In response to COVID-19 social distancing mandates, the meeting was held via audio conferencing.

The meeting of the Planning Commission of the City of Mountain Brook, Alabama, was held on Monday, October 5, 2020, at 5:30 p.m., via audio conferencing. The roll was marked as follows:

Members Present: Rob Walker, Chairman
Carey Hollingsworth, Vice-Chairman
Michael Mouron, Secretary
Philip Black
Frank Lassiter
Barney Lanier
Graham Smith

Absent: None

Also present: Whit Colvin, City Attorney
Dana Hazen, Director of Planning, Building and Sustainability
Tyler Slaten, City Planner
Glen Merchant, Building Official
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:** Chairman Walker presented the agenda for consideration.

   Motion: Mr. Lanier, motion to approve the agenda as printed.
   Second: Mrs. Smith
   Aye: Philip Black
   Carey Hollingsworth
   Barney Lanier
   Frank Lassiter
   Michael Mouron
   Graham Smith
   Rob Walker
   Nay: None

   Motion carries.

3. **Approval of Minutes:** Mr. Walker presented the August 3, 2020 and September 8, 2020 minutes.
Motion: Mr. Black, motion to approve the August 3 and September 8, 2020 minutes as printed.
Second: Mr. Lassiter
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker
Nay: None

Motion carries.

4. Case P-20-21: 3037 Cambridge Road/Jamie and David Waldrop

Waldrop Resurvey, being a Resurvey of the West Half of Lot 309 of Mountain Brook Estates, as recorded in Map Book 19, Page 40, in the Judge of Probate Office, Jefferson County, Alabama; situated in a portion of the SE ¼ of Section 8, Twp-18, R-2W, Jefferson County, Alabama.

Eric Dale, Residence Design/Interior Design, 935 Landale Road, Birmingham, presented the resurvey request. The original lot was sub-divided into two separate lots by the original developer when homes were built. The newly created lots were not properly recorded at that time.

Mrs. Hazen requested corrections to the plat as required by the Subdivision Regulations, prior to planning commission signatures.

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

Motion: Mrs. Smith, motion to approve the resurvey as submitted, subject to corrections to the plat as required by the Subdivision Regulations.
Second: Mr. Mouron
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker
Nay: None

Motion carries.

5. Case P-20-22: 2 West Montcrest Drive/John Samuel & Kristen Brien

Brien Resurvey, being a Resurvey of Part of Lot 5, Shades Valley Gardens, Second Sector, as recorded in Map Book 25, Page 55, in the Judge of Probate Office, Jefferson County,
Alabama; situated in the SE ¼ of Section 33, Twp-17S, R-2W, and in the NE ¼ of Section 4, Twp 18S, R-2W, Jefferson County, Alabama.

Eric Dale, Residence Design/Interior Design, 935 Landale Road, Birmingham, presented the resurvey request. A portion of the original lot was sub-divided and added to the adjacent lot by the original developer when homes were built. The newly created lots were not properly recorded at that time.

There were no public comments. 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
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker
Nay: None

Motion carries.

6. Case P-20-24: 2422 Park Lane South/Larry Lavender

Lavender Resurvey of Park Lane South, being a Resurvey of the East Half of Lot 7, Lot 6, and the West Half of Lot 5, Block 9, of the First Addition to South Highlands, as recorded in Map Volume 7, Pages 105 and 106, in the Judge of Probate Office, Jefferson County, Alabama; situated in the SE ¼ of Section 6, Twp-18S, R-2W, Jefferson County, Alabama.

Ray Weygand, Weygand Surveyors, 169 Oxmoor Road, Homewood, represented the applicant, Larry Lavender. The requested resurvey is a simple clean-up resurvey combining portions of legacy lots.

Public Comments:

Bains Fleming, 2416 Park Lane South, Mountain Brook, said that in the pre-meeting it was discussed that the plat needed some corrections. He said that Weygand Surveyors have been working on the western lot line of Lavender’s the past few days. Apparently, there is a difference on surveys where that lot line is. He asked that this issue is resolved prior to planning commission approval so that there will be no issues in the future regarding his property line and setbacks.

Mr. Weygand said there are two sets of property corners, involving five or six properties. The proposed plat itself will not change. He should have the correct lines determined within a couple of days.

Mrs. Hazen asked Mr. Weygand if the submitted plat will change. Mr. Weygand stated that it will not change; it could slide two feet to left or right; the dimensions will be the same.
Mr. Black asked where the additional two feet will come from. Mr. Weygand said that is what he is trying to determine; no one will lose property; just clarifying which pins are correct.

