

MINUTES
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
FEBRUARY 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, February 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 called for a motion regarding the agenda.

Mr. Hollingsworth suggested amending the agenda by adding a discussion of the Village Master Plans following Item 7 on the presented agenda.

Motion: Mr. Gregory, motion to approve the agenda as amended.

Second: Mr. Mouron

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

Nays: None

Motion carries.

3. **Approval of Minutes:** January 7, 2019

Mr. Walker called for a motion regarding the January 7, 2019 minutes.

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

Second: Mrs. Smith

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 Kneseth 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 March 4, 2019 meeting so that they can consider the impact of the proposed zoning amendment that the Commission will discuss at this meeting. Mr. Walker called for a motion.

Motion: Mr. Black, motion to carry the case over to the March 4, 2019 meeting, per the applicant's request.

Second: Mr. Hollingsworth

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

Nays: None

Motion carries.

5. Case P-19-03: 3031 Canterbury Road - Teresa Callahan EXHIBIT 2

Callahan Canterbury Road Resurvey: Being a resurvey of Lot 218 Mountain Brook Estates Fairway Sector as recorded in Map Book 18, Page 47, in the Office of the Judge of Probate, Jefferson County, Alabama and Acreage; situated in the SE ¼ of SE ¼ of Section 5, Twp-18S, R-2W, Jefferson County, Alabama.

Ray Weygand, Weygand Surveyors, 169 Oxmoor Road, Homewood, Alabama, represented the applicant. The request is for a "clean-up" resurvey, combining Lot 218 and remnant acreage.

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

Motion: Mrs. Smith, motion to approve the resurvey as submitted.

Second: Mr. Hollingsworth

Ayes: Rob Walker
 Jamie Gregory
 Philip Black

Mike Mouron
 Carey Hollingsworth
 Graham Smith

Nays: None

Motion carries.

6. **Case P-19-04: 10 Country Club Road - William and Shila Bowron**

EXHIBIT 3

Rockridge Park Lot 10 and 11 Resurvey, being a resurvey of Lots 10 and 11, Block 2, Rockridge Park as recorded in Map Book 14, Page 75, in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the NE ¼ and SE ¼ of the NE ¼ of Section 5, Twp-18S, R-2W, Jefferson County, Alabama.

Ray Weygand, Weygand Surveyors, 169 Oxmoor Road, Homewood, Alabama, represented the applicant. The request is for a lot line adjustment between one conforming lot and one non-conforming lot. Presently this is one home site.

Lot 10 is conforming with respect to the lot size and road frontage for the Res-A district. Lot 11 is non-conforming with respect to the minimum lot size (less than 30,000 square feet). The proposal is to take some of the square footage of Lot 10 (approximately 2,000 sf) and transfer it to Lot 11, such that Lot 10 will be conforming to the minimum 30,000 sf and the road frontage; and Lot 10 (although still nonconforming with respect to lot size) will gain additional square footage; the shape will be “squared up” (which will make maintaining the proposed 70-foot front setback possible).

There is a Covenants, Conditions, and Restrictions document proposed for this property.

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

Motion: Mr. Hollingsworth, motion to approve the resurvey request as submitted, with the condition that the covenants be recorded prior to the recordation of the resurvey plat.

Second: Mr. Gregory

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

Nays: None

Motion carries.

7. **Proposed Amendment to the Article X (Professional District)**

“ARTICLE X. - PROFESSIONAL DISTRICT

Sec. 129-150. - Intent and purpose.

The Professional District is intended to provide appropriate-scaled buildings for professional offices. The district may be applied to sites which can establish an effective transition to adjacent residential neighborhoods.

Sec. 129-151. - Permitted uses.

The uses permitted in Professional Districts shall be as follows:

- ~~(1) Professional offices;~~
 - ~~(2) Private schools for the teaching of dancing, music or other educational courses; and~~
 - ~~(3) The design and assembly of frames for paintings, pictures, photographs, posters, lithographs, shadow boxes and similar items; and~~
 - ~~(4) Accessory structures customarily incidental to the uses permitted by this section 129-151.~~
- (a) Conditional uses. Conditional uses are uses which may be acceptable within the Professional District, based on specific circumstances and mitigating site design provisions that would eliminate the potential for these uses to otherwise have negative impacts on adjacent property or other uses in the vicinity. Therefore, they require special review to better determine if the circumstances and design provisions for the proposed use when applied to a specific site are sufficient to mitigate any potential negative impacts. In addition to review of factors set forth in the following sections, any proposed conditional use will be reviewed as to the following:
- i Whether the use would disparately impact public parking in the area;
 - ii Whether vehicular or pedestrian circulation would be impacted by the use;
 - iii Whether the use is compatible with surrounding existing uses;
 - iv Whether the hours of operation or peak traffic times would impact the surrounding properties and public streets.
 - v. Whether sufficient landscape buffers exist or are proposed along any adjoining residential properties;
 - vi. Whether existing or proposed exterior lighting is sufficiently designed so as not to spill onto adjoining properties.

The following conditional uses may be permitted in a Professional District, but only with the prior written approval of the city council:

- a. Professional offices;
- b. Accessory structures customarily incidental to the uses permitted by this section 129-151.

Any parcel of land zoned Professional District prior to February 25, 2019, may be permitted to establish new professional offices in the same location without regard to these provisions, provided that such use is not expanded. However, should such office use be expanded, it will require prior written approval of city council per subsection (a) of this section.

Sec. 129-153. - Additional requirements and provisions.

- (a) Service yards. On any parcel on which a professional office building ~~or private school~~ is hereafter built, the construction of which is started after the effective date of this chapter, there shall be provided a service yard, the size of which shall be sufficient to serve the needs of the occupants of the building ~~or school~~, and which shall be located at the rear of such office building ~~or school~~. The service yard shall have access to a street, alley or driveway and shall provide adequate accommodations for the handling of waste and garbage and for the loading and unloading of vehicles. The service yard shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction, at least six feet, but not more than eight feet, in

height, and designed and constructed so as to conceal the service yard from visibility from outside such wall or fence. The entrance to the service yard shall be screened by a gate constructed of an opaque material, which gate must be at least six feet, but not more than eight feet, in height. No part of the service yard may be used to satisfy the off-street parking requirements of this article.

- (b) **Building setbacks.** Any professional office ~~or private school~~, the construction of which is started after the effective date, shall not be located closer to the front lot line than 35 feet, or the front line of the principal structure on any adjacent property located in a residential district, whichever is greater.”

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

Motion: Mr. Gregory, motion to recommend to the City Council, approval of the amendments to Article X. - Professional District, as presented.

Second: Mr. Mouron

Ayes: Rob Walker

Jamie Gregory

Philip Black

Mike Mouron

Carey Hollingsworth

Graham Smith

Nays: None

Motion carries.

8. The Commission discussed the need to review the Village Master Plans that were adopted in June 2007. The process is to direct the staff to begin this review. The staff will present their findings/suggestions to the Planning Commission for review and consideration.

There being no further discussion, Mr. Walker called for a motion.

Motion: Mr. Black, motion to direct city staff to begin a review of the Village Master Plans for the city.

Second: Mr. Mouron

Ayes: Rob Walker

Jamie Gregory

Philip Black

Mike Mouron

Carey Hollingsworth

Graham Smith

Nays: None

Motion carries.

9. **Next Meeting:** Monday, March 4, 2019.

10. **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