



**Planning Commission Application
PART I**

Project Data

Address of Subject Property 3100 OVERTON ROAD, MOUNTAIN BROOK

Zoning Classification RESIDENTIAL A DISTRICT

Name of Property Owner(s) F&B HOLDINGS, LLC, FRED FRIEDMAN

Phone Number 337-2838 Email FRED3443@AOL.COM

Name of Representative Agent (if applicable)

• JOEL BLACKSTOCK

Phone Number 205-999-2905 Email joel@wba-architects.com

Name of Engineer or Surveyor ARRINGTON ENGINEERING & SURVEYING

Phone Number 985-4315 Email dave@arringtonengineering.com

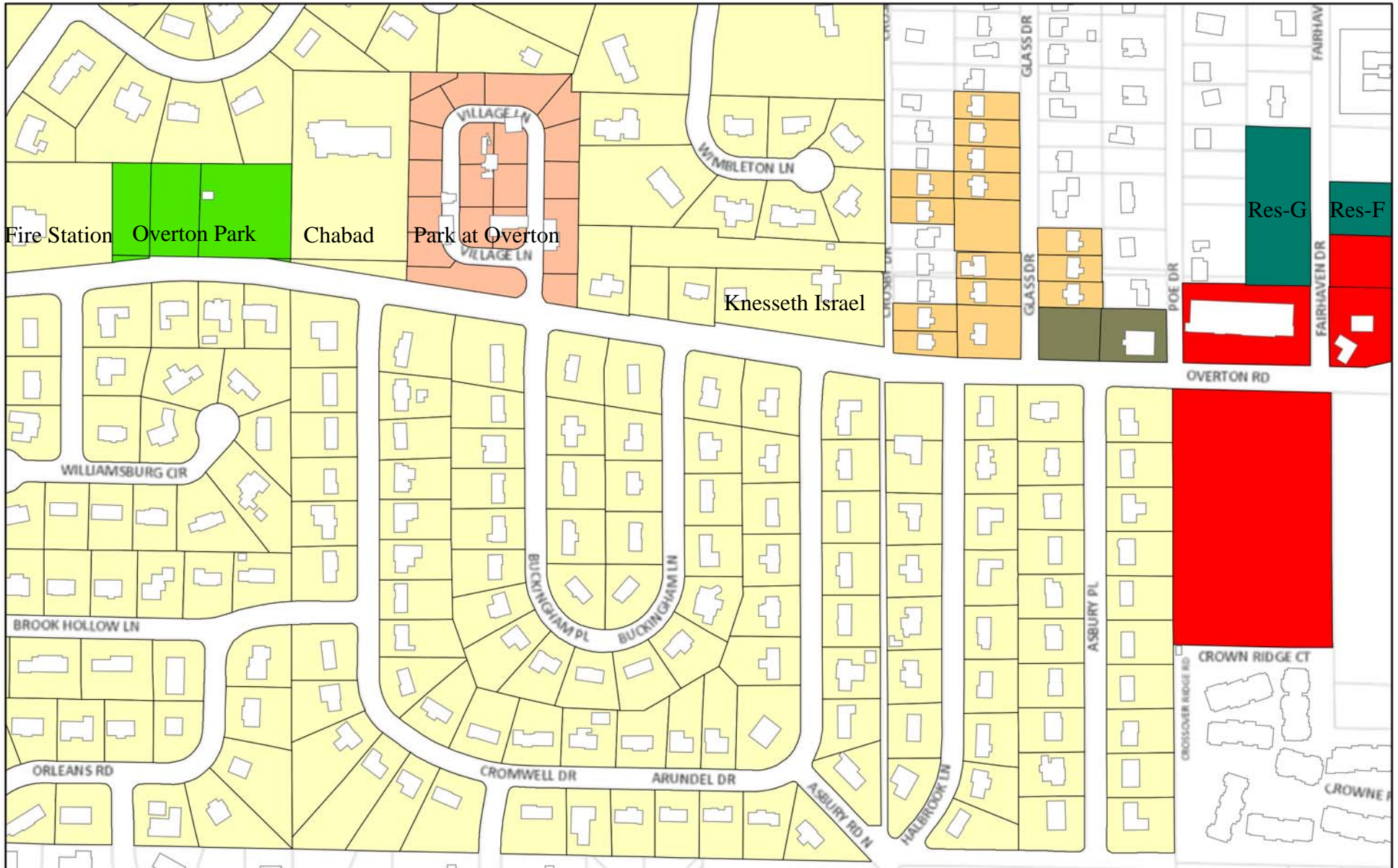
Property owner or representative agent must be present at hearing

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.

Overton Road Zoning

P-19-02



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BuildingFootprints

Tax_Parcels

0

Local Business District

MXD

Professional District

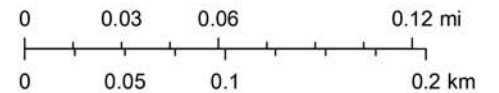
Residence A District

Residence C District

Recreation District

RID

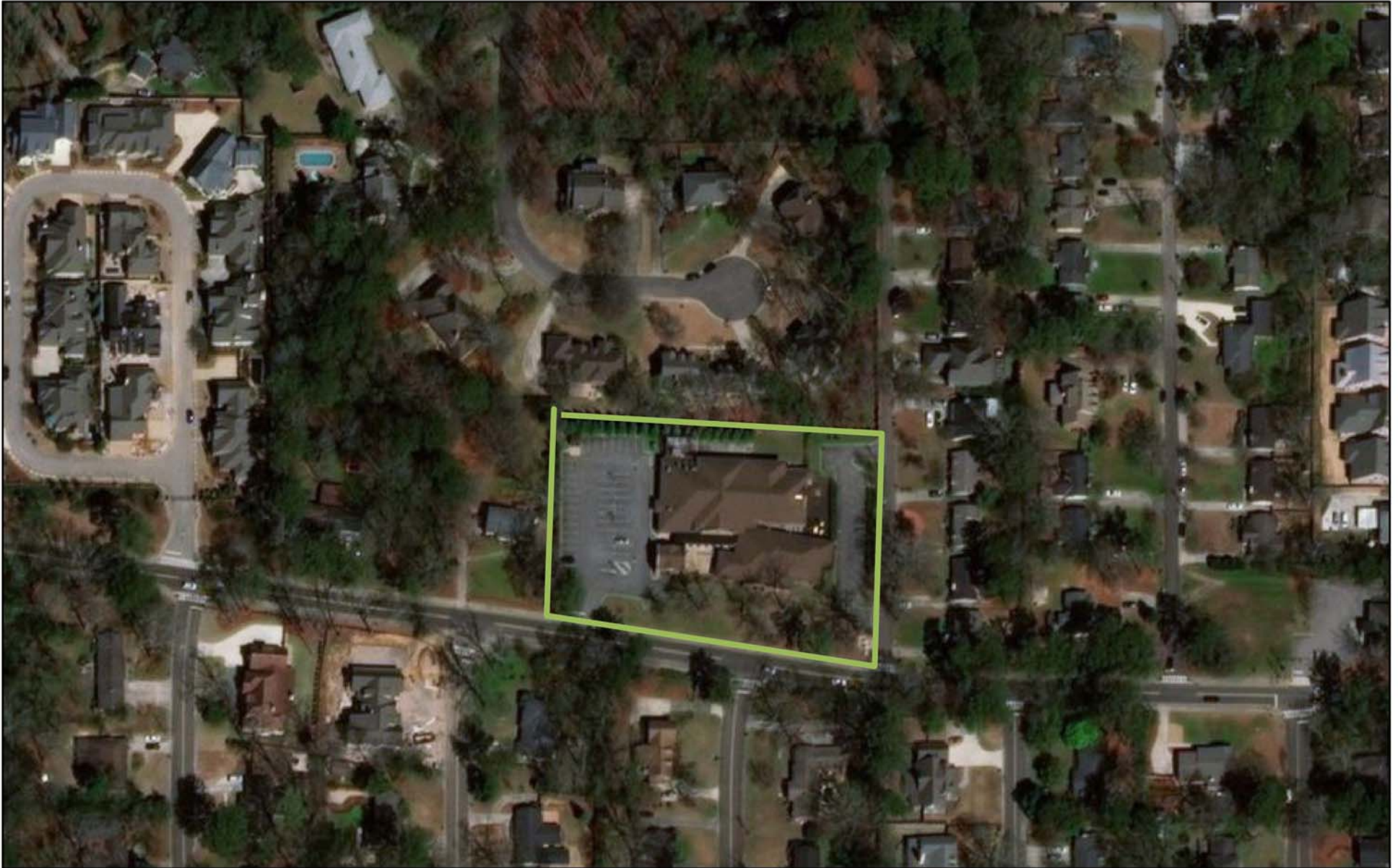
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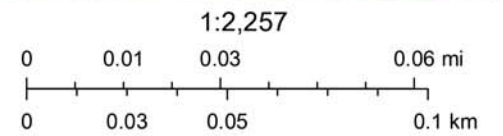
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

P-19-02 Aerial



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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |

P-19-02

Petition Summary

Request to rezone a parcel of land (Knesseth Israel) from Residence-A district to Professional district for an outpatient surgical practice.

Recent Background

On April 23, 2019, the city council adopted Ordinance 2044 (attached), amending the Professional district to include a conditional use process. The subject rezoning application is in line with the adopted amendment to the Professional district, a conditional use for which will be taken up with the city council in tandem with any review of a rezoning case (for the Professional district) for the subject property.

Given the previously pending zoning amendment to the Professional district, the applicant requested that the planning commission carry over this rezoning case until the city council had dispensed with any new changes to the professional district. As such, the PC carried this case over at its regular meetings of February 2019, March 2019 and April 2019.

At the January 7, 2019 meeting, the Planning Commission voted to carry this case over to the February 4, 2019 meeting and requested the following additional information:

- Number of doctors at this proposed facility: 2 (see *Proposed Floor Plan*).
- Number of examination rooms and procedure rooms: (see *Proposed Floor Plan*).
- Current patient base as well as expected patient base: (see *Interior Space Breakdown*)
- The applicant has also provided additional vehicular trip information and parking generation material (see *Proposed Traffic Generation and Parking Analysis for Institutional Use*)

Legacy Background

On August 3, 2006, the planning commission approved a development plan for the establishment of the Knesseth Israel Suynogoue (KI) on the subject property (Case 1670), as well as a resurvey of the same (PC Case 1669); meeting minutes are attached.

The subject proposal involves the conversion of the existing KI facility to an outpatient plastic surgery practice; a professional office for physicians specializing in plastic surgery – not to be used as a clinic. Proposed hours of operation are from 7:30a-5:00p M-F.

Property Development Standards

The proposed lot and improvements meet the development standards for the Professional District with respect to lot size, lot width, setbacks and height limit. Two additional parking spaces are shown to be added in order to comply with parking requirements for said district and use.

Landscape Plan

The attached landscape plan indicates that additional landscaping is proposed in the front yard of the property in order to soften the view of the parking lot and give the property more of a

residential character. Landscape buffers exist along all property lines abutting residential properties, as was required by the master plan approval for Kneseth Israel.

Traffic Impact

Attached letter from Skipper Consulting indicates that there will be no significant increase in traffic impact associated with the proposed project.

Parking Lot Lighting

No change to the existing parking lot lighting is proposed; the existing lighting meets the code requirement of 14 feet high or less, and is directed to shine downward.

