

ORDINANCE NO. 1908

**AN ORDINANCE TO AMEND LANE PARKE DEVELOPMENT
PLAN PREVIOUSLY APPROVED BY ORDINANCE 1871**

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

1. Development Standards. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-265 of the Mountain Brook City Code, as approved upon the adoption of Ordinance 1871 dated May 21, 2012 are hereby amended to include the changes specified in Exhibit A attached hereto.

2. Description of Affected Property. The property that is the subject of the rezoning approved by this ordinance is described as follows:

A parcel of land being situated in the Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter of Section 8, Township 18 South, Range 2 West, more particularly described as follows:

Begin at the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 18 South, Range 2 West; being the Point of Beginning; thence run Northerly along the West line of said Quarter - Quarter a distance of 665.12 feet; thence right 91°-08'-04" a distance of 1325.11 feet; thence right 88°-58'-55" a distance of 74.22 feet; thence right 37°-49'-05" a distance of 736.41 feet; thence right 52°-46'-30" a distance of 62.37 feet; thence right 00°-14'-22" a distance of 179.92 feet; thence left 90°-58'-32" a distance of 355.39 feet; thence right 88°-43'-29" a distance of 24.53 feet; thence left 87°-29'-35" a distance of 139.13 feet; thence right 89°-27'-49" a distance of 14.61 feet; thence left 117°-30'-00" a distance of 175.92 feet; thence right 84°-32'-17" a distance of 46.85 feet; thence tangent to a curve to the left having a radius of 1243.26 feet and a central angle of 9°-20'-05" along the curve an arc distance of 202.55 feet; thence right 62°-49'-52" from the tangent of said curve a distance of 329.33 feet; thence tangent to a curve to the left having a central angle of 18°-00'-50" and a radius of 66.12 feet an arc distance of 20.79 feet; thence left 2°-03'-01" to the tangent of a curve to the left having a central angle of 34°-34'-36" and a radius of 60.77 feet, an arc distance of 36.67 feet; thence continue from the tangent of said curve a distance of 45.64 feet; thence right 90°-00'-00" a distance of 119.49 feet; thence right 33°-25'-36" a distance of 245.11 feet; thence right 0°-00'-42" a distance of 377.82 feet to the Point of Beginning.

Said Parcel contains 27.59 acres more or less.

3. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

4. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

1908

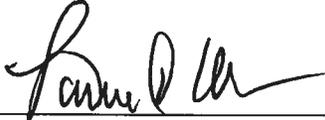
5. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 14th day of July, 2014.



Council President

APPROVED: This ¹⁵/~~14~~th day of July, 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 July 14, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July ¹⁵/~~14~~, 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

GROCERY BUILDING

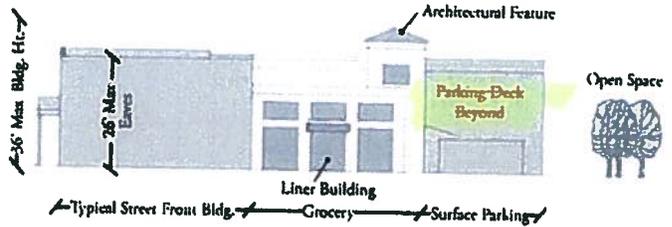
MASSING NOTES

NOTES

ONE STORY BUILDINGS

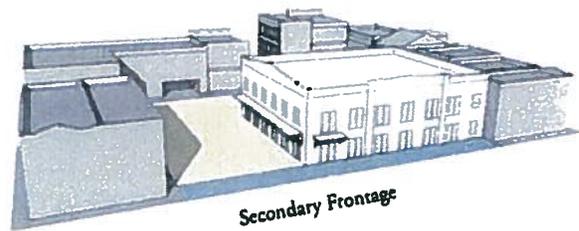
Transparency:

- On any facade that faces a Secondary Frontage, the first story shall have a transparency of 30% to 70% of the facade on the first floor and each upper story shall have a transparency of 15% to 60% of the facade. Any other facades that are visible from a public right of way, both the first story and upper stories shall have a minimum transparency of 40%.
- Frontages visible from public right of ways may be lined with commercial space that conforms to one of the applicable Building Typologies as set forth in the Regulating Plan.
- Vehicular entries to parking should occur on Secondary Private or Service Frontage. An entry may occur on an area of Primary Frontage, provided that the building is behind liner buildings of at least 10' in depth.
- For this typology, transparency requirements on facades that face a Secondary Frontage may be met utilizing double-pane insulated spandrel glass units.



