

MINUTES
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION

JULY 6, 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 Wednesday, July 6, 2022, at 5:30 p.m. The roll was marked as follows:

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

Absent: Rob Walker, Chairman
Graham Smith

Also present: Whit Colvin: City Attorney (Via Zoom)
Dana Hazen: Director of Planning, Building and Sustainability
Tammy Reid: Administrative Analyst

1. **Call to Order:** Mr. Mouron chaired the meeting in the absence of Chairman Walker. He 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. Hollingsworth, motion to approve the agenda as presented.
Second: Mr. Black
Aye: Unanimous
Nay: None

Motion carries.

3. **Approval of Minutes:** Mr. Mouron presented the minutes of the June 6, 2022 meeting.

Motion: Mr. Black, motion to approve the minutes as submitted.
Second: Mr. Lassiter
Aye: Unanimous
Nay: None

Motion carries.

4. **Case P-22-12: 2620 Canterbury Road, John and Janice Comer**

EXHIBIT 1

Comer’s Resurvey of Canterbury Road, being a resurvey in the NE ¼ of Section 8, Twp-18S, R-2W, Jefferson County, Alabama; being a resurvey of Lot 289 and the NE ½ of Lot 288 of Mountain Brook Estates, Canterbury Sector, as recorded in Map Book 19, Page 40, on the Office of the Judge of Probate in Jefferson County, Alabama. 2620 Canterbury Road

Ray Weygand, Weygand Surveyors, 169 Oxmoor Road, Homewood, represented the applicant. This is a clean-up resurvey combining portions of legacy lots.

Public Comments:

Robert Stanford, 2615 Montevallo Road, Birmingham, is the property owner of the lot behind the subject property. The easement for the sewer is not shown on the survey. Will the easement be inside the property line? Mr. Weygand: The easement was never recorded. There are two different subdivisions. Mr. Stanford: If the retaining wall is built on top of sewer there will be a problem. Mr. Weygand: Jefferson County will have to sign off on the proposed plat.

Mr. Mouron called for a motion.

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

Second: Mr. Lassiter

Vote: Aye: Unanimous

Nay: None

Motion carries.

5. Case P-22-13: 17 Montevallo Lane, Jonathan Ratliff

EXHIBIT 2

Ratliff's Resurvey of Montevallo Lane, being a resurvey of Lot 13 Montevallo Lane, as recorded in Map Book 24, Page 76, in the Office of the Judge of Probate, Jefferson County, Alabama, and part of Lot 5 Montevallo Terrace 1st Addition, as recorded in Map Book 24, Page 76, 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. 17 Montevallo Lane

Ray Weygand, Weygand Surveyors, 169 Oxmoor Road, Homewood, represented the applicants. This is a clean-up resurvey combining portions of legacy lots.

Public Comments: None

Mr. Mouron called for a motion.

Motion: Mr. Lanier, motion to approve the survey request as submitted.

Second: Mr. Hollingsworth

Aye: Unanimous

Nay: None

Motion carries.

6. Case P-22-14: 2 West Montcrest Drive, John and Kristen Brien

EXHIBIT 3

A resurvey of part of Lot 5, Shades Valley Gardens, Second Sector, as recorded in Map Book 25, Page 55; situated in the SE ¼ of Section 8, Twp-18S, R-2W, City of Mountain Brook, Jefferson County, Alabama. 2 West Montcrest Drive

Eric Dale, 935 Landale Drive, Birmingham, represented the applicants. This is the same plat that was approved by the Planning Commission on October 5, 2020 (P-20-22), but was not recorded prior to expiration of approval.

Public Comments: None

Mr. Mouron called for a motion.

Motion: Mr. Hollingsworth, motion to approve the survey request as submitted.
 Second: Mr. Black
 Aye: Unanimous
 Nay: None

Motion carries.

7. Case P-22-15: 2009 Garden Place, Reese and Marilyn Murray

EXHIBIT 4

Request approval for the installation of an alternative solar energy system consisting of roof mount arrays.

This case was withdrawn (prior to the meeting) upon the determination that the same request was approved by the Planning Commission in December of 2017, Case P-17-25.

8. Case P-22-16: 2305 Montevallo Road, Shades Valley Presbyterian Church

EXHIBIT 5

Request to rezone property from Residence B district to Planned Unit Development (PUD) district. The subject property is comprised of the Shades Valley Presbyterian Church site and two adjoining single family lots on Montevallo Road, all zoned Residence-B.

Dave Drescher, CJD Law, represented the property owner, Shades Valley Presbyterian Church. The congregation is merging with another church and is vacating the building. They have received multiple offers but have been concerned about the uses proposed. Maintaining the character of the neighborhood is important.