Subject Property and Surrounding Land Uses

The subject property is immediately surrounded by single family development. In addition to the subject synagogue, the following uses exist along the north side of Overton Road between the west boundary of Overton Village and Locksley Drive:

6 single family dwellings;

The Park at Overton (gated single family homes)

The Chabad of Alabama

Overton Park

City Fire Station

Master Plan for Overton Village and the Subject Property

As may be seen on the attached land use map from the Overton Village master plan, its west boundary terminates one block east of the subject property (intersection of Glass and Overton). The block between Glass and Poe (vacant lot and dentist office), while zoned Professional district, are actually designated by the master plan for “general commercial,” siting the Local Business district as the appropriate zoning for those two lots.

Potential Master Plan Amendments

The city’s master plan for the subject site, and all properties along Overton Road between Glass Drive and Overton Park, calls for low-density or medium density residential use.

However, the master plan should probably have been updated (to institutional use) to reflect the establishment of the Chabad and Kneseth Israel. Also, the Overton Village master plan could likewise use a clean-up amendment (to Village Residential) to reflect the Res-F and Res-G zoning approved for the condominium project on Fairhaven Drive.

At some point in the near future it may be advisable to undertake a fresh look at the Overton Village master plan.

Affected Regulation

Article X, Professional District

Appends

LOCATION: 3100 Overton Road

ZONING DISTRICT: Res-A

OWNER: F&B Holdings, LLC

ORDINANCE NO. 2044

AN ORDINANCE AMENDING ARTICLE X OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Article X of the City Code is hereby adding Section 129-50, and amending Sections 129-151 and 129-153 as follows:

Section 1.

“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.

(a) The uses permitted in Professional Districts shall be as follows:

1. Professional offices
2. Accessory structures customarily incidental to the uses permitted by this section 129-151.

(b) Conditions on Permitted Uses. All uses in the Professional District shall be conditional uses and shall only be permitted with prior written approval of the city council. 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. Proposed conditional uses 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 adversely impacted by the use;
- iii. Whether the use would adversely impact surrounding existing uses;
- iv. Whether the hours of operation or peak traffic times would adversely 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.

(c) The city council may require the party applying for the approval of such conditional use to furnish to the city council any or all of the following information and

2044

documents and such additional information and documents which the city council may consider necessary or helpful in deciding whether to approve such requested conditional use:

1. A survey of the property;
2. A topographical survey of the property;
3. A site plan for the property, showing the location, size, height and elevation of all existing and proposed improvements, the location, number and size of parking spaces and such other information about the existing and proposed improvements and the development plan for the property which the planning commission considers reasonably necessary for its consideration of the request for approval;
4. Plans for all proposed improvements;
5. The type of construction materials to be used in the proposed improvements;
6. A traffic study with respect to the traffic expected to be generated by the use;
7. Information concerning outdoor lighting;
8. The hours of operation of the activities proposed to be conducted on the property;
9. Information concerning the visibility of the proposed improvements from adjacent property, buildings and public streets;
10. Information concerning the proposed screening of the proposed improvements by fences, walls, berms, shrubs, trees or other means;
11. Whether any trees or other vegetation which would serve to screen the proposed improvements and the use thereof from adjacent property will be removed from the property; and
12. Information concerning vehicles, equipment and materials which may be stored on the property or within the improvements.

All materials and information required to be submitted must be submitted to the zoning officer at least 24 days prior to consideration of any application for such conditional use.

- (d) The city council shall hold a public hearing for the consideration of any such conditional use, after giving at least ten days' notice thereof. For purposes of this section, written notice of public hearings held by the city council shall be sent, by United States mail, to all property owners, any portion of whose property lies within 500 feet of any portion of the parcel included in a request for conditional use consideration. For the purpose of such notice, the owner of a parcel shall be considered to be the person who is shown as the owner of such parcel according to the records of the tax assessor of Jefferson County, Alabama. If a public hearing is continued or postponed during the meeting of the city council during which such hearing was held or was scheduled to have been held, no notice of such continued or postponed hearing need be given.

- (e) Any use established and permitted by right in the Professional District prior to April 23, 2019 shall be permitted to continue in the same location without regard to these provisions, provided that such use is not expanded. However, should such use be expanded, such expansion shall require prior written approval of the city council per subsection (b) of this section.
- (f) A Professional Office use established on or after April 23, 2019 and permitted after city council review and approval under subsection (b) of this section may be replaced by another Professional Office use if the zoning officer determines that there are non-material changes for the proposed professional use utilizing the criteria for review outlined in subsection (b). In the absence of such a determination, city council review of the replacement use shall be required under subsection (b).

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

- (a) Service yards. On any parcel on which a professional building 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, and which shall be located at the rear of such office building. 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 6 feet, but no more than 8 feet, in height, and designed and constructed 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 6 feet, but not more than 8 feet, in height. No part of the service yard may be used to satisfy the offstreet parking requirements of this article.
 - (b) Building setbacks. Any professional office, 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 the adjacent property located in a residential district, whichever is greater.”
2. **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.
 3. **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 impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.


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

ADOPTED: This 23rd day of April, 2019.



Council President

APPROVED: This 23rd day of April, 2019.



Mayor

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 an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, at its meeting held on this 23rd day of April, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on April 24, 2019, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Overton Park, 3020 Overton Road

Gilchrist Pharmacy, 2805 Cahaba Road
Cahaba River Walk, 3503 Overton Road



City Clerk

WILLIAMS · BLACKSTOCK
ARCHITECTS

December 12, 2018
Dana O. Hazan
Director of Planning, Building & Sustainability
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Re: Application for Rezoning
3100 Overton Road
Mountain Brook, AL 35223

Dana,

This is our application for re-zoning the property located at 3100 Overton Road, currently the Kneset Israel Synagogue. We are requesting to rezone the project from Residential A District zoning to Professional District, on behalf of Grotting and Cohn Plastic Surgery, the buyers of the property. There is a nearby parcel two lots to the east zoned Professional District where a dental practice is located.

Attached is a copy of the Application Part one and Part two filled out. We are also providing the information requested on the check-list and some other pertinent items for your review.

APPLICATION PART ONE - See attached.

APPLICATION PART TWO – We are providing a response to each of the check list items below.

- 1) PRESENT ZONING CLASSIFICATION OF THE PARCEL
The present zoning of the parcel is Residential A District.
- 2) ZONING CLASSIFICATION TO WHICH THE APPLICANT WISHES TO HAVE THE PROPERTY CHANGED
The applicant wishes to change the zoning classification to Professional District
- 3) THE ADDRESS, REAL ESTATE TAX PARCEL ID#, LEGAL DESCRIPTION OF THE PARCEL, AND THE SIZE OF THE PARCEL IN SQUARE FEET AND ACREAGE
ADDRESS:
*3100 Overton Road
Mountain Brook, AL 35223*

REAL ESTATE TAX PARCEL ID #:
28-00-15-3-001-005.000

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LEGAL DESCRIPTION OF THE PARCEL:

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.

SIZE OF PARCEL:

*80,057 Square Feet
1.84 Acres*

4) NAME AND ADDRESS OF THE OWNER OF THE PARCEL

*Mr. Fred Friedman
F&B Holdings, LLC
3417 Oak Canyon Drive
Mountain Brook, AL 35243
205-337-2838
fred3443@aol.com*

5) NAME AND ADDRESS OF THE APPLICANT, IF HE IS SOMEONE OTHER THAN THE OWNER

*Architect
Joel Blackstock
Williams Blackstock Architects
2204 1st Avenue South
Suite 200
Birmingham, AL 35209
205-999-2905*

On Behalf of

*Tracy Cohn
Grotting and Cohn Plastic Surgery
1 Inverness Center, Pl #100
Birmingham, AL 35242
205-930-1600*

6) IF THE APPLICATION IS MADE BY ANYONE OTHER THAN ALL THE OWNERS OF THE PARCEL, WRITTEN AUTHORIZATION FROM THE OTHER OWNERS WITH RESPECT TO THE FILING OF THE APPLICATION.

The Owner of the parcel has given authorization to file this application. See enclosed letter of authorization.

7) NAME AND ADDRESS OF ANY PARTY WHO HOLDS A MORTGAGE ON THE PARCEL, OR ANY PART THEREOF.

*ServisFirst Bank
2500 Woodcrest Place
Birmingham, Alabama 35209*

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8) STATEMENT OF HOW THE PARCEL IS TO BE USED IF THE REZONING APPLICATION IS GRANTED;

If the rezoning is application is granted, Grotting and Cohn Plastic Surgery will move their offices to the building. This medical practice will see patients on an outpatient basis. There will be offices, exam rooms, and procedure rooms within the building. It is a professional office for physicians specializing in plastic surgery. It is NOT a clinic. There will be no walk-in patient, there will be limited hours of operation, 7:30 – 5:00 each day, and it is a primary office for two physicians, Dr. Grotting and Dr. Cohn.

The east parking lot will be employee parking. The west parking area will be for patients. The renovations will be entirely in the interior of the building. The interior of the building will be renovated for new offices where they see and treat patients on an outpatient basis only. The site appeals to the demographic of their clientele with its residential character and set back from the street. The goal is to perform minor aesthetic enhancements to the exterior of the existing building to create a more private and residential feeling compatible and harmonious with the surrounding neighborhood. The exterior of the building will remain essentially the same and there will be no exterior building additions or demolition.

The exterior will appear generally the same with only minor cosmetic changes, such as removal of the Jewish Star of David, and painting or parging the exterior brick with a soft stucco finish over the existing brick façade. An example of this finish is attached.

The location is appealing to the nationally renowned Plastic Surgery practice because it is residential in character and set back from Overton Road. New exterior landscaping will be added to further screen the parking and building from Overton Road and enhance the residential feel of the building to better blend with the surroundings. See attached proposed landscaping plan, which adds additional screening of the parking lot from Overton Road. There are presently good buffer landscaping and fencing between adjacent property.

9) A PRELIMINARY SITE PLAN CONSISTING OF, AT A MINIMUM, A DIMENSIONED DRAWING OF THE PARCEL SHOWING AT LEAST THE LOCATION OF:

A. EXSTING AND PROPOSED BUILDINGS AND OTHER STRUCTURES;

Shown in attached site plan.

B. ANY EXISTING OR PROPOSED EASMENTS OR RIGHTS-OF-WAY

Shown in attached site plan

C. LOT AND YARD AREAS, AND HOW THEY ARE TO BE USED;

Shown in attached site plan

D. PARKING AREAS AND THE LOCATION OR LOCATIONS AT WHICH MOTOR VEHICLES WILL HAVE INGRESS TO, AND EGRESS FROM THE PARCEL;

Shown in attached site plan

E. WATER SUPPLY FACILITIES;

Shown in attached site plan

F. SEWAGE DISPOSAL FACILITIES

Shown in attached site plan

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- 10) NAMES AND ADDRESSES OF ALL PROPERTY OWNERS, ANY PORTION OF WHOSE PROPERTY LIES WITHIN 500 FEET OF ANY PORTION OF THE PARCEL INCLUDED IN THE REQUEST FOR RE-ZOING; SAID NAMES AND ADDRESSES ARE TO BE CERTIFIED BY THE TAX ASSESSOR OR A TITLE INSURANCE COMPANY.

Enclosed is a list of all property owners whose property is within 500 feet of any portion of the parcel and certified by the Tax Assessor.

