

**PRE-MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL**

**CITY COUNCIL CHAMBER (A108)
56 CHURCH STREET
MOUNTAIN BROOK, AL 35213**

FEBRUARY 26, 2024 6:00 p.m.

As a matter of convenience, members of the public are invited to listen, observe and participate in public meetings by Internet video conference. Presenters and others interested in a particular matter for discussion are encouraged to attend the meeting in-person. The City is not responsible for technical issues that may occur that interfere with the virtual meeting. The City Council, at its sole discretion, may proceed with its in-person business meeting regardless of whether virtual attendees can hear and/or observe the proceedings. The City intends to make the meeting available by way of the Zoom app (re: Meeting ID 801-559-1126, password 02262024).

1. Requests by residents of Caldwell Mill Trace, a private street, for the City to assume maintenance-Carolyn Jackson (See attached information.)
2. Drainage plans for “The Cut” at Richmar Drive and Mountain Avenue-Mark Simpson of Schoel Engineering (See attached information.)
3. Street light request at Overton Road at Knollwood Lane-Sam Gaston (See attached information.)
4. Thornhill Road drainage issues-Norman Jetmundsen (See attached information.)
5. Executive Session

Caldwell Mill Trace Subdivision and Private Road

Background

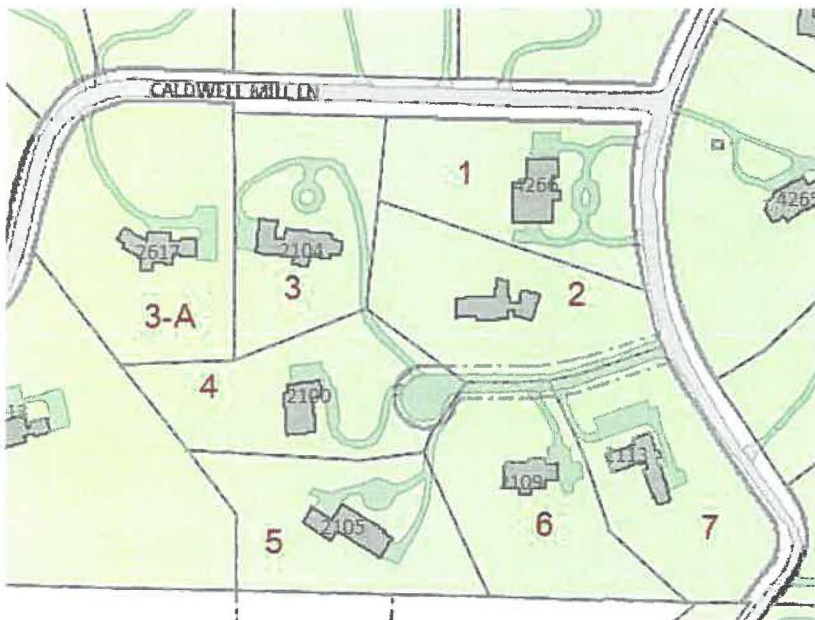
On November 6, 1989, the planning commission discussed a potential amendment to the Estate Residence zoning district regulations that would allow new subdivisions to have a private road, in lieu of a public road. The discussion appears to have originated with three property owners on Caldwell Mill Road, who wished to subdivide 14 acres around what is now Caldwell Mill Trace (a private road).

On December 4, 1989, the planning commission recommended approval to the city council of an amendment to the Estate district regulations, to allow private roads in subdivisions that are a minimum of 10 acres.

On December 11, 1989, the city council approved Ordinance 1017, amendment to Section 19-45.1 (129-73) of the municipal code. See attached Code Section 129-73.

On January 2, 1990, the planning commission approved PC Case 978, a preliminary plat (Hunter's Addition to Mountain Brook), for an 8-lot subdivision. See attached subdivision plat for the recorded subdivision details.

Lots 2, 4, 6, and 7 front Caldwell Mill Trace (private road);
Lots 3 and 5 take access from Caldwell Mill Trace via ingress easements;
Lot 1 fronts on Caldwell Mill Road (public road);
Lot 3-A fronts Caldwell Mill Lane (public road).



It should be noted that the acreage of the private road is included in Lots 2, 4, 6, and 7, and was needed in order for those lots to meet the minimum lot size (2 acres) for the Estate district. Apparently this was the whole impetus for the proposed private road,

since without it being included in 4 of the lots, the subdivision would have been limited one fewer lot. *(This very reasoning was discussed in all of the planning commission minutes noted above).*

An escrow fund of \$9,000 was required by the planning commission to be established as part of the subdivision approval. These funds (plus anticipated interest generated) were to be set aside for future private road maintenance; and it was also required that, should the private road be dedicated to the city in the future, that the escrow funds would be transferred to the city.

On July 2, 1990, the planning commission approved the final plat for the subdivision, PC Case 978.

Analysis

If the city accepts the dedication of Caldwell Mill Trace as a public right-of-way, then Lots 2, 4, 6, and 7 would drop below the minimum lot size threshold for the Estate District as approximated below:

Lot 2: 1.87 acres

Lot 4: 1.77 acres

Lot 6: 1.91 acres

Lot 7: 1.84 acres

In order for the street to be dedicated as a public right-of-way, the planning commission would first need to approve a resurvey of the four lots noted above, modifying the front property line such that they are no longer in the middle of the street, thereby reducing the lot size of each lot, and showing the right-of-way as public.

Before the planning commission could approve such a resurvey, the BZA would have to approve a variance for each of the four lots to be less than 2 acres, as required for the estate district. A hardship inherent to the lots, as required by state law, for reducing these lot sizes is not apparent.

NOTE: It should be noted that the zoning code amendment to allow private roads in the Estate district was initiated by the developer of the subject subdivision, so that he could squeeze in an extra lot, and predicated on the promise to maintain the minimum 2-acre lot sizes upon subdivision approval, as may be seen in the planning commission minutes.

Affected Regulation

Article VI, Estate Residence District; Section 129-72, Area and Dimensional Requirements, and Section 129-73, Estate Residence District Subdivision Development Plan

CALDWELL MILL LANE

CALDWELL MILL ROAD

3-4
2.75 AC. 1922

3
2.75 AC. 1922

1
2.75 AC. 1922

2
2.75 AC. 1922

4
2.75 AC. 1922

5
2.75 AC. 1922

6
2.75 AC. 1922

7
2.75 AC. 1922

UNOFFICIAL DOCUMENT

NO. 23 MO. 18

Sec. 129-73. Estate Residence District subdivision development plan.

