

MINUTES
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
JULY 1, 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, July 1, 2019, at 5:30 p.m. The roll was marked as follows:

Members Present:	Rob Walker, Chairman Philip Black Carey Hollingsworth Barney Lanier Michael Mouron	Absent:	Alice Williams, Vice Chairman Graham Smith
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Also present:	Whit Colvin: City Attorney Dana Hazen: Director of Planning, Building and Sustainability Glen Merchant: Building Official Tammy Reid: Administrative Analyst
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1. **Call to Order:** Chairman Walker called the meeting to order at approximately 5:35 p.m., there being a quorum present. The commission welcomed a new member, Barney Lanier, who will be taking Jamie Gregory's position. Chairman Walker stated that Mr. Gregory resigned from his position, as he is moving to another state.
2. **Approval of Agenda:** Mr. Walker presented the agenda for consideration.

Motion: Mr. Black, motion to amend the agenda to add the election of a Planning Commission secretary to replace Jamie Gregory.

Second: Mr. Mouron
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron
Rob Walker

Nay: None

Motion carries.

Mr. Walker called for nominations for the position of secretary.

Motion: Mr. Hollingsworth nominated, in the form of a motion, Mike Mouron for the position of secretary.

Second: Mr. Lanier
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Rob Walker

Nay: None

Motion carries.

3. **Approval of Minutes:** June 3, 2019

Mr. Walker called for a motion regarding the June 3, 2019 minutes.

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

Second: Mr. Black

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron
Rob Walker

Nay: None

Motion carries.

4. **Case P-19-19: 2916 & 2920 Cherokee Road, James C. Lee III**

EXHIBIT 1

James C. Lee III, applicant, requests approval of a resurvey as per proposed plat on file at Mountain Brook City Hall. Legal description of the property:

Resurvey of Lot C-1 Highlands Sector, Mountain Brook Estates, originally recorded in Map Book 20, Page 99, located in the SW ¼ Section 9, Twp-18S, R-2W, Mountain Brook, Jefferson County, Alabama.

Frazier Christy, The Engineering & Land Surveying Group LLC, 3621 Kingshill Road, Mountain Brook, represented the applicant. The request is for approval to combine two lots into one lot.

Mrs. Hazen reviewed the plat to see if all suggested corrections were made; the plat is correct.

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

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

Second: Mr. Lanier

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron
Rob Walker

Nay: None

Motion carries.

5. **Case P-19-20: 3655 Lane Park Road, Evson, Inc.**

EXHIBIT 2

The applicant, Evson, Inc., requests that the commission consider an amendment to the Drive-Through and Access Plan for the Lane Parke Planned Unit Development (PUD).

Proposed:

1. To allow two (2) drive-throughs to access Rele Street (primary frontage street), where the approved PUD prohibits drive-through access to a primary frontage street.
2. To amend the Traffic & Access Plan to allow alternate drive-through locations (especially adding one to Block 8).
3. To amend the Base Zoning Standards to allow four (4) drive-throughs instead of three (3).

Mel McElroy, Maynard, Cooper & Gale, P.C., 1901 6th Avenue N, Birmingham, represented the applicant. The request is for the commission to recommend approval of the presented amendment to the Lane Parke PUD to the City Council. The addition of an Alternative Drive-Through and Access Plan will provide flexibility in leasing; the drive-through option is important to some prospective tenants. Because these changes will affect traffic patterns, Skipper Consulting Inc. conducted a traffic study with consideration to the additional drive-through locations.

Jeff Slaton, Goodwyn Mills & Cawood (lead design team for the project), 2701 1st Avenue S., Birmingham, attended the meeting.

Richard Caudle, Skipper Consulting Inc., 3644 Vann Road, Birmingham, gave an overview of the Drive-through Queue Traffic Study which was conducted by Skipper Consulting Inc. The report documents a traffic analysis to support a change in the PUD use for the Lane Parke PUD in order to allow construction of two uses with drive-through windows. For purposes of the study, one of the proposed drive-throughs is a coffee shop, and the other is a fast-casual restaurant (one that does not rely on the drive-through as its main source of traffic; not fast food) such as Panera Bread.

The study as it relates to a proposed coffee shop in Block 10:

The proposed drive-through lane that is to access a coffee shop (Block 10) has the capacity to store nine vehicles before the queue begins to block traffic flow on Jemison Lane. It is anticipated that the queue for the proposed coffee shop would exceed the nine-queue storage available for six (6) minutes during the morning peak period, the queue will never exceed the storage during the midday peak period, and the queue will exceed the storage for three (3) minutes during the afternoon peak period.

It is projected there would be minor disruption to traffic flow on Jemison Lane for six (6) minutes each weekday, with the possibility of both directions of traffic flow being disrupted for up to three (3) minutes each weekday.