Mr. Hollingsworth stated that he cannot support approval of the resurvey until this issue is resolved. Mr. Black and Mrs. Smith agreed.

Larry Lavender, applicant, stated that this issue was discovered when he applied for a building permit and needed a survey to get the permit. His contractor is ready to proceed; this is a time sensitive project.

Whit Colvin, City Attorney, mentioned that one solution could be to issue a temporary building permit based on consultation with Mr. Merchant, Building Official, and subject to the submission of the correct plat at the November meeting. Mr. Merchant agreed that he can work with the surveyor.

Mr. Weygand asked that the case carry over to the November meeting. Mr. Walker called for a motion.

Motion: Mr. Black, motion to approve the applicant’s request to carry over this case until the November meeting. A temporary building permit may be issued by the City of Mountain Brook inspections department, subject to the submission of the plat at the November 2, 2020 meeting.

Second: Mrs. Smith

Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker

Nay: None

Motion carries

7. **Case P-20-25: 411 Abingdon Lane/William Hazelrig**

Abingdon Road Resurvey, being a Resurvey of Lot 2-A of a Resurvey of Abingdon Estates, Dunn Sector, as recorded in Map Book 123, Page 11, and Lot 15, Abingdon, as recorded in Book 19, Page 87, both in the Judge of Probate Office, Jefferson County, Alabama; and acreage; situated in a portion of the NW ¼ of Section 21, Twp-18S, R-2W, Jefferson County, Alabama

Ray Weygand, Weygand Surveyors, 169 Oxmoor Road, Homewood, represented the applicant, William Hazelrig. Mr. Weygand stated that the applicant would like to ask that the case carry over to the November meeting.

Mr. Walker called for a motion.
Motion: Mr. Hollingsworth, motion to approve applicant’s request to carry this case over to the November 2, 2020.
Second: Mr. Lanier
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker
Nay: None

Motion carries

8. Case P-20-26: 3901/3905 Seven Bark Circle/Tom McKinnon & Christopher Cooper

Resurvey of Lot 10 and Lot 9 of Andrews Addition to Knollwood, being a Resurvey of Lot 10 and Lot 9 of Andrew Addition to Knollwood, as recorded in Map Book 199, Page 22, in the Judge of Probate Office, Jefferson County, Alabama; situated in the SE ¼ of Section 16, Twp-18S, R-2W, Jefferson County, Alabama.

Carey Hollingsworth recused himself from the case.

Ray Weygand, Weygand Surveyors, 169 Oxmoor Road, Homewood, represented the applicants, Tom McKinnon and Christopher Cooper. In this case, one property owner is purchasing a portion of property from the other; each will have a conforming lot.

Mr. Black asked if the utility easement indicated on the plat will stay. Mr. Weygand said that it is part of the plat, but he is not sure if any utilities are buried. There is no plan to vacate the easement. The property owner plans to put some type of playground equipment in the area.

There were no public comments.

Mr. Walker called for a motion.

Motion: Mr. Black, motion to approve the resurvey request as submitted.
Second: Mr. Lassiter
Aye: Philip Black
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker
Nay: None

Motion carries.

9. Case P-20-27: 200 Office Park Drive/GLO, LLC

EXHIBIT 5

EXHIBIT 6
Request for approval of the installation of a solar array.

Paul Freeman, Eagle Solar and Light, LLC, 4005 2nd Avenue S., Birmingham, presented the application on behalf of GLO, LLC. Proposed is a rooftop solar panel array atop an office building. The proposed equipment is in keeping with the guidelines established by the Planning Commission. The installation will not increase the height of the building, nor will it be seen from any public street. No part of the system will extend beyond the edge of the roof.

There were no public comments.

Mr. Walker called for a motion.

Motion: Mr. Mouron, motion to approve the request as submitted.
Second: Mrs. Smith
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker
Nay: None

Motion carries.

10. Case P-20-28: 3601 East Street/City of Mountain Brook

Request for approval of an amended master development plan for the Mountain Brook Fire Department Training Facility.

David Kennedy, Battalion Chief-Safety and Training, Mountain Brook Fire Department and Chief Chris Mullins presented the request for approval to amend the master development plan for the Mountain Brook Fire Department Training Facility. The proposed facility will consist of metal shipping containers, assembled for use by the Fire Department to train with live fires contained inside the facility. This type of training is required for ISO ratings. At present, there are only a few such facilities in our state, so the city's firefighters have to travel to other facilities for this type training.

The proposed base of the burn building is 30’ x 40’ and 24’ in height.