- 11) A LETTER FROM AN ATTORNEY OR A TITLE INSURANCE COMPANY STATING WHETHER THE PARCEL WHICH IS THE SUBJECT OF THE REZOING APPLICATION IS SUBJECT TO ANY COVENANTS OR RESTRICTIONS AND, IF SO, A COPY OF THE COVENANTS AND/OR RESTRICTIONS

Enclosed is a letter from the attorney, Maynard Cooper, addressing this.

- 12) ANY ADDITIONAL INFORMATION WHICH MAY BE REQUIRED BY ANY OTHER PROVISION OF THIS CHAPTER, OR WHICH THE ZONING OFFICER OR THE PLANNING COMMISSION MAY CONSIDER NECESSARY FOR AN ADEQUATE EVALUATION OF THE EFFECT OF THE PROPOSED REZONING OF THE PARCEL ON ADJACENT AND NEARBY PROPERTIES.

A. IMPACT ON SURROUNDING PROPERTIES

There will be no impact on the surrounding properties going from the current zoning use (Jewish Synagogue) to an outpatient medical practice. The substantial landscape buffer and fence between this property and adjacent residential areas will remain. The parking will be further hidden from the street with landscaping to make the building and parking more private and further screened from the street. The traffic load will not be increased and the lighting is low angle lighting with poles under 14' tall.

B. TRAFFIC STUDY

Please see attached a letter from Skipper Consulting, traffic engineers outlining that there is no substantial change in traffic with the new use versus the zoned use relative to total in and out parking. The traffic impact will be less in the new use because the parking access is spread out throughout the day rather than during religious services where everyone comes and leaves at the same time. A larger portion of the spaces will be for employees whose cars will stay parked all day.

C. LANDSCAPING PLANS

We are providing a landscape plan showing the existing and proposed landscape buffers. The existing landscape buffers adjacent to neighbors are in good shape and we propose additional new landscape screening of the parking lot. We also are including a proposed landscape plan. The new landscape plan shows a significant landscape buffer added to the Overton Road side of the building to screen parking and lighting and the building. See attached landscape plan.

D. EXTERIOR LIGHTING

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The existing parking lot lighting is from poles that are under 14' tall and provide downward angle light which cuts glare and visibility from the surrounding neighborhood. See EXHIBIT G & H showing the exterior lighting.

E. COMPLIANCE WITH NEW ZONING CLASSIFICATION

The existing building complies with the proposed new zoning classification for Professional Office District. See attached zoning recap prepared by Williams Blackstock Architects which provides a point by point listing of the zoning requirements and compliance including but not limited to parking, building height, building setbacks, building areas etc.

F. PARKING

We calculated the Rentable SF of the floor plate not including mechanical or storage rooms and based on the parking requirement of 4 spaces / 1,000 RSF determined 62 spaces are required. The site plan shows where the existing parking will be adjusted to add two additional spaces. See Attached square foot calculating parking count is based on.

G. BOUNDARY SURVEY

We are enclosing a Boundary Survey, and the boundary Plat for reference.

We appreciate your consideration and processing of this re-zoning application. If you need any further information, or have any questions, please don't hesitate to call.

Submitted by,



Joel Blackstock
Principal, Williams Blackstock Architects

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ATTACHMENTS:

1. City of Mountain Brook Zoning Application, Part I & II
2. Existing landscape plan and Proposed landscape plan
3. Boundary Survey
4. Plat of site
5. Site Survey illustrating compliance with proposed Professional District Zoning
6. Written analysis showing compliance with proposed Professional District Zoning
7. Letter from owner authorizing re-zoning request
8. Certified list of all property owners within 500'
9. Traffic engineer's letter outlining no negative impact on traffic
10. Lighting site plan showing location of exterior light poles
11. Light fixture drawing showing under 14' poles and cutoff lighting
12. Attorney letter confirming covenant and restrictions
13. Floor plan showing rentable SF & required parking compliance
14. Photo of exterior of building

P-19-02

SURVEY CONTROL

THE BASIS OF BEARINGS AND OR COORDINATES SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, GRID NORTH, NAD 83(2011) AND VERTICAL DATUM IS NAVD 88 (GEOID 12B) ELEVATION AND POSITION WAS OBTAINED FROM RTK OBSERVATION USING THE ALDOT CORS NETWORK AS CONTROL.

GRAPHIC SCALE



BOUNDARY SURVEY KNESSETH ISREAL CONGREGATION 3100 OVERTON ROAD MT. BROOK, ALABAMA

SITUATED IN THE NORTHWEST AND THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA



I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SURVEYOR

Jeff D. Arrington
JEFF D. ARRINGTON
ALABAMA NO. 18664

DATE 12-13-2018

LEGAL DESCRIPTION

LOT 1, KNESSETH ISREAL CONGREGATION ADDITION TO MOUNTAIN BROOK, AS RECORDED IN MAP BOOK 220, PAGE 41, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

NOTES

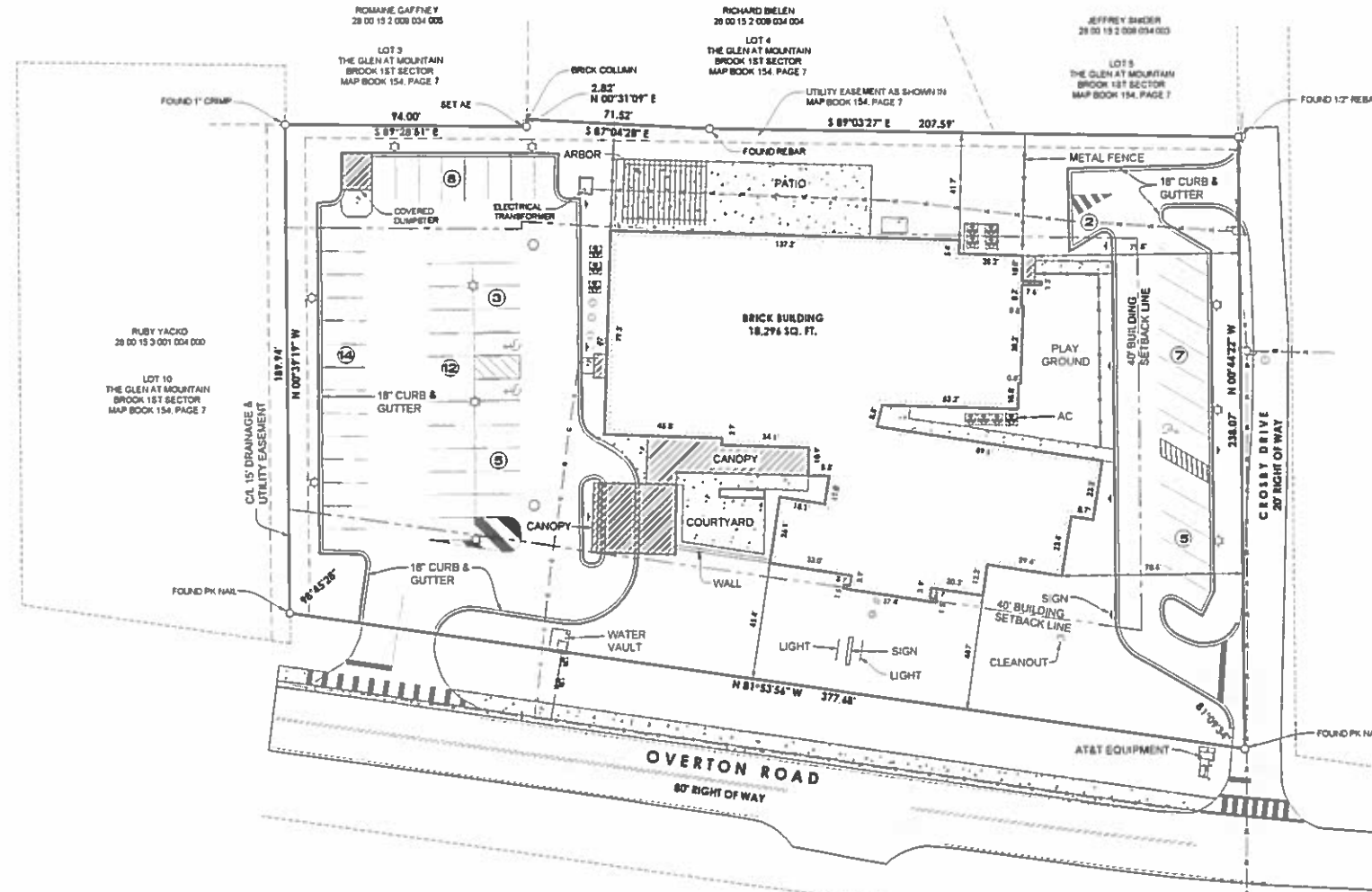
- 1 ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED (DEED=(D), MEASURED=(M), PLAT/RECORDED MAP=(P))
- 2 UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED
- 3 THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL

UTILITY STATEMENT

THE EXISTING UNDERGROUND UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE.

AN UNDERGROUND UTILITY SURVEY WAS NOT PERFORMED. THIS ENGINEER/SURVEYOR MAKES NO GUARANTEE THE UNDERGROUND UTILITIES SHOWN COMPROMISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE ENGINEER/SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THE CONTRACTOR SHALL LOCATE ALL UTILITIES IN THE AREA PRIOR TO CONSTRUCTION. THIS LOCATION SHALL INCLUDE NOTIFYING ALL UTILITY COMPANIES AND ALABAMA ONE CALL AT 1-800-292-6525. THIS MAY ALSO REQUIRE EXPLORATORY HAND EXCAVATION TO DETERMINE THE EXACT LOCATION OF THE UTILITIES.

THIS SURVEY HAS BEEN PREPARED SOLELY FOR THE BENEFIT OF THE PARTIES SET FORTH IN THIS SURVEYOR'S CERTIFICATION AND MAY NOT BE USED, NOR MAY COPIES BE DELIVERED TO, ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE, WITHOUT LIMITATION. ARRINGTON ENGINEERING AND LAND SURVEYING, INC. EXPRESSLY DISCLAIMS ANY DUTY OR OBLIGATION TOWARDS ANY PARTY THAT IS NOT IDENTIFIED IN THE SURVEYOR'S CERTIFICATE.
SURVEYOR'S EMAIL ADDRESS: jeff@arringtonengineering.com



NOTES

- 1 NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAYS, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORD OF SAID COUNTY.
- 2 ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED (DEED=(D), MEASURED=(M), RECORD MAP/PLAT=(P), CALCULATED=(C))
- 3 UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED
- 4 THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.