The study as it relates to a proposed fast-casual restaurant in Block 8:

The queue length data shows that the primary storage of two (2) vehicles is projected to be frequently exceeded during the time periods analyzed. The projected queue lengths never exceed the available storage, including the parking areas behind shops D1, D2 and D3; it is projected the drive-through at this location with a fast-casual restaurant use, would not impact traffic flow on Culver Road.

The full Skipper Consulting, Inc. report is attached to these minutes.

Points from the Commission discussion:

- If queue exceeds the two car available queue storage (Block 8), vehicles will interfere with the use of on-site parking (behind the Ray & Poynor building). How will it impede traffic flow on Culver Road?
- There is not an escape lane for the coffee shop location studied; once in queue, no second exit.
- Anticipated that coffee shop traffic will peak about 7:15 a.m., which is before most other businesses in Lane Parke open.
- Concerned about parking issues at Treadwell Barbers at 2700 Culver Road. Will the addition of a drive-through element escalate that issue?
- Maintaining control over where queues are located would be important; this can be done through the language in the PUD.

Mr. McElroy stated that the covenant provides flexibility in restricting certain parking uses. This could be used to help with some parking concerns.

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

Motion: Mr. Black, motion to recommend to the City Council approval of the proposed amendment, subject to the addition of language regarding a stacking analysis and traffic patterns, tailoring the uses and respective locations (blocks) within the development to the capacities established therein.

Second: Mr. Mouron

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron
Rob Walker

Nay: None

Motion carries.

6. Case P-19-21: 43 Country Club Blvd., Dorothy Fay Hall

EXHIBIT 3

Mr. Mouron recused himself from this case.

Dorothy Fay Hall, applicant, requests approval of a resurvey as per proposed plat on file at Mountain Brook City Hall. Legal description of the property:

Resurvey of Lots 2, 3 & Part of Lot 4, Block 4 Country Club Gardens, as recorded in Map Book 15, Page 10, in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the NW ¼ of Section 4, Twp-18S, R-2W, Jefferson County, Alabama; together with part of an alley vacated by declaration and resolution recorded in Volume 4433, Page 500.

Charles Beavers, Bradley Arant Boult Cummings LLP, 1819 5th Avenue N, Birmingham, represented the applicant, Dorothy Fay Hall, who also attended the meeting. This resurvey will 'clean up' the rear of the lots, thereby incorporating that portion of the vacated alley, and a portion of Lot 4, into Lots 2 and 3; and will adjust the interior lot line between Lot 2 and Lot 3, to

accommodate an existing house on Lot 3 that encroaches 7 feet across the interior lot line onto Lot 2. Approval of this resurvey will eliminate the need for the existing covenants and easement. There is a Jefferson County sewer line in the vacated alley; the county wants that sewer easement to be shown on the plat.

Mr. Black expressed support of the request, contingent upon the establishment of the Jefferson County sewer line in the vacated alley.

Mrs. Hazen confirmed that the sizes of the proposed lots are comparable with the other lots on the block.

There being no public comments, Mr. Walker called for a motion.

Motion: Mr. Hollingsworth, motion to approve the resurvey request as submitted with the stipulation that an easement for the sewer, which is located in the vacated alley, is added to the plat prior to signatures by the city.

Second: Mr. Black

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Rob Walker

Nay: None

Motion carries.

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

Discussion: The Commission considered a proposed amendment to Chapter 129 of the Code of the City of Mountain Brook as it pertains to Article X as follows:

“ARTICLE X. - PROFESSIONAL DISTRICT

Sec. 129-151. – Permitted uses.

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

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

As indicated, the amendment as proposed would add language to the permitted uses to allow business offices.

Mrs. Hazen recapped the wishes of the Commission as expressed in the pre-meeting: consider ‘softer service’ uses in the professional district, and to define those uses as by appointment only, no drive-throughs, etc. Each case would be handled on an individual basis.

Public Comment:

Ginny Hutchinson (2102-C Cahaba Road, Mountain Brook), doing business as The Scribbler, addressed the commission. She is proposing to open her business at the above listed address, and

hopes that her business will qualify as a permitted use. Presently, this location is zoned Professional District. Ms. Hutchinson inquired prior to this meeting what type use her business would be classified as. The business plan for The Scribbler is to involve only the designer/consultant part of the business, whereby clients (often by appointment) come to the studio to meet with a consultant to design and order personalized stationary and invitations. Retail sales of gift products will not be offered.

The Commission expressed that they would like additional time to consider this amendment.

Mr. Walker called for a motion.

Motion: Mr. Black, motion to carry this discussion over to the August 5, 2019 meeting.

Second: Mr. Mouron

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron
Rob Walker

Nay: None

Motion carries.

8. **Next Meeting:** Monday, August 5, 2019.
9. **Adjournment:** There being no further business to come before the Planning Commission at this time, the meeting stood adjourned at approximately 6:31 p.m.



Tammy Reid, Administrative Analyst