

ORDINANCE NO. 1925

AN ORDINANCE TO REZONE CERTAIN PARCELS OF LAND IN THE CITY OF MOUNTAIN BROOK, ALABAMA FROM PROFESSIONAL DISTRICT AND RESIDENCE D DISTRICT TO LOCAL BUSINESS DISTRICT

WHEREAS, certain real property located at 48 Vine Street, more particularly described as Lot 28A, according to a resurvey of Lots 28 and 29, Block 25, Crestline Heights, as recorded in Map Book 174, Page 38 in the Office of the Judge of Probate of Jefferson County, Alabama is presently zoned Professional District under the Zoning Ordinance of the City of Mountain Brook; and

WHEREAS, certain other real property located at 50 Vine Street and 52 Vine Street¹, more particularly described as Lots 27 and 26, Block 25, according to the Survey of Crestline Heights, as recorded in Map Book 7, Page 16 in the Office of the Judge of Probate of Jefferson County, Alabama is presently zoned Residence D District under the Zoning Ordinance of the City of Mountain Brook; and

WHEREAS, the real property described above is comprised of three contiguous parcels (collectively the "property"); and

WHEREAS, the owners of said property have requested that it be rezoned to Local Business District for the location and construction of a neighborhood grocery store to primarily serve the local community; and

WHEREAS, the property is located within the established boundaries of Crestline Village in the City of Mountain Brook and is therefore within one of the business districts of the City; and

WHEREAS, the property at 48 and 50 Vine Street is currently used for purposes appropriate under the Local Business District (day care and retail) and the property located at 52 Vine Street is currently used for civic club purposes; and

WHEREAS, properties to the south and west of the property are zoned Local Business District and the request is found to be consistent with the zoning for those properties and uses thereupon; and

WHEREAS, the specific request is to rezone said property for location of a community grocery store thereupon (the "project") to support and serve the community and, in particular, those who live in and around Crestline Village; and

WHEREAS, the proposal has generated significant public discussion and debate that has resulted in modifications to the original plan for development of the property, as well as the inclusion of certain conditions to ensure that the public health, safety, and welfare are promoted and that the residential and community-related uses in the vicinity of the property are protected and enhanced; and

WHEREAS, the Council finds and determines that (1) rezoning the subject property to Local Business District is in the best interest of the City and serves legitimate public purposes; (2) the property is appropriate for community grocery store use; (3) the project is designed so as to provide an effective transition to residential and community related uses; (4) the project is consistent with the City's Village Master Plan by providing a public parking solution for and safe pedestrian connections within Crestline

¹ 52 Vine Street is the address of record for Lot 26 according to the City of Mountain Brook Zoning map. County tax records show the address for Lot 26 as 42 Vine Street. For purposes of the present Ordinance, Lot 26 is referred to as 52 Vine Street.

Village; (5) the project will enhance property values and the quality of life for residents in the Crestline Village area; (6) the rezoning is consistent with the City's Comprehensive Plan; and (7) rezoning the property serves the public health, safety, and welfare of the residents of the City of Mountain Brook; and

WHEREAS, after multiple hearings, consideration of public comments, review of relevant materials and diligent study, the City Council has determined that the zoning classification of the property should be changed to Local Business District under the Zoning Ordinance of the City of Mountain Brook.

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

Section 1. Amendment of Zoning Map. The zoning map of the City of Mountain Brook, established under authority of Section 129-17, as amended from time to time, is hereby further amended by zoning to Local Business District the following described real property:

LOT 28A, ACCORDING TO A RESURVEY OF LOTS 28 AND 29, BLOCK 25, CRESTLINE HEIGHTS, AS RECORDED IN MAP BOOK 174, PAGE 38 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY – FROM PROFESSIONAL DISTRICT TO LOCAL BUSINESS DISTRICT

AND

LOTS 27 & 26, BLOCK 25, ACCORDING TO THE SURVEY OF CRESTLINE HEIGHTS, AS RECORDED IN MAP BOOK 7, PAGE 16 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA - FROM RESIDENCE-D DISTRICT TO LOCAL BUSINESS DISTRICT.

Section 2. Conditions. In addition to the regulations and requirements of the City of Mountain Brook Municipal Code, the following conditions shall apply to the property described above and to the rezoning thereof:

- a. No more than one building, which building shall not exceed 28,250 square feet in size, may be constructed on the property; the ground level floor area (the "footprint") of such building shall not exceed 23,250 square feet.
- b. Service and loading areas for the building to be constructed on the property will be located along the alley to the west of the property and will not be located on Vine Street.
- c. The developer or owner(s) of the property shall be responsible for construction of all improvements on-site, as well as the installation of public improvements, whether on or off-site, needed as a result of such construction.
- d. The primary means of vehicular ingress and egress to any building constructed on the property shall be from Church Street and the building will have a Church Street address.
- e. Access to Vine Street from parking areas serving the property may be limited or eliminated entirely by the City, in its sole discretion.

