

PLANNING COMMISSION PACKET

March 27, 2019

Hello All,

Enclosed please find your packet for the meeting of April 1, 2019.

We have:

- Rezoning case of the KI property (request to carry over till the May 6, 2019 meeting)
- Three resurveys
- One rezoning of a recently annexed property

If you receive any citizen inquiries regarding these cases the plans may be viewed by going to:

www.mtnbrook.org

- Calendar (upper right corner)
- Planning Commission (April 1, 2019)
- Meeting Information (for agenda) and Supporting Documents (*to view proposed plans select link associated with the case number*)

If you have any questions about these cases please don't hesitate to give me a call at 802-3816 or send me an email at hazend@mtnbrook.org.

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION

APRIL 1, 2019

PRE-MEETING: (ROOM A106) 5:00 P.M.

REGULAR MEETING: (ROOM A108) 5:30 P.M.

CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

1. Call To Order
2. Approval of Agenda
3. Approval of Minutes: March 4, 2019
4. **Case P-19-02:** Request to rezone a parcel of land from Residence-A district to Professional District. - **3100 Overton Road** (*Carried over from January 7, 2019, February 4, 2019 and March 4, 2019*) (*The applicant for this item has requested postponement to the Planning Commission meeting of May 6, 2019, in order to allow time for the city council to vote on the proposed Professional District ordinance changes, anticipated April 22, 2019.*)
5. **Case P-19-07:** Preliminary plat, Cherokee Bend, South Sector, Fifth Addition, a Single Family Residential Subdivision located in the SE ¼ of Section 36, Twp-17S, R-2W, Jefferson County, City of Mountain Brook, Alabama. The application includes a request for a variance from the terms of the subdivision regulations to allow each lot to be less than the required 140-foot width (at the street) for the temporary zoning of Estate District. - **3758 Rock Brook Lane**
6. **Case P-19-08:** Request to rezone a parcel of land, recently annexed into the city of Mountain Brook, from its current temporary zoning (Estate district) to permanent zoning (Residence-A district). - **3758 Rock Brook Lane.**
7. **Case P-19-09:** Plott's Addition to Redmont Park, being a resurvey of Lots 216 and 217, Redmont Park, New Country Club Sector as Recorded in Map Book 150, Page 99, Judge of Probate Office, Jefferson County, Alabama; situated in a portion of the SW ¼ of Section 5, Twp-18S, R-2W. - **3020 Country Club Road.**
8. **Case P-19-10:** Montrose Circle Resurvey of Lots 10 & 11, being a resurvey of Lots 10 & 11 of amended map Montrose Circle, as recorded in Map Book 33, Page 37, in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the NE ¼ of the NE ¼ of Section 4, Twp-18S, R-2W, Jefferson County, Alabama. - **10 and 11 Montrose Circle.**
9. Next Meeting: May 6, 2019
10. Adjournment

MINUTES
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
MARCH 4, 2019

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 the City Hall Council Chamber on Monday, March 4, 2019, at 5:30 p.m. The roll was marked as follows:

Members Present: Rob Walker, Chairman Absent: Alice Williams, Vice Chairman
 Jamie Gregory, Secretary
 Philip Black
 Michael Mouron
 Carey Hollingsworth
 Graham Smith

Also present: Dana Hazen: Director of Planning, Building and Sustainability
 Whit Colvin: City Attorney
 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:** Mr. Walker suggested amending the agenda by moving the discussion of the Chabad Landscape Plan to follow Item 4 (Case P-19-02) on the presented agenda. Second: Mr. Gregory. The motion carried by a unanimous voice vote.
3. **Approval of Minutes:** February 4, 2019

Mr. Walker called for a motion regarding the February 4, 2019 minutes.

Motion: Mr. Gregory, motion to approve the minutes as presented.

Second: Mr. Black

Ayes: Rob Walker
 Jamie Gregory
 Philip Black
 Mike Mouron
 Carey Hollingsworth
 Graham Smith

Nays: None

Motion carries.

4. **P-19-02: 3100 Overton Road - Tracy Cohn, Grotting and Cohn Plastic Surgery EXHIBIT 1**

Request to rezone a parcel of land from Residence-A district to Professional district. Legal Description of Property: Lot 1, according to the Knesseth Israel Congregation Addition to Mountain Brook, as recorded in Map Book 220, Page 41, in the Office of the Judge of Probate

of Jefferson County, Alabama.

Steven Brickman, Sirote and Permutt PC, 2311 Highland Avenue, Birmingham, Alabama, represented the applicant. He asked that the case carry over to the April 1, 2019 meeting so that they can consider the impact of the proposed zoning amendment that is to be considered by the City Council at its meeting of March 25, 2019. Mr. Walker called for a motion.

Motion: Mr. Black, motion to carry the case over to the April 1, 2019 meeting, per the applicant's request.

Second: Mr. Gregory

Ayes: Rob Walker
 Jamie Gregory
 Philip Black
 Mike Mouron
 Carey Hollingsworth
 Graham Smith

Nays: None

Motion carries.

5. Discussion of the Chabad Landscape Plan.

EXHIBIT 2

Rabbi Levi Weinbaum, 3772 Glass Drive, Vestavia, Alabama, represented the Chabad of Alabama, located at 3040 Overton Road, Birmingham, Alabama. This item of discussion is regarding the Landscape Plan that was approved on May 7, 2018. Rabbi Weinbaum said that the existing wooden fence is 5.5 feet into the Chabad property line, with a vegetative buffer behind it. The question is: Would it be allowable to put the required chain-link fence in front of the existing wooden fence, with no vegetation between the two?

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

Motion: Mr. Hollingsworth, motion to accept the existing conditions, with the addition of black chain-link fence from where the existing fence ends, to join the new black chain-link fence along the back of the property, and that the previously approved landscaping is to join with the additional fenced area, to be installed on the Chabad side of the fence.

Specifics of the motion:

To accept existing conditions along the east property line (wooden fence as per as-built survey, 0-5 feet from property line, on the Chabad property, and mature giant green arborvitae on adjoining Park at Overton residential property, outside the wooden fence) to be in compliance with the master plan approved by the Planning Commission (Case P-18-07, 20180507). Said improvements may remain in place, with giant green arborvitae to be placed on the inside of the wooden fence. The fence is to be repaired as needed.

