

**MINUTES**  
**CITY OF MOUNTAIN BROOK**  
**PLANNING COMMISSION**  
**MARCH 4, 2019**

**CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213**

The meeting of the Planning Commission of the City of Mountain Brook, Alabama, was held in the City Hall Council Chamber on Monday, March 4, 2019, at 5:30 p.m. The roll was marked as follows:

Members Present:    Rob Walker, Chairman                      Absent:    Alice Williams, Vice Chairman  
                                  Jamie Gregory, Secretary  
                                  Philip Black  
                                  Michael Mouron  
                                  Carey Hollingsworth  
                                  Graham Smith

Also present:            Dana Hazen: Director of Planning, Building and Sustainability  
                                  Whit Colvin: City Attorney  
                                  Tammy Reid: Administrative Analyst

1. **Call to Order:** Chairman Walker called the meeting to order at approximately 5:30 p.m., there being a quorum present.
2. **Approval of Agenda:** Mr. Walker suggested amending the agenda by moving the discussion of the Chabad Landscape Plan to follow Item 4 (Case P-19-02) on the presented agenda. Second: Mr. Gregory. The motion carried by a unanimous voice vote.
3. **Approval of Minutes:** February 4, 2019

Mr. Walker called for a motion regarding the February 4, 2019 minutes.

Motion:    Mr. Gregory, motion to approve the minutes as presented.

Second:    Mr. Black

Ayes:        Rob Walker  
                          Jamie Gregory  
                          Philip Black  
                          Mike Mouron  
                          Carey Hollingsworth  
                          Graham Smith

Nays:        None

Motion carries.

4. **P-19-02: 3100 Overton Road - Tracy Cohn, Grotting and Cohn Plastic Surgery                      EXHIBIT 1**

Request to rezone a parcel of land from Residence-A district to Professional district. Legal Description of Property: Lot 1, according to the Knesseth Israel Congregation Addition to Mountain Brook, as recorded in Map Book 220, Page 41, in the Office of the Judge of Probate

of Jefferson County, Alabama.

Steven Brickman, Sirote and Permutt PC, 2311 Highland Avenue, Birmingham, Alabama, represented the applicant. He asked that the case carry over to the April 1, 2019 meeting so that they can consider the impact of the proposed zoning amendment that is to be considered by the City Council at its meeting of March 25, 2019. Mr. Walker called for a motion.

Motion: Mr. Black, motion to carry the case over to the April 1, 2019 meeting, per the applicant's request.

Second: Mr. Gregory

Ayes: Rob Walker  
 Jamie Gregory  
 Philip Black  
 Mike Mouron  
 Carey Hollingsworth  
 Graham Smith

Nays: None

Motion carries.

#### 5. Discussion of the Chabad Landscape Plan.

#### EXHIBIT 2

Rabbi Levi Weinbaum, 3772 Glass Drive, Vestavia, Alabama, represented the Chabad of Alabama, located at 3040 Overton Road, Birmingham, Alabama. This item of discussion is regarding the Landscape Plan that was approved on May 7, 2018. Rabbi Weinbaum said that the existing wooden fence is 5.5 feet into the Chabad property line, with a vegetative buffer behind it. The question is: Would it be allowable to put the required chain-link fence in front of the existing wooden fence, with no vegetation between the two?

There were no public comments or Commission discussion. Mr. Walker called for a motion.

Motion: Mr. Hollingsworth, motion to accept the existing conditions, with the addition of black chain-link fence from where the existing fence ends, to join the new black chain-link fence along the back of the property, and that the previously approved landscaping is to join with the additional fenced area, to be installed on the Chabad side of the fence.

Specifics of the motion:

To accept existing conditions along the east property line (wooden fence as per as-built survey, 0-5 feet from property line, on the Chabad property, and mature giant green arborvitae on adjoining Park at Overton residential property, outside the wooden fence) to be in compliance with the master plan approved by the Planning Commission (Case P-18-07, 20180507). Said improvements may remain in place, with giant green arborvitae to be placed on the inside of the wooden fence. The fence is to be repaired as needed.

