



Planning Commission Application PART I

Project Data

Address of Subject Property 2655 Lane Parke Road; 900 Jemison Lane; 1000 Jemison Lane

Zoning Classification Lane Parke PUD

Name of Property Owner(s) Evson, Inc. et al.

Phone Number Evson, Inc., et al Email john@evsoninc.com

Name of Representative Agent (if applicable)

Mel McElroy, Maynard, Cooper & Gale, P.C.

Phone Number _____ Email _____

Name of Engineer or Surveyor Jeff Slaton, Goodwyn, Mills & Cawood, Inc.

Phone Number (205) 879 - 4462 Email jslaton@gmcnetwork.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.

LANE PARKE
Mountain Brook Village

PUD AMENDMENT APPLICATION

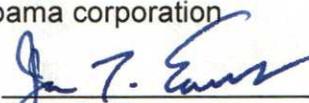
The Project Owner previously submitted an application for the re-zoning of the Property from Local Business District and Residence D District to a Planned Unit Development District in accordance with Article XVI of the City Code, which application was, following public hearings, approved by the City Council upon the adoption of Ordinance 1871 dated May 21, 2012 (as amended from time to time, the "Approved PUD"). All capitalized terms not otherwise defined herein shall have the meanings given to them in the Approved PUD.

The current owners of the Property subject to the Approved PUD are hereby submitting an application to the Planning Commission and the City Council (the "PUD Amendment Application") for the approval of certain amendments to the Approved PUD, which will revise the permitted conditional uses in the Retail Use Area of the Property which may be approved by the City Council. Specifically, the owners request that the Approved PUD be amended by replacing page 10 of the Approved PUD with the changed page as set forth in Exhibit "A" attached hereto. The names and addresses of all property owners whose property lies within 500 feet of the Property, as certified by Jefferson County Tax Assessor's Office, are listed on Exhibit "B" attached hereto.

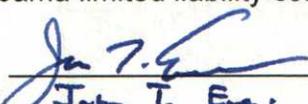
Accordingly, the owners hereby submit the information included herein to the City pursuant to the application requirements of Article XVI of the City Code in order to amend the Approved PUD.

The undersigned owners of the Property subject to the Planned Unit Development District approved by the City Council upon the adoption of Ordinance 1871 dated May 21, 2012 (as amended from time to time) hereby consent and join in the Lane Parke, Mountain Brook Village, PUD Amendment Application submitted on or about the dates set forth under each of the signatures below.

EVSON, INC.,
an Alabama corporation

By: 
Name: John T. Evans
Its: President
Date: August 9th, 2020
Address: 2000 Springhill Ave
Mobile, AL 36607

LANE PARKE RETAIL, LLC,
an Alabama limited liability company

By: 
Name: John T. Evans
Its: President
Date: August 9th, 2020
Address: 107 Americana Drive
Humewood, AL 35209

P-20-20

Petition Summary

Request for approval of an amendment to the approved Lane Parke PUD, specifically to amend the uses permitted [by conditional use, city council approval] to include the following: barber shops, beauty shops, hair salons; interior design shops, nail salons, and neuromuscular therapists.

Recent Background

On September 8, 2020, the planning commission recommended approval of this request to the city council.

Analysis

Lane Parke has a very specific set of development standards and permitted uses. These standards are set forth in the PUD document. Page 10 of the PUD document has a specific list of uses that are permitted (by right) and some that are permitted at the discretion of the city council, via the conditional use process.

The request at this time is to amend page 10 of the PUD document to add personal service uses (6-10 below) to the list of uses that may be permitted on a cases-by-case basis, at the discretion of the city council (conditional use process).

The following conditional uses may be permitted within Lane Parke, but only with the prior written approval of the city council:

1. Daycare centers;
2. Physical therapists;
3. Shoe repair shops;
4. Theaters for the performing arts;
5. Business offices and professional offices;
6. Barber shops (in addition to the 1 barber shop permitted by right);
7. Beauty shops and hair salons;
8. Interior design shops (that do not include the on-site exchange of merchandise);
9. Nail Salons;
10. Neuromuscular therapists.

Context

It has been the experience of the city that personal service establishments such as hair and nail salons erode the availability of street parking in the villages. In 2008 the city had 21 personal service salons in the three villages. A door-to-door study of these salons revealed as many as 30 people at a time occupying salons as small as 2,000-3,000 square feet; each of these people presumably parked on the street. A retail establishment of similar size was found to have between 2-7 occupants at any given time. It was apparent that these salons disproportionately affected the parking availability in the villages when compared to their retail counterparts.

This led to the council adopting an ordinance in 2008 that amended the parking requirement for personal service establishments, increasing the on-site parking requirement from one parking space/200 square feet to 2 parking spaces per chair or station (one for each patron and one for each stylist/technician).

At the time of this parking amendment, the city council was adamant that village properties with non-conforming on-site parking would not be further saturated with salons, whose contribution to revenue was minimal, and whose presence led to the erosion of viable retail establishments due to increasing parking scarcity.

