

**MINUTES**  
**CITY OF MOUNTAIN BROOK**  
**PLANNING COMMISSION**  
**AUGUST 1, 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, August 1, 2022, at 5:30 p.m. The roll was marked as follows:

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

Also present: Whit Colvin: City Attorney  
Dana Hazen: Director of Planning, Building and Sustainability  
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. Black, motion to approve the agenda as presented.  
Second: Mrs. Smith  
Aye: Unanimous  
Nay: None

Motion carries.

3. **Approval of Minutes:** Chairman Walker stated that the July minutes will be on the September agenda.
4. **Case P-22-16: 2305 Montevallo Road, Shades Valley Presbyterian Church** **EXHIBIT 1**  
(Carried over from the July 6, 2022 meeting.)

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 Dresher (applicant), CJD Law, 3205 N Woodridge Road, MB, said that he and co-council Mr. Beavers have discussed the development and feel that it fits with the Gateway concept.

Charles Beavers, 4301 Dolly Ridge Road, Birmingham, legal counsel for the developer, addressed issues presented at the previous meeting:

- (1) Regarding the triangle-shaped western portion of the property (noted as Parcel III in the PUD application) – is it Mountain Brook or Homewood jurisdiction? It has yet to be confirmed as to in which jurisdiction this part of the property resides. The investigation continues. In the meantime, the project application will proceed. If it proves that the parcel is not in the city, a rezoning procedure is allowed by Alabama statutes. This property is not necessary to qualify for the furtherance of the application. There are no city records of annexation.
- (2) The residents of the neighborhood do not want access off of Chester Road. (Response by development team later in presentation.)
- (3) Residents prefer one taller condominium building rather than two buildings. It was also suggested that the floors be reduced on one building. (Response by development team later in presentation.)
- (4) Chester Road is a dedicated public road, created by recorded plat. In the past, the church used a chain across the road to protect their property.
- (5) There are covenants that apply to three lots on Montevallo. Two are a part of this proposal. These covenants have been amended to reflect no restriction on structure height. (Previously 30' height restriction.)

Commissioner Hollingsworth: Have the legal teams from both sides gotten together since last meeting to discuss issues presented? This was requested by the Commission at last meeting. Mr. Beavers: Contact attempted but not achieved.

Margie Ingram (Ingram Farris, LLC), 515 Old English Lane, MB, stated that the Shades Valley Presbyterian Church property is an important development for Mountain Brook.

Jared Calhoun: (Nequette Architecture & Design), 2227 2nd Avenue N, Birmingham, stated that the parcel in question is included in the Hollywood Gateway. He confirmed that the acreage is sufficient for a Gateway PUD.

- Plans were amended to remove a detention area note that was on the southern end of the property because it is no longer an active part of the project.
- Consideration was given to removing Building B, and to move units west into Building A. In doing so, the one building would be 6 to 8 stories tall, which is not in scale with the surrounding area. Also, having a parking lot fronting on Montevallo Road is not a good idea from an urban design perspective; this is meant to be a walkable community.
- The presentation tonight is basically the same as presented last meeting.

Commissioner Lanier asked about surface parking on Montevallo Road. Is it public space? Mr. Calhoun: City parking, not in use is his understanding.

Mrs. Hazen stated that they are public parking spaces and will remain as such.

Chairman Walker: The church building is one less story in height, but the height is similar to that of the project. Mr. Calhoun: The building mass will feel similar.

Mr. Calhoun: The proposed closely matches with the village overlay zoning. A taller building would be out of scale with the community. Unit counts were not adjusted.