Notwithstanding the foregoing, the remainder of the required landscape buffer shall be installed in accordance with Case P-18-07, which is to say that the 16-foot wide buffer, comprised of tea olives (on the outside of a black, 8-foot high chain link fence) and giant green arborvitae (on the inside of a black, 8-foot high chain-link

fence) will carry over across the rear of the property, make a turn (to the south) at the intersection of the north and east property lines, and carry on to join with the existing wooden fence at a point 5 feet from the east property line.

Second: Mr. Mouron  
 Ayes: Rob Walker  
 Jamie Gregory  
 Philip Black  
 Mike Mouron  
 Carey Hollingsworth  
 Graham Smith  
 Nays: None

Motion carries.

**6. Case P-19-05: 3784 Jackson Boulevard - Mountain Brook Board of Education** **EXHIBIT 3**

Shanda Williams, City of Mountain Brook Parks and Recreation Superintendent, presented the application on behalf of the Park Board. The request is for approval of an amended development plan for Crestline Elementary School to remodel the concession stand at the recreation field by adding a restroom and storage closet.

On July 6, 2015, the Planning Commission approved Case 1959, a request for an amended development plan for the Crestline Elementary recreation fields, to remodel the existing concession building by adding a new restroom, and extending the roof and patio cover to encompass the proposed addition. The improvements were not constructed, and the plans have been revised such that the restroom is now proposed on the east (left) side of the concession stand instead of on the west (right) side, due to an existing storm drain on the right (west) side. The relocation will also aid with ADA compliance and will provide additional storage space.

Carey Hollingsworth recused himself from this case.

There were no comments from the public. Mr. Walker called for a motion.

Motion: Mr. Gregory, motion to approve the amended development plan for Crestline Elementary School to remodel the existing concession stand at the recreation field by adding a restroom and storage closet, as submitted.

Second: Mrs. Smith  
 Ayes: Rob Walker  
 Jamie Gregory  
 Philip Black  
 Mike Mouron  
 Carey Hollingsworth  
 Graham Smith  
 Nays: None

Motion carries.

7. **Case P-19-06: 114 Calton Lane - NJK, LLC**

**EXHIBIT 4**

Resurvey of Lot 5-A Calton Hill at Mountain Brook; being a resurvey of Lot 5-A, and limited common element, according to the resurvey of Lot 5 Calton Hill at Mountain Brook, as recorded in Map Book 244, Page 59, in the Probate Office of Jefferson County, Alabama, situated in the SW ¼ of Section 33, Twp-17S, R-2W, Jefferson County, Alabama.

Jason Kessler, 3505 Bent River Road, Birmingham, Alabama, represented NJK LLC, the applicant. The request is to allow a resurvey of this property for the purpose of accommodating an outdoor fireplace. A large, concrete retaining wall and alley sit on the other side of the proposed property line. Currently, the property line stops short of the retaining wall and the request is to move the property line to the face of the wall.

The subject lot line adjustment will bring an existing freestanding fireplace into compliance for an as-built permit. The fireplace is not wholly contained within the single-family property (Lot 5-A), but straddles the common property line between Lot 5-A and the common area lot to the north. By moving the common line to the north by approximately 5 feet, the chimney will be fully contained on private property.

It is noted that if the resurvey be approved, a variance by the Board of Zoning Adjustment will also need to be secured since the chimney would be less than 10 feet from the property line.

Mr. Walker asked if the resurvey is granted, will the chimney still exist in the utility easement. Mr. Kessler confirmed that it will be within the easement. Mr. Kessler also stated that the chimney was built prior to his knowledge and that he is trying to rectify the situation.

Mr. Walker asked how the easement situation can be rectified. Glen Merchant, Mountain Brook Building Official, stated that should the utility company need use of the area, the structure will have to be removed.

There were no comments from the public. Mr. Walker called for a motion.

Motion: Mr. Gregory, motion to approve the resurvey request as submitted.

Second: Mr. Mouron

Ayes: Rob Walker

Jamie Gregory

Philip Black

Mike Mouron

Carey Hollingsworth

Graham Smith

Nays: None

**Next Meeting:** Monday, April 1, 2019.

8. **Adjournment:** There being no further business to come before the Planning Commission, the meeting stood adjourned at approximately 5:40 p.m.



Tammy Reid, Administrative Analyst