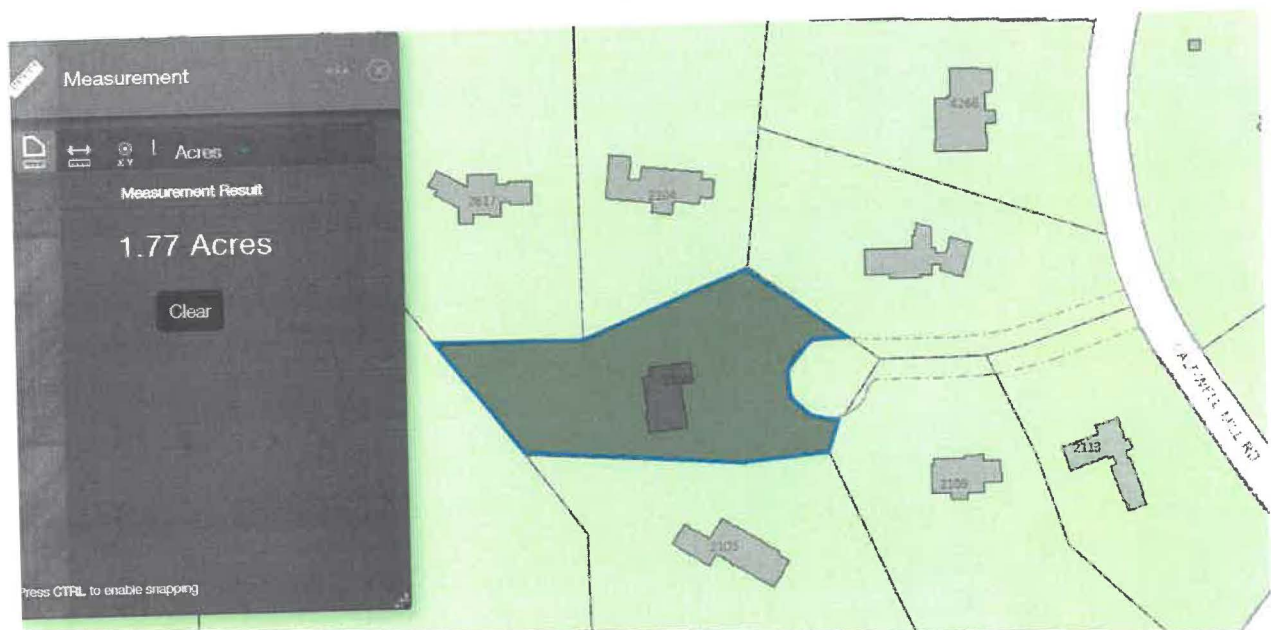
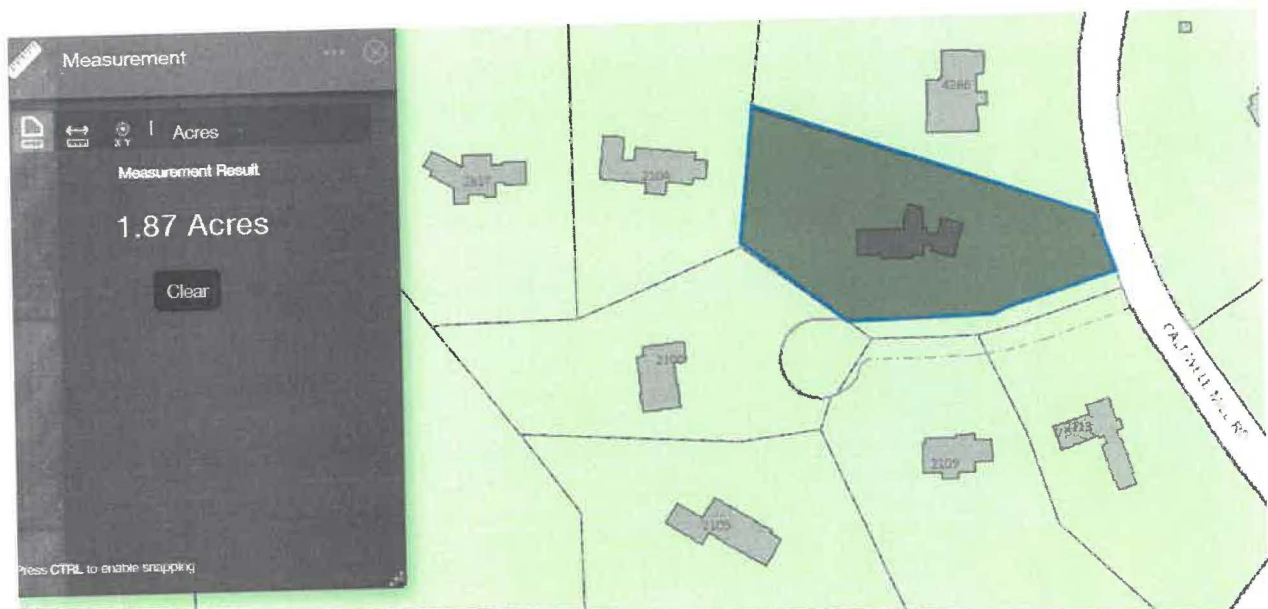
Any plan for the subdivision of a parcel which contains at least ten acres and is located in an Estate Residence District may provide for private ownership and maintenance of streets, parks, recreational facilities and open spaces included in such subdivision. All such private streets must be built in accordance with the city's standards, specifications and requirements for public streets, but with such exceptions thereto as may be permitted by the planning commission, acting in its discretion, in accordance with the city's regulations. Any such plan shall conform to all applicable regulations of the city, but with such exceptions thereto as shall be permitted by the planning commission, acting in its discretion, in accordance with such regulations. Any such plan shall set forth the location and dimensions of all lots upon which dwelling units are to be constructed and all easements, streets, parks, open spaces, recreational facilities and all other facilities to be constructed on any common area within such subdivision. In computing the number of square feet in a lot located within any such subdivision, there shall be included any portion of the lot which is subject to an easement for a private street, provided that such portion of the lot shall not exceed ten percent of the total area of the lot and provided further that such portion or the lot shall not be included in computing the 100-foot minimum required depth of the front yard of such lot or any setback line applicable to such lot. The plan shall provide for reasonable access over a private street from each lot to a public street. No private street, park, recreational facility or open space located within any such subdivision shall become a public street, park, recreational facility or open space to be maintained by the city, unless it is specifically dedicated to the public and, by ordinance, accepted by the city council.

