

Request to rezone property from Residence-B district to Planned Unit Development (PUD) district.
This case was heard by the Commission on July 6, 2022, August 1, 2022, and September 6, 2022.

Charles Beavers, representing the developer, addressed the commission. He stated that the following team members are available for questions: Margie Ingrum and John Chapman, Project Principals; Louis Nequette and Jared Calhoun, Nequette Architecture & Design; Andrew Philips, Shoel Engineering Company; Richard Codell, Skipper and Associates; Chad Patterson, Brasfield and Goree; Melinda Sellars, Burr and Foreman LLP.

Scope of project: To rezone a 4.0 acre property from Residence-B to Planned Unit Development (PUD) for a mixed-use (multi-family and single-family) residential development.

Mr. Beavers addressed two of the requests that the Commission submitted at the September meeting:

- Is Chester Road a public road? This issue has been resolved with the title company, and the Mountain Brook staff, that this is a public road.
- Property in 10 foot alley: Research confirmed that this property is in Homewood. Homewood City Council has approved (September 26, 2022) improvement of the alley to be a part of this project.

Louis Nequette, Nequette Architecture & Design: The proposed changes to the PUD are as follows:

- Removed the alley and the Homewood lot from the proposal.
- Removed pool from condo development.
- Relocated service yards in condo buildings.
- Revised parking layouts to accommodate two parking spaces per unit.
- Undergrounding the overhead electric lines between the condo development and the Chester Road lots, allowing for a higher, denser landscape buffer along that shared property line.
- Modified the privacy wall along the Miller and Kilpatrick properties to be 8'-0" tall, which will step down to 6'-0" around the Chester Road ROW.
- Modified the entry on Chester Road to include an automatic vehicular gate and a cobblestone entry drive, to discourage cut-through traffic.
- Reduced the density in Condo B by removing the south-facing penthouse units, reducing the total unit count in Condo B from 16 units to 14 units.

Mr. Nequette:

- Investigation of primary access from Montevallo Road: Providing primary access from Montevallo Road has been analyzed by the team. With the current development plan configuration, a layout that provides access to both the condominium buildings and the single-family residential portion cannot be accomplished with vertical curve requirements necessary for public street design.
- Sides for and against the project: The sides have met and had extensive discussion, even participating in a 12-hour+ mediation effort. The sides did find common ground on parts of the proposal, but did not come to an agreement on the proposal as a whole.
- The parking and unit counts in each building will conform to Resident-G standards for off-street parking. Condo B has lost a pair of units to address proximity concerns to the Chester Road homes and added parking to accommodate the needed stalls in Condo A.
- Condo B – Lowered the density; scale and unit panel; tiers down the back.

Mr. Beavers: Additional information: There were two meetings with the neighbors, as well as mediation. To address concerns presented, the following is proposed:

- A privacy wall will be installed as part of the initial construction
- There will be an application installed to address surface water drainage into Chester Road during construction.
- Additional landscaping added; taller and thicker.
- Access for overflow parking for events on Chester Road.
- Service vehicles access exclusively off of Montevallo Road.
- Agreed to remove community pool.
- Agreed to lighting restrictions.

Andrew Phillips, Schoel Engineering, regarding access points:

From Montevallo Road to motor court: If this becomes a public street, there will be grading issues and site-line distance issues (dangerous). Isolating the two sites is the best approach to this project.

Richard Codell, Skipper and Associates. Traffic issues: no changes to the traffic study previously presented. The removal of two condo units will not significantly affect the amount to traffic. Regarding the cobblestone entrance and gate on the Chester Road side: There should be no significant changes in traffic.

John Chapman: Our challenge is to balance between three groups; the city, neighbors, and development team.

- City: The economic impact will be substantial. Schools: The development plan addresses proposed concerns. The stormwater impact: the development will bring a positive impact to city and adjacent neighbors.
- Development team: Economics of the project and producing a development that will meet the needs of the end users.
- Neighbors: We have tried to be mindful of their concerns. The western alley access will dilute the traffic on Chester. Home values: This value of the dwellings in this development will be in excess of the existing.
- This is a challenging site; the plan presents a product that addresses the desires of all groups.
- There is a genuine interest in this type of development. .

Mr. Black: Is the proposed gate an amenity of development; a security measure?

Mr. Chapman: It is not proposed as an amenity. The thought is that the gate and cobblestone will provide a physiological barrier, and is proposed as a measure to limit traffic on Chester.

Mr. Black: If it is not a security instrument, it seems like an impediment to being a part of the community. Since the traffic study showed no significant change in traffic numbers, it seems a negative.

Mr. Chapman: The developer's stance in adding the gate is to limit vehicle access for the neighbors.

Mr. Hollingsworth asked about the auxiliary parking mentioned earlier.