Notwithstanding the foregoing, the remainder of the required landscape buffer shall be installed in accordance with Case P-18-07, which is to say that the 16-foot wide buffer, comprised of tea olives (on the outside of a black, 8-foot high chain link fence) and giant green arborvitae (on the inside of a black, 8-foot high chain-link

fence) will carry over across the rear of the property, make a turn (to the south) at the intersection of the north and east property lines, and carry on to join with the existing wooden fence at a point 5 feet from the east property line.

Second: Mr. Mouron
 Ayes: Rob Walker
 Jamie Gregory
 Philip Black
 Mike Mouron
 Carey Hollingsworth
 Graham Smith
 Nays: None

Motion carries.

6. Case P-19-05: 3784 Jackson Boulevard - Mountain Brook Board of Education **EXHIBIT 3**

Shanda Williams, City of Mountain Brook Parks and Recreation Superintendent, presented the application on behalf of the Park Board. The request is for approval of an amended development plan for Crestline Elementary School to remodel the concession stand at the recreation field by adding a restroom and storage closet.

On July 6, 2015, the Planning Commission approved Case 1959, a request for an amended development plan for the Crestline Elementary recreation fields, to remodel the existing concession building by adding a new restroom, and extending the roof and patio cover to encompass the proposed addition. The improvements were not constructed, and the plans have been revised such that the restroom is now proposed on the east (left) side of the concession stand instead of on the west (right) side, due to an existing storm drain on the right (west) side. The relocation will also aid with ADA compliance and will provide additional storage space.

Carey Hollingsworth recused himself from this case.

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

Motion: Mr. Gregory, motion to approve the amended development plan for Crestline Elementary School to remodel the existing concession stand at the recreation field by adding a restroom and storage closet, as submitted.
 Second: Mrs. Smith
 Ayes: Rob Walker
 Jamie Gregory
 Philip Black
 Mike Mouron
 Carey Hollingsworth
 Graham Smith
 Nays: None

Motion carries.

7. **Case P-19-06: 114 Calton Lane - NJK, LLC****EXHIBIT 4**

Resurvey of Lot 5-A Calton Hill at Mountain Brook; being a resurvey of Lot 5-A, and limited common element, according to the resurvey of Lot 5 Calton Hill at Mountain Brook, as recorded in Map Book 244, Page 59, in the Probate Office of Jefferson County, Alabama, situated in the SW ¼ of Section 33, Twp-17S, R-2W, Jefferson County, Alabama.

Jason Kessler, 3505 Bent River Road, Birmingham, Alabama, represented NJK LLC, the applicant. The request is to allow a resurvey of this property for the purpose of accommodating an outdoor fireplace. A large, concrete retaining wall and alley sit on the other side of the proposed property line. Currently, the property line stops short of the retaining wall and the request is to move the property line to the face of the wall.

The subject lot line adjustment will bring an existing freestanding fireplace into compliance for an as-built permit. The fireplace is not wholly contained within the single-family property (Lot 5-A), but straddles the common property line between Lot 5-A and the common area lot to the north. By moving the common line to the north by approximately 5 feet, the chimney will be fully contained on private property.

It is noted that if the resurvey be approved, a variance by the Board of Zoning Adjustment will also need to be secured since the chimney would be less than 10 feet from the property line.

Mr. Walker asked if the resurvey is granted, will the chimney still exist in the utility easement. Mr. Kessler confirmed that it will be within the easement. Mr. Kessler also stated that the chimney was built prior to his knowledge and that he is trying to rectify the situation.

Mr. Walker asked how the easement situation can be rectified. Glen Merchant, Mountain Brook Building Official, stated that should the utility company need use of the area, the structure will have to be removed.

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

Motion: Mr. Gregory, motion to approve the resurvey request as submitted.
 Second: Mr. Mouron
 Ayes: Rob Walker
 Jamie Gregory
 Philip Black
 Mike Mouron
 Carey Hollingsworth
 Graham Smith
 Nays: None

Next Meeting: Monday, April 1, 2019.

8. **Adjournment:** There being no further business to come before the Planning Commission, the meeting stood adjourned at approximately 5:40 p.m.

Tammy Reid, Administrative Analyst



**Planning Commission Application
PART I**

Project Data

Address of Subject Property 3100 OVERTON ROAD, MOUNTAIN BROOK

Zoning Classification RESIDENTIAL A DISTRICT

Name of Property Owner(s) F&B HOLDINGS, LLC, FRED FRIEDMAN

Phone Number 337-2838 Email FRED3443@AOL.COM

Name of Representative Agent (if applicable)