Pitched Roof Massings

- One story buildings with a pitched roof shall have a maximum cornice/eaves height of 26'.
- Pitched roofs must not extend more than 10' above the eaves if the roof pitch is 5:12 to 13:12.
- Pitched roofs must not extend more than 16' above if the roof pitch is 14:12 to 20:12. Pitched roofs sloped greater than 20:12 will not be allowed.
- No building shall exceed 36' in height.
- Pitched roof structures may contain additional floor area which may be occupied without counting towards the story maximum for purposes of the Regulating Plan, provided any additional floor area is associated with and accessory to the floor area of the inferior story. In this condition, the maximum cornice height may be exceeded by 3', provided that a transparency of 15% to 45% is provided for the half story through the use of dormers.

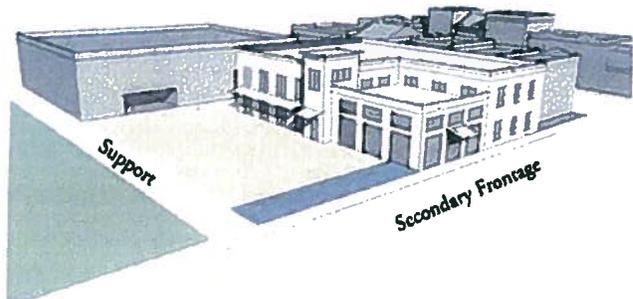


Flat Roof Massing

- Parapets must extend a minimum of 3' above the top of the roof structure. This minimum height is intended to ensure that all rooftop equipment is hidden from public view.
- Parapets must occur within the maximum building height.
- Buildings or store spaces with a flat roof and parapet are not required to have a cornice/eaves line distinct from the top of the parapet.
- All rooftop equipment shall fall within the permissible roof heights, be located away from slopes or areas exposed to the public street, and otherwise be screened from view from adjacent public streets or be incorporated into the skin of the building or internal to the block.

Architectural Features:

- Buildings are limited to one story.
- Internal mezzanine floors are permitted within allowable ceiling height.
- Differentiated bays should be expressed on each facade of a building or store space that is over 60' wide and is directly fronting a public space or street.
- Bays shall be a minimum of 20' and a maximum of 30'; they must have architectural articulation, such as piers or pilasters.



LANE PARKE AMENDMENT

Petition Summary

Request to amend the Lane Parke Planned Unit Development (PUD) to allow a reduction in the required amount of window transparency for the grocery building.

Analysis

The approved PUD requires that the grocery building façade along the new Jemison Lane have a minimum window transparency of 40%. As outlined in the attached letter from the Western Supermarket, the difficulty in complying with the transparency requirement stems from the fact the wine shop is to be located in the area of the store that fronts on Jemison Lane (see attached proposed floor plan). The light and heat associated with the provision of the minimum transparency would be detrimental to the wine. Also, having 40% transparency would limit the shelving needed for wine display in this area of the store.

City staff and the VDR committee have worked closely with representatives of the Western Supermarket to arrive at a solution that would provide pedestrian relief and interest along this façade, but the applicant has come to the conclusion that the floor plan of the store cannot be revised to accommodate the minimum transparency requirement, and thus, is requesting this amendment to the PUD.

What is proposed, herein, is that the minimum transparency requirement for the grocery typology be reduced from 40% to 30%, and that the transparency requirement may be met by utilizing double-paned insulated spandrel glass in the windows, which is not transparent, but may result in the overall appearance of a window (see attached elevation). The applicant is to bring samples of the proposed glass and materials to the Council meeting for inspection by the Council.

The Planning Commission recommended approval of this amendment at its meeting of July 7, 2014.

Background

Since its final approval (Ordinance 1871, May 2012) the Lane Parke PUD has been amended as follows:

The Planning Commission recommended approval of Case 1879 on March 4, 2013, and the City Council adopted Ordinance 1885 on March 11, 2013 to allow the ground floor elevation of portions of the residential component to be 1-1/2 – 4 feet lower than originally approved.