Andrew Phillips, Schoel Engineering Company, Inc., 1001 22nd Street South, Birmingham:

- Presented a new graphic addressing impervious area calculations; impervious area will increase from 48% to 55 % to achieve this plan. The runoff will flow through the underground detention system, and will discharge in the same drain at the rear of property.
- The public alley way will extend from 10' to 20' in width; 16' city paved alley to access Montevallo to the rear to access the motor court. There are still decisions regarding utilities, etc.
- Local to collector road distances:

<b>Hollywood Boulevard Gateway - Local to Collector Road Distances</b>		
<b>Lot Number To Montevallo Rd To Cahaba via Chester</b>		
1	326	1148
2	266	1207
3	206	1267
4	153	1321
5	799	892
6	747	840
7	719	812
8	779	872
9	839	961
10	902	995
11	539	1237
12	476	1175
13	416	1115
14	392	1116

- Storm Water Management: During property demolition and site prep, as the water drains north to south toward Chester Road, the flow will be redirected. In the initial phase, silt fencing will run the entire eastern property to collect run off and a diversion swell will be cut in to divert to the south end of the site. ADEM (Alabama Department of Environmental Management) will review the system and conduct regular inspections.
- This is a multi-phase process.

Gerald Clark, Schoel Engineering, 1001 22<sup>nd</sup> St. S., Birmingham:

- Landscaping plans were presented. Regarding the two houses where the property owners were concerned about screening, a buffer planting will be added to the back of the building. Probably 6' evergreens; cannot go taller because of the existing power lines. Behind them, taller evergreens will be planted that should top out at about 30 feet (estimated 10 years to maturity).
- The amenities will be 25' off of the property line.
- Robust planting is planned throughout the project.

Commissioner Hollingsworth asked if the building will be closer to Montevallo Road than the church presently is. Mr. Calhoun said that the building will be farther back.

Commissioner Black asked where the mechanical equipment will be located. Mr. Calhoun said that the mechanical equipment will be on top of the buildings.

Richard Codell, Skipper Consulting, 3644 Vann Road, Birmingham: In response to comments from the July meeting:

1. All access to the condominium development will be from Montevallo Road. There is no vehicular access from Chester Road. The only access from Chester Road is for the single-family units.
2. Wait time coming out of the Brookhill Condominium complex: There is a delay, graded a current level C – acceptable. During peak hours, will not change significantly.
3. Suitability of Chester to carry the additional traffic - The only traffic generated will be by the single-family homes, which also have two other access points – the alley and the connector from the motor court to Chester Road. An insignificant volume of traffic will be added. Projecting six cars during the morning peak hours and eight during the afternoon peak hours. This is an insignificant increase considering this is a two-lane residential roadway.
4. Sight distance: *See attachment 1.*
5. Data sources: timing of counts; day, time, length. *See attachment 2 for the remainder of responses.*
6. Source materials used? Are they available to the public? Are these the typical materials used? Timing of counts taken.
7. Trip generation: where did that data come from? Is it appropriate for this study? Trip generation: 60 percent through the Village; 40 percent from Hollywood Blvd. /Hwy 280.

Mr. Codell stated that other traffic impact studies can be reviewed at the city to see that this model has been used many times. The reference software used in these studies is very expensive and not available online.

Chad Patterson, Brasfield and Gorrie, 3601 Crestwood Road, MB:

- In regard to managing traffic in and around Chester Road, the size of this project is not unusual for their company to manage. During construction, there will be controlled access to the job site. There will be contractual terms to dictate to the contractors how they can access the site and there will be physical barricades; the only access will be via Montevallo Road.
- Storm water management will be managed through the swell until the permanent system is in.

Commissioner Black: Regarding the silt fencing, will ADEM monitor to insure runoff is controlled and that the fencing is not breached? Mr. Patterson said that ADEM will monitor on a monthly basis and/or at qualifying rain events.

Commissioner Hollingsworth: After the condominiums are complete, will the same restrictions apply to the 14 single-family units during construction? Glen Merchant, Building Official: Once ADEM releases the condo buildings, the single-family units will be monitored according to city ordinances.