Mr. Black noted that the City Council has approved funding for the project. Points presented to the Council: if approved, the facility will save city funds by training ‘in-house’ and will generate funds by offering training to other fire departments.

Mr. Lanier asked if this job will go out for bids. Mr. Kennedy said that the cost of the job is below bid requirements and that the firemen will do a lot of the work. This is a multi-year project.

Mr. Walker called for a motion.
Motion:  Mr. Black, motion to approve an amended master development plan for the Mountain Brook Fire Department Training Facility, as submitted.

Second:  Mr. Lassiter

Aye:  Philip Black
Carey Hollingsworth
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker

Nay:  None

Motion carries.

Note:  The meeting was interrupted at the beginning by hackers and was moved to a new Zoom address.  This interruption dropped some meeting participants; others were able to rejoin later in the meeting.  These citizens were able to rejoin late:

Public Comments:

Margaret Hess, 4033 Martha’s Circle, Cahaba Heights, stated that her property backs up to the proposed project area. She asked about the type of smoke/chemicals that will be used.

Chief Mullins:
- Natural materials will be used, which will produce natural heat and smoke.
- No materials will be used that will harm the environment.
- The sessions will be sporadic; not every day or every weekend. Other communities will be invited to train at the facility.
- The Fire Department wants to be respectful of neighbors and is always open to address any concerns. Please contact the department if there’s a concern.

Ms. Hess said that she is not excited about the proposal, but understands the need to train personnel.

James Decker, 4032 Martha’s Circle, Vestavia, asked if there will be any alarms associated with the training. Chief Mullins: No alarms will be used. He invited concerned citizens to visit the facility when it is operational.

11.  Case P-20-29: 120 Cherry Street/Teresa Howell

Request for the installation of a private driveway in a portion of an unpaved public alley right-of-way.

Lauren Barrett, Barrett Architecture Studio, 2320 Highland Avenue, Birmingham, Chris Eckroate, Caprine Engineering, LLC represented the applicant. Teresa Howell, property owner, would like to gain access to the rear of her property by constructing, at her cost, a driveway extending from behind her lot and the adjacent property on Lot 11, to connect to the existing alley that connects between Cherry Street and Main Street. The driveway will be approximately 100’ in length.
The proposed driveway, which would be approximately 12’ wide, will be located in the 15’ wide un-opened alley. The driveway will give Ms. Howell vehicular access to the rear of her home, which currently only has a limited parking pad accessed from Cherry Street.

The proposed surface of the driveway will be designed by Chris Eckroate, P.E., of Caprine Engineering, LLC, and will be submitted to the city engineer for approval. The design of the driveway will take into consideration mitigation of stormwater runoff that occurs when the driveway is installed in the alley. The product is a porous concrete.

Mr. Black:
- If the requested driveway was to be installed on private property that would not be an issue, but the proposed drive is in the alley which is city property. The city would be responsible for maintenance. If a specialty product is used, it could present maintenance problems for the city.
- To assure that the water runoff stays in the system designed, a study may be necessary to insure there will not be an increase in water flow so there is not a maintenance problem for the city and properties down from it.
- One option may be to pave according to the city’s standard for asphalt and provide a drainage system like any residential drive located in a dedicated right-of-way.

Mr. Hollingsworth expressed concerns regarding water flow/runoff.

Mr. Eckroate will talk to the director of Public Works about alternative materials. He will work to insure that the requirements of the stormwater ordinance are met.

Mrs. Hazen, Director of Planning, Building and Sustainability, stated that the city council has suggested that the planning commission play an advisory role in the review process for encroachment permits; taking a look at the design and materials proposed in such improvements, and then making a recommendation to the city council in each case. Therefore, any decision regarding this request will be presented to the council as a recommendation.

Mr. Barrett said that the applicant would like to request to carry the case over to the next meeting.

There were no public comments.

Mr. Walker called for a motion.

Motion: Mr. Black motion to approve the applicant’s request to carry over this case to the November 2, 2020 meeting.
Second: Mrs. Smith
Aye: Philip Black
Carey Hollingsworth
Barney Lanier
Frank Lassiter
Michael Mouron
Graham Smith
Rob Walker

Nay: None
Motion carries.

12. Mr. Hollingsworth thanked Phil Black for his service to the city in his role as City Councilman; the commissioners heartily agreed.

13. **Next Meeting:** November 2, 2020.

14. **Adjournment:** There being no further business to come before the Planning Commission at this time, the meeting stood adjourned.

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Tammy Reid, Administrative Analyst