Section 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.

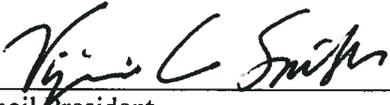
Section 4. Severability. The provisions of this ordinance are severable. If any provision of this

1925

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

ADOPTED: This 16th day of December, 2014.



Council President

APPROVED: This 16th day of December, 2014.



Mayor

CERTIFICATION

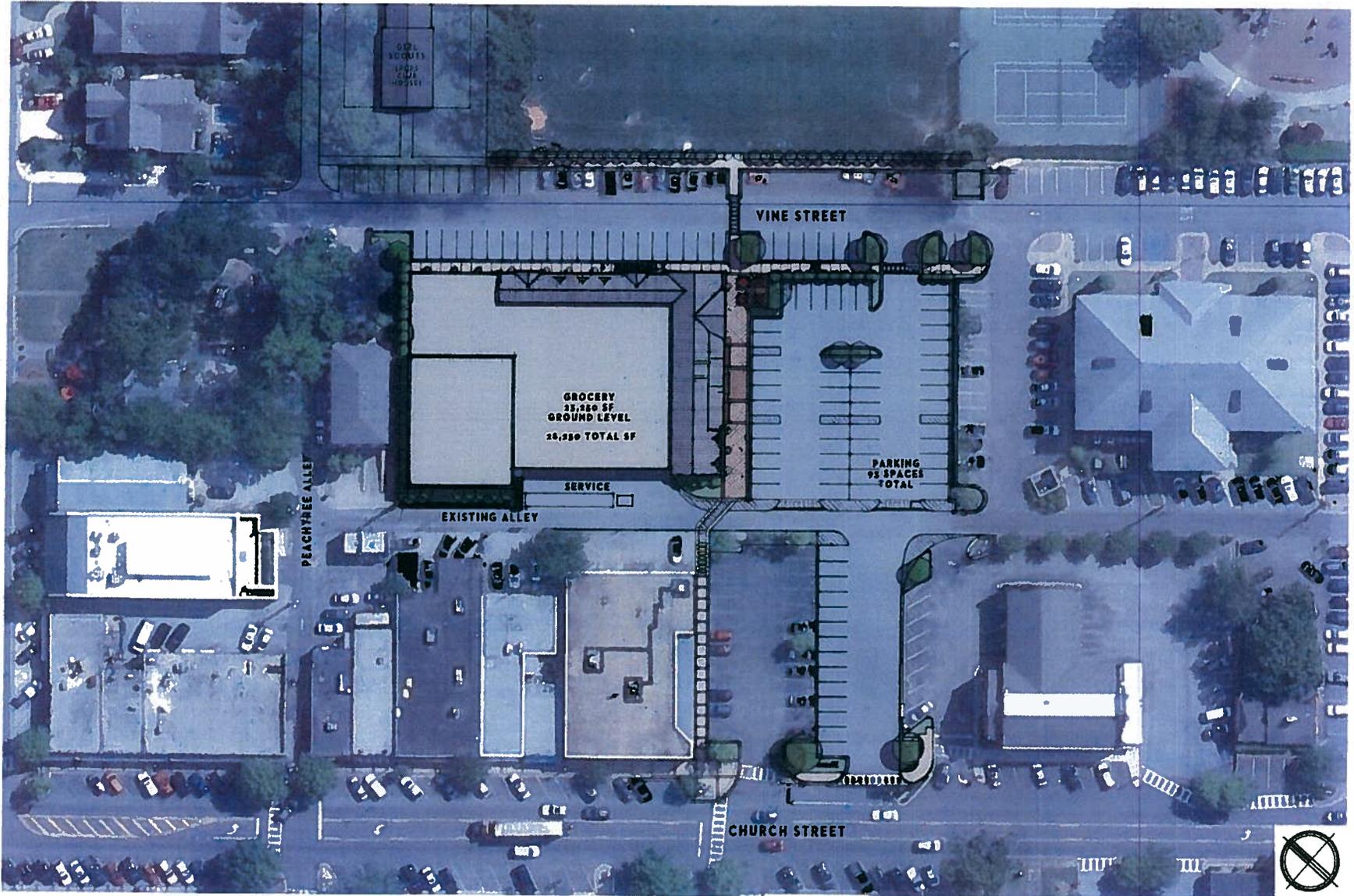
I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on December 16, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on December 17, 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

1925



SCALE: 1" = 20'

PIGGLY WIGGLY CRESTLINE VILLAGE - MOUNTAIN BROOK, AL

GODDWIN MILLS CAWOOD

PRELIMINARY SITE PLAN

DEXTER AVENUE



LOT 7A
55 VINE ST.

