UNITS 102, 202

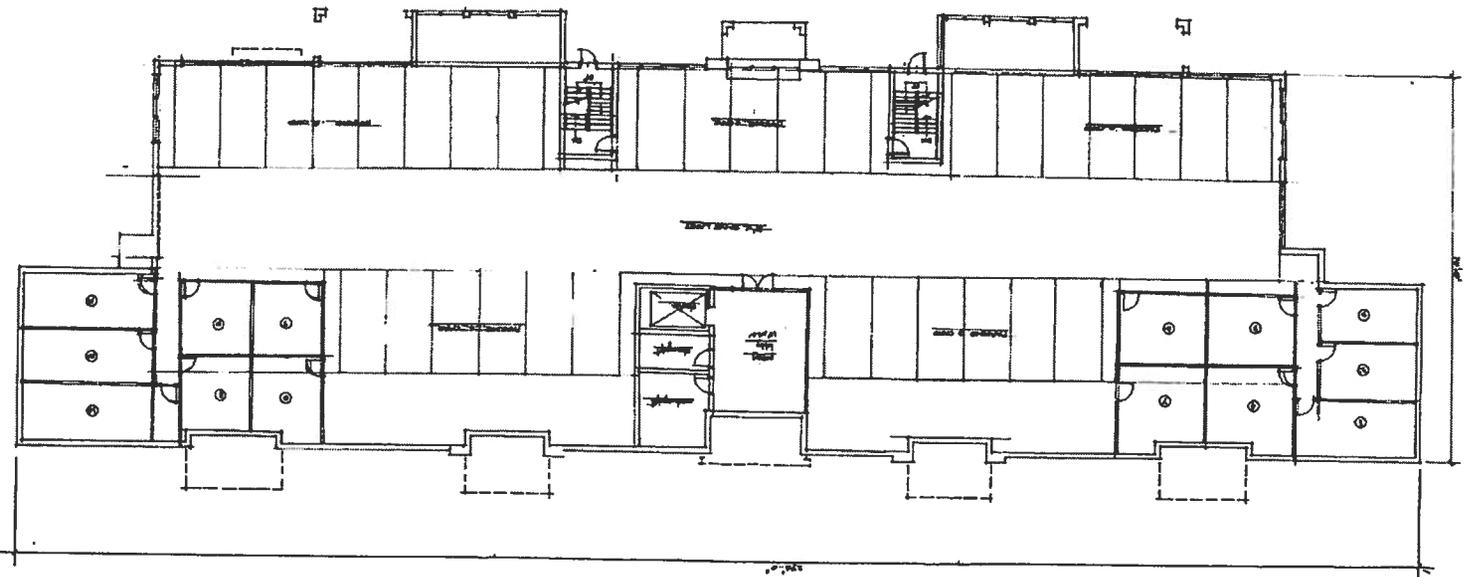


BIRMINGHAM ZOO



SITE SECTION LOOKING WEST

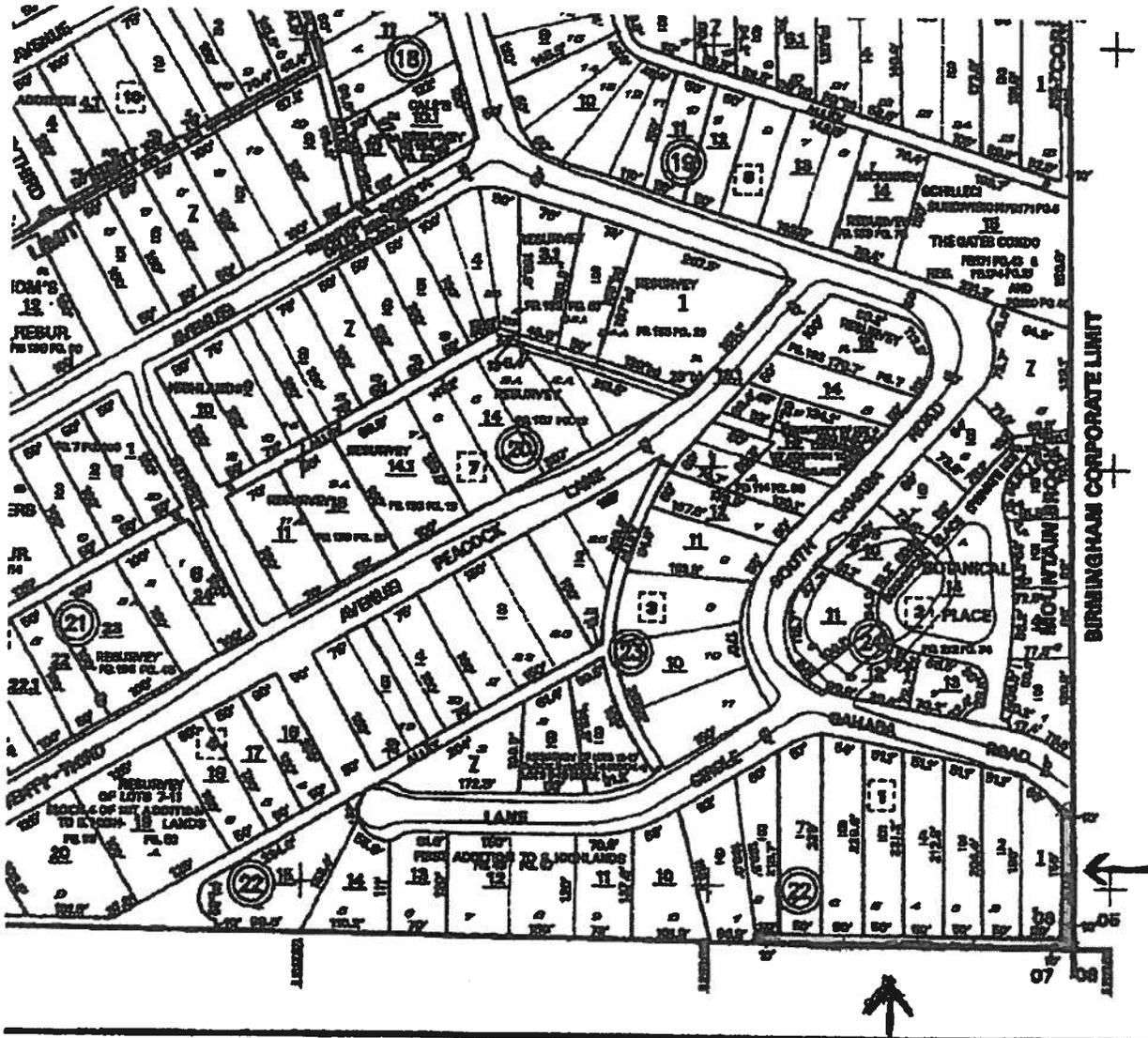
PRELIM, NOT FOR CONSTRUCTION



Sheet No.	A1.1
Project Name	12-01
Date	12-01
Scale	1/8" = 1'-0"
Author	
Checker	
Designer	

SITE DEVELOPMENT PLAN
Calabie Road Condominiums
MOUNTAIN BROOK, ALABAMA

Architect/Engineer/Planner
12345 Main Street
Mountain Brook, AL 35226
Phone: (205) 555-1234
Fax: (205) 555-5678



LEGEND

STATE LINE	-----	AREA (FROM DEED)	■
COUNTY LINE	-----	AREA (CALCULATED)	■
CITY LIMIT LINE	-----	DIMENSION (FROM DEED)	■
TOWNSHIP LINE	-----	DIMENSION (SCALE)	■
SECTION LINE	-----	INTERSTATE HIGHWAY	---
PROPERTY LINE	-----	U.S. HIGHWAY	---
ROAD R/W	=====	STATE HIGHWAY	---
ROAD TRAVEL	-----	COUNTY HIGHWAY	---