Commissioner Lanier: Is it the intent for all construction traffic to access the single-family construction sites thru Montevallo Road? Mr. Patterson believes it is the intent for all construction traffic to use Montevallo Road.

Melinda Sellars, Burr and Forman, 420 N. 20<sup>th</sup> Street, Birmingham:

Even though the project is one PUD, the condominium complex and the single-family units have separate covenants. The city will have the right to enforce what is set forth in the PUD, as well as the covenants should there be an issue. The roads in the single-family section are private (except for the

public alley) and will be maintained by the association. The condominium association will maintain their common areas.

Mr. Beavers: The plan is not to vacate the alley. Of the 20' alley, one-half will be public, and one-half will be private. The city has not assumed maintenance of the alley, and has no obligation until/unless the City Council chooses to do so. The association will maintain the whole 20'.

John Chapman, Ingram Farris, LLC, addressed the economic impact to the city and schools. The development provides storm water runoff improvements that are an enormous benefit to the surrounding areas. The plan provides housing options needed in the city for empty nesters. The projected economic benefits estimates are based on \$2.5 million average for the single-family homes and \$2 million per condominium:

Tax impact estimation annually to the city is \$465,000 and \$266,000 annually to the school system, totaling \$731,000 annual recurring revenue. Sales tax on building materials is estimated at \$600,000, business licenses and permit fees estimation is \$50,000-\$60,000.

Commissioner Lanier feels the presented impact on school density may be calculated incorrectly. Dana Hazen, Director Planning, Building and Sustainability, stated that she contacted the Mountain Brook School Board for their input. No information has been received.

Mr. Calhoun said there is a natural, open area, but not a playground with equipment. There is a small, fenced pool for the condo owners.

Commissioner Mouron asked about the composition of the condo units. Mr. Calhoun: That is still in the research phase; there will be one and two bedroom units according to the market analysis.

Mr. Mouron: If the number of two bedroom units increases, how will that effect the accuracy of the parking plan presented? Mr. Calhoun: The number of parking spaces will be adjusted to meet requirements. Mr. Mouron: It is hard to make a recommendation without exact information.

Mr. Calhoun: The parking count presented is based on the maximum number possible for the project to cover the final scenario; the number would only go down not up.

Mrs. Hazen: Should a reduced parking ratio apply, less than 2 per unit, acceptance will be based on demonstrated and convincing market and demographic data regarding the parking demand per each dwelling type included in the mix. The parking spaces number can go lower, but not higher.

Mr. Calhoun: As of now, there are 52 parking spaces for 32 condos and 13 spaces on Montevallo Road. (visitor).

Commissioner Lassiter asked about time of use for the amenity areas. Mr. Calhoun stated that the hours will be in accordance with city ordinances.

## **Public Comments**

Mr. Galloway: New information was presented tonight that he has not seen. He did email Mr. Beavers after last meeting, but contact was not made. He did not hear from the church representatives. He said that he believes that there is a plan that will work for all involved, but what is proposed at this time is not acceptable.

- Distributed a handout of tax assessor's map to the commissioners. Regarding the triangle-shaped western portion of the property (noted as Parcel III in the PUD application): There are legal implications regarding this point that must be sorted out to go forward. Jurisdiction must be determined to proceed.

- The Kilpatricks and Mrs. Miller on corners: They were not consulted by the development team.
- There is already parking up and down that side Montevallo; not an issue as development team presented.
- We do not feel that the development team is sensitive to the neighbors. The initial project that was presented had one condo building, five townhomes, no pool, and no workout facility. Now a larger development is presented with two buildings and amenities. They have not eliminated the swimming pool. We believe this development is against the intent of the PUD.
- We are willing to meet with city staff, citizens, development team, etc.
- Did not hear in the traffic study how traffic will interplay with the prospective completion of Mountain Brook Village. It is important to know what businesses are coming, traffic patterns, and if the project will be a factor or not.
- We feel that a negative decision is the appropriate action at this time or to continue this case until imperative information can be presented.