Charles Beavers, 4301 Dolly Ridge Road, Birmingham, legal counsel for the developer, introduced the project team. Each presented their portion of the project.

Mr. Beavers:

- The importance of this property is understood; it is a gateway into the city and needs a special vision that will enhance the city.
- The design of the project will integrate with the walkability of the village.
- The developers kept the adjacent properties in mind during the design process.

Margie Ingram (Ingram Farris, LLC), 515 Old English Lane, MB, stated that the Shades Valley Presbyterian Church property has been a significant light in the community. As the developer, the vision is to bring something special to this property. There will be condominium units and manor homes that will complement the city.

Louis Nequette (Nequette Architecture & Design), 2227 2nd Avenue N, Birmingham:

The vision for this project is to create a walkable, mixed-use single family and for-sale multiple units that are in scale with the Village. There is a need for these types of housing choices.

- The proposed development consists of two stacked flats buildings fronting on Montevallo Road (each containing 16 flats, for a total of 32 units), and 14 detached single family home sites to the south of the stacked flats buildings, organized around a private road/motor court.
- The houses will be designed to cater to the “empty nester” life style. A motor court will have a plaza area that provides guest parking, fire department access, etc.
- The two condominium buildings have basements, are three stories tall, and contain 16 units in each. There are 24 parking spaces underneath each of the buildings.
- The project will maintain the architectural character of the Village.
- Primary access for the single-family homes is proposed from Chester Road and secondary access is from Montevallo Road via a public alley.
- A swimming pool is also proposed as well as green space areas.

Jared Calhoun: (Nequette Architecture & Design), 2227 2nd Avenue N, Birmingham: Mr. Calhoun exhibited views from different angles of the project.

- Facing Montevallo, there will be mature landscaping; heavy buffer on both properties. Mature landscaping between condo buildings and cottages.
- Amenity space behind heavy landscaping.
- Parking – visitor parking - 13 street frontage spaces on Montevallo. 24 parking spaces underneath each of the buildings for residents. There will be street parking in the central court area. Cottages – two parking spaces off-street.
- Upscale homes.
- Signage on the property will be tasteful and understated.

Andrew Phillips, Schoel Engineering Company, Inc., 1001 22nd Street South, Birmingham, presented the project from the layout prospective.

- Met with Chief Leland Rhudy, Mountain Brook Fire Department, regarding truck access. The motor court area will serve as hammerhead turnaround. Accessibility studied.
- The storm water management system will improve water quality and improve runoff issues.
- To manage erosion control: silt fencing will be used as a minimum.
- A new Jefferson County sewer main will be added.

Richard Codell, Skipper Consulting, 3644 Vann Road, Birmingham, was retained by Ingram Farris to conduct a traffic study for this project.

“The trip generation potential for the proposed development was estimated based on information contained in the Institute of Transportation Engineers publication Trip Generation, 11th Edition. The trip generation estimate for the proposed development is shown in Table 5.”

Table 5
Trip Generation

Land Use	Size		ITE Code	Daily			AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
Condominium	32	d.u.'s	220	108	108	216	3	10	13	10	6	16
Single Family	14	d.u.'s	210	83	83	166	3	9	12	10	6	16
Total				191	191	382	6	19	25	20	12	32

Highlights:

- Study area: intersections of interest – Hwy 280 entrance and exit ramps on Hollywood Boulevard, the entrance to Brookhill Condominiums, the intersection in the Mountain Brook Village where Montevallo Road and Cahaba Road meet, and Chester Road/Cahaba Road intersection.
- Study data taken in March, 2022, when school was in session; also, after significant COVID impact.
- Peak traffic times were considered.
- Regarding cut-through traffic at the end of Chester: the chain is down, but the project site layout will make it more difficult to cut through than it is currently.

Recommendations (Page 49 of the Report):

“The findings of this report are that no roadway improvements are required to mitigate the traffic impacts of the proposed development. Levels of service remain unchanged from Background 2025 conditions to Future 2025 conditions with development traffic added. The proposed site access driveways can be constructed with two lane cross sections. No turn lanes are required at the site access points to provide adequate traffic operations.”

Collin Orcutt, Schoel Engineering Inc., 7500 Memorial Parkway, Huntsville, Alabama, presented the landscaping portion of the project. The material palette is traditional and complimentary to Mountain Brook.

Robbie Hayes and Chad Patterson, Brasfield and Gorrie, 3021 7th Avenue South, Birmingham, general contractors for the project. The construction traffic will be constricted to the alley way; Chester Road will not be used for construction traffic. Rain event management has been taken into account. The condominiums will be constructed of steel or concrete; high level construction.