VINE STREET

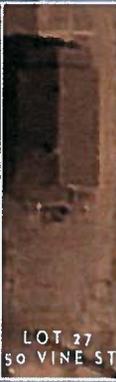


BOARD
OF EDUCATION

PEACHTREE ALLEY



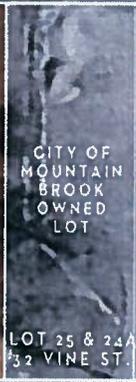
LOT 28A
48, VINE ST.



LOT 27
50 VINE ST.



LOT 26
52 VINE ST.



CITY OF MOUNTAIN
BROOK OWNED
LOT

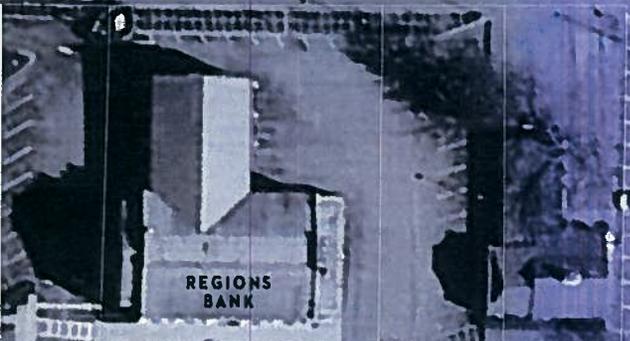
LOT 25 & 24A
53 VINE ST.



LOT 23A
22 VINE ST.



LOT 13
39 CHURCH
STREET



REGIONS
BANK

CHURCH STREET





MEMORANDUM

TO: Mountain Brook City Council

FROM: Becky White

DATE: December 11, 2014

SUBJECT: Parking and Trip Generation for Proposed Crestline Piggly Wiggly

Since traffic and parking generation at the proposed Crestline Piggly Wiggly continue to be points of discussion and concern, Mr. Whit Colvin and I agreed that some data collection at a Birmingham area Piggly Wiggly would be helpful to contextualize the trip estimates that were developed from national data in the Traffic Impact Study prepared by Skipper Consulting. In response, I conducted traffic and parking counts at the Piggly Wiggly store in Bluff Park during typical weekday morning and afternoon peak hours. Following is a summary of the data that was collected at the Bluff Park store and my estimation of parking and trip generation at the Crestline store using the Bluff Park rates.

Parking and Traffic Counts at Bluff Park Piggly Wiggly

On Tuesday, December 9, 2014, I conducted traffic counts at the Bluff Park grocery from 7:30-8:30 a.m. and from 5:00-6:00 p.m. Attachment A summarizes my counts of the number of cars parked at several intervals and the number of vehicles that entered and exited the grocery parking area during the surveyed hours. The Bluff Park store is located within a larger shopping center, but through observation I was able to tell what cars were associated with the grocery and those were the only ones I counted in order to simulate a free-standing store.

In Attachment A you will see the actual number of vehicles counted as well as parking and trip rates per 1,000 square feet of grocery space. According to the store owner, the Bluff Park Piggly Wiggly contains 20,757 gross square feet of space, so the vehicle counts were divided by 20.757 to determine trip and parking rates. At the Bluff Park store, the highest number of parking spaces filled in the morning peak hour was 14, and there were 47 during the afternoon peak. Total trips in and out of the store in the morning peak were 30 and 32, respectively. In the afternoon the numbers were 116 in and 116 out.

Parking and Trip Estimates for Crestline Village Piggly Wiggly

Attachment B presents an estimate of traffic generation at the Crestline store using its proposed 28,250 gross square feet and the trip and parking rates that were developed from Bluff Park. At the bottom of the page is a comparison of my trip estimates with those from the Skipper Consulting report. For Crestline, I anticipate parking in the morning peak hour will be at most about 19 occupied spaces with about 64 occupied spaces in the afternoon peak. Those numbers tell me that the 99 parking spaces planned are quite sufficient as I would have anticipated. As far as traffic generation is concerned, the trip estimates based on national data in the Skipper report over estimate inbound trips in the morning peak hour, but morning exits and afternoon peak hour entry and exit trips are comparable to what I estimated using Bluff Park trip rates. It is important to note that my analysis only deals with total trips and does not estimate the division between intercept and new trips as is done in the Skipper report.

