

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

Members Present:	Philip Black Carey Hollingsworth Barney Lanier Michael Mouron	Absent:	Rob Walker, Chairman 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:** In the absence of Chairman Walker, Mr. Black made a motion to temporarily appoint Mr. Hollingsworth as Chairman for this meeting. Mr. Lanier seconded the motion. All approved.

Mr. Hollingsworth called the meeting to order at approximately 5:30 p.m., there being a quorum present.

2. **Approval of Agenda:** Mr. Hollingsworth presented the agenda for consideration.

Motion:	Mr. Mouron, motion to approve the agenda as printed.
Second:	Mr. Black
Aye:	Philip Black Carey Hollingsworth Barney Lanier Michael Mouron
Nay:	None

Motion carries.

3. **Approval of Minutes:** July 1, 2019

Mr. Hollingsworth called for a motion regarding the July 1, 2019 minutes.

Motion:	Mr. Mouron, motion to approve the minutes as presented.
Second:	Mr. Lanier
Aye:	Philip Black Carey Hollingsworth Barney Lanier

Michael Mouron
 Nay: None

Motion carries.

4. **Case P-19-22: 3040 Weatherton Drive, FIP Weatherton, LLC c/o Andy Sink** **EXHIBIT 1**

Resurvey of Lots 2 and 3 of Resurvey of Lots 1, 2, 3, & 4 of Lewis' Addition to Brookhill Forest 9th Sector, as recorded in Map Book 248, Page 61, all in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the SE ¼ of the NW ¼ of Section 15, Twp-18S, R-2W, Jefferson County, Alabama.

Earl Morriss of Goodwyn, Mills and Caywood Inc., 2701 1st Avenue South, Birmingham, represented the applicant, Andy Sink, FIP Weatherton, LLC. This resurvey request proposes a slight adjustment to the lot lines between Lots 2 and 3. This change is necessary to accommodate the architecture of the homes which are being built/proposed-to-be-built on the lots.

Scott Appell, 2925 Westmoreland Drive, Mountain Brook, addressed the commission. There is a sliver of his land that is adjacent to the subject property. He asked if that small portion of his land will be incorporated into the Weatherton lot. Mrs. Hazen stated that the exterior boundary lines will not be changed; the area inquired about will not be involved in this action.

There being no further comments, Mr. Hollingsworth called for a motion.

Motion: Mr. Black, motion to approve the resurvey request as submitted.
 Second: Mr. Mouron
 Aye: Philip Black
 Carey Hollingsworth
 Barney Lanier
 Michael Mouron
 Nay: None

Motion carries.

5. **Case P-19-23: 3790 Fairhaven Drive, Overton Village Condos, LLC** **EXHIBIT 2**

Request to rezone a parcel of land in the City of Mountain Brook from Residence-G District (stacked flats) to Residence-F District (townhomes) for a 10-unit townhome development.

History: On May 14, 2018, the city council approved the following: Rezoned two Fairhaven Drive parcels from Mixed Use District (*44 stacked flats atop 18,000 sf of retail*) to Residence-G District for 23 stacked flats (west side of Fairhaven Drive) (**subject property**); and from Mixed Use to Residence-F District for 4 townhomes (east side of Fairhaven Drive).

Ron Durham, Overton Properties, presented the request to rezone the subject property. Also at the meeting: Lauren Barrett, Barrett Architecture Studio; Bo Bevis, Arch Realty; and Andrew Phillips, Schoel Consulting Engineers.

Mr. Durham:

- The subject rezoning to Res-F involves the property on the west side of Fairhaven, and is proposed for ten (10) townhomes, in lieu of the previously-approved 23 stacked flats. The previously approved condominium development (stacked flats) did not gain the interest of purchasers as anticipated; therefore, now proposing townhomes (received more interest in a townhome product). Overall density of the entire project will go from 31 units to 18 units.
- Only the previously-approved 23 stacked flats portion of the development is involved in this rezoning request.
- There will be three (3) two-story townhome buildings - two (2) buildings with three (3) units each and one (1) building with four (4) units. The units will be approximately 2,550 sf in size; each unit will have a two-car garage.
- The units are designed to attract purchasers who are primarily looking to down-size from a larger single-family home and young professionals without children.
- Gated community. An HOA will be formed to maintain the common areas.
- Entrances from Poe Drive and Fairhaven Drive; gated.
- On-site water detention.

