

MINUTES
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
MAY 2, 2022

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 person and virtually (using Zoom video conferencing) on Monday, May 2, 2022, at 5:30 p.m. The roll was marked as follows:

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

Absent: Rob Walker, Chairman

Also present: Whit Colvin: City Attorney (via Zoom)
Dana Hazen: Director of Planning, Building and Sustainability (via Zoom)
Tyler Slaten: City Planner
Glen Merchant: Building Official (via Zoom)
Tammy Reid: Administrative Analyst

- 1. **Call to Order:** Mr. Mouron called the meeting to order at approximately 5:30 p.m., there being a quorum present.
- 2. **Approval of Agenda:** Mr. Mouron presented the agenda for consideration.

Motion: Mr. Black, motion to approve the agenda as presented.
Second: Mr. Lanier
Aye: Unanimous
Nay: None

Motion carries.

- 3. **Approval of Minutes:** Mr. Mouron presented the February 7 and March 7, 2022 minutes.

Motion: Mrs. Smith, motion to approve the minutes as submitted.
Second: Mr. Lanier
Aye: Unanimous
Nay: None

Motion carries.

- 4. **Case P-22-09:** Request to rezone the Country Club Apartments property from Residence-A (single family) district to Residence-D (multi-family) district, for the purpose of additions and alterations to the existing improvements. - 3212 and 3220 Country Club Road

The subject property contains twenty-five (25) apartment units. To the east are single family dwellings, as well as to the north and to the west, across Rockledge Road. To the south, across Country Club Road, is the Birmingham Country Club.

Jennifer Nunnelley, 4050 Old Leeds Road, property owner of Country Club Apartments, presented the application. The request is for rezoning the properties of 3212 and 3220 Country Club Road from the current designation of Residence A to the applicable multi-family designation of Residence D. There are plans to make improvements to the existing garage building on 3220 Country Club Road in the near future. The structures as they exist are on the National Registry.

Public Comments:

Nick Gaede, 3245 Rockledge Road, asked what is allowed in Res-D zoning. Mrs. Hazen said that it is a multi-family district which will allow apartments, duplexes, and townhomes. Mr. Gaede said he feels it is premature to make a decision based on the information presented; he feels the case should be postponed until further explanation is presented for consideration.

Mr. Mouron: If the property is rezoned, will the entire property have to be brought up to code? Mrs. Hazen: Regarding Life Safety Code/Building Code - New construction only will have to comply with all applicable codes.

Joe Leak (3112 Pine Ridge Road), attorney speaking on behalf of the Cowin family that could not attend the meeting. They live at 3224 Rockledge Road which is behind the subject property. They feel that this rezoning will open the door for complete redevelopment without any control. They are not in favor.

Anne Donaldson, 3216 Rockledge Road, asked who owns the buffer. She is concerned about the parking of 54 vehicles. Should additional parking area be needed, the buffer will be used. Mrs. Hazen said that there is no minimum buffer required in Res-D; it is not required by the zoning ordinance. The proposed surface parking and garages will provide spaces for 54 cars. The garages could service 30 vehicles if all are functioning. If rezoned, the plan could change. The steep slope at the rear will limit what can be done there.

Susan Haskell, 3214 Rockledge Road, is concerned about the vegetation in buffer zone. Many trees have been removed because of invasive vines. More are covered and will need to be removed as well. There is also a steep hill; the buffer has a lot of trash and it is hard to clean up. The City was approached regarding maintenance of the buffer; the City can cut 5' from the street and do that regularly. The rest is a jungle.

Mr. Mouron asked if there are any guidelines on maintaining a buffer. Mrs. Hazen said the Planning Commission or the City Council, in conjunction with a zoning case or in a custom zoning district, may impose buffer type and maintenance. Res-D has a limited set of development regulations and does not include buffer requirements.

Mr. Hollingsworth asked if the City Council could address the neighbors' concerns if the Planning Commission recommends approval of the rezoning request; could they set buffer requirements? Whit Colvin, City Attorney, stated that buffers are not required in Res-D at

this time and Council could not require a buffer. The size of the lot does not qualify for PUD zoning.

Mr. Hollingsworth said that this is an iconic property in the city and he would hate to lose it. Mr. Black agreed that it is a landmark building and he would like to see it restored. The entire property needs maintenance.

Ms. Nunnely: The brush piles will be cleaned up, the parking areas paved, and the buffer will be re-landscaped.

Mr. Black said he would be opposed to rezoning for the sake of two additional units.

Mr. Lanier and Mr. Lassiter added that there could be variance implications should the property be rezoned and there is no guarantee that the variance will be approved by the Board of Zoning Adjustment. Rezoning this property to Res-D will limit the City's input on the development of property once established.

Joanne Gaede, 3245 Rockledge Road, stated that there is a lot of rock on the property. Will there be blasting? How will construction impact the neighborhood? More information is needed.

Ms. Nunnely stated that they do not plan to go into the buffer. The Fire Marshall is concerned about parking behind the building at this time, so the plan is to open up the garages and to expand them to provide safe, attractive parking.

Mr. Mouron called for a motion.

Motion: Mr. Black: The Planning Commission's recommendation to the City Council regarding the rezoning request: denial of the request.

Second: Mr. Hollingsworth

Vote: Unanimous

There being no further discussion, the meeting stood adjourned.

Tammy Reid, Administrative Analyst