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Observations

While conducting the traffic counts in Bluff Park, it was very apparent to me that a large majority of the store's patrons during the morning and afternoon commuter peak hours were stopping by the store on the way to or from work. These patrons made quick shopping trips, often lasting less than 15 minutes. These observations lead me to believe that the intercept trip rate of 36% used in the Skipper report is low and could actually be as high as 60% during peak hours. If the intercept rate is higher than 36%, the number of additional new trips to be added to the Mountain Brook street network and adjacent intersections by the new Piggly Wiggly store will be less than estimated in the Skipper report.

As I stated in my comments to the Mountain Brook Planning Commission, I believe the Skipper report presents a conservatively high estimate of traffic impacts. The additional observations I conducted in Bluff Park confirm that statement.

I hope you will find this additional information helpful as you continue to deliberate the Crestline Piggly Wiggly proposal.

ⁱ The Skipper report utilized the gross square footage in its Traffic Report, as is appropriate for calculating trips using the ITE Trip Generation equations. The ITE rates do not disclose how much of the gross square footage is devoted to sales floor area and how much is backroom storage. The ratio of backroom storage to sales floor in the proposed Crestline store is high compared to what appears to me to be minimal backroom storage in the Bluff Park store. The high backroom to sales floor ratio for Crestline may further support a conclusion that the trip generation estimates in the Skipper report are high.

Attachment A

Piggly Wiggly Traffic Counts

conducted on Tuesday, December 9, 2014

at Bluff Park Piggly Wiggly

20,757 gross square feet

Parking Occupancy Counts

	Parked Cars	Parked Cars per 1000 Sq. Ft.		Parked Cars	Parked Cars per 1000 Sq. Ft.
7:30 AM	14	0.67	5:00 PM	40	1.93
7:45 AM	11	0.53	5:30 PM	47	2.26
8:00 AM	10	0.48	5:45 PM	43	2.07
8:15 AM	8	0.39	6:00 PM	43	2.07
8:30 AM	11	0.53	Average	43.3	2.08
Average	10.8	0.52			

Traffic Generation Counts

	Trips per 1000 Sq. Ft.					Trips per 1000 Sq. Ft.			
	In	Out	In	Out		In	Out	In	Out
7:30-7:45 AM	8	11	0.39	0.53	5:00-5:15 PM	34	27	1.64	1.30
7:45-8:00 AM	8	7	0.39	0.34	5:15-5:30 PM	27	30	1.30	1.45
8:00-8:15 AM	7	10	0.34	0.48	5:30-5:45 PM	27	33	1.30	1.59
8:15-8:30 AM	7	4	0.34	0.19	5:45-6:00 PM	28	26	1.35	1.25
Total	30	32	1.45	1.54	Total	116	116	5.59	5.59

Notes:

1 pedestrian entered and exited in the 7:30-7:45 interval. Not reflected in the vehicle counts above.

1 WB50 truck is included in the entry count for 7:45-8:00 am

1 SU truck is included in the exit count for 8:00-8:15 am

No trucks were observed entering or exiting during the afternoon count.

Attachment B

Crestline Piggly Wiggly Parking and Trip Generation

using rates compiled from counts conducted on Tuesday, December 9, 2014 at Bluff Park Piggly Wiggly

28,250 gross square feet is planned

Parking Generation for Proposed Store

	Parking Rate per 1000 Sq. Ft.	Est. Occupied Parking		Parking Rate per 1000 Sq.	Est. Occupied Parking
7:30 AM	0.67	19	5:00 PM	1.93	55
7:45 AM	0.53	15	5:30 PM	2.26	64
8:00 AM	0.48	14	5:45 PM	2.08	59
8:15 AM	0.39	11	6:00 PM	2.07	58
8:30 AM	0.53	15	Average	2.08	59
Average	0.52	15			

Traffic Generation for Proposed Store

	Trip Rate per 1000 Sq. Ft.		Estimated Trips			Trip Rate per 1000 Sq. Ft.		Estimated Trips	
	In	Out	In	Out		In	Out	In	Out
7:30-8:30 AM	1.45	1.54	41	44	5:00-6:00 PM	5.59	5.59	158	158

Trip Estimate from Skipper Consulting TIA

	Trip Rate per 1000 Sq. Ft.		Estimated Trips			Trip Rate per 1000 Sq. Ft.		Estimated Trips	
	In	Out	In	Out		In	Out	In	Out
AM Peak Hour	2.12	1.27	60	36	PM Peak Hour	5.52	5.31	156	150