Jane Grant, 2317 Chester Road, MB: After meeting with the development team, we did not think we would have to get legal counsel. We liked the original presentation, but suggested that the building be set in off of Montevallo Road. The development team said they would consider. Now an even larger project is presented. If Chester Road and two homes are damaged because a plan cannot be changed, that is very short sighted. Please consider the neighbors.

Tom Crawford, 2305 Chester Road, MB, is not opposed to the development. Rather have homes than a hotel or apartments.

Alan Kilpatrick, 2304 Chester Road, MB, said that his house is 10.9 feet from the lot line. He does not believe emergency vehicles will be able to access as presented. This is a safety issue that needs to be addressed.

Laura Honeycutt, 10 Montevallo Terrace, Birmingham, said that she sees both sides of the argument. Consideration should be given to the residents of Chester Road.

Jane Houston Crommelin, 500 Pine Ridge Trail, MB, said that the city is in need of these housing options.

Brian Boehm, 2900 Canterbury Road, MB, said that he understands both sides. He feels this project will be an asset to the area and will increase property values. He supports the project.

Mr. Beavers:

- The team worked hard on revisions; just got the changes to Mrs. Hazen today.
- The team feels that the scale is right for the area, meets village design plans, and looks right for the entrance to the city.
- Parking on Montevallo Road is not an issue.
- There will be parking issues if the numbers of floors in the condo buildings change.
- There is a small pool, behind a residence in new development, not a Chester Road resident.
- There will not be a flux of children affecting the school system.

Commissioner Hollingsworth said that he feels that the concerns of the neighborhood have been ignored. There is room for improvement through communication. It is a great project, but he could not vote in the affirmative at this time.

Commissioner Black said that he feels the questions from last meeting were addressed; however, it seems that no personal time was spent with the residents to work on their concerns. He suggested that the case carry to the September meeting.

Chairman Walker said that the alley issue needs to be rectified as well as the jurisdiction of the parcel in question; also the issue of emergency vehicle access.

Whit Colvin, City Attorney, said that resolution of these issues is critical from a legal aspect.

Commissioner Lanier: The parking issue needs to be resolved regarding the actual number of units. If I lived on Chester, I would be upset at the approach taken. It is an excellent project. The drainage system will be a great value to the city. Do we need two buildings? There need to be more discussions with the neighborhood. I couldn't vote in the affirmative at this time.

Commissioner Lassiter: The initial concept presented was a good plan. Why was an additional condominium building added? He went to Chester Road. It is very tight and there were cars on the right-of-way. It is doubtful that emergency vehicles could maneuver as indicated.

Commissioner Smith: Agrees that the neighborhood should be included in the process to find a workable solution.

Commissioner Hollingsworth: Consider using Montevallo Road as the entrance.

Motion: Commissioner Black: Motion to carry the case over to the September 6 meeting so that dialogue can continue with the Chester Road neighborhood residents.

Commission requests:

- Critical to the furtherance of the Planning Commission's deliberations:  
Determine if the triangular-shaped western portion of the property in question is under Mountain Brook or Homewood jurisdiction.
- Propose a clear direction for the use of the public alley along the west property line, how it will be incorporated into the proposed 20-foot wide ingress/egress drive, and who will maintain it.
- Parking for condominium buildings: The proposal for a reduced parking ratio (less than 2/unit) shall be based on demonstrated and convincing market and demographic data regarding the parking demand per each dwelling type included in the mix.

Second: Commissioner Smith

Vote: Aye: Unanimous

The meeting adjourned until September 6, 2022.

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Tammy Reid, Administrative Analyst

## Corner Sight Distance Chester Road at Cahaba Road

During the public hearing before the City of Mountain Brook Planning Commission on July 6, 2022, a citizen raised the issue of inadequate sight distance for traffic exiting Chester Road onto Cahaba Road. In response to this comment, Skipper Consulting, Inc. has performed sight distance measurements for traffic exiting Chester Road onto Cahaba Road and compared these measurements to required minimum distances based on travel speed according to the AASHTO publication A Policy on Geometric Design of Highways and Streets (2018).