{Ord. No. 1778, § 2(19-6-3), 9-8-2008}











MOUNTAIN BROOK PLANNING COMMISSION

NOVEMBER 6, 1989

The regular meeting of the City of Mountain Brook Planning Commission was held in the Mountain Brook City Hall on Monday, November 6, 1989, at 7:30 P.M. Present were Chairman Charles V. Hinton, Jr., and Members Charles Perry, Richard Silver, George Thompson, Tom Tartt Brown, William D. Tynes, Jr. and Axel Bolvig, Jr. Also present were City Clerk Ann R. McCutcheon and City Attorney Frank C. Galloway, Jr. Mayor William M. Given, Jr. and Mr. Richard Abernethy were absent.

I. APPROVAL OF MINUTES OF SEPTEMBER 11, 1989:

The City Clerk presented the minutes of the September 11, 1989 meeting. After discussion, motion was made, seconded and unanimously carried that the minutes of September 11, 1989 meeting stand approved as distributed.

II. MR. LARRY WEYGAND TO ADDRESS COMMISSION REGARDING SUB-DIVISION OF "ESTATE" ZONED PROPERTY:

Mr. Larry Weygand, Weygand Surveyors, Mr. Still Hunter, 4244 Caldwell Mill Road, and Mr. Angelo Ferlici, 3012 Alisa Way, appeared before the Commission regarding approximately 14-1/4 acres, on Caldwell Mill Road, that Mr. Hunter is proposing to develop. Mr. Weygand said that Mr. Hunter intends to build his personal residence on one of the proposed lots, and two of the proposed lots have been sold to Bill Daniel.

Mr. Weygand said that there are a couple of unusual things regarding this subdivision, which he has discussed with the Engineering Inspector and the Building Inspector, in that Mr. Hunter's deed goes to the center of the road. When the property is resurveyed, Mr. Hunter will set back his property line by dedicating his part of Caldwell Mill Road (a 15 foot wide parcel measured from the center line of the road) to the City and will provide any additional easement that the City needs for road widening, etc. This will reduce his acreage to 14.02 acres. They would also like to dedicate a private roadway, so that it would be part of the lots and not maintained by the City of Mountain Brook, but it would count as part of the 2 acres required for "Estate" zoned lots.

When discussing this matter with Mr. Galloway, Mr. Weygand suggested that he be permitted to discuss this matter with the Planning Commission before he filed a subdivision plat. Mr. Weygand said that he did not believe that including the portion of the property which was to be used for the private road in computing the two acres required for Estate lots violated the zoning ordinance, but that it probably was a new issue.

The private drive, as proposed, complies with the rules and regulations of the City's zoning ordinance, Mr. Weygand said, and there are several private roads in the City.

Mr. Weygand said that he understands that private roads are not the norm, but have to be an advantage from the City's standpoint. He further indicated that Mr. Hunter would covenant, when the proposal is presented formally, that a fund be established in an escrow account, or bank account, where funds would be set up, and interest would accrue, for street maintenance and, hopefully, it would be 10 to 15 years before any maintenance would be necessary. The purpose of the fund would be to make sure that adequate funds are available when the private road needs to be resurfaced. The roads would be built to the City's specifications. Mr. Hunter said that he would also be willing to put in the agreement that should Mountain Brook take over the maintenance of the roads, the money would go to the City.

Mr. Silver inquired of the City Attorney that if the Commission was so inclined, could this proposal be approved under the existing ordinances, and the City Attorney said that it could not. Mr. Galloway said that Sec. 19-45.1 states that no lot may extend within any required right-of-way as set out in the subdivision regulations. Mr. Galloway said that if Mr. Hunter wants to include the portion of the lots that will be within the private road as part of the two-acre minimum lot area he should either request the City Council to amend this section to permit it, or go to the Board of Zoning Adjustment for a variance in the lot size. Mr. Tynes said that the Planning Commission has tried to not send any new lots requiring variances to the Board of Zoning Adjustment, and Mr. Galloway said that he understands this, but that Mr. Hunter has a right to request it. He said that he had found a couple of similar cases from Colorado and Connecticut involving a similar situation in which the court said that land to be used for a private road could not be considered in meeting setback requirements. Mr. Galloway said that he did not see anything wrong with the concept, but for Mr. Hunter's own protection, it would be best to have the ordinance amended.

Mr. Bolvig said that he doubts the Council would amend the ordinance without Planning Commission recommendation, and Mr. Silver said that he would prefer that the Council act on the matter first. Mr. Silver said that he would be willing to attend a special meeting to consider this amendment, after the Council has acted on it. It was Mr. Tynes opinion that the Planning Commission would recommend approval of this Zoning Ordinance amendment to the City Council.

Mr. Tynes asked the City Attorney if he could come up with an idea as to what change in the ordinance would be needed for the Planning Commission to consider at this meeting to recommend to the Council. Mr. Galloway said that he would not want to be held to any specific language on such short notice, but, basically, the sentence in Sec. 19-45.2 needs to be changed by adding another sentence stating that in computing the number of square feet in any such lot that fronts on a private road, there may be taken into account the portion of the lot which is subject to an easement for a private road. He further stated that this ordinance only applies to lots in the Estate zoning district.

After lengthy discussion concerning the time requirements for the zoning ordinance amendment procedure and advertising requirements for the public hearing, it was decided that the proposal would be on the City Council agenda for November 13, 1989, and, if the Council sends the proposal back to the Planning Commission, a special meeting would be held by the Planning Commission for a recommendation back to the City Council, with a public hearing to be held on December 11, 1989 being set by the City Council at the November 13, 1989 meeting.

II. ADJOURNMENT:

There being no further business to come before the meeting at this time, upon motion duly made and seconded, the meeting was adjourned. The next regular meeting will be held December 4, 1989.

MOUNTAIN BROOK PLANNING COMMISSION

DECEMBER 4, 1989

The regular meeting of the City of Mountain Brook Planning Commission was held in the Mountain Brook City Hall on Monday, December 4, 1989, at 7:30 P.M. Present were Chairman Charles V. Hinton, Jr., and Members Charles Perry, Richard Silver, Richard Abernethy, Tom Tarrt Brown, William D. Tynes, Jr. and Axel Bolvig, Jr., and Mayor William M. Given, Jr. Also present were City Clerk Ann R. McCutcheon and City Attorney Frank C. Galloway, Jr. Mr. George Thompson was absent.

NOMINATION OF NEW CHAIRMAN:

I.

Mr. Bolvig recognized the retirement of Mr. Charles V. Hinton, and stated that Mr. Hinton had moved out of the City. The City has reluctantly accepted his resignation from the Planning Commission.