On the heels of these 2008 ordinance changes the Lane Parke PUD was submitted; the original version included personal service salons as a permitted use. The council purposely struck these uses from the approved version PUD for the reasons noted above.

Current Request for Change to PUD

The application is now to amend the PUD to add personal service salons back into the list of uses allowed by conditional use approval of city council. By comparison to the Local Business district, it should be noted that Section 129-192 for the Local Business district states that the council may only consider a conditional for a salon if all on-site parking is to code; it cannot waive required on-site parking through the conditional use process. So it may be concluded that the council takes the matter of parking and salons seriously.

Given the fact that the parking demand for salons is much greater than that of retail, the parking study for the PUD will need to be reevaluated to include salons into the shared parking analysis on a case-by-case basis. To this end it is understood by the applicant that any use not covered by the approved parking assumptions would require an update to the parking study for each and every request for conditional approval of a service use.

Affected Regulation

Article XVI, Planned Unit Development District; Section 129-266, Additional Requirements and Provisions

Appends

LOCATION: 2655 Lane Parke Road

ZONING DISTRICT: Planned Unit Development

OWNER: Evson, Inc.

6. PERMITTED LAND USES

PERMITTED USES

Multiple uses shall be permitted within Lane Parke including retail, hospitality, office, service, residential, green space, parking and municipal uses, as more particularly set forth below.

Lane Parke is divided into each of the following Use Areas, the location and boundaries of which are shown in Section 5 on Page 9. All uses are permitted by right unless (i) expressly limited or conditioned herein or (ii) the square footage of any specific use would exceed the Shared Parking Assumption for such specific use, as outlined in Section 13, in which case such specific use shall be conditioned upon the delivery by Project Owner of a Shared Parking Opinion, in accordance with Section 13, confirming that the parking demand created by such specific use shall not exceed the Total Parking Supply.

Retail Use Area. Within areas designated Retail Use Area, the following uses are permitted by right:

1. Antique stores;
2. Appliances and electronic goods and equipment;
3. Arts and crafts stores;
4. Bakeries selling food from the premises;
5. Banks and financial services firms;
6. Barber shops (limited to one);
7. Bars, pubs and other establishments primarily engaged in the sale of alcoholic beverages for on-site consumption;
8. Bookstores;
9. Bridal shops;
10. Not used;
11. Clothing stores;
12. Coffee shops;
13. Computer and electronics stores;
14. Not used;
15. Dry cleaning establishments where no laundering or cleaning is done on the premises;
16. Electronic and electrical repair shops;
17. Fitness centers;
18. Florist shops;
19. Furniture stores;
20. Garden and lawn stores;
21. General merchandise stores, including full-line department stores;
22. Gift shops;
23. Grocery stores;
24. Hardware stores;
25. Ice cream parlors;
26. Interior design shops that include the on-site exchange of merchandise for general consumers;
27. Jewelry stores;
28. Liquor, wine and/or spirits stores;
29. Meat, seafood, vegetable and fruit markets;
30. Parcel delivery and packaging stores;
31. Personal fitness trainers and studios, health clubs, spas, dance/yoga studios and similar facilities;
32. Pet shops;
33. Pharmacies;
34. Photography studios;
35. Not used;

36. Rental and sale of electronic media and related items;
37. Restaurants, cafes, cafeterias and delicatessens, provided however, that the Shared Parking Assumptions shall not apply to restaurant, cafeteria or delicatessen uses that are ancillary to a primary use within the Inn/Commercial Use Area or the Retail Use Area (such as a delicatessen within a grocery store);
38. Shipping and wrapping of packages and sale of related items;
39. Not used;
40. Shoe stores;
41. Sporting goods stores;
42. Not used;
43. Travel agents;
44. United States Post Office;
45. Variety stores;
46. Streets, rights of way, service roads, access ways and drive aisles (both private and public);
47. Sidewalks and pedestrian passage ways;
48. Drive through facilities, if implemented in accordance with the Design Standards;
49. Accessory uses customarily incidental to the uses permitted in the Retail Use Area;
50. Any other business that provides for the display and on-site exchange of merchandise for general consumers that is not otherwise prohibited under the City Code;
51. Not used;
52. Not used;

The following conditional uses may be permitted within Lane Parke, but only with the prior written approval of the city council:

1. Daycare centers;
2. Physical therapists;
3. Shoe repair shops;
4. Theaters for the performing arts;
5. Business offices and professional offices;
6. Barber shops (in addition to the 1 barber shop permitted by right);
7. Beauty shops and hair salons;
8. Interior design shops (that do not include the on-site exchange of merchandise);
9. Nail Salons;
10. Neuromuscular therapists.

Office/Commercial Use Area. Within areas designated Office/Commercial Use Area, the following uses are permitted by right:

1. Any use permitted in the Retail Use Area;
2. Any conditional use permitted within the Retail Use Area but only with the prior written approval of the City Council;
3. Not used;
4. Public and private parking structures;
5. Commercial uses ancillary to the operation of a parking structure, such as administrative space for parking structure management and valet services, an automobile wash/detail service and storage space;

