

RESOLUTION NO. 2013-142

**“NOTICE OF PROPOSED REZONING
AND PUBLIC HEARING**

BE IT RESOLVED by the City Council of the City of Mountain Brook that, at the meeting of the City Council to be held on Monday, October 28, 2013, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will consider the adoption of an ordinance rezoning a parcel of land in the City of Mountain Brook, Alabama from Residence-D to Residential Infill District (RID), and the approval of a Master Development Plan.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the City Clerk be, and he hereby is, authorized and directed to cause to be published not fewer than twenty-two (22) days prior to October 28, 2013, by posting in four (4) conspicuous places within the City of Mountain Brook, as follows: City Hall –56 Church Street, Gilchrist Drug Company - 2805 Cahaba Road, Piggly Wiggly Food Store 4 - 93 Euclid Avenue, and The Invitation Place - 3150 Overton Road notices of said public hearing in words and figures substantially as follows:

**‘CITY OF MOUNTAIN BROOK, ALABAMA
ORDINANCE NO. _____**

**AN ORDINANCE REZONING A PARCEL OF LAND IN THE CITY OF MOUNTAIN
BROOK, ALABAMA FROM RESIDENCE-D TO RESIDENTIAL INFILL DISTRICT
(RID), AND THE APPROVAL OF A MASTER DEVELOPMENT PLAN**

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

1. Amendment of Zoning Ordinance and Map. The zoning ordinance of the City of Mountain Brook and zoning map established under authority of Section 129-17 of the Mountain Brook City Code are hereby amended by rezoning the property described hereinbelow from its present “Residence-D” zoning classification under Chapter 129, Article V, of said Code to a “Residential Infill District (RID)” zoning classification as described in Chapter 129, Article XXVIII, and that the development of the subject property shall be governed by the zoning standards set forth in the RID Rezoning Application and Master Development Plan.

2. Master Development Plan. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-497 of the Mountain Brook City Code, are made a part hereof and are specifically incorporated herein by reference, said Plan and materials constituting regulatory standards for use of the affected Property, subject to modification only as provided for in Article XXVIII, Chapter 129 of the Mountain Brook City Code.

3. 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 situated in the Southwest quarter of the Southwest Quarter of Section 33, Township 17 South, Range 2 West, Jefferson County, Alabama, said parcel being a part of Lot 1 of Brown Development L.L.C. Addition to Mountain Brook as recorded in Map Book 207, Page 88 in the Office of the Judge of Probate, Jefferson County, Alabama, and being more particularly described as follows:

Commence at a found 1 inch solid pipe marking the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 33; thence run South along the West line of said Section for a distance of 376.72 feet to a set 5/8 inch capped rebar stamped CA-560LS, said point being the POINT OF BEGINNING of the parcel herein described; thence continue along the last described course for a distance of 31.64 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence leaving said Section line turn an interior angle to the right of 52 degrees 12 minutes 25 seconds and run in a Northeasterly direction for a distance of 426.46 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence turn an interior angle to the right of 307 degrees 31 minutes 38 seconds and run in a Southerly direction for a distance of 332.05 feet to a found 2 inch capped pipe, said point lying on the Northerly Right of Way of Montclair Road (80' R.O.W.), said point also lying on a non-tangent curve to the left, said curve having a radius of 3759.82 feet, a central angle of 02 degrees 36 minutes 40 seconds, an interior angle to the right to chord of 57 degrees 33 minutes 20 seconds, and a chord distance of 171.32 feet; thence run along the arc of said curve and said Right of Way for a distance of 171.34 feet to set 5/8 inch capped rebar stamped CA-560LS; thence leaving said Right of Way turn an interior angle right from chord of 122 degrees 32 minutes 38 seconds and run in a Northerly direction for a distance of 332.79 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence turn an interior angle right of 96 degrees 30 minutes 42 seconds and run in a Westerly direction for a distance of 17.16 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence turn an interior angle right of 318 degrees 09 minutes 08 seconds and run in a Northeasterly direction for a distance of 63.31 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence turn an interior angle to the right of 37 degrees 10 minutes 14 seconds and run in a Westerly direction for a distance of 48.03 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence turn an interior angle to the right of 140 degrees 32 minutes 19 seconds and run in a Southwesterly direction for a distance of 592.49 feet to the POINT OF BEGINNING.

Said parcel contains 65,099 Square Feet or 1.49 Acres more or less.

4. 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.

5. 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

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 a resolution adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on September 23, 2013, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 23, 2013, 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
The Invitation Place, 3150 Overton Road
Piggly Wiggly Foodstore No. 4, 93 Euclid Avenue

A handwritten signature in blue ink that reads "Steven Boone". The signature is written in a cursive style with a horizontal line underneath it.

Steven Boone, City Clerk

impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

At the aforesaid time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the changes proposed by said ordinance. A map of the property, a development plan proposed for the property, and other documents, information, and materials filed in conjunction with the application for rezoning, as well as a copy of the foregoing proposed ordinance, are available for public inspection at Mountain Brook City Hall (Office of the City Planner), 56 Church Street, Mountain Brook, Alabama, during regular business hours.”

BE IT FURTHER RESOLVED that the City Clerk be, and he hereby is, further authorized and directed to give written notice of the hearing to the owners of the property located in whole or in part within 500 feet from the boundaries of the property described in this resolution in the form and manner and within the time required by Act No. 1123 of the 1973 Regular Session of the Legislature of Alabama.

BE IT FURTHER RESOLVED that the City Clerk be, and he hereby is, further authorized and directed to publish one insertion of the Notice herein above set out, which includes the proposed ordinance, one time, not less than twenty-two (22) days prior to the public hearing provided for therein, in *The Birmingham News*, a newspaper of general circulation in the City of Mountain Brook, and one (1) week after such first insertion to cause to be published again in said newspaper a synopsis of said proposed ordinance in lieu of a full copy of the same, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was published in full.

ADOPTED: This 23rd day of September, 2013.



Council President

APPROVED: This 23rd day of September, 2013.



Mayor