Mr. Bolvig nominated Mr. Richard Abernethy to be the successor to Mr. Hinton as Chairman of the Planning Commission. Mr. Brown seconded the motion and, when put to a vote, it unanimously passed.

APPROVAL OF MINUTES OF NOVEMBER 6, 1989:

II.

The City Clerk presented the minutes of the November 6, 1989 meeting. After discussion, Chairman Abernethy stated that the minutes of the November 6, 1989 meeting stand approved as distributed.

III.

CONSIDERATION: RECOMMENDATION TO CITY COUNCIL REGARDING AMENDING SECTION 19-45.1, OF THE MOUNTAIN BROOK CITY CODE, ESTATE RESIDENCE DISTRICT SUBDIVISION DEVELOPMENT PLAN:

Mr. Larry Weygand and Mr. Still Hunter appeared before the Commission in behalf of the proposed amendment to Section 19-45.1 of the Mountain Brook City Code, regarding Estate Residence District subdivision development plans. Mr. Weygand said that the proposed ordinance prepared by Mr. Galloway is fine with them.

Chairman Abernethy said a question has been raised regarding the escrow account for the maintenance of the streets, and he asked if Mr. Weygand or Mr. Hunter have any suggestion as to how this would be handled.

Mr. Weygand suggested that a homeowner's association be set up to take over the maintenance, and instead of the members paying dues, Mr. Hunter has suggested that he will put up money sufficient to cover the road maintenance, and when it is determined by the City that this maintenance is needed, the money will be there. In essence, Mr. Weygand said that a homeowner's association would be set up should some need arise and they would be jointly involved in this.

Chairman Abernethy asked how the amount of money would be determined to adequately provide road maintenance. Mr. Weygand said that they could get Donahoo Contracting Company to give them a price on resurfacing a road similar to the proposed road, and suggestions can be obtained from the City's Engineering Inspector and Building Inspector.

When this amount is determined, Chairman Abernethy said that it is assumed the money would be invested, and with the interest earned, it would be sufficient to cover inflation.

Mr. Hunter said that probably \$6,000.00 would be sufficient, and he would buy a "0" coupon, tax-free bond. On a road like this, with only five lots fronting on it, there may be 15 years between resurfacing. With the \$6,000.00 accumulating interest at 7%, it is his opinion that this should take care of the maintenance, leaving a seed to build on for fifteen years later. He said that he would be willing to name the City or municipality that might eventually, if the need arises, take the road over, that the money would go to this named municipality.

Mr. Tynes asked Mr. Hunter if there is any objection to depositing this money with the City, and the City maintaining the account as opposed to the homeowner's association, and Mr. Hunter said that he did not have any objection.

Mr. Silver pointed out that this would be a matter for the City Council to determine and approve, and everyone agreed.

Mr. Bolvig moved that the Planning Commission recommend adoption of the following ordinance to the City Council and that the developer be required to put money in escrow to maintain the road as outlined:

ORDINANCE NO.

**AN ORDINANCE TO AMEND SECTION 19-45.1 OF THE
CITY CODE RELATING TO SUBDIVISION DEVELOPMENT
PLANS IN ESTATE RESIDENCE DISTRICTS**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Section 19-45.1 of the Code of the City of Mountain Brook is hereby amended to read in full as follows:

Any plan for the development of a subdivision in an estate residence district may provide for private ownership and maintenance of streets, parks, recreational facilities and open spaces included in such subdivision. All such private streets must be built in accordance with the city's standards, specifications and requirements for public streets, but with such exceptions thereto as shall be permitted by the planning commission, acting in its discretion, in accordance with such subdivision regulations. Any such plan shall conform to all the applicable

regulations of the city, but with such exceptions thereto as shall be permitted by the planning commission, acting in its discretion, in accordance with such subdivision regulations. Any such plan shall set forth the location and dimensions of all lots upon which dwelling units are to be situated, and all easements, streets, parks, open spaces, recreational facilities and all other facilities to be constructed on any common area within such subdivision. In computing the number of square feet in a lot located within any such subdivision, there shall be included any portion of the lot which is subject to an easement for a private street, provided that such portion of the lot shall not exceed ten per cent of the total area of the lot and provided that such portion of the lot shall not be included in computing the one-hundred-foot minimum required depth of the front yard of such lot. The plan shall provide reasonable access, over a private street, from each such lot to a public street. No such private street, park, recreational facility or open space located within any such subdivision shall become a public street, park, recreational facility or open space to be maintained by the city, unless it is specifically dedicated to the public and by ordinance accepted by the City Council.

Mr. Perry suggested an amendment to the motion to include a figure of what is anticipated to maintain this road, using the present value discount at 7%, instead of arbitrarily using \$6,000.00.

Mr. Bolvig said that the City can quickly determine an estimate of what that road resurfacing would cost, and Mr. Weygand said that he could provide a figure from Donahoo.

Mr. Perry said that his only concern is that a "O" coupon is deflation sensitive, and that if an instrument is going to be used that can not grow except at a predetermined rate, he would like a little cushion in there of 1/2% or something. Mr. Hunter said that it would not have to be that type of instrument.

Mr. Bolvig amended his motion to include an amount that is acceptable to the Council that would take into consideration inflation. The motion was seconded by Mr. Tynes and, when put to a vote, it unanimously passed.

III. CONSIDERATION: REQUEST BY HIRAM H. GILBERT, PROJECT CHAIRMAN, FOR CONSTRUCTION OF DORMITORY THAT WILL HOUSE 26 STUDENTS ON THE CAMPUS OF SOUTHEASTERN BIBLE COLLEGE:

Mr. Hirman H. Gilbert, Project Chairman, appeared before the Commission in behalf of his request for construction of a dormitory to house 26 students located on the campus of Southeastern Bible College, more particularly described as follows:

MOUNTAIN BROOK PLANNING COMMISSION

JANUARY 2, 1990

The regular meeting of the City of Mountain Brook Planning Commission was held in the Mountain Brook City Hall on Monday, January 2, 1990, at 7:30 P.M. Present were Chairman Richard Abernethy, and Members Tom Tarrt Brown, William D. Tynes, Jr., Richard Silver, Charles D. Perry, Mayor William M. Given, Jr. and City Manager Axel Bolvig, Jr. Also present were City Clerk Ann R. McCutcheon, City Attorney Frank C. Galloway, Jr. and Building Inspector Jerry Weems. Mr. George Thompson was absent.

I. APPROVAL OF MINUTES OF DECEMBER 4, 1989:

The City Clerk presented the minutes of the December 4, 1989 meeting. After discussion, Chairman Abernethy stated that the minutes of the December 4, 1989 meeting stand approved as distributed.