The Planning Commission recommended approval of Case 1885 on July 1, 2013, and the City Council adopted the corresponding ordinance on July 26, 2013 to allow an overall reduction in the scale, density and parking for the PUD.

Appends

LOCATION: 2525 Park Lane Court North
ZONING DISTRICT: PUD

OWNER: Evson, Inc.

WESTERN

— Market —

2614 19TH Street South
Birmingham AL, 35209
205-879-3471 / 205-879-3476 Fax

- Current trends in the grocery industry point to all fresh departments; Floral - Produce – Bakery – Prepared Foods – Deli Meats / Salads – Seafood and Meat department grouped in an area separate from dry grocery. This area needs to be close to the entrance and convenient to checkout lanes.

Receiving dock and store room coolers and freezers location dictate the location of these fresh departments. In this store design, the receiving area is on the north or right side of the building.

- The building design originally calls for a 25,000 sq ft grocery building and a 3400 sq ft specialty shop area next door. That design results in a lower structure height in the shop section. This lower structure is preferred for the location of the Wine shop. Light, temperature change and vibration are detrimental to wine, leading to the determination that we cannot have transparent windows in this area.
- The community needs and wants a full service upscale Supermarket. Our customers do not want a specialty grocery store. They want a Supermarket that will fill their basic needs, as well as their fresh and prepared food needs.

A specialty grocery store generates significantly less volume than a Supermarket resulting in less sales tax revenues.

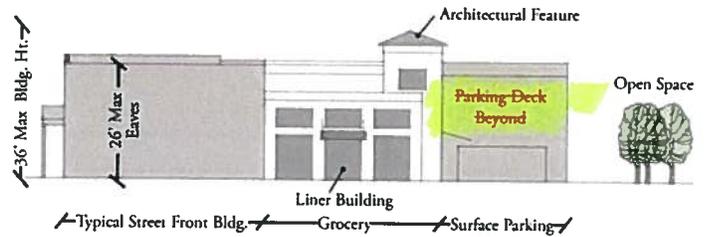
In order to totally satisfy our customer's needs, wall space display is critical to maximize use of the available store space.

NOTES

Transparency:

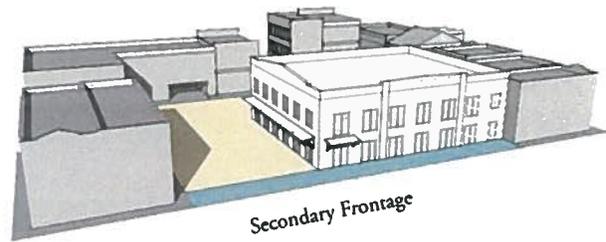
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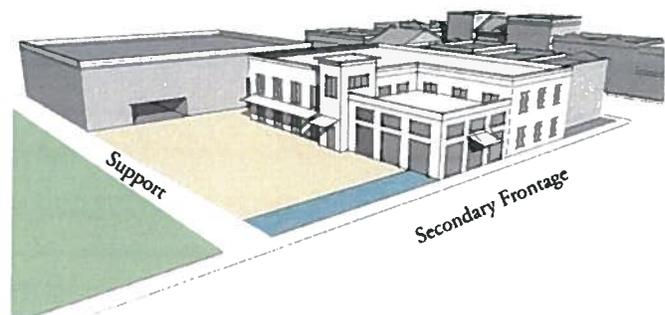