ARRINGTON ENGINEERING
Civil Engineers - Surveyors - Land Planners

Office: (205) 985-9315
Fax: (205) 985-9385
2032 Valley Brook Road
Birmingham, AL 35244

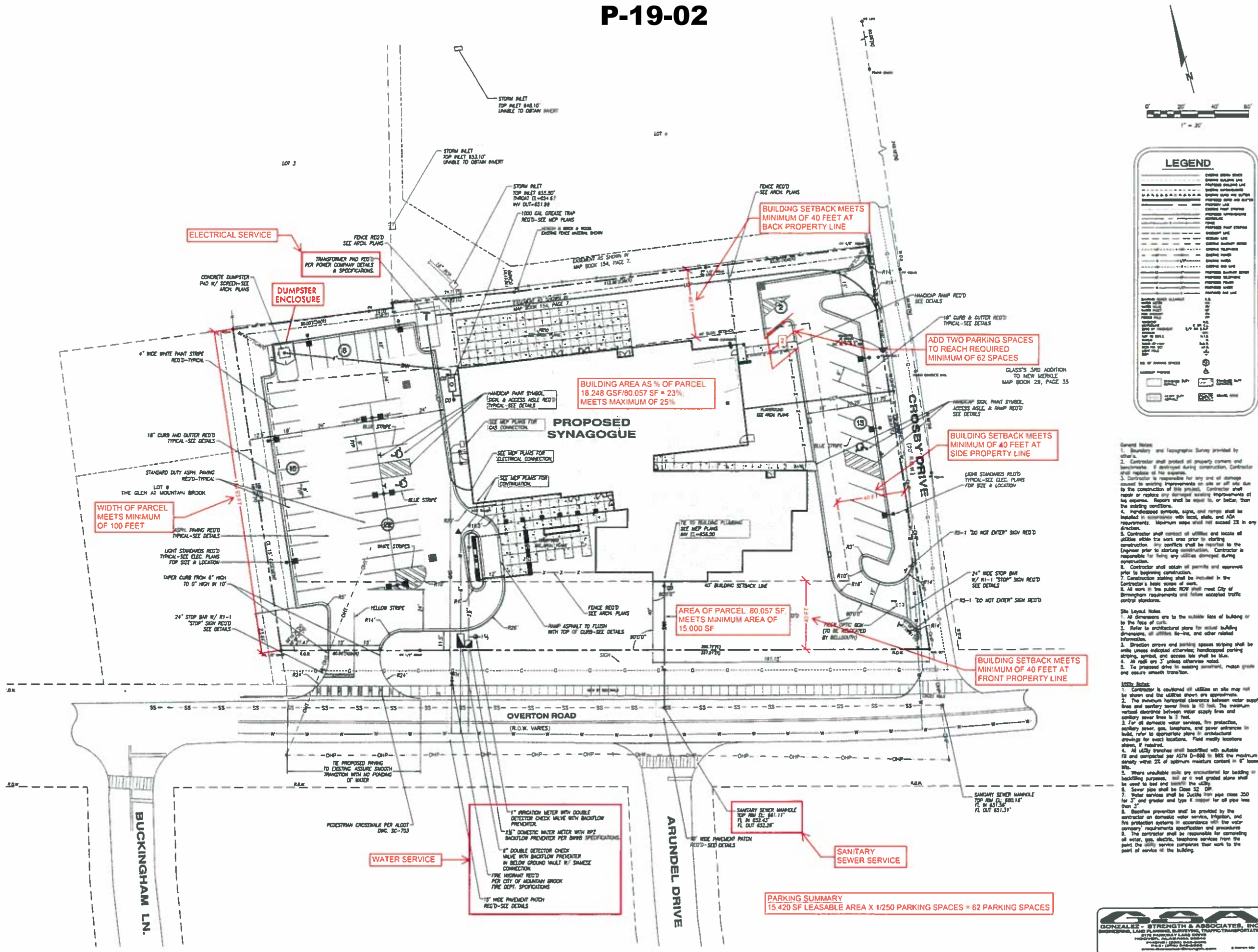
<p>DRAWING TITLE KNESSETH ISREAL CONGREGATION 3100 OVERTON ROAD MT. BROOK, ALABAMA</p> <p>LOCATION & DESCRIPTION SITUATED IN THE NORTHWEST AND THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA</p>	<p>DRAWN BY JDA CHECKED BY JDA DATE 11-28-2018 SCALE 1"=30' PARTY CHIEF SCOTTE PROJECT NO. 70556 SHEET 1 OF 1</p>
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Know what's below.
Call before you dig.
Call 2 working days before digging.
It's the Law!

P-19-02



LEGEND	
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[Symbol]	EXISTING PORCH
[Symbol]	PROPOSED PORCH
[Symbol]	EXISTING PATIO
[Symbol]	PROPOSED PATIO
[Symbol]	EXISTING DRIVEWAY
[Symbol]	PROPOSED DRIVEWAY
[Symbol]	EXISTING RAMP
[Symbol]	PROPOSED RAMP
[Symbol]	EXISTING STAIR
[Symbol]	PROPOSED STAIR
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[Symbol]	EXISTING ESCALATOR
[Symbol]	PROPOSED ESCALATOR
[Symbol]	EXISTING MECHANICAL
[Symbol]	PROPOSED MECHANICAL
[Symbol]	EXISTING ELECTRICAL
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[Symbol]	EXISTING PLUMBING
[Symbol]	PROPOSED PLUMBING
[Symbol]	EXISTING GAS
[Symbol]	PROPOSED GAS
[Symbol]	EXISTING TELEPHONE
[Symbol]	PROPOSED TELEPHONE
[Symbol]	EXISTING CABLE
[Symbol]	PROPOSED CABLE
[Symbol]	EXISTING SATELLITE
[Symbol]	PROPOSED SATELLITE
[Symbol]	EXISTING FIBER
[Symbol]	PROPOSED FIBER
[Symbol]	EXISTING OTHER
[Symbol]	PROPOSED OTHER

- General Notes:
- Boundary and Topographic Survey provided by other.
 - Contractor shall protect all property corners and boundaries. If destroyed during construction, Contractor shall replace at his expense.
 - Contractor is responsible for any and all damage caused by existing improvements on site or all site due to the construction of this project. Contractor shall repair or replace any damaged existing improvements at his expense. Repairs shall be equal to or better than the existing conditions.
 - Handicapped symbols, signs, and ramps shall be installed in accordance with local, state, and ADA requirements. Maximum slope shall not exceed 2% in any direction.
 - Contractor shall protect all utilities and locate all utilities within the work area prior to starting construction. Any conflicts shall be reported to the Engineer prior to starting construction. Contractor is responsible for fixing any utilities damaged during construction.
 - Contractor shall obtain all permits and approvals prior to beginning construction.
 - Construction staging shall be included in the Contractor's basic scope of work.
 - All work in the public ROW shall meet City of Birmingham requirements and follow accepted traffic control standards.

- Site Layout Notes:
- All dimensions are to the outside face of building or to the face of curb.
 - Refer to architectural plans for actual building dimensions, set-backs, and other related information.
 - Direction arrows and parking spaces striping shall be shown unless indicated otherwise; handicapped parking stripes, symbol, and access aisle shall be blue.
 - All walls are 3" unless otherwise noted.
 - In proposed drive-in loading/unloading, match grade and ensure smooth transition.

- Utility Notes:
- Contractor is cautioned all utilities on site may not be shown and the utilities shown are approximate.
 - The minimum horizontal clearance between water supply lines and sanitary sewer lines is 10 feet. The minimum vertical clearance between water supply lines and sanitary sewer lines is 5 feet.
 - For all domestic water services, fire protection, sanitary sewer, gas, lightning, and power services in hole, refer to appropriate plans in architectural drawings for exact locations. Field locate locations shown if required.
 - All utility branches shall be backfilled with suitable fill and compacted per ASTM D-688 in 6" layers the density within 2% of optimum moisture content in 6" loose lifts.
 - Where unavailable soils are encountered for bedding in backfilling purposes, fill or a well graded stone shall be used to bed and backfill the utility.
 - Sewer pipe shall be Class 52 DIP.
 - Water services shall be Double Iron pipe class 250 for 3" and greater and type K copper for all pipe less than 3".
 - Backflow prevention shall be provided by the contractor on domestic water service, irrigation, and fire protection systems in accordance with the water company requirements specifications and procedures.
 - The contractor shall be responsible for connecting of water, gas, electric, telephone services from the point the utility service completes their work to the point of service at the building.

Kneseth Israel Congregation
Mountain Brook, Alabama



ARCHITECT
EvanTerryAssociates
10000 Valley Forge / Hoover / Columbus Highway
Evan Terry Associates, P.C.
One Professional Park, Suite 200
Mountain Brook, AL 35226
Phone: 205-975-9999 • Fax: 205-975-4148

Sheet Title
SITE LAYOUT / UTILITY PLAN
Job No. **3156**
Rev. by: **J**
Date: **3**
C.D. by: **J**
Scale: **3 of 52**
Proj. No. **C1-RO**
Date: **3 of 6**
Date: **6/16/06**