II. CASE NO. 977: RESURVEY OF LOT 6, CLUB VIEW PROPERTIES, INC. IN COUNTRY CLUB DISTRICT - STEPHEN S. AND LYNN G. BOSTOCK, 12 CLUB VIEW DRIVE:

Chairman Abernethy inquired of the City Clerk and the Commission found that all adjacent property owners had been notified.

Mr. Larry Weygand, Weygand Surveyors, and Mr. Stephen S. Bostock, 12 Club View Drive, appeared before the Board in behalf of Mr. Bostock's request for a resurvey of Lot 6, Club View Properties in Country Club District.

Mr. Weygand said that at the request of city officials, it was suggested that this matter be cleared up before a building permit is issued. Mr. Weygand said that evidently there was some kind of swap of some property several years ago, and when Lot 6 was recorded it had picked up some acreage in the back. This request, he said, is just cleaning up a matter which occurred years ago.

Mayor Given moved approval of the Resurvey of Lot 6, Club View Properties, Inc. in Country Club District. Mr. Silver seconded the motion and, when put to a vote, it unanimously passed.

III. CASE NO. 978: REQUEST PRELIMINARY APPROVAL OF HUNTER'S ADDITION TO MOUNTAIN BROOK, WITH WAIVER OF SIDEWALKS - STILL HUNTER, JR., PRESIDENT, STILL HUNTER DEVELOPMENT CO., INC.:

Chairman Abernethy inquired of the City Clerk and the Commission found that all adjacent property owners had been notified.

Mr. Larry Weygand, Weygand Surveyors, and Mr. Still Hunter, President, Still Hunter Development Co., Inc., appeared

before the Commission in behalf of Mr. Hunter's request for preliminary approval of Hunter's Addition to Mountain Brook, with waiver of sidewalks.

Mr. Weygand said that with the passage of the new ordinance, all lots meet the City's Code as required, and they are now asking preliminary approval.

In regard to frontage requirements, Lots 3 and 5 will be served by private drive to be built to City specifications (a minimum of 14 feet in width, with adequate turn-around). Mr. Weygand said that the private road would be Caldwell Mill Trace, as shown on the plat.

Mr. Weygand assured the Commission that the width of the lots in question would be on the record map, and would comply with the required 200 feet of street frontage.

In regard to Mr. Silver's inquiry about the terrain, Mr. Weygand said that there is a drain that will be filled in, and there will be a 60 inch storm sewer through the middle of the subdivision.

After further discussion, Mr. Silver moved that preliminary approval be given to Hunter's Addition to Mountain Brook. The motion was seconded by Mr. Perry.

For the record, Mr. Bolvig said that the escrow money had been discussed, and that Mr. Hunter has agreed that \$9,000.00 would be put up for road maintenance. He further stated that some arrangement for the escrow should be available when final approval of the subdivision is requested. He further stated that Mr. Shipp, the Engineering Inspector, had talked to Mr. Weygand about the extension of the drainage culvert, but he does not want the building to sit on top of it. Mr. Weygand said that this had been changed on the record plat. Mr. Bolvig said that there should also be curb and gutter along Caldwell Mill Road, and Caldwell Mill Road is to be widened. Mr. Weygand said that this is also shown on the plan.

When put to a vote, the motion passed unanimously.

IV.

CASE NO. 979: REQUEST PUBLIC HEARING TO CONSIDER REZONING OF LOT 7-A, ACCORDING TO A RESURVEY OF LOTS 7 AND 8, IN BLOCK 24, CRESTLINE HEIGHTS (55 VINE STREET) FROM "RECREATIONAL" TO RESIDENCE "C" ZONING DISTRICT -

Mr. Silver asked what would be involved in increasing the size of the pipe under the road, the cost of the project, and who would be responsible for paying for it. Mr. Weygand responded that in his letter addressed to the City Engineer, he suggested eighty feet of pipe be torn out and replaced with 36" storm pipe downstream and across the Dover Road at a cost of approximately \$4,000, which includes labor and materials.

Mr. Weygand stated that although Dr. Watkins and Mr. Vargo feel that the drainage pipe is an existing problem to the City, they agree to pay \$1,000 each for materials to help finance installation of 36" pipe in order to expedite matters on subdivision and correcting the existing problem in their neighborhood.

Mr. Bolvig stated that with \$2,000 contributed by Mr. Vargo and Dr. Watkins for material costs, the City could begin fairly quickly to replace the pipe.

After discussion, Mayor Given stated that the Commission should accept the offer of \$1,000 each from Dr. Charles L. Watkins and Mr. Stuart F. Vargo for immediate construction on this project.

After further discussion, Mayor Given moved approval of the Vargo Resurvey of Lot 40, Nottingham Acres, Third Sector. The motion was seconded by Mr. Silver and, when put to a vote, unanimously passed.

III. CASE NO. 978: REQUEST FINAL APPROVAL OF CALDWELL MILL TRACE SUBDIVISION PLAT, WITH BOND IN THE AMOUNT OF \$85,000.00 - STILL HUNTER, JR.:

Mr. Larry Weygand, Engineering Surveyor, appeared before the Commission on behalf of Mr. Still Hunter, Jr., and his request for final approval of the subdivision plat for Caldwell Mill Trace, with bond in the amount of \$85,000.00.

Mr. Weygand stated sewers had been installed and that gutters and roads are in the process of being installed, with completion estimated to be two weeks.

Mayor Given asked whether one of the houses in the development would be moved closer to Caldwell Mill Road. Mr. Bolvig responded that Lot No. 7 has been sold and expects the new owner to request a variance from the Board of Zoning Adjustment to put the setback line 18' closer to Caldwell Mill Road.

Mr. Bolvig moved that final approval be given for Caldwell Mill Trace subject to presentation of a bond in the amount of \$85,000.00 being delivered to the City. Mr. Silver seconded the motion, and when put to a vote, it unanimously passed.

MOUNTAIN BROOK CITY COUNCIL

DECEMBER 11, 1989

The City Council of the City of Mountain Brook, Alabama, held a regular public session at the City Hall in Mountain Brook, Alabama, at 7:30 o'clock P.M., Monday, November 13, 1989.

The meeting was called to order by the President. The roll was called with the following results:

: W. O. Whitt, Jr., Council President
Margaret M. Porter

become effective when

The motion was seconded by Mr. Upchurch and, when put to a vote, the following voted aye: Council President Whitt, Mrs. Porter, Mr. Upchurch, Mrs. Elkus and Mr. Tynes. Those voting nay: none.