PRIVATE ROAD	-----	COUNTY HIGHWAY	---
OR TRAIL	-----	ROADS IN STREETS BY	---
RAILROAD R/W	=====	FRONT NUMBER (E, W)	---
WATER	-----	SUBDIVISION LOT NAMES	---
LAND HOOK	-----	MAP CHECK NUMBER	---
ORIGINAL SUB.	-----	(WHERE APPLICABLE)	---
LOT LINE	-----	MAP CHECK LIST	---
MAJOR TRANSMISSION	-----	(WHERE APPLICABLE)	---
LINE	-----	MAP CHECK TICK	---
CONFLICT	-----	(WHERE APPLICABLE)	---
CHURCHES, SCHOOLS,	-----	BOUNDARY BLOCK NLS	---
CEMETERIES, AIRPORTS, BY NAME	-----	(WHERE APPLICABLE)	---
GOVT LAND, ETC.	-----	SECTION CORNERS	---
		SIX-LANE	---
		COORDINATES	---

SECTION 26 14 08
T8P. 18 SOUTH, RANGE 2 WEST

01-28-08-1
MAP NUMBER

EXHIBIT A

(Alleys to be vacated, located to the South and East of Lots 1-8 in the South Highlands Subdivision, shown here as highlighted)

BIS- 2008