• JOEL BLACKSTOCK

Phone Number 205-999-2905 Email joel@wba-architects.com

Name of Engineer or Surveyor ARRINGTON ENGINEERING & SURVEYING

Phone Number 985-9315 Email dave@arringtonengineering.com

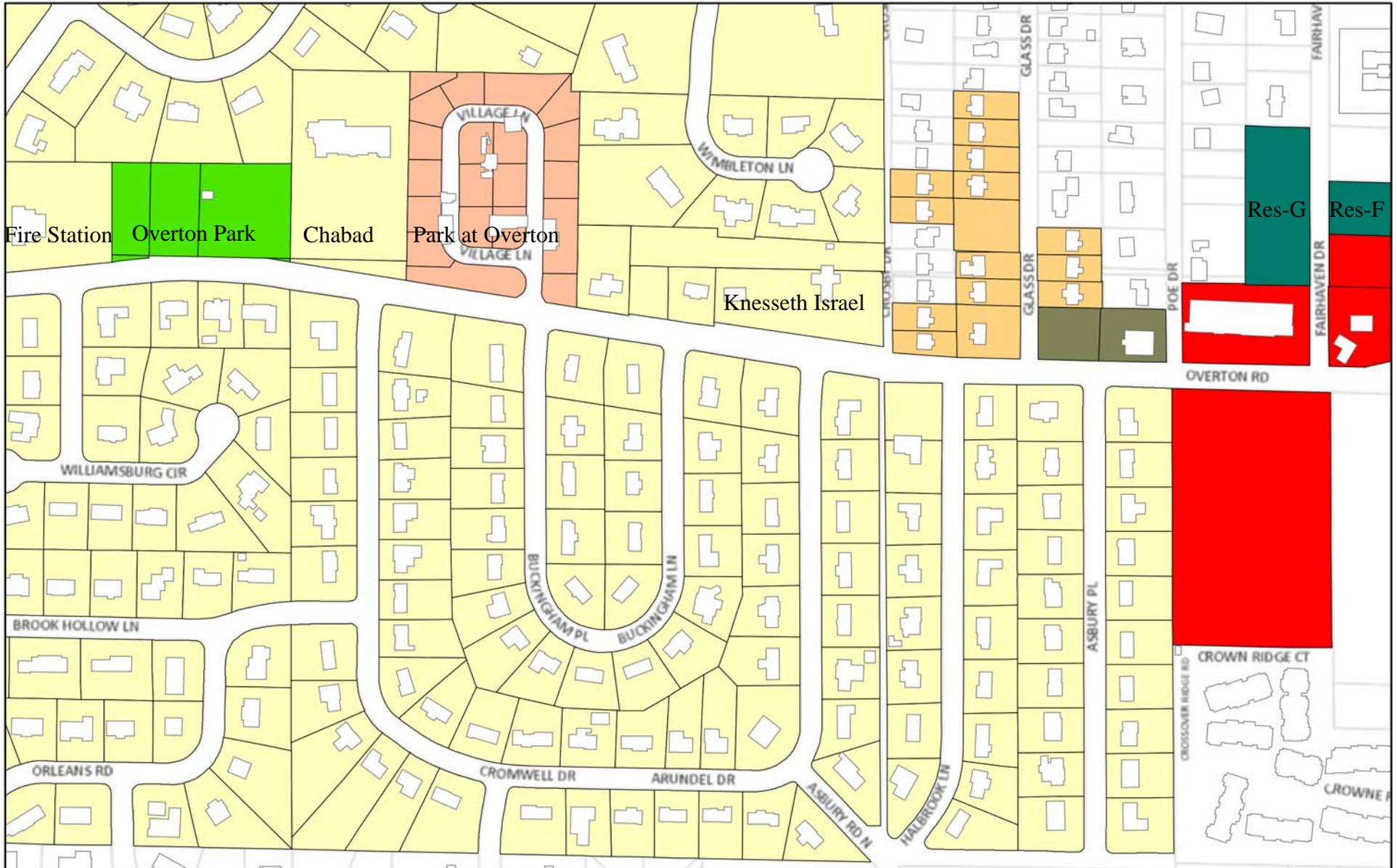
- Property owner or representative agent must be present at hearing