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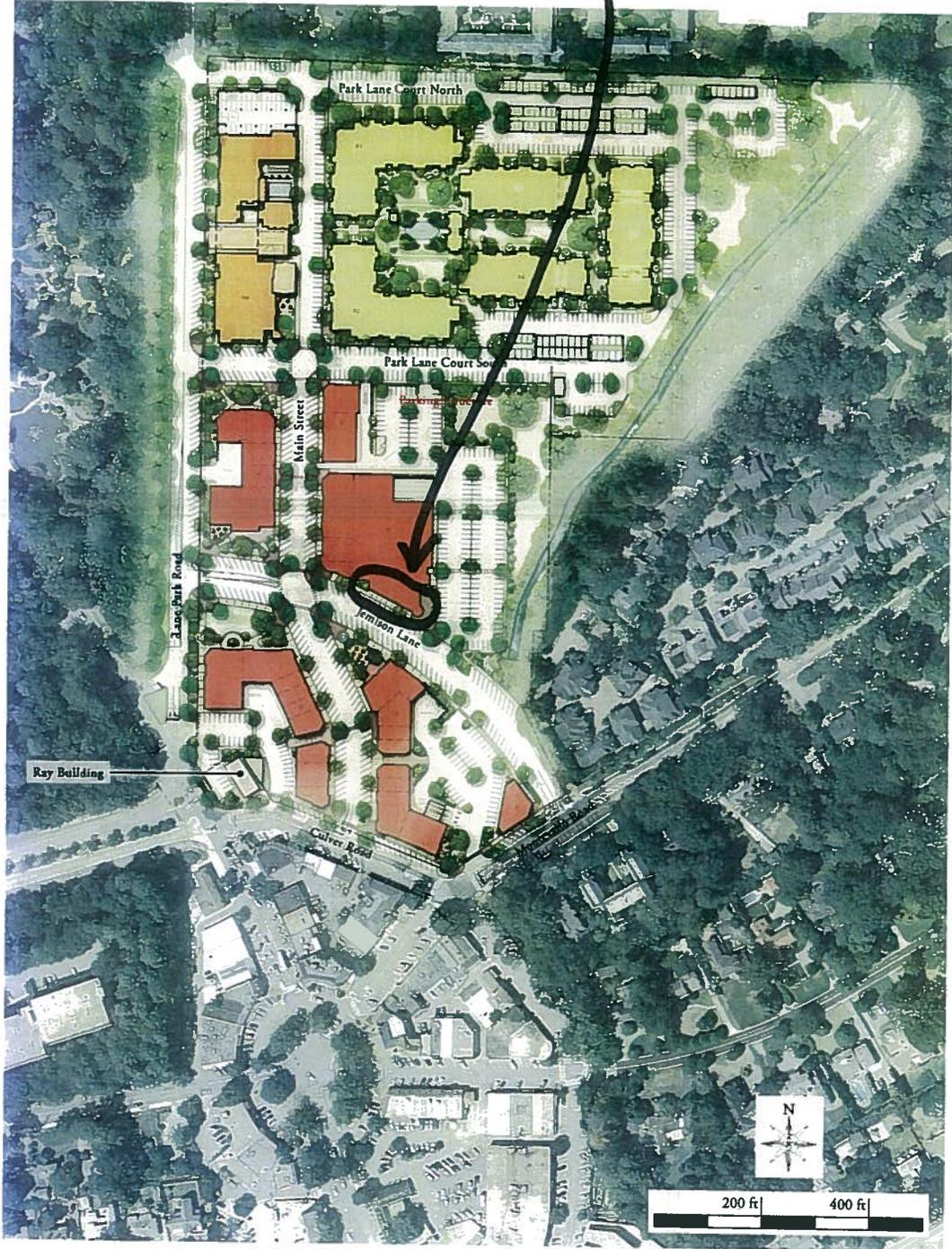