Mr. Clinton Tatum, 3764 Valley Head Road, said that, in his opinion, it is not really needed, although he is not opposed to it. Mr. Tatum pointed out that what is needed are the stop lines throughout the City. He said that he had talked to the Police Department about the stop lines. From what he has read, stop lines are a tremendous incentive to stop, and he suggested that the intersections within the City be reviewed to pinpoint the intersections that do not have stop lines.

Council President requested that the City Manager look into Mr. Tatum's good suggestion.

After discussion, Mrs. Elkus moved adoption of the ordinance. The motion was seconded by Mr. Tynes and, when put to a vote, the following voted aye: Council President Whitt, Mrs. Elkus, Mrs. Porter, Mr. Tynes and Mr. Upchurch. Those voting nay: none.

XII. CONSIDERATION: PUBLIC HEARING TO CONSIDER ORDINANCE TO AMEND SECTION 19-45.1 OF THE CITY CODE RELATING TO SUBDIVISION DEVELOPMENT PLANS IN "ESTATE" RESIDENCE DISTRICTS:

Council President Whitt stated that this was the date set for a public hearing to consider adoption of the following ordinance:

ORDINANCE NO. 1017

AN ORDINANCE TO AMEND SECTION 19-45.1 OF THE CITY CODE RELATING TO SUBDIVISION DEVELOPMENT PLANS IN ESTATE RESIDENCE DISTRICTS

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Section 19-45.1 of the Code of the City of Mountain Brook is hereby amended to read in full as follows:

Any plan for the subdivision of a parcel of land which

contains at least ten acres and is located in an estate residence district may provide for private ownership and maintenance of streets, parks, recreational facilities and open spaces included in such subdivision. All such private streets must be built in accordance with the city's standards, specifications and requirements for public streets, but with such exceptions thereto as shall be permitted by the planning commission, acting in its discretion, in accordance with the City's subdivision regulations. Any such plan shall conform to all the applicable regulations of the city, but with such exceptions thereto as shall be permitted by the planning commission, acting in its discretion, in accordance with such subdivision regulations. Any such plan shall set forth the location and dimensions of all lots upon which dwelling units are to be situated, and all easements, streets, parks, open spaces, recreational facilities and all other facilities to be constructed on any common area within such subdivision. In computing the number of square feet in a lot located within any such subdivision, there shall be included any portion of the lot which is subject to an easement for a private street, provided that such portion of the lot shall not exceed ten per cent of the total area of the lot and provided that such portion of the lot shall not be included in computing the one-hundred-foot minimum required depth of the front yard of such lot or any setback line applicable to such lot. The plan shall provide reasonable access, over a private street, from each such lot to a public street. No such private street, park, recreational facility or open space located within any such subdivision shall become a public street, park, recreational facility or open space to be maintained by the city, unless it is specifically dedicated to the public and by ordinance accepted by the City Council.

The City Manager said that the Council referred this ordinance to the Planning Commission, at its last meeting, and after review by the Planning Commission, it was unanimously recommended that the ordinance be adopted.

Mr. Bolvig further stated that the Planning Commission expressed its desire that the Council instruct Mr. Hunter to create an escrow account for the maintenance of a private road that would be built on his subdivision. An amount of \$9,000.00 plus the interest earned thereon has been determined, and Mr. Hunter is agreeable to this amount. He said that the subdivision would have to be approved by the Planning Commission, and at that time, this escrow account would be established.

Mr. Upchurch asked for more explanation regarding the escrow fund. Mr. Bolvig said that this is a private road, and Mr. Hunter proposes to put \$9,000.00 into an account, and when that road needs to be resurfaced, the money in the account would provide funds for the maintenance of that road. The establishment of the escrow would not obligate the City to maintain the private road, nor would it relieve the developer or the adjoining owners from whatever obligations that they have to maintain the road.

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However, if for some reason, the road is ever dedicated to the City of Mountain Brook, that escrow account would also transfer to the City for maintenance of the road.

Mr. Tynes pointed out that the dedication would be up to the City whether the road would be accepted or not, and it is also understood that it would be up to the City to decide when the road needs to be repaired.

Mr. Galloway said that he did not necessarily think that would be the case since it is a private road, and this should be worked out with the Planning Commission.

After further discussion, Mr. Tynes moved adoption of the ordinance. The motion was seconded by Mrs. Elkus and, when put to a vote, the following voted aye: Council President Whitt, Mrs. Elkus, Mrs. Porter, Mr. Tynes and Mr. Upchurch. Those voting nay: none.

III. CONSIDERATION: PUBLIC HEARING TO CONSIDER ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF MOUNTAIN BROOK RELATING TO USES PERMITTED IN RESIDENTIAL DISTRICTS:

Council President Whitt said that this is the date set for a public hearing to consider an ordinance amending the Zoning Code of the City of Mountain Brook, as follows:

ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 19-20 OF THE CITY CODE RELATING TO USES PERMITTED IN RESIDENTIAL DISTRICTS

BE IT ORDAINED by the City Council of Mountain Brook, Alabama as follows: Section 19-20 of the Code of the City of Mountain Brook is hereby amended by adding the following subsections (i) and (j) thereto:

Purpose. The city believes that the need to protect the integrity of its residential areas is of paramount concern. It is the purpose of this ordinance to permit dwellings in residential districts to be used for limited business purposes which are incidental to, and compatible with, the residential use of property in a manner which will protect residential areas from the adverse impact of activities associated with the conduct of businesses and to provide peace, quiet and domestic tranquility within all residential neighborhoods within the city and to protect the excessive traffic.

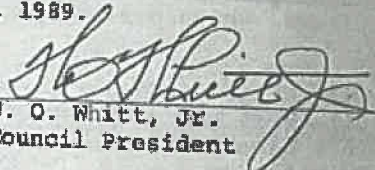
ORDINANCE NO. 1017

AN ORDINANCE TO AMEND SECTION 19-45.1 OF THE
CITY CODE RELATING TO SUBDIVISION DEVELOPMENT
PLANS IN ESTATE RESIDENCE DISTRICTS

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Section 19-45.1 of the Code of the City of Mountain Brook is hereby amended to read in full as follows:

Any plan for the subdivision of a parcel of land which contains at least ten acres and is located in an estate residence district may provide for private ownership and maintenance of streets, parks, recreational facilities and open spaces included in such subdivision. All such private streets must be built in accordance with the city's standards, specifications and requirements for public streets, but with such exceptions thereto as shall be permitted by the planning commission, acting in its discretion, in accordance with the city's subdivision regulations. Any such plan shall conform to all the applicable regulations of the city, but with such exceptions thereto as shall be permitted by the planning commission, acting in its discretion, in accordance with such subdivision regulations. Any such plan shall set forth the location and dimensions of all lots upon which dwelling units are to be situated, and all easements, streets, parks, open spaces, recreational facilities and all other facilities to be constructed on any common area within such subdivision. In computing the number of square feet in a lot located within any such subdivision, there shall be included any portion of the lot which is subject to an easement for a private street, provided that such portion of the lot shall not exceed ten per cent of the total area of the lot and provided that such portion of the lot shall not be included in computing the one-hundred-foot minimum required depth of the front yard of such lot or any setback line applicable to such lot. The plan shall provide reasonable access, over a private street, from each such lot to a public street. No such private street, park, recreational facility or open space located within any such subdivision shall become a public street, park, recreational facility or open space to be maintained by the city, unless it is specifically dedicated to the public and by ordinance accepted by the City Council.