Plans

- See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

Overton Road Zoning

P-19-02



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BuildingFootprints

Tax_Parcels

0

Local Business District

MXD

Professional District

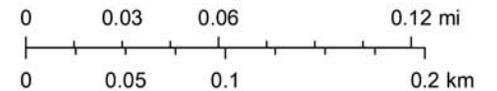
Residence A District

Residence C District

Recreation District

RID

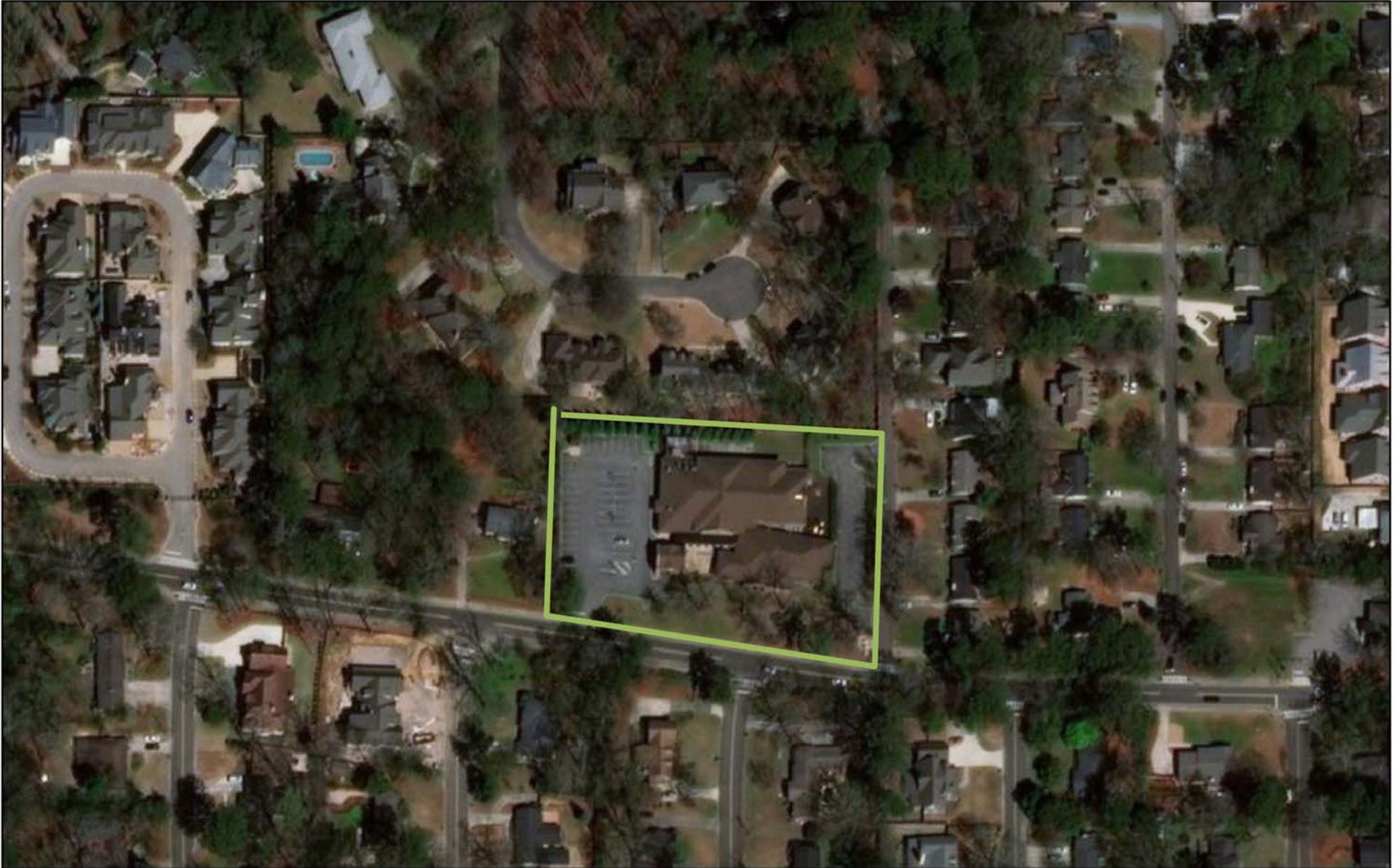
1:4,514



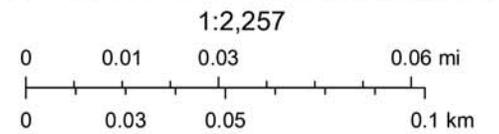
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

P-19-02 Aerial



1/18/2019, 3:15:26 PM



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |

P-19-02

Petition Summary

Request to rezone a parcel of land (Kneseth Israel) from Residence-A district to Professional district for an outpatient surgical practice.

Recent Background

Since the city council has not yet voted on the proposed changes to the Professional District regulations (vote anticipated on April 23, 2019) the applicant has requested that this case be carried over to the planning commission meeting of May 6, 2019.

At the January 7, 2019 meeting, the Planning Commission voted to carry this case over to the February 4, 2019 meeting and requested the following additional information:

- Number of doctors at this proposed facility: 2 (see *Proposed Floor Plan*).
- Number of examination rooms and procedure rooms: (see *Proposed Floor Plan*).
- Current patient base as well as expected patient base: (see *Interior Space Breakdown*)
- The applicant has also provided additional vehicular trip information and parking generation material (see *Proposed Traffic Generation and Parking Analysis for Institutional Use*)

Proposed Amendment to the Professional District (Article X)

During the planning commission's previous review of the subject request, the planning commission and some of the neighboring residents of the subject property expressed concern, perhaps not so much about the proposed use, but about potential future uses allowed in the professional district, should the property be rezoned and the applicant vacate the premises in the future.

In addition to professional offices, the district regulations allow for:

1. Private schools for the teaching of dance, music and other courses, and;
2. The assembling of frames.

Both of these uses were added to the professional district to accommodate previous businesses which were located in the professional district; these are no longer located on any lot zoned for Professional in the city.

The idea behind allowing professional offices in a separate zoning category is to provide transitional areas between the villages and the surrounding residential areas. Private schools and the assembling of frames don't necessarily lend themselves to transitional characteristics, and so it is proposed to remove these uses from the Professional district regulations.

Also, the ordinance is proposed to be amended such that any properties zoned to the professional district after the effective date of the amendment would be subject to city council approval of a conditional use for any proposed office use in said district. Condition use approval would ensure the implementation of appropriate measures to mitigate potential any potential negative effects

on adjoining properties (this is the same process outlined for conditional uses in the Local Business District).

Properties that are currently zoned Professional district would not be subject to the conditional use process. There are currently 15 properties that fall into this zoning category in the city (see attached maps for locations):

Crestline Village: 6 lots, all in transitional locations

English Village: 6 lots, all in transitional locations

Overton Village: 2 lots, in transitional locations

Hwy 280: 1 lot in transitional location

None of the businesses on these lots has changed in the past 11 years, with the exception of the lot on 280, which has been vacant and is currently undergoing the permitting process for the establishment of a dentist practice.

See attached draft amendment to Article X (Professional District). The planning commission's role regarding the proposed amendment is to make a recommendation to the city council.

Background

On August 3, 2006, the planning commission approved a development plan for the establishment of the Knesseth Israel Synagogue (KI) on the subject property (Case 1670), as well as a resurvey of the same (PC Case 1669); meeting minutes are attached.

The subject proposal involves the conversion of the existing KI facility to an outpatient plastic surgery practice; a professional office for physicians specializing in plastic surgery – not to be used as a clinic. Proposed hours of operation are from 7:30a-5:00p M-F.

Property Development Standards

The proposed lot and improvements meet the development standards for the Professional District with respect to lot size, lot width, setbacks and height limit. Two additional parking spaces are shown to be added in order to comply with parking requirements for said district and use.

Landscape Plan

The attached landscape plan indicates that additional landscaping is proposed in the front yard of the property in order to soften the view of the parking lot and give the property more of a residential character. Landscape buffers exist along all property lines abutting residential properties, as was required by the master plan approval for Knesseth Israel.

Traffic Impact

Attached letter from Skipper Consulting indicates that there will be no significant increase in traffic impact associated with the proposed project.

Parking Lot Lighting

No change to the existing parking lot lighting is proposed; the existing lighting meets the code requirement of 14 feet high or less, and is directed to shine downward.

Subject Property and Surrounding Land Uses

The subject property is immediately surrounded by single family development. In addition to the subject synagogue, the following uses exist along the north side of Overton Road between the west boundary of Overton Village and Locksley Drive:

6 single family dwellings;
The Park at Overton (gated single family homes)
The Chabad of Alabama
Overton Park
City Fire Station

Master Plan for Overton Village and the Subject Property

As may be seen on the attached land use map from the Overton Village master plan, its west boundary terminates one block east of the subject property (intersection of Glass and Overton). The block between Glass and Poe (vacant lot and dentist office), while zoned Professional district, are actually designated by the master plan for “general commercial,” siting the Local Business district as the appropriate zoning for these two lots.

Potential Master Plan Amendments

The city’s master plan for the subject site, and all properties along Overton Road between Glass Drive and Overton Park, calls for low-density or medium density residential use.