Jun 16, 2006 - 11:11am D:\dtd\p\p\060522 - R2 Overton\060522.dwg

Existing Floor Plan

3100 Overton Road

Assembly Hall
seats 228 at tables
seats 320 in chairs

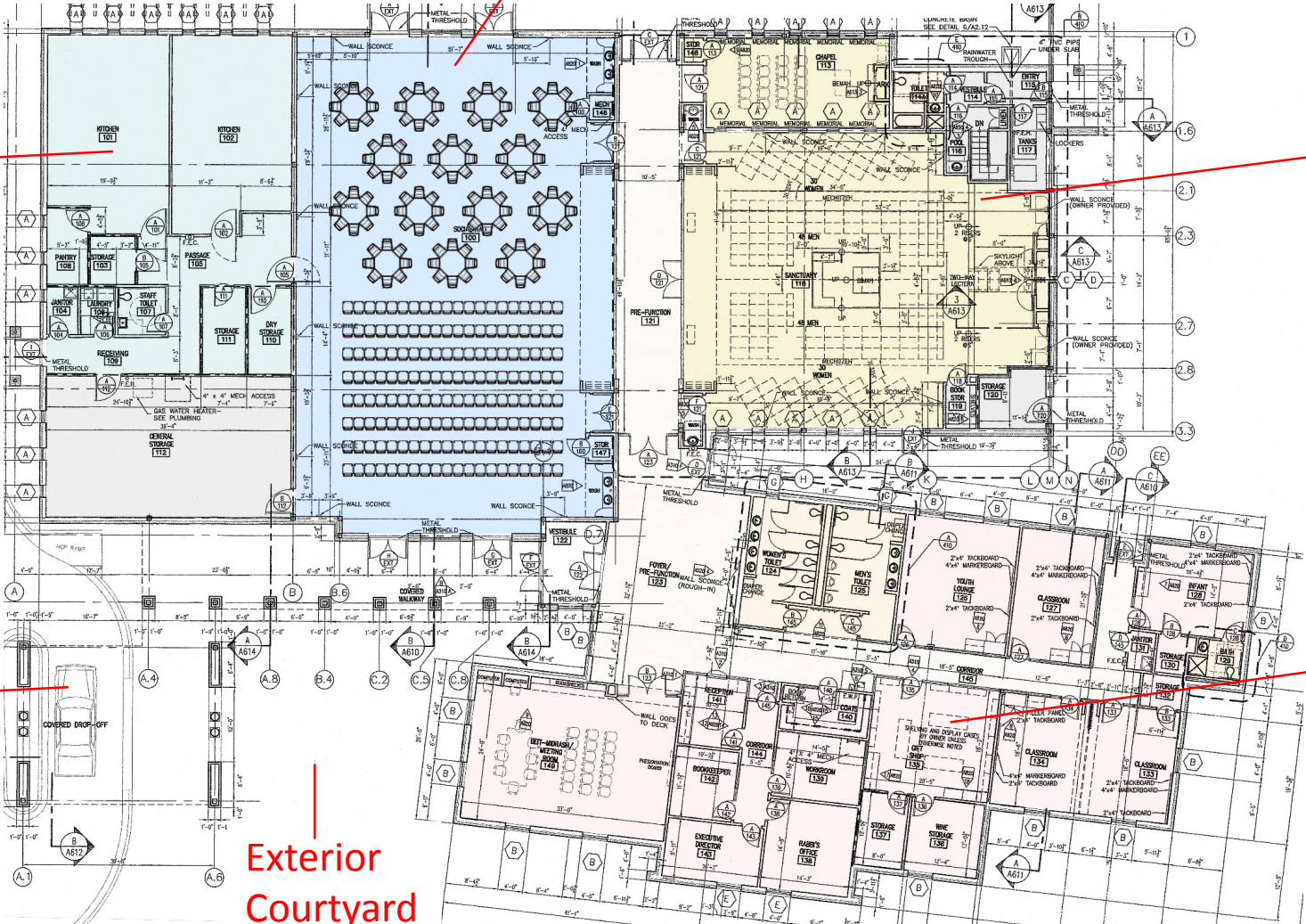
Commercial
Kitchen

Sanctuary
seats 152

Covered
Drop-off

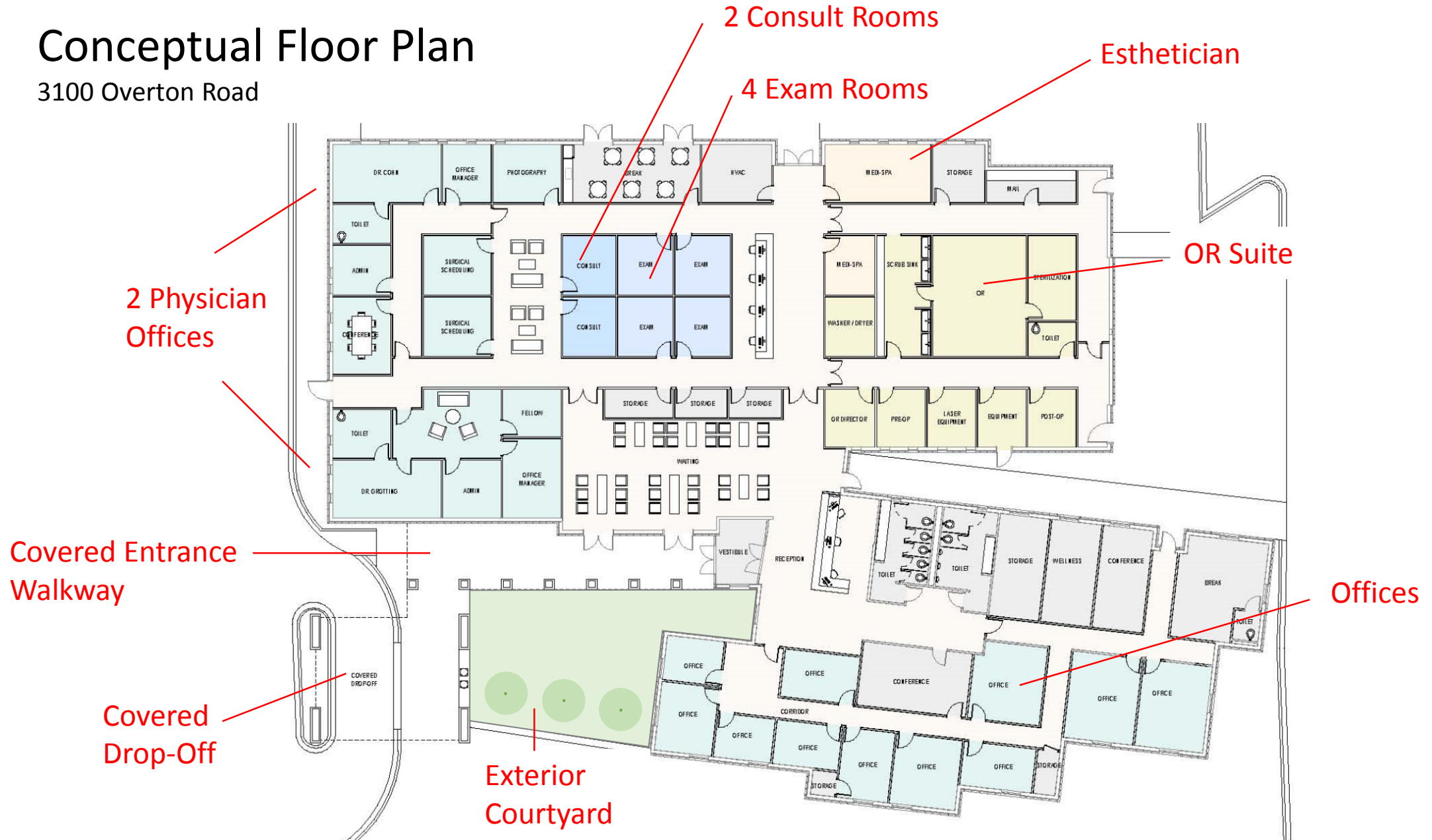
Classrooms
seats 50

Exterior
Courtyard



Conceptual Floor Plan

3100 Overton Road

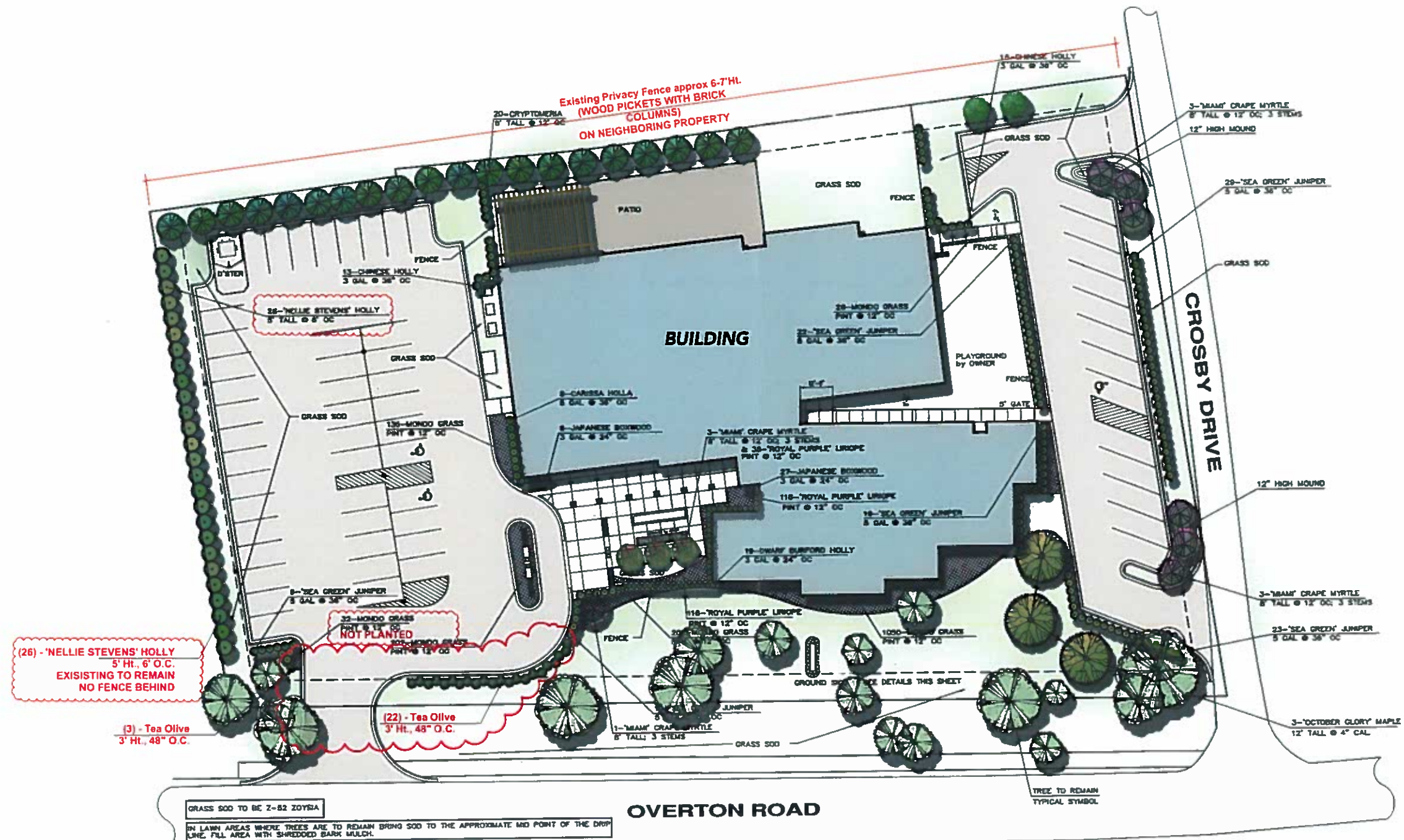


Space Program – Grotting & Cohn Plastic Surgery

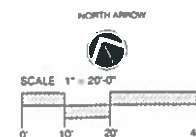
3100 Overton Road

- 1 Operating Room Suite
- 4 Exam Rooms
- 2 Consultant Rooms
- 2 Physician Office
- Staff Office Space (nurse/admin)
- Esthetician
- Staff Break Area
- Waiting / Reception
- Procedure Rooms
 - Photography Room
 - Storage / Equipment

P-19-02



PROPOSED Landscape Planting Plan 3100 Overton Road Mountain Brook, AL



Church / Synagogue Use

Worship	Assembly/Events	Classes	Staff	Total
OCCUPANTS (per building code occupant load)				
152	228 - 320	50	5	435 – 527 people
CARS (1/3 seats for assembly/sanctuary spaces)				
50				60 parking spaces

Professional Office Use

62 Parking Spaces required (1 space per 250 SF)

Grotting & Cohn Traffic Analysis

Day	Patient Visits	Patient Cars / Hour	Office Staff	Total Cars / Hour
Monday (Cohn hospital / Grotting office)	16	2	30	32
Tuesday (Grotting office/Cohn hospital)	28	3.5	30	34
Wednesday (Grotting OR/Cohn patients)	50	6.25	30	37
Thursday (Cohn OR /Grotting patients)	31	3.8	30	34
Friday (closed half day limited patients)	5	.62	30	31
Saturday (closed)	0	0	0	0
Sunday (closed)	0	0	0	0

Total 62 parking spaces in existing parking lot

SKIPPER

CONSULTING INC

3644 Vann Road, Suite 100
 Birmingham, Alabama 35235
 Phone (205) 655-8855 Fax (205) 655-8825

November 19, 2018

Mr. Joel Blackstock, AIA, NCARB
 Williams Blackstock Architects
 2204 1st Avenue South, Suite 200
 Birmingham, AL 35233

Mr. Blackstock;

At your direction, we have undertaken and completed a trip generation comparison for the existing property located along Overton Road and Crosby Drive in Mountain Brook, Alabama. The focus of this assessment is to provide a trip generation comparison between applicable land uses for the subject property. The following paragraphs summarize the trip generation assessment.

The subject property is located along Overton Road adjacent to its intersection with Crosby Drive. The property currently has access to Overton Road and Crosby Drive. The property is currently zoned as Residential A and the most recent land use was a synagogue. A medical office development is being proposed on the subject property which requires a change in zoning to Professional District. It was assumed the existing building (approximately 20,000 square feet) would be re-purposed for the proposed new development land use.