ADOPTED: This 11th day of December, 1989.


W. O. Whitt, Jr.
Council President

APPROVED: _____



CITY OF MOUNTAIN BROOK

56 Church Street
P.O. Box 130009
Mountain Brook, Alabama 35213
Telephone: 205.802.3803
Fax: 205.870.3577
gastons@mtnbrook.org

SAM S. GASTON
CITY MANAGER

February 14, 2024

Dear Resident,

The City of Mountain Brook has received a request for a street light to be placed at the Overton Road and Knollwood Lane intersection. It would entail the placing of two additional wooden utility poles along Knollwood Lane. (See attached map.)

The Mountain Brook City Council will consider this request at its February 26th meeting at 7:00pm. You are invited to attend this meeting to voice your comments on this street light request. If you are unable to attend on February 26th, but would like to offer your thoughts, please contact me at (205) 802-3803 or gastons@mtnbrook.org.

Sincerely,

Sam S. Gaston
City Manager



Overton Rd

I: 30/5 wood pole, 53w
Philips LED cobra on 4'
bracket arm

I: 100' of #4 DX

Knollwood Ln

I: 30/5 wood pole

1074111

1076983

I: 100' of #4 DX

H13965
37.5B
15A

40/4

Ad

3-2ACSR+
2/0ACSRN 12.47KV

45/4

H21150
10A
37.5B

45/4

ALOPX

ABC

ALOUTA

1669535

2899 Shamhill Road









ENGINEERING STUDY

TASK ORDER #12: THORNHILL ROAD @ REDMONT GARDENS APARTMENTS

DRAINAGE STUDIES

MOUNTAIN BROOK, ALABAMA

- THORNHILL ROAD STORM SEWER ANALYSIS -

GENERAL DESCRIPTION

The purpose of this study is to analyze the existing storm sewer network at 2899 Thornhill Road and Redmont Gardens Apartments, as identified by Travis Ingram with the City of Mountain Brook. Mapping of the area was generated using GIS data obtained from Jefferson County and data obtained in the field. Next, we identified the drainage area draining to the storm pipes in our study area. Using this information, we were able to utilize a computer software package called PondPack V.8.0, by Haestad Methods, to simulate the conditions for various storm events and determine peak flows. Using the results from this analysis, we utilized another computer software package, FlowMaster V.6.1 by Haestad Methods, to determine the capacities of the existing storm pipes and that of the proposed pipes. Based on these analyses we were able to develop preliminary recommendations for improvements and upgrades to the storm sewer system at 2899 Thornhill Road and Redmont Gardens Apartments.

EXISTING CONDITIONS

The existing storm sewer system at 2899 Dexter Avenue and Redmont Gardens Apartments conveys runoff from a drainage area that is approximately 3.85 acres. This was determined by using the USGS (Birmingham North Quadrangle) topographical map and the GIS data obtained from Jefferson County. The drainage basin for this storm sewer system extends from an existing inlet in the parking lot at Redmont Gardens Apartments to a high point located near Carlisle Road. The drainage area is entirely residential with moderate to steep slopes. Shown below are photos illustrating the existing conditions of the proposed project area.



Photo 1: Thornhill Road (Looking East)



Photo 2: Driveway to Redmont Gardens Apt. (The house is at 2899 Thornhill Road.)



Photo 3: Inlet in Parking Lot of Redmont Gardens Apt.



Photo 4: Storm Inlet in Parking Lot of Redmont Gardens Apt.

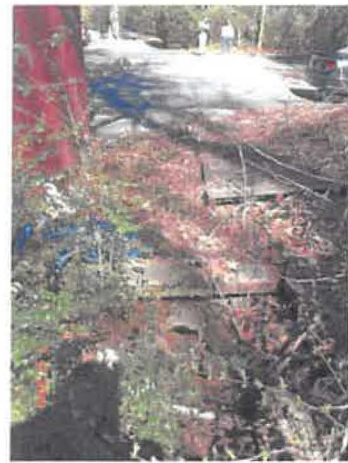


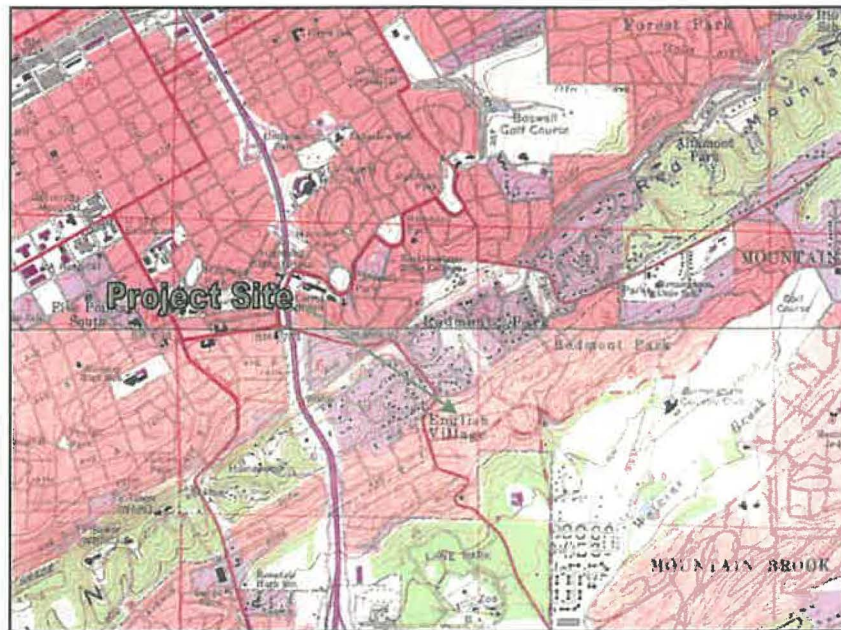
Photo 5: 8" Storm Pipe Empties into Ditch at Redmont Gardens Apt.