However, the master plan should probably have been updated (to institutional use) to reflect the establishment of the Chabad and Kneseth Israel. Also, the Overton Village master plan could likewise use a clean-up amendment (to Village Residential) to reflect the Res-F and Res-G zoning approved for the condominium project on Fairhaven Drive.

At some point in the near future it may be advisable to undertake a fresh look at the Overton Village master plan.

Affected Regulation

Article X, Professional District

Appends

LOCATION: 3100 Overton Road

ZONING DISTRICT: Res-A

OWNER: F&B Holdings, LLC

WILLIAMS · BLACKSTOCK
ARCHITECTS

December 12, 2018
Dana O. Hazan
Director of Planning, Building & Sustainability
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Re: Application for Rezoning
3100 Overton Road
Mountain Brook, AL 35223

Dana,

This is our application for re-zoning the property located at 3100 Overton Road, currently the Kneset Israel Synagogue. We are requesting to rezone the project from Residential A District zoning to Professional District, on behalf of Grotting and Cohn Plastic Surgery, the buyers of the property. There is a nearby parcel two lots to the east zoned Professional District where a dental practice is located.

Attached is a copy of the Application Part one and Part two filled out. We are also providing the information requested on the check-list and some other pertinent items for your review.

APPLICATION PART ONE - See attached.

APPLICATION PART TWO – We are providing a response to each of the check list items below.

- 1) PRESENT ZONING CLASSIFICATION OF THE PARCEL
The present zoning of the parcel is Residential A District.
- 2) ZONING CLASSIFICATION TO WHICH THE APPLICANT WISHES TO HAVE THE PROPERTY CHANGED
The applicant wishes to change the zoning classification to Professional District
- 3) THE ADDRESS, REAL ESTATE TAX PARCEL ID#, LEGAL DESCRIPTION OF THE PARCEL, AND THE SIZE OF THE PARCEL IN SQUARE FEET AND ACREAGE
ADDRESS:
*3100 Overton Road
Mountain Brook, AL 35223*

REAL ESTATE TAX PARCEL ID #:
28-00-15-3-001-005.000

Re-zoning Application
City of Mountain Brook, AL
December 12, 2018; page 2

LEGAL DESCRIPTION OF THE PARCEL:

Lot 1, according to the Kneseth Israel Congregation Addition to Mountain Brook, as recorded in Map Book 220, Page 41, in the Office of the Judge of Probate of Jefferson County, Alabama.

SIZE OF PARCEL:

*80,057 Square Feet
1.84 Acres*

4) NAME AND ADDRESS OF THE OWNER OF THE PARCEL

*Mr. Fred Friedman
F&B Holdings, LLC
3417 Oak Canyon Drive
Mountain Brook, AL 35243
205-337-2838
fred3443@aol.com*

5) NAME AND ADDRESS OF THE APPLICANT, IF HE IS SOMEONE OTHER THAN THE OWNER

*Architect
Joel Blackstock
Williams Blackstock Architects
2204 1st Avenue South
Suite 200
Birmingham, AL 35209
205-999-2905*

On Behalf of

*Tracy Cohn
Grotting and Cohn Plastic Surgery
1 Inverness Center, Pl #100
Birmingham, AL 35242
205-930-1600*

6) IF THE APPLICATION IS MADE BY ANYONE OTHER THAN ALL THE OWNERS OF THE PARCEL, WRITTEN AUTHORIZATION FROM THE OTHER OWNERS WITH RESPECT TO THE FILING OF THE APPLICATION.

The Owner of the parcel has given authorization to file this application. See enclosed letter of authorization.

7) NAME AND ADDRESS OF ANY PARTY WHO HOLDS A MORTGAGE ON THE PARCEL, OR ANY PART THEREOF.

*ServisFirst Bank
2500 Woodcrest Place
Birmingham, Alabama 35209*

Re-zoning Application
City of Mountain Brook, AL
December 12, 2018; page 3

8) STATEMENT OF HOW THE PARCEL IS TO BE USED IF THE REZONING APPLICATION IS GRANTED;

If the rezoning is application is granted, Grotting and Cohn Plastic Surgery will move their offices to the building. This medical practice will see patients on an outpatient basis. There will be offices, exam rooms, and procedure rooms within the building. It is a professional office for physicians specializing in plastic surgery. It is NOT a clinic. There will be no walk-in patient, there will be limited hours of operation, 7:30 – 5:00 each day, and it is a primary office for two physicians, Dr. Grotting and Dr. Cohn.

The east parking lot will be employee parking. The west parking area will be for patients. The renovations will be entirely in the interior of the building. The interior of the building will be renovated for new offices where they see and treat patients on an outpatient basis only. The site appeals to the demographic of their clientele with its residential character and set back from the street. The goal is to perform minor aesthetic enhancements to the exterior of the existing building to create a more private and residential feeling compatible and harmonious with the surrounding neighborhood. The exterior of the building will remain essentially the same and there will be no exterior building additions or demolition.

The exterior will appear generally the same with only minor cosmetic changes, such as removal of the Jewish Star of David, and painting or parging the exterior brick with a soft stucco finish over the existing brick façade. An example of this finish is attached.

The location is appealing to the nationally renowned Plastic Surgery practice because it is residential in character and set back from Overton Road. New exterior landscaping will be added to further screen the parking and building from Overton Road and enhance the residential feel of the building to better blend with the surroundings. See attached proposed landscaping plan, which adds additional screening of the parking lot from Overton Road. There are presently good buffer landscaping and fencing between adjacent property.

9) A PRELIMINARY SITE PLAN CONSISTING OF, AT A MINIMUM, A DIMENSIONED DRAWING OF THE PARCEL SHOWING AT LEAST THE LOCATION OF:

A. EXISTING AND PROPOSED BUILDINGS AND OTHER STRUCTURES;

Shown in attached site plan.