Grocery frontage

1918

MASTER DEVELOPMENT PLAN

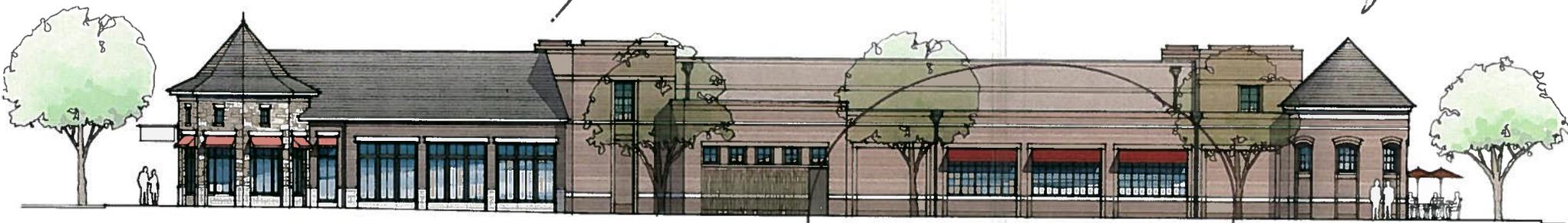
UPDATED ILLUSTRATIVE MASTER PLAN



MINDFUL OF THE PAST, LOOKING TO THE FUTURE



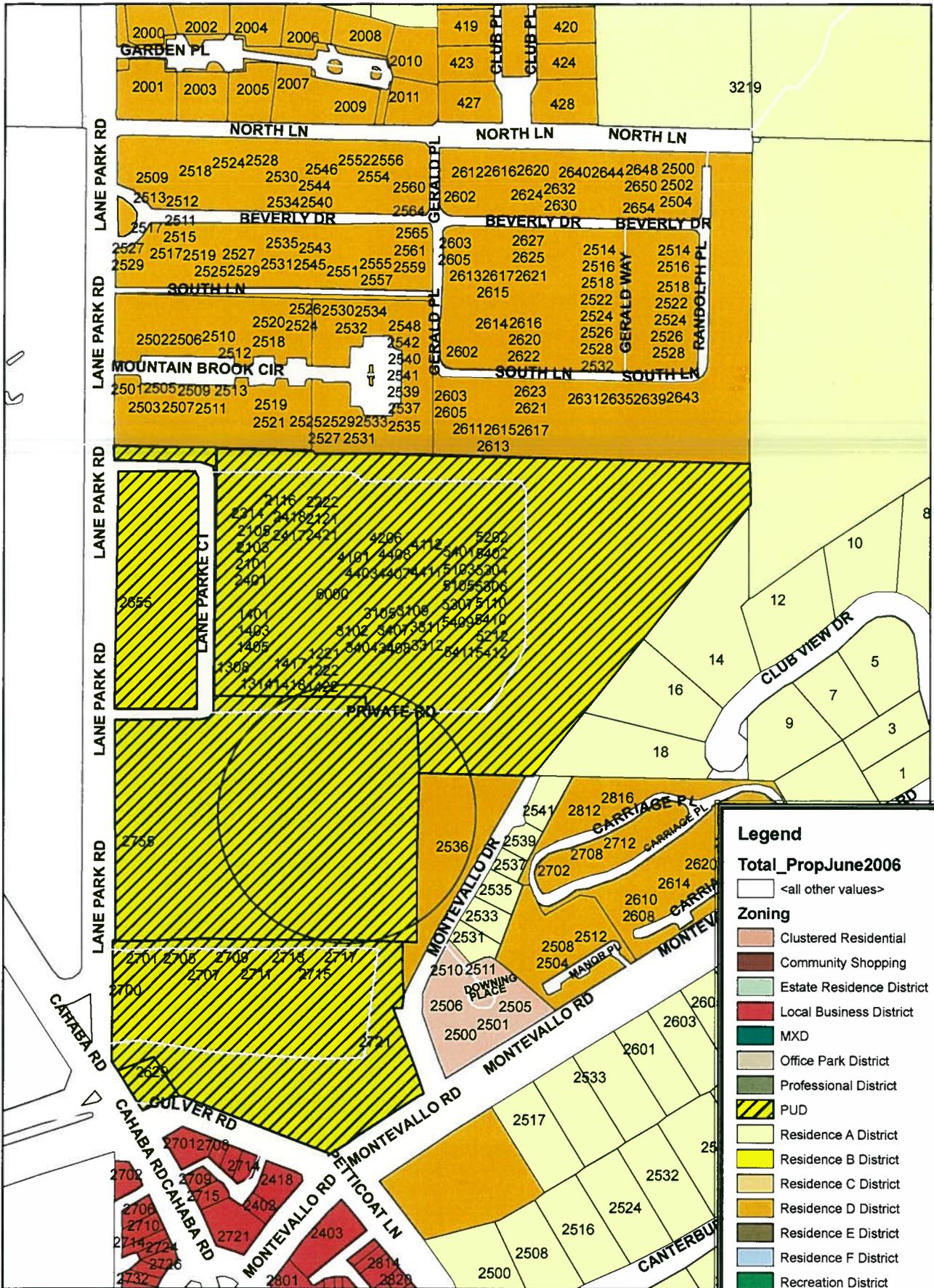
grocery facade



BUILDING A
SOUTH ELEVATION

proposed 30% transparency
w/ spandrel glass

1918



Legend

Total_Prop June 2006

- <all other values>

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