Photo 6: Ditch at Redmont Gardens Apt.



Photo 7: Ditch Ties into Storm Sewer, Redmont Gardens Apt.



MAP 1: U.S.G.S. Topo

EXISTING CONDITIONS



AERIAL PHOTO 1: (Taken from Google Earth website)

HYDRAULIC ANALYSIS AND RECOMMENDATIONS

Based on the Subdivision Regulations for the City of Mountain Brook, May 1997, Article VIII, Section 803-Culverts; "a 25-year frequency storm event shall be used in the determination of the required drainage structure size." Necessary data was obtained from the following sources; USGS topographical map, GIS data, and site visits to the area. This information was compiled and evaluated using computer software developed by Haestad Methods. Based on the data generated from PondPack and FlowMaster, the existing 8-inch pipe along our study area for Thornhill Road is undersized for a 25-yr storm event. Since the drainage area was not surveyed and actual invert elevations shot on the existing inlets, the inlet elevations had to be estimated based on ground elevation data obtained from GIS. Based on this assumption, there is room for error in the analysis of the existing storm pipes. To account for a more precise model, a complete survey of the drainage area should be performed and all inlets and storm pipes picked up along with the invert elevations. Table 1 below lists the results of the computer analysis for the peak discharge of the study area into the existing drainage ditch for a 2-year, 25-year, 50-year, and 100-year storm event. Peak Discharge is the peak rate or maximum rate of stormwater flow at a determined point in a given storm event. Units of peak discharge are in cubic feet per second (cfs).

STORM EVENT (year)	PEAK DISCHARGE (cfs)
2-yr	3.89
25-yr	9.52
50-yr	11.08
100-yr	12.90

TABLE 1

Based on the peak discharge results, we sized a pipe to replace the existing 8-inch pipe with one that would meet the requirements of a 25-year storm event. The proposed improvements involves removing or capping the exiting 8-inch pipe and replacing it with either an 18-inch reinforced concrete pipe (RCP) or an 18-inch high density polyethylene pipe (HDPE). This pipe would tie to the existing 12-inch clay pipe at the grate inlet in the parking lot at the Redmont Gardens Apartments and extend to the existing curb inlet at Fairway Drive. The existing grate inlet in the parking lot at the Redmont Gardens Apartments would be replaced with a new inlet box. Once the project is taken to the design phase and a topographical survey of the area completed, we may find that we have more than a 3 percent slope on the new line, therefore we may be able to utilize a 15-inch storm pipe to handle the required flows. Shown below is an aerial photo of the project area with the proposed improvements illustrated.

PROPOSED IMPROVEMENTS – ORIGINAL



AERIAL PHOTO 2: (Taken from Google Earth website)

An alternative to the above "original" proposed improvements would be to tie the proposed 18" RCP into the existing 18" RCP at the Redmont Gardens Apartments. This option would require the property owner to cooperate and provide permanent and construction easements. (However, during a site visit to the project site, I met the owner and he did not seem to be willing to entertain this option.) This option would be considerably less expensive than the base proposal. The optional proposed improvements would be as shown below.

PROPOSED IMPROVEMENTS – OPTIONAL



AERIAL PHOTO 3: (Taken from Google Earth website)

ENGINEER'S CONSTRUCTION COST ESTIMATE

A preliminary construction cost estimate has been generated based on the information available at the time this report was prepared. (A field survey of the project area has not been performed and there have been no engineering plans developed.) Listed below in Tables 2 and 3 is a breakdown of

the estimated construction costs for both options. (Note: The estimated construction cost estimates do not include surveying or engineering design fees.)

PROPOSED IMPROVEMENTS COST ESTIMATE – ORIGINAL

ITEM NO.	QNTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1.1	300	LF	18" RCP Storm Pipe Complete Installation	\$45.00	\$13,500.00
1.2	1	EA	Junction Box w/ Iron Grate Inlet	\$5,000.00	\$5,000.00
1.3	1	LS	Modifications to Existing Curb Inlet	\$2,500.00	\$2,500.00
1.4	80	SY	Asphalt Driveway Removal/Replacement	\$50.00	\$4,000.00
1.5	420	LF	Wood Fence Removal/Replacement	\$40.00	\$16,800.00
1.6	1	LS	Misc. Utility Conflict Repairs	\$5,000.00	\$5,000.00
1.7	8	LF	Concrete Sidewalk Removal/Replacement	\$50.00	\$400.00
1.8	1	LS	Clearing & Demolition	\$10,000.00	\$10,000.00
1.9	1	LS	Erosion Control	\$1,500.00	\$1,500.00
1.10	1	LS	Landscaping/Clean Up	\$10,000.00	\$10,000.00
1.11	1	LS	Mobilization	\$5,000.00	\$5,000.00
Sub-Total Construction Cost:					\$73,700.00
Easement Acquisition:					\$1,800.00
Contingency:					\$3,000.00
Estimated Construction Cost:					\$78,500.00

TABLE 2

PROPOSED IMPROVEMENTS COST ESTIMATE – OPTIONAL

ITEM NO.	QNTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1.1	140	LF	18" RCP Storm Pipe Complete Installation	\$45.00	\$6,300.00
1.2	2	EA	Junction Box w/ Iron Grate Inlet	\$5,000.00	\$10,000.00
1.3	80	SY	Asphalt Driveway Removal/Replacement	\$50.00	\$4,000.00
1.4	20	LF	Wood Fence Removal/Replacement	\$40.00	\$800.00
1.5	1	LS	Clearing & Demolition	\$9,400.00	\$9,400.00
1.6	1	LS	Erosion Control	\$1,500.00	\$1,500.00
1.7	1	LS	Landscaping/Clean Up	\$7,500.00	\$7,500.00
1.8	1	LS	Mobilization	\$5,000.00	\$5,000.00
Sub-Total Construction Cost:					\$44,500.00
Easement Acquisition:					\$1,500.00
Contingency:					\$3,000.00
Estimated Construction Cost:					\$49,000.00

TABLE 3

CONCLUSION

Based on our preliminary investigation, it is the recommendation of Hill Engineering that the City of Mountain Brook utilize an 18" RCP or 18" HDPE pipe to replace the existing 8" pipe at the Redmont Gardens Apartments. An 18" RCP meets the calculated peak flows for the 25-year storm event based on a 3 percent slope in the pipe.

Respectfully submitted,
The Hill Engineering Group, PC



Tod A. Green, P.E.
Alabama Registration # 23106