B. ANY EXISTING OR PROPOSED EASEMENTS OR RIGHTS-OF-WAY

Shown in attached site plan

C. LOT AND YARD AREAS, AND HOW THEY ARE TO BE USED;

Shown in attached site plan

D. PARKING AREAS AND THE LOCATION OR LOCATIONS AT WHICH MOTOR VEHICLES WILL HAVE INGRESS TO, AND EGRESS FROM THE PARCEL;

Shown in attached site plan

E. WATER SUPPLY FACILITIES;

Shown in attached site plan

F. SEWAGE DISPOSAL FACILITIES

Shown in attached site plan

Re-zoning Application
City of Mountain Brook, AL
December 12, 2018; page 4

- 10) NAMES AND ADDRESSES OF ALL PROPERTY OWNERS, ANY PORTION OF WHOSE PROPERTY LIES WITHIN 500 FEET OF ANY PORTION OF THE PARCEL INCLUDED IN THE REQUEST FOR RE-ZOING; SAID NAMES AND ADDRESSES ARE TO BE CERTIFIED BY THE TAX ASSESSOR OR A TITLE INSURANCE COMPANY.

Enclosed is a list of all property owners whose property is within 500 feet of any portion of the parcel and certified by the Tax Assessor.

- 11) A LETTER FROM AN ATTORNEY OR A TITLE INSURANCE COMPANY STATING WHETHER THE PARCEL WHICH IS THE SUBJECT OF THE REZOING APPLICATION IS SUBJECT TO ANY COVENANTS OR RESTRICTIONS AND, IF SO, A COPY OF THE COVENANTS AND/OR RESTRICTIONS

Enclosed is a letter from the attorney, Maynard Cooper, addressing this.

- 12) ANY ADDITIONAL INFORMATION WHICH MAY BE REQUIRED BY ANY OTHER PROVISION OF THIS CHAPTER, OR WHICH THE ZONING OFFICER OR THE PLANNING COMMISSION MAY CONSIDER NECESSARY FOR AN ADEQUATE EVALUATION OF THE EFFECT OF THE PROPOSED REZONING OF THE PARCEL ON ADJACENT AND NEARBY PROPERTIES.

A. IMPACT ON SURROUNDING PROPERTIES

There will be no impact on the surrounding properties going from the current zoning use (Jewish Synagogue) to an outpatient medical practice. The substantial landscape buffer and fence between this property and adjacent residential areas will remain. The parking will be further hidden from the street with landscaping to make the building and parking more private and further screened from the street. The traffic load will not be increased and the lighting is low angle lighting with poles under 14' tall.

B. TRAFFIC STUDY

Please see attached a letter from Skipper Consulting, traffic engineers outlining that there is no substantial change in traffic with the new use versus the zoned use relative to total in and out parking. The traffic impact will be less in the new use because the parking access is spread out throughout the day rather than during religious services where everyone comes and leaves at the same time. A larger portion of the spaces will be for employees whose cars will stay parked all day.

C. LANDSCAPING PLANS

We are providing a landscape plan showing the existing and proposed landscape buffers. The existing landscape buffers adjacent to neighbors are in good shape and we propose additional new landscape screening of the parking lot. We also are including a proposed landscape plan. The new landscape plan shows a significant landscape buffer added to the Overton Road side of the building to screen parking and lighting and the building. See attached landscape plan.

D. EXTERIOR LIGHTING

Re-zoning Application
City of Mountain Brook, AL
December 12, 2018; page 5

The existing parking lot lighting is from poles that are under 14' tall and provide downward angle light which cuts glare and visibility from the surrounding neighborhood. See EXHIBIT G & H showing the exterior lighting.

E. COMPLIANCE WITH NEW ZONING CLASSIFICATION

The existing building complies with the proposed new zoning classification for Professional Office District. See attached zoning recap prepared by Williams Blackstock Architects which provides a point by point listing of the zoning requirements and compliance including but not limited to parking, building height, building setbacks, building areas etc.

F. PARKING

We calculated the Rentable SF of the floor plate not including mechanical or storage rooms and based on the parking requirement of 4 spaces / 1,000 RSF determined 62 spaces are required. The site plan shows where the existing parking will be adjusted to add two additional spaces. See Attached square foot calculating parking count is based on.

G. BOUNDARY SURVEY

We are enclosing a Boundary Survey, and the boundary Plat for reference.

We appreciate your consideration and processing of this re-zoning application. If you need any further information, or have any questions, please don't hesitate to call.

Submitted by,



Joel Blackstock
Principal, Williams Blackstock Architects

Re-zoning Application
City of Mountain Brook, AL
December 12, 2018; page 6

ATTACHMENTS:

1. City of Mountain Brook Zoning Application, Part I & II
2. Existing landscape plan and Proposed landscape plan
3. Boundary Survey
4. Plat of site
5. Site Survey illustrating compliance with proposed Professional District Zoning
6. Written analysis showing compliance with proposed Professional District Zoning
7. Letter from owner authorizing re-zoning request
8. Certified list of all property owners within 500'
9. Traffic engineer's letter outlining no negative impact on traffic
10. Lighting site plan showing location of exterior light poles
11. Light fixture drawing showing under 14' poles and cutoff lighting
12. Attorney letter confirming covenant and restrictions
13. Floor plan showing rentable SF & required parking compliance
14. Photo of exterior of building

P-19-02

SURVEY CONTROL

THE BASIS OF BEARINGS AND OR COORDINATES SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, GRID NORTH, NAD 83(2011) AND VERTICAL DATUM IS NAVD 88 (GEOID 12B) ELEVATION AND POSITION WAS OBTAINED FROM RTK OBSERVATION USING THE ALDOT CORS NETWORK AS CONTROL.