Mr. Chapman said that the auxiliary parking in the development can benefit the citizens on Chester by providing additional parking as needed when there are large gatherings on Chester, and would be managed by the HOA. The intension is to be neighborly.

Mr. Lassiter: The landscape as presented in the rendering - it seems it does not push foot traffic out onto Montevallo Road as previously thought.

Mr. Chapman: There are accessible ramps through the planter area; no cobblestones. Pedestrians will not be pushed into the street.

Chairman Walker asked about the grade of the existing houses abutting the development.

Mr. Chapman: The north alley grade will closely match as it now. There will be an 8' tall side wall for screening; it will follow the grade. There will be a south end retaining condition that varies in height with a screened wall as well.

Mr. Lassiter asked if there any concerns with water runoff. Mr. Chapman stated that the water will be routed unground and will better the condition that exists now.

Chairman Walker: In respect to the scale on Montevallo side; what is the relationship to the existing church?

Mr. Chapman: The experience of these buildings will be very different, as they will hug the street rather than the church as it sits off the road. We feel the heights are very similar.

Public Comments:

Tom Crawford, 2305 Chester Road: His property adjoins the development. There have been problems in past with water runoff; he is for the development. Mr. Galloway does not represent him.

Tripp Galloway: Represents owners of ten lots on Chester Road.

- The specifics of the mediation mentioned earlier are protected by confidentiality.

Mr. Black: The committee is impartial and is charged to make decisions that are best for all parties involved. He is seeking information why the gate is there. If the developer is offering the gate as an amenity, that is one consideration. However, if there is no functionality of the gate, that is another. He is seeking information only regarding the gate.

Mr. Galloway: The proposed gate will not accomplish the desire that no service vehicles will enter; minimal security.

Mr. Galloway:

- Changes to the plan presented tonight: The changes are appreciated but doesn't make it good, just less bad.
- Surrendering of the pool and stone wall is appreciated, but it is felt that would have been eliminated anyway.
- Reducing from 16 units to 14 units is helpful.

We ask that the commission not approve as is; please give a negative recommendation to the city council. However, if something is to be moved forward, consider the following:

1. First choice: One access in and out from Montevallo Road. Mr. Galloway named 13 developments in the city that have one way in and out. Why can this not been done here?

2. Second choice: Accept Residence B format for Chester Road, as a PUD or not; the single-family houses would have to meet Residence B standards, and access Chester Road freely. No access from the condominiums. Basically extend Chester Road into the single-family development.

Mrs. Smith: Why have you changed consideration of the buy right option at this point?

Mr. Galloway: This option will provide a neighborhood feel like that existing on Chester Road. This will be an extension of Chester Road. This is not our first choice.

Whit Colvin, City Attorney, stated that the commission could recommend this change to the city council; it would be a recommendation only. It is doable through the council.

Alan Kilpatrick, 2304 Chester Road, MB, stated the development has changed from the first presentation; much larger. He presented a photo illustrating the scale of the project. He feels that the enormous buildings are inappropriate for the location. He does not feel that emergency vehicles can get around the circle. He feels that access from Montevallo should be achievable.

Peggy Balliet, 2335 Chester Road, MB, said that Chester has always been a dead-end cul-de-sac. It is a jewel. We do not need more traffic on the street. Access should be on Montevallo Road only. We are not interested in the value of our homes increasing because of this project. The lifestyle we enjoy is what we want to preserve. Please deny access to Chester Road. There have been no changes of substance.

Jane Grant, 2317 Chester Road, MB, please do not take this road from us.

Mr. Hollingsworth: Chester Road access makes this development as presented a 'no' for me. The profile presented by the developer was helpful, but it seems like a self-imposed hardship.

Mr. Black: Buy rights proposal will incur more traffic; the city council would probably be concerned about the impact on the schools. The project will address a market that the city does not have. The developments listed that have one access in and out, mostly front one street, so that is a moot point. The gate is not a real plus because it will cut off the development from a fine neighborhood.

Mr. Beavers: We are willing to take out the gate, or provide a gate with key access only. The gate was an offering to address concerns. Topographical issues make access from Montevallo not a good option.

Mr. Lassiter: Could an entrance off Montevallo be feasible from an engineering stand point?

Mr. Phillips: There would be substantial percussions.

Chairman Walker: The vote is for a recommendation to the city council. They will decide the final decision.

Motion: Mr. Black: Motion – Recommendation to the City Council: Approval of the latest amendments to the application as presented this date.

Second: Mrs. Smith

Aye: Black
Mouron
Smith

Nay: Walker
Hollingsworth
Lanier
Lassiter

Motion carries.

The meeting adjourned until November 7, 2022.

Tammy Reid, Administrative Analyst