The sight distance measurements were initially taken for a driver's eye position at a point 10 feet behind the stop line on Chester Road. From this position, the measured sight distances were as follows:

Looking to the left – 430 feet  
Looking to the right – 45 feet

Pictures of the available sight distance from a position 10 feet behind the stop line are shown below.



Sight lines from 10 feet behind stop line on Chester Road



Looking to the left – 430 feet



Looking to the right – 45 feet

The available sight distance from a driver's eye position at a point 10 feet behind the stop line on Chester Road looking to the right is obviously inadequate. However, vehicles that exit Chester Road will move forward until the front of their vehicle is past the crosswalk in order to gain better sight lines. From this position, that is, with the driver's eye position over the crosswalk, the measured sight distances were as follows:

- Looking to the left – 650 feet
- Looking to the right – 740 feet

Pictures of the available sight distance from a driver's eye position over the crosswalk are shown below.

Sight lines from crosswalk



Looking to the left - 650 feet



Looking to the right - 740 feet

The following table shows the minimum required sight distances from AASHTO Tables 9-7 and 9-9.

<b>Speed (mph)</b>	<b>Minimum Sight Distance Required</b>	
	<b>for a left turn</b>	<b>for a right turn</b>
15	170'	145'
20	225'	195'
25	280'	240'
30	335'	290'
35	390'	335'
40	445'	385'
45	500'	430'
50	555'	480'
55	610'	530'
60	665'	575'
65	720'	625'
70	775'	670'

Therefore, for a driver's eye position 10 feet behind the stop line on Chester Road, the following conclusions can be drawn:

- ☒ A right turn onto Cahaba Road from Chester Road is safe for speeds up to 45 mph
- ☒ A left turn onto Cahaba Road from Chester Road is not safe for any speed

For a driver's eye position over the crosswalk, the following conclusions can be drawn:

- ☒ A right turn onto Cahaba Road from Chester Road is safe for speeds up to 65 mph
- ☒ A left turn onto Cahaba Road from Chester Road is safe for speeds up to 55 mph

Note: the posted speed limit on Cahaba Road in the vicinity of Chester Road is 20 mph.

## TIA — TECHNICAL INFORMATION

- The City of Mountain Brook does not have a law, regulation, policy, or guideline on when traffic impact studies are required or how they should be performed.
- In the absence of a City policy, etc., the ALDOT Access Management Manual (November, 2021) policy was used as a guideline for preparing the impact study.
- According to ALDOT guidelines, a traffic impact study would not normally be required for this development since it does not generate 100 peak hour trips (pg. 19).
- The study intersections were based on the “Residential developments generating fewer than 500 trips during any peak hour”, which is (pg. 22):
  - Proposed connection points
  - All signalized intersections within ¼ mile of the property boundary
  - All unsignalized intersections within ¼ mile of the property boundary
- Hourly approach counts were conducted on Montevallo Road and Cahaba Road to comply with requirements on page 22, which are:
  - A minimum of 24 hours
  - On a typical weekday, Tuesday, Wednesday, or Thursday
- Peak hour turning movement counts were conducted at the study intersections to comply with requirements on page 23, which are:
  - 7:00-9:00 a.m. and 4:00 to 6:00 p.m.
  - On a typical weekday
- Historical traffic counts were used to determine background traffic growth as per the requirement on page 24.
- Trip generation was calculated using the latest version of the ITE Trip Generation Manual for the peak hours of adjacent street traffic, as per the requirement on pages 24-25
- Intersection capacity analyses were used to determine traffic impacts using the methodology in the latest version of the Highway Capacity Manual and using the latest version of Synchro, as per the requirement on page 26.