GRAPHIC SCALE



BOUNDARY SURVEY KNESSETH ISREAL CONGREGATION 3100 OVERTON ROAD MT. BROOK, ALABAMA

SITUATED IN THE NORTHWEST AND THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA



I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SURVEYOR
Jeff D. Arrington DATE 12-13-2018
JEFF D. ARRINGTON
ALABAMA NO. 18664

LEGAL DESCRIPTION
LOT 1, KNESSETH ISREAL CONGREGATION ADDITION TO MOUNTAIN BROOK, AS RECORDED IN MAP BOOK 220, PAGE 41, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

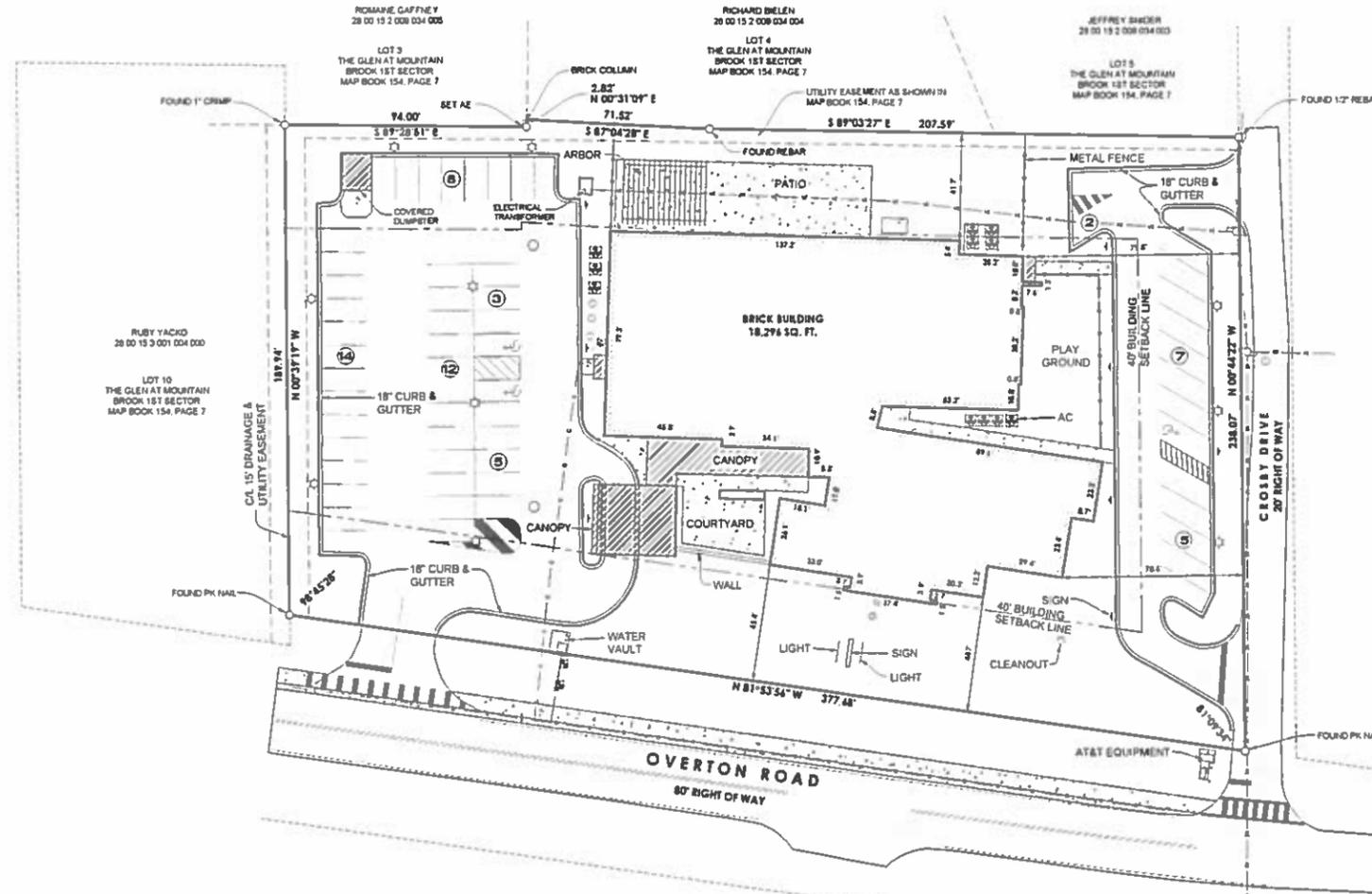
NOTES

- 1 ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED (DEED=(D), MEASURED=(M), PLAT/RECORDED MAP=(P))
- 2 UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED
- 3 THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.

UTILITY STATEMENT

THE EXISTING UNDERGROUND UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. AN UNDERGROUND UTILITY SURVEY WAS NOT PERFORMED. THIS ENGINEER/SURVEYOR MAKES NO GUARANTEE THE UNDERGROUND UTILITIES SHOWN COMPROMISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE ENGINEER/SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THE CONTRACTOR SHALL LOCATE ALL UTILITIES IN THE AREA PRIOR TO CONSTRUCTION. THIS LOCATION SHALL INCLUDE NOTIFYING ALL UTILITY COMPANIES AND ALABAMA ONE CALL AT 1-800-292-6525. THIS MAY ALSO REQUIRE EXPLORATORY HAND EXCAVATION TO DETERMINE THE EXACT LOCATION OF THE UTILITIES.

THIS SURVEY HAS BEEN PREPARED SOLELY FOR THE BENEFIT OF THE PARTIES SET FORTH IN THIS SURVEYOR'S CERTIFICATION AND MAY NOT BE USED, NOR MAY COPIES BE DELIVERED TO, ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE, WITHOUT LIMITATION. ARRINGTON ENGINEERING AND LAND SURVEYING INC EXPRESSLY DISCLAIMS ANY DUTY OR OBLIGATION TOWARDS ANY PARTY THAT IS NOT IDENTIFIED IN THE SURVEYOR'S CERTIFICATE.
SURVEYOR'S EMAIL ADDRESS: jeff@arringtonengineering.com



NOTES

- 1 NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAYS, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORD OF SAID COUNTY.
- 2 ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED (DEED=(D), MEASURED=(M), RECORD MAP/PLAT=(P), CALCULATED=(C))
- 3 UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED
- 4 THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.