Trip generation estimates were determined for the existing and proposed zoning conditions based on data contained in the Trip Generation Manual, Tenth Edition, as published by the Institute of Transportation Engineers (ITE). Morning and afternoon peak hour trip generation estimates are presented in the following table.

Trip Generation Estimates					
Land Use	Unit	Total AM		Total PM	
		In	Out	In	Out
Synagogue - Previous Use	20,000 sf	30	18	33	25
Medical/Dental Office - Proposed Use	20,000 sf	42	12	20	50

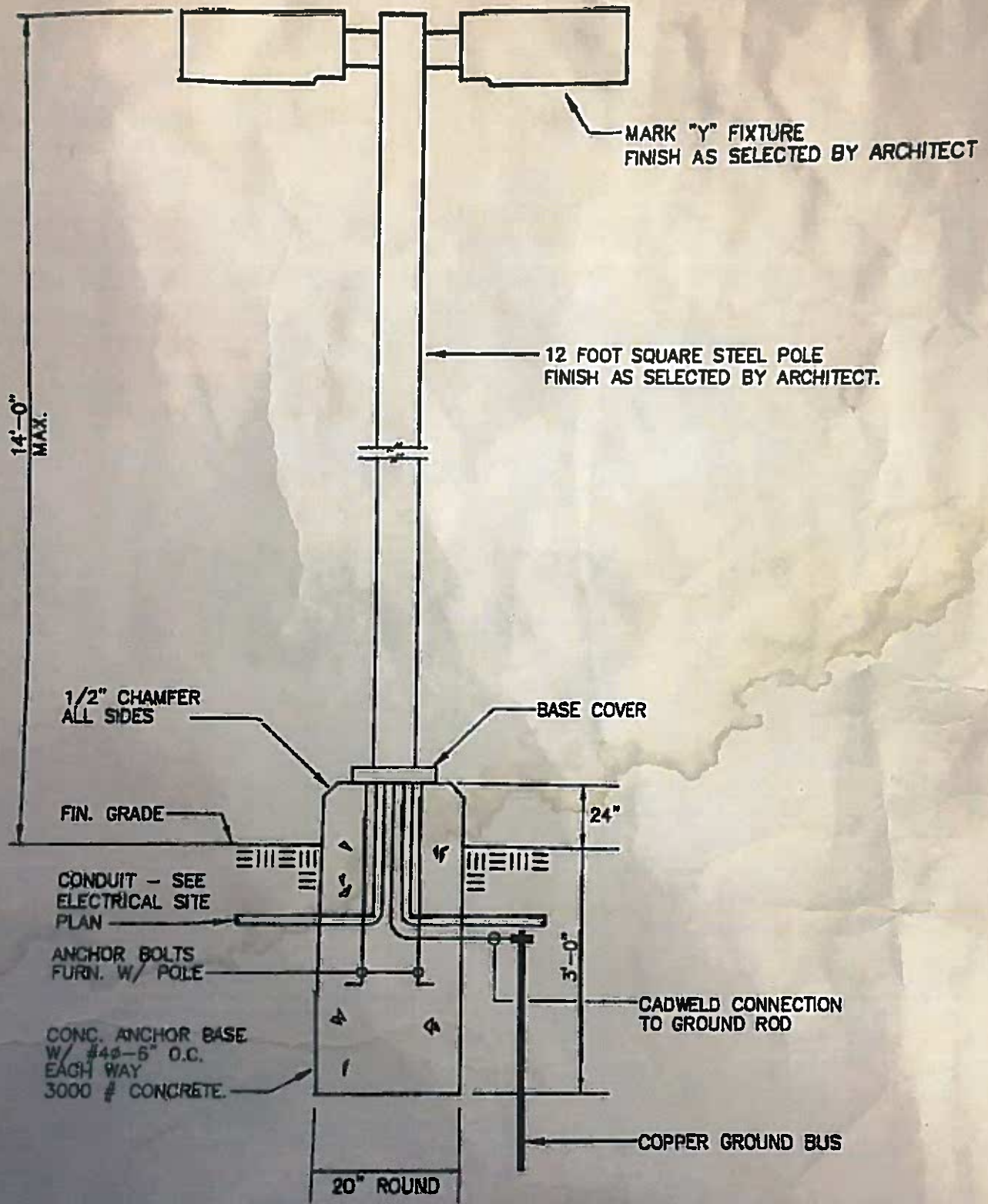
As shown in the table, the previous and proposed land uses would generate comparable peak hour trips. The inbound/outbound ratios would be slightly different, but the overall trips produced for each peak hour would be very similar.

This concludes our trip generation comparison summary. If you have any questions, please contact us.

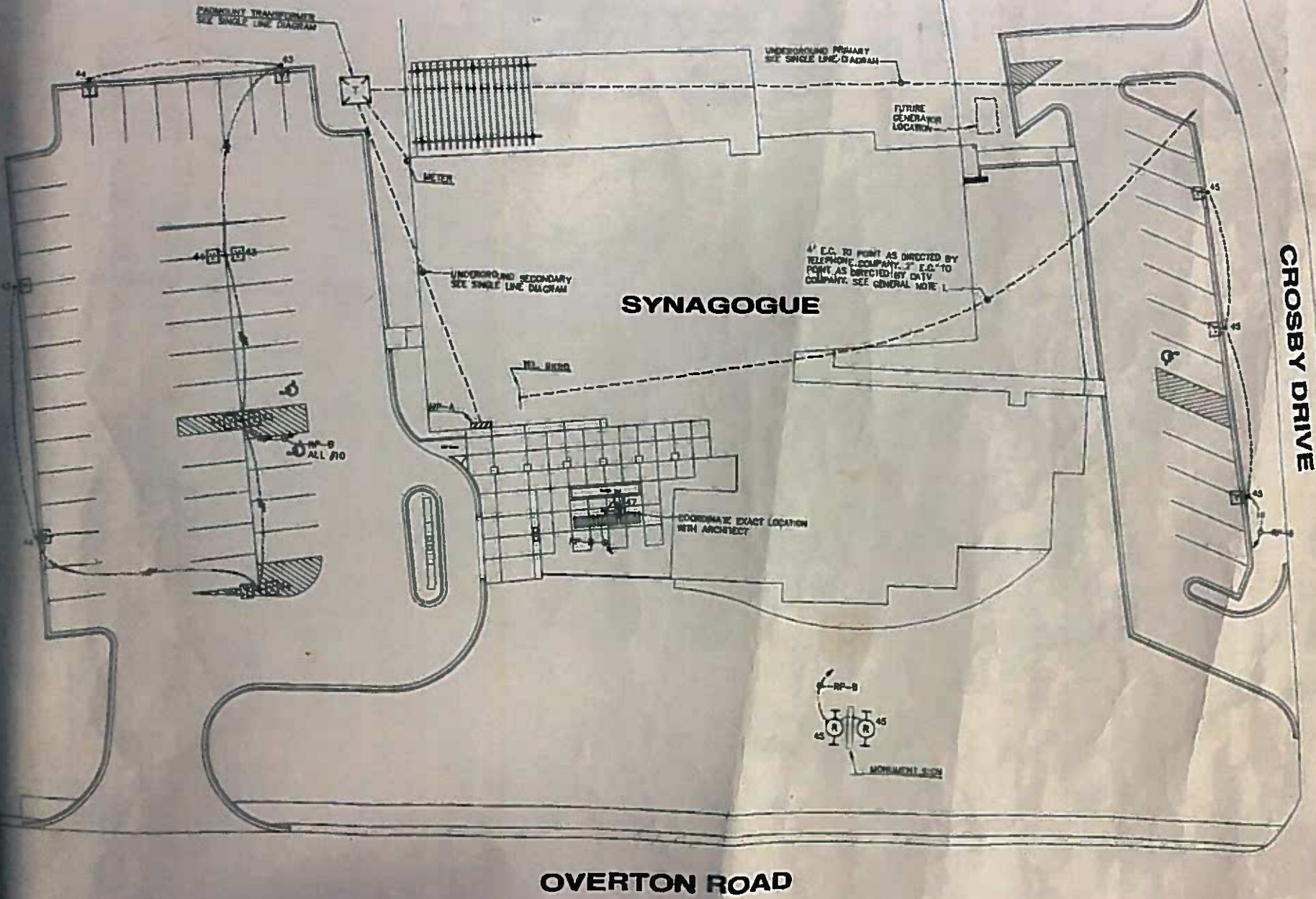
Sincerely,

A handwritten signature in black ink, appearing to read "Aubrey Long". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aubrey Long, PE
Skipper Consulting, Inc.
205-655-8855



DETAIL "A"
MARK "Y" FIXTURES
SCALE : NONE



SYNAGOGUE

CROSBY DRIVE

OVERTON ROAD

PARKING TRANSFORMER
SEE SINGLE LINE DIAGRAM

UNDERGROUND PRIMARY
SEE SINGLE LINE DIAGRAM

FUTURE GENERATOR
LOCATION

METER

UNDERGROUND SECONDARY
SEE SINGLE LINE DIAGRAM

ALL E.C. TO POINT AS DIRECTED BY
TELEPHONE COMPANY, 'T' E.C. TO
POINT AS DIRECTED BY CATV
COMPANY. SEE GENERAL NOTE 1.