Melinda Sellars, Burr and Forman, 420 N. 20th Street, Birmingham. As required by the Zoning Code, the substance of covenants and other private deed restrictions to be imposed on the parcels with the PUD was submitted as part of the application. Ms. Sellars stated that these are two separate projects and will have separate covenants and associations.

Commissioner Black: Will there be language in the covenants to address maintenance of the roadways?

Ms. Sellars: Each association will handle their own maintenance, but we can add language to give the city the right to come in should the maintenance fall short of expectations.

Commission Black: It is important to include language that addresses the rights of the city to enforce ordinances, etc.

Brian Sparks, Ingram Homes, Homewood, Alabama: Residential market analysis indicates that the market in our area is in need of the proposed housing. The single-family homes and condominium units will sell at \$1,000,000+.

Commissioner Mouron: At what price will the single-family lots list for?

Mr. Sparks: \$750,000 and up

John Chapman, Ingram Farris, LLC, said that these types of housing options are in demand. The design of the project was envisioned in keeping with the Gateway element with sensitivity to the neighborhood.

- The storm water retention that is part of this project is a valuable element.
- Economic development – tax, sales, permits, etc.
- Benefit to the city and schools.

Mr. Beavers: There were two major concerns of the neighborhood when we met with them.

(1) Chester Road traffic. It is public road that accesses this property. We understand the concern regarding traffic on Chester Road. According to the traffic study, at peak hours, there should be 6 to 8 additional cars; will not overload Chester.

(2) Drainage: The storm water drainage is not controlled at this time, but the system that comes with the project will better direct the runoff into the detention system.

Commissioner Hollingsworth asked about communication with the Chester Road neighborhood.

Mr. Beavers: Citizens were invited to a presentation of the project in the stage it was at the time. The meeting was held in Mr. Galloway's office. This was mainly an informational meeting.

Commissioner Mouron: What type pre-sale do you expect? John Chapman: I expect a minimum of 50% pre-sale will be required.

Public Comments:

Stephanie Robinson, 3000 Weatherton Drive, MB, (Reality South): There is a lack of inventory in housing in the city for the age group of 60 to 90 years of age; this type development will boost the city.

Henry Ray, 3800 Forest Glen Drive, MB: He is glad that the single-family homes will be at the end of Chester Road. He feels that this is a good development for the area.

Duncan Manley, 2300 Montevallo Road, Birmingham: He is in favor of the project, but has traffic concerns. Adjusting the speed limit up and down Montevallo Road might help with the speeding.

Commissioner Black: Is there a traffic light scheduled for this area?

Mr. Codell: A traffic signal is to be installed at the entrance ramp/exit ramp of Hwy 280 and Hollywood Boulevard. The bridge will be widened and there will be pedestrian paths. This signal will slow traffic from Homewood, but will not have a significant effect. This is a separate project.

Rodney Rushing, 2317 Montevallo Road, MB: Water drainage is a problem. The proposed project is very nice.

Frank (Trip) Galloway III, 4144 Stone River Road, MB, legal counsel representing ten property owners on Chester Road. He distributed additional materials to the Commission. Highlights:

- The clients are concerned about the well-being of neighborhood.
 - Confident that a product can be reached that will work in the interest of all parties.
 - The project in totality in its present form is a problem.
 - Information requested of the Planning Commission:
- (1) There is a small piece of property included in this development that the jurisdiction is Homewood or Mountain Brook. According to the tax map obtained this date from the Jefferson County Tax Assessors Office, the area in question is in the city of Homewood; however, the Planning Department at Homewood maintain it is not on their map and they do not claim the area. If the parcel is not in Mountain Brook, we cannot change the zoning, and cannot go forward with the project. If it is in fact in Homewood, Mountain Brook could possibly annex into the city to proceed. Mr. Galloway, on behalf of his clients, asks that Mountain Brook resolve this issue.
 - (2) Determine if the noted alleyway is such; if it is, then it is a public way. In that case the seller does not own it and cannot sale. Has the alley been vacated? Mr. Galloway, on behalf of his clients, asks that Mountain Brook resolve this matter.
 - (3) There is a discrepancy in the total plot area. This is important because the area must be a minimum of four acres to be considered for a PUD designation.
 - (4) The cul-de-sac is a trapezoid shape at the top, rather than circular. There is a chain over the driveway at the end of Chester Road. The way this is platted, if abandoned, then there is no continuity and Chester Road cannot be used as part of this project.
 - (5) There are restrictive covenants that burden the two lots on Montevallo Road; there is a 30' sealing cap (height). We are not asking the city to enforce the covenant, but we do want the record to reflect that the covenants are not being waived.
 - (6) Flooding is an issue and concern. The system designed and presented is impressive, but what happens during construction? Press developer on this issue. Requests a representation of what will happen during construction.