Mr. Black asked if a plat will be recorded specifying the 0' lot lines. Mr. Durham confirmed. Mr. Black stated that an easement at the driveway will need to carry forth to insure mutual access from the Vestavia side and to accommodate emergency vehicles. Andrew Phillips confirmed and stated that where the roadway is will be a common area lot. Mr. Black asked if the gates will be siren activated in case of emergency. Mr. Durham confirmed that they will be siren activated, as is The Manning development.

Mr. Mouron asked the height of the building. Mr. Durham stated that the height of roof is 32'. The buildings will be two-story rather than three-story as previously approved, and will "step down" on the property.

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

Motion: Mr. Black, motion to recommend to the City Council approval of the proposed rezoning request as submitted.

Second: Mr. Mouron

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron

Nay: None

Motion carries.

6. Case P-19-24: 43 Country Club Blvd., Fay Mitchell Hall

EXHIBIT 3

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.

The request is to “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.

Background:

At its meeting of July 1, 2019, the planning commission approved a resurvey (Case P-19-21) to adjust the lot line between lots 2 and 3 to accommodate that portion of the existing single-family dwelling which crossed the common property line. The approved plat also cleaned up the lot lines at the rear of the property to include the vacated alley and a portion of Lot 4. This plat has not yet been recorded.

Douglas Eddleman addressed the commission; he recently purchased this property. The new request is for a clean-up resurvey of Lots 2 and 3, which are both owned by Mr. Eddleman; he intends to remove that part of the house (the gazebo) that crosses the property line between Lots 2 and 3, such that it will maintain the required 15-foot interior side setback, no longer necessitating the lot line adjustment previously approved. A new house is to be built on lot 2. The proposed plot plan illustrates the sanitary sewer easement along the rear of the lots and allows the lot lines between the two lots to remain as they are currently recorded. It is his understanding that since he owns both properties, he can cancel the existing easement document that allowed for the gazebo.

Whit Colvin, City Attorney, said that the previously approved plat adjusted the lot line and included the sewer easement at the rear.

Dana Hazen, Director of Planning, Building and Sustainability, stated that an easement document will need to be recorded to withdraw the easement. The new plat is a clean-up resurvey that will incorporate a portion of the vacated alley and a portion of Lot 4, into Lots 2 and 3.

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

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

Second: Mr. Mouron

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron

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. 129-150. – Intent and purpose.

The Professional District is intended to provide appropriate-scaled buildings for professional offices, business offices and service uses. 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. Business offices
3. Banks (walk-in only);
4. Interior design studios;
5. Interior decorating studios
6. Personal fitness (limited to one-on-one personal trainers)
7. Photography studios;
8. Travel agents.
9. Professional design services of custom products
10. 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.

1. Whether the use would disparately impact public parking in the area;
2. Whether vehicular or pedestrian circulation would be adversely impacted by the use;
3. Whether the use would adversely impact surrounding existing uses;
4. Whether the hours of operation or peak traffic times would adversely impact the surrounding properties and public streets.
5. Whether sufficient landscape buffers exist or are proposed along any adjoining residential properties;
6. 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 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, business office or service 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, business office or service 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).”

Mr. Black outlined changes that the commission discussed:

- Delete Banks (walk-in only).
- Combine Interior design studios and Interior decorating studios.

- Change Professional design services of custom products to Professional consulting services.

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

Motion: Mr. Black, motion to recommend to the City Council approval of the presented amendment, with the following changes:

- Delete Banks (walk-in only).
- Combine Interior design studios and Interior decorating studios.
- Change Professional design services of custom products to Professional consulting services.

Second: Mr. Lanier
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Michael Mouron
Nay: None

Motion carries.

8. **Next Meeting:** Tuesday, September 3, 2019.
9. **Adjournment:** There being no further business to come before the Planning Commission at this time, the meeting stood adjourned at approximately 5:53 p.m.



Tammy Reid, Administrative Analyst