TEL. ROOM

COORDINATE EXACT LOCATION
WITH ARCHITECT

RP-8

MONUMENT SIGN

RP-8
ALL 7/0

44

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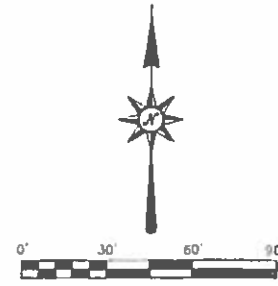
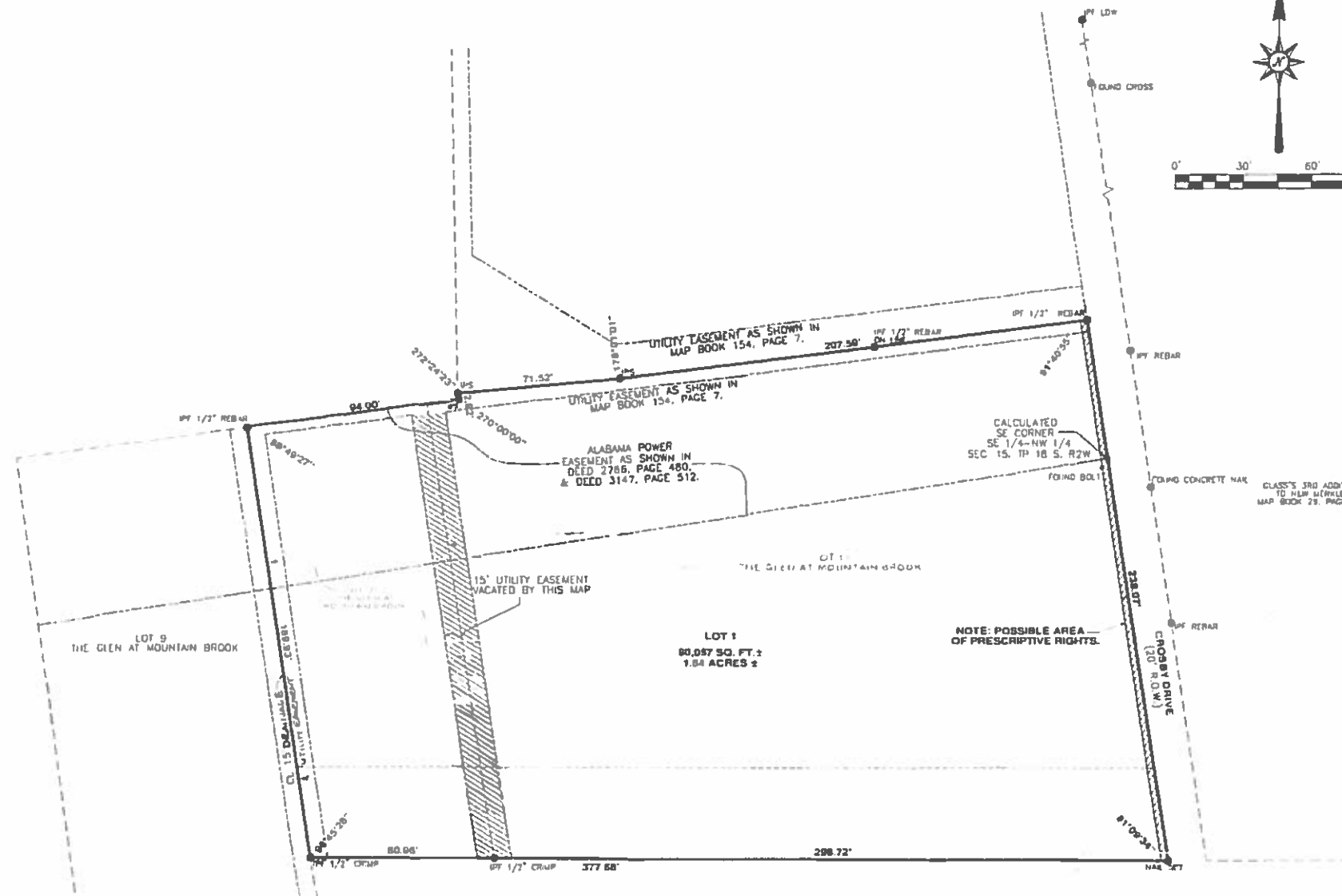
Existing Building – 3100 Overton Road



Parched Stucco on Brick – Heights Dermatology



P-19-02



STATE OF ALABAMA
JEFFERSON COUNTY

The undersigned, Michael R. Bridges, a Professional Land Surveyor of the State of Alabama, as Surveyor, Knesseth Israel Congregation, as Owner, hereby certify that this plot or map was made pursuant to a survey made by said surveyor and that said survey and this plot or map were made at the instance of said Owner; that this plot or map is a true and correct plot or map of lands shown hereon and known as Knesseth Israel Congregation Addition to Mountain Brook, showing the streets, alleys, and public grounds, giving the bearings, length, width, and the name of each street as well as the number of each lot and block, showing the relation of the lands to the Government Survey, and that iron pins have been installed (or will be installed) at all lot corners and curve points as shown and designated by arrow, solid crosses on said plot or map. The undersigned appoint the City of Mountain Brook as agent for the purpose of filing said plot or map, together with this instrument, for record, and certify that they have full authority to execute this instrument and map. I further certify that the subject property has no mortgage.

Dated: 5/20/06
Gonzalez-Strength & Associates, Inc.
Michael R. Bridges
Michael R. Bridges, Corporate Partner
Ala. Reg. No. 25850

OWNER
Knesseth Israel Congregation
Floyd Bermon
Floyd Bermon
Trustee
Fred Friedman
Fred Friedman
Trustee

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Michael R. Bridges, whose name is signed to the foregoing certificate as Corporate Partner of Gonzalez-Strength & Associates, Inc., as Surveyor, and who is known to me, acknowledged before me on this date that, after having been duly informed of the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

Given under my hand and seal this the 11th day of May, 2006.
Michael R. Bridges
Notary Public My Commission expires

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Floyd Bermon, Trustee for Knesseth Israel Congregation, whose name is signed to the foregoing certificate and who is known to me, acknowledged before me on this date that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such representative with full authority therefor.

Given under my hand and seal this the 11th day of May, 2006.
Floyd Bermon
Notary Public My commission expires

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Fred Friedman, Trustee for Knesseth Israel Congregation, whose name is signed to the foregoing certificate and who is known to me, acknowledged before me on this date that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such representative with full authority therefor.

Given under my hand and seal this the 11th day of May, 2006.
Fred Friedman
Notary Public My commission expires

APPROVED: *Paul Kait* DATE: 15 May 2006
Mountain Brook Planning Commission Chairman

APPROVED: *Sam Austin* DATE: 5-11-06
Mountain Brook Planning Commission Secretary

APPROVED: _____ DATE: 5/15/06
Acting Director Jefferson County Environmental Services

Environmental Services Department Approval indicates that assessments have been distributed for future Jefferson County sanitary sewer financing. This does not mean regulatory sewer plans have been built or will be built in the future. Any change in the Right-of-Way or any change in any right of way or easement boundaries after this date may void this approval.

KNESSETH ISRAEL CONGREGATION ADDITION TO MOUNTAIN BROOK

BEING A RESURVEY OF LOTS 10 AND 11
OF THE GLEN AT MOUNTAIN BROOK
AS RECORDED IN MAP BOOK 154, PAGE 7
JEFFERSON COUNTY, ALABAMA

ALL SITUATED IN THE NORTHWEST AND SOUTHWEST ONE-QUARTER
SECTION 15 TOWNSHIP 18 SOUTH, RANGE 2 WEST
JEFFERSON COUNTY, ALABAMA

Prepared by:

GONZALEZ - STRENGTH & ASSOCIATES, INC.
ENGINEERING, LAND PLANNING, & SURVEYING
SUITE 407 - 117 GEMINI CIRCLE
BIRMINGHAM, ALABAMA 35208
PHONE: (205) 843-3488
FAX: (205) 843-3030
Gonzalez-Strength.com

MARCH 2006

JOB #24784

NOTE: ALL EASEMENTS SHOWN ON THIS PLAN ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS AND ROAD DITCHES AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DEDICATED EASEMENT.



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BK: 100220 Pg: 41
PL: 8-2006 82 00 79 24
FILE: 217 00

WILLIAMS · BLACKSTOCK
ARCHITECTS

Review of the Mountain Brook, Alabama – Code of Ordinances for the property at 3100 Overton Road

Chapter 129 – ZONING
ARTICLE X. - PROFESSIONAL DISTRICT

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.

(Ord. No. 1224, 2-26-96; Ord. No. 1427, 8-28-00; Ord. No. 1955 , § 1, 7-12-2016)

Sec. 129-152. - Area and dimensional requirements.

(a) Minimum dimensions of parcel.

- (1) Minimum area of parcel 15,000 SF; actual: 80,057 SF
- (2) Minimum width of parcel at all points 100 feet; actual: 189.93 feet
between the street line and the front setback line

(b) Building limitations.

- (1) Maximum building area 25% of the total area of parcel; actual: 18,248 GSF / 80,057SF = 23%
- (2) Maximum number of stories Two; actual: one plus mechanical mezzanine
- (3) Maximum building height 35 feet; actual: 35 feet

(c) Minimum yards and building setbacks.

- (1) Minimum front yard setback 40 feet; actual: 40 feet
- (2) Minimum rear yard setback 40 feet; actual: 40 feet
- (3) Minimum side yard setback 20 feet; actual: 40 feet

(d) Minimum yards and building setbacks for professional districts which are contiguous to local business districts.
N/A

(Ord. No. 1224, 2-26-96; Ord. No. 1446, 10-23-00)

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 offstreet parking requirements of this article. Fence height at dumpster – must be 6'-8' tall.

The existing service yard complies with these requirements.

(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.

We comply with all setbacks.

(Ord. No. 1224, 2-26-96)

Sec. 129-154. - Offstreet parking.

(a) *Generally.* All parking spaces and such attendant driveways and other areas which may be necessary for the maneuvering of motor vehicles shall be arranged so as to provide convenient access to and from a paved street or alley. All parking spaces, driveways and maneuvering areas shall be paved with asphalt or concrete. All such areas shall have adequate storm drainage facilities.

(b) *Parking spaces.*

- | | |
|---|---|
| (1) Minimum number of parking spaces required | (1/250 RSF) 15,420 RSF/250 = 62; <u>actual = 60</u> |
| (2) Minimum size of each parking space | 9' X 18'; <u>actual: 9' X 18'</u> |

(Ord. No. 1224, 2-26-96)

Sec. 129-155. - Exterior lighting.

If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel. No lighting fixtures used for any parking area shall be elevated more than 14 feet above the ground. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.

Existing Site Lighting Fixtures are 14 feet tall and direct the light downward.

(Ord. No. 1224, 2-26-96)

Sec. 129-156. - Alternate process for permitting construction of certain nonconforming structures and improvements.

N/A

(Ord. No. 1622, § 1, 1-26-04)



Thomas C. Clark III
DIRECT 205.254.1072
EMAIL tclark@maynardcooper.com

December 12, 2018

Ms. Dana Hazen
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Dear Ms. Hazen:

To our knowledge and based upon our review of Title Commitment No. 11588-33 issued by Maynard, Cooper & Gale, P.C. as agent for Stewart Title Guaranty Company, we confirm that the land described as

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

does not currently appear to be subject to any covenants or restrictions of record except as set forth below:

- Restrictive Covenants contained in that certain document recorded in Book 3233, Page 344, in the Office of the Judge of Probate of Jefferson County, Alabama.

A copy of the aforesaid Restrictive Covenants are attached hereto as Exhibit A.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "TC" followed by a horizontal line.

Thomas C. Clark III

EXHIBIT A
(Restrictive Covenants)

See Attached.