Jim Nevins, 2311 Chester Road, MB, expressed concerns of parking and traffic. The proposed auto court will provide limited parking spaces; will overflow onto Chester. Emergency vehicles will have a difficult time getting around the cul-de-sac because the garbage trucks already have issues when cars are parked there. Sight lines were not addressed in the Traffic Study. Instead of using Chester Road as the main entrance to the single-family area, why not use Montevallo instead?

Alan Kilpatrick, 2304 Chester Road, MB:

- Traffic: Emergency vehicles will have trouble accessing the circle because the trash truck already has issues; this is a safety issue.
- To put the driveway where indicated, a large tree will have to be removed that is a focal point during the holiday season.
- His bedroom is 10'-13' off of the lot line; there is no buffer. A rendering of a wall is on the plan, but there are no details of what it will look like. This is too close to his living space.

- Behind his property will be a three story building looking over onto his property. There are no elevation drawings for this Building B. It is suspected that the building height will be 50'+ because of the grade.
- Proposed is a multi-use facility and pool on the property lot line. These amenities will be at his back corner lot. There will be a lot of noise generated and this is unacceptable and unnecessary.
- Concerned about the drainage, sewer, and house construction runoff that will flow down by his house; also, there are times this area will need maintenance.
- He has not heard anything about underground utilities. Without moving the power lines or going underground, the tree indicated cannot be planted.

Dan McCrary, 2334 Chester Road, MB, said that this is a quiet, narrow road (Chester) with no sidewalks; parking by residents is allowed on the street if needed.

- There are eleven homes on Chester. It is concerning that it is proposed to use this street as access for a high density project. This will burden the street – increased vehicle traffic, construction traffic, parking by outsiders, etc.
- The traffic study does not conclude how the street will be affected regarding pedestrian access, vehicle traffic, business traffic; the study offers that Chester Road will not be adversely affected.
- The traffic study was performed in March one week before spring break, for a 24 hour period. Flow rates vary day to day. It seems that a narrow window of data was collected to draw an accurate conclusion. The “peak” hours cited are not necessarily the peak hours.
- Regarding source materials used in the study: tried to obtain resources but not readily available.
- In conclusion, there are questions and concerns about the traffic study – mainly the lack of detail regarding the effects on Chester Road.

Mr. Galloway asked the developer to consider other developments in Mountain Brook that have only one ingress/egress. They seem to function successfully. Further examine why three ingress/egress points for the subject property are warranted, and give further consideration as to the impact of the proposed Chester Road access. Also, it is suggested that one (1) denser (more units) condominium structure be constructed on the uphill side of Montevallo Road rather than the two (2) less dense condominium buildings as proposed along the Montevallo Road frontage; thereby reducing the impact on the Chester Road residents.

Dana Hazen, Director of Planning, Building and Sustainability: Regarding PUD acreage requirements: in the villages – minimum 4 acres; not in the village - minimum is 10 acres; at a Gateway - a minimum of 2 acres. The question of the triangle portion being within the Shades Valley parcel and within the Gateway needs to be clarified.

Mr. Beavers: There is a dedicated alleyway by record as shown on a 1924 record map; there is no plan to vacate the alleyway.

Commissioner Mouron asked for an explanation of the trapezoid issue mentioned earlier by Mr. Galloway. Mr. Galloway said that the cul-de-sac is not completely circular; it is trapezoid shape at the top of the circle (12 o'clock). If not public, there is no legal means for Shades Valley to have access to Chester Road. Enough frontage must be created so as to create an appropriate width for the driveway.

Mr. Beavers: He feels congruity is there; it is clearly on the map. No evidence of abandonment or loss.

Commissioner Mouron called for a motion.

Motion: Mr. Black, motion to carry the case over to the August 1, 2022 meeting. The Commission requests the following:

1. Determine if the triangle-shaped western portion of the property (noted as Parcel III in the PUD application) is Mountain Brook or Homewood jurisdiction.
2. Attorneys consult with one another to determine the best course for the City to move forward with this project, with respect to all parties.
3. Traffic Study: Skipper Consulting Inc. - Provide more information regarding the origin of data presented in the report. Consider questions presented regarding the study.

Second: Mr. Lassiter
Aye: Unanimous
Nay: None

Motion carries.

9. There being no further discussion, the meeting stood adjourned.

Tammy Reid, Administrative Analyst