3233 MAR 944



Restrictive Covenants

414686

STATE OF ALABAMA)

Jefferson)
COUNTY)

KNOW ALL MEN BY THESE PRESENTS THAT

WHEREAS, the undersigned owners of record of the following described real estate in Jefferson County, Alabama, to wit The Glen at Mountain Brook Subdivision as shown on the plat recorded in Map Book 154 Page 7, in the Office of the Judge of Probate of Jefferson County, Alabama, and

WHEREAS, the said undersigned owners are desirous of establishing or placing the heretofore described subdivision under certain restrictive covenants to insure the use of the property for attractive residential purposes and thereby to secure to each site owner the same advantages insured to other site owners

NOW, THEREFORE, the undersigned owners do hereby adopt the following conditions, restrictions, covenants and limitations which shall apply in their entirety to all lots in the said Subdivision and shall be included as a part of the consideration in transferring and conveying title to any or all of said lots in said subdivision

1. The owners of lots within said subdivision will not erect or grant to any person, firm or corporation the right, license or privilege to erect or use or permit the use of overhead wires, poles, or overhead facilities of any kind for electrical, telephone, or cable television service on said real estate (except such poles and overhead facilities as may be required at those places where distribution facilities enter and leave said subdivision, or existing overhead transmission facilities) Nothing herein shall be construed to prohibit overhead street lighting, or ornamental yard lighting, where serviced by underground wires or cables

2. In order to beautify said subdivision for the benefit of all lot owners and permit Alabama Power Company to install underground electric service to each house in said subdivision for the mutual benefit of all lot owners therein, no owner of any lot within said subdivision will commence construction of any house on any said lot until such owner (1) notifies Alabama Power Company that such construction is proposed, (2) grants in writing to Alabama Power Company such rights and easements as Alabama Power Company requests in connection with its construction, operation, maintenance and removal of underground service lateral of each lot, and (3) otherwise complies with the Rules and Regulations for Underground Residential Distribution on file with and approved by the Alabama Public Service Commission

3. Alabama Power Company, its successors and assigns, will retain title to the underground service lateral and outdoor metering trough serving each said house, and said service entrance facilities provided by Alabama Power Company will not in any way be considered a fixture or fixtures and thereby a part of said real estate, but will remain personal property belonging to Alabama Power Company, its successors and assigns, and will be subject to removal by Alabama Power Company, its successors and assigns, in accordance with applicable Rules and Regulations filed with and approved by the Alabama Public Service Commission

4. These covenants and restrictions touch and concern and benefit the land and shall run with the land and shall be binding on Alabama Power Company, the undersigned, their respective heirs, successors and assigns. Invalidation of any one of the foregoing covenants and restrictions shall in no way affect any other provision contained herein

IN WITNESS WHEREOF, this instrument has been executed this 20 day of March 19 87

Signature Const. Co. Inc.
Developers
Paul R. ... - Project Mgr.
Developer's Authorized Agent

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, DAVID R. GRESHAM, a Notary Public in and for said

County, in said State, hereby certify that ROCK ROCKWELL whose name as PROJECT MANAGER of

SIGNATURE CONSTRUCTION, INC. a corporation, is signed to the foregoing restrictive covenants, and who is known to me, acknowledged before me on this date that, being informed of the contents of the agreement, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation

Given under my hand and official seal, this the 20 day of MARCH 19 87

STATE OF ALA. JEFFERSON CO
I CERTIFY THIS INSTRUMENT
WAS FILED ON

David R. Gresham
Notary Public

STATE OF ALABAMA)

COUNTY) I, _____, Notary Public in and for said County, in said State, hereby certify that

whose name(s) _____ known to me, acknowledge before me on this day that, being informed of the contents of the agreement, _____ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____ 19 _____

TE Hunt
Ala Power
15 So 20th St
Bham 35233





Notary Public

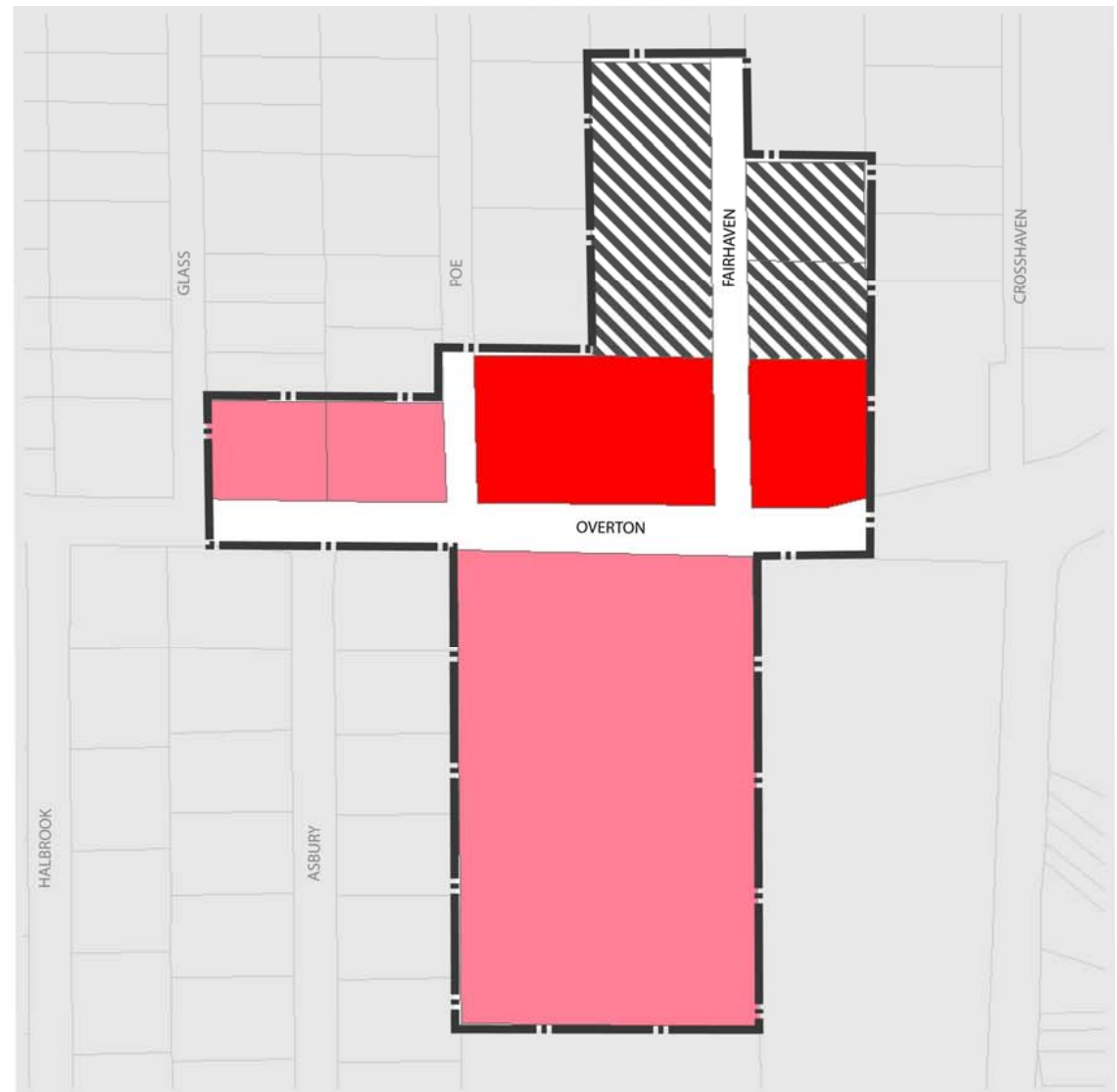
City of MOUNTAIN BROOK

OVERTON VILLAGE

LAND USE POLICY MAP

PROPOSED LAND USE

-  General Commercial
-  General Commercial - Retail Dominant
-  Multi-Use
-  Village Boundary Line



3.0 OVERTON VILLAGE MASTER PLAN

The Overton Village Master Plan is based primarily on the Vision, Value and Goals established through the public participation process. To achieve this Vision, all future development should be arranged and evaluated based upon three key plan components – (1) a future Land Use Policy Map (a plan for regulating use of land and buildings); (2) a Building and Development Regulating Plan (a plan for regulating building types and designs); and a Circulation and Urban Design Plan (a plan to guide coordinated public improvements and private site and building designs). Together these three components reflect a comprehensive approach to development in the Village, and guide the many private and public decisions that occur with new development in the Village.

3.1 VISION

Vision

Gateway and gathering place in Mountain Brook's southern neighborhoods.

Overton Village is a neighborhood village that provides essential services to the nearby residents. Overton Village presents an opportunity to become a modern version of Mountain Brook's traditional village patterns, where neighbors and businesses support one another in building a unique identity for this area.

Values

- Neighborhood businesses that offer key services and meet daily needs for surrounding neighborhoods.
- Gathering spaces that introduce a civic presence to the village.

- A strong community – a good demographic base with the ability to support improvement and change.
- The opportunity to create a unique identity and gateway.
- Convenience and accessibility.

Goals

- Create a village pattern – either at the intersection (node) or through small-scale side streets.
- Promote traffic calming along streets to strengthen pedestrian connections at key intersections.
- Improve connections to adjacent neighborhoods – both enhancing current on-street connections and developing secondary off-street pathways.
- Promote street-front buildings rather than strip centers, including opportunities for mixed-use buildings.
- Improve gateways and civic or green areas throughout the village.
- Explore municipal cooperation with Vestavia Hills – potentially expanding the village pattern and increasing opportunities.
- Create a neighborhood focal point within the village.

3.2 LAND USE POLICY MAP

The Land Use Policy Map is a plan that recommends future uses of land and buildings. It guides future zoning decisions and assists in considering a variety of future regulatory strategies that could implement the physical and policy recommendations of the Master Plan.

The map reflects some of the following general categories which are part of the City's overall land use policy framework. Not all categories are currently represented or recommended in the Village planning area. Where these categories and descriptions differ from the City's overall master plan, the master plan is

specifically amended to include these updated categories and descriptions.



General Commercial – The majority of the city's commercial uses fall into this category. There is an extensive list of uses in the Zoning Regulations. The appropriate building type in or adjacent to the Villages for this category is a low-scale (1 to 3 story) buildings, with street-level storefront designs. The appropriate implementation of this category is the Local Business District as modified by any specific applicable planning and design recommendations for buildings in the village.



General Commercial – Retail Dominant - Land uses in this category are the same as the General Commercial category, except due to the location on key sites and/or streets in the Village, ground-level uses that present a high degree of pedestrian activity are preferred. These are generally retail/restaurant-type uses. The appropriate building type for this category is a low-scale (1 to 3 story) buildings, with street-level storefront designs. The appropriate implementation of this category is the Local Business District as modified by any specific applicable planning and design recommendations for buildings in the Village, and further modified to incorporate policies or regulations to discourage, limit or prohibit ground level service and office uses at these key retail locations.



Office – Land uses in this category include any professional or business office use, regardless if it has a single office on a lot, multiple offices in a single building or multiple buildings in an office park. These uses may range in size depending on location and a variety of building types may be appropriate depending on context. Other compatible uses in this group include municipal buildings, fitness centers, gymnasiums, daycares, restaurants, and laboratories or any other business or service that primarily supports the employment focus. The appropriate implementation of this category is Professional District or Office Park District.



Heavy Commercial – There are only a few occurrences of these kinds of uses in Mountain Brook. This category includes the more intense

commercial uses, such as hotels, large restaurants and fast-food restaurants, which generate a high amount of traffic and rely on a predominantly automobile oriented site design and infrastructure. The appropriate implementation of this category is through the Community Shopping District.



Multi-Use – Land uses in this category utilize buildings designed for a variety of uses – specifically general commercial uses on the ground level, and retail, office or residential uses on the upper levels. This category is generally only appropriate at defined locations in the Village, where the potential for upper level residential uses will not disrupt the primary retail function of the area, and can provide a broader public benefit to the Village as a whole. Multi-story buildings with street-level storefront designs are the appropriate building type for this category. The appropriate implementation of this category is the Local Business District, as modified by any specific applicable planning and design recommendations for buildings in the Village.



Multi-Use – Retail Dominant – Land uses, applicability, and building types in this category are the same as the Multi-Use category, except due to the location on key sites and/or streets in the Village, ground-level uses that present a high degree of pedestrian activity are preferred. These are generally retail/restaurant uses. Multi-story buildings with street-level storefront designs are the appropriate building type for this category. The appropriate implementation of this category is Local Business District, as modified by any specific applicable planning and design recommendations for buildings in the Village, and further modified to incorporate policies or regulations to discourage, limit or prohibit ground level service and office uses.



Low Density Residential – Land uses in this category are primarily intended to be average-size residential lots and/or developments. These lots range from 10,000 square feet up to two acres in size. The majority of lots in this classification are zoned Residence A, Residence B, and Cluster Residential, although this also includes Estate lots that are less than two acres and are adjacent to Residence A