ARRINGTON ENGINEERING
Civil Engineers - Surveyors - Land Planners

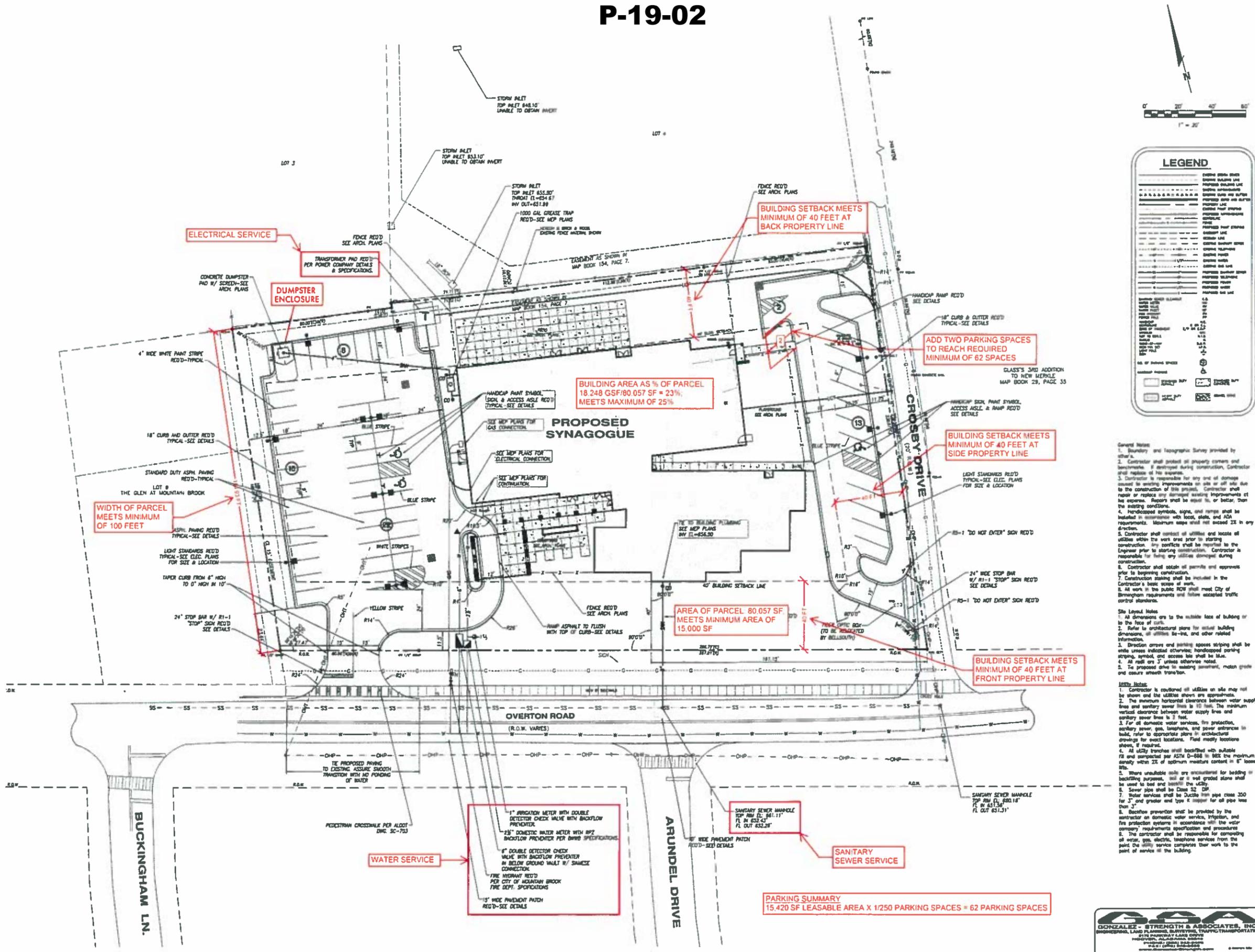
Office: (205) 985-9315
Fax: (205) 985-9385
2032 Valley Brook Road
Birmingham, AL 35244

<p>DRAWING TITLE KNESSETH ISREAL CONGREGATION 3100 OVERTON ROAD MT. BROOK, ALABAMA</p> <p>LOCATION & DESCRIPTION SITUATED IN THE NORTHWEST AND THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA</p>	<p>DRAWN BY: JDA CHECKED BY: JDA DATE: 11-28-2018 SCALE: 1"=30' PARTY CHIEF: SCOTTE PROJECT NO.: 70556 SHEET: 1 OF 1</p>
--	--



Know what's below.
Call before you dig.
Call 2 working days before digging.
It's the Law!

P-19-02



LEGEND	
[Symbol]	EXISTING DRIVE
[Symbol]	PROPOSED DRIVE
[Symbol]	EXISTING SIDEWALK
[Symbol]	PROPOSED SIDEWALK
[Symbol]	EXISTING CURB
[Symbol]	PROPOSED CURB
[Symbol]	EXISTING PAVEMENT
[Symbol]	PROPOSED PAVEMENT
[Symbol]	EXISTING UTILITY
[Symbol]	PROPOSED UTILITY
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[Symbol]	EXISTING FENCE
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[Symbol]	EXISTING CABLE
[Symbol]	PROPOSED CABLE
[Symbol]	EXISTING FIBER
[Symbol]	PROPOSED FIBER
[Symbol]	EXISTING OTHER
[Symbol]	PROPOSED OTHER

- General Notes:
- Boundary and Topographic Survey provided by other.
 - Contractor shall protect all property corners and boundaries. If destroyed during construction, Contractor shall replace at his expense.
 - Contractor is responsible for any and all damage caused by existing improvements on site or all site due to the construction of this project. Contractor shall repair or replace any damaged existing improvements at his expense. Repairs shall be equal to or better than the existing conditions.
 - Handicapped symbols, signs, and ramps shall be installed in accordance with local, state, and ADA requirements. Maximum slope shall not exceed 2% in any direction.
 - Contractor shall protect all utilities and locate all utilities within the work area prior to starting construction. Any conflicts shall be reported to the Engineer prior to starting construction. Contractor is responsible for fixing any utilities damaged during construction.
 - Contractor shall obtain all permits and approvals prior to beginning construction.
 - Construction staging shall be included in the Contractor's basic scope of work.
 - All work in the public ROW shall meet City of Birmingham requirements and follow accepted traffic control standards.

- Site Layout Notes:
- All dimensions are to the outside face of building or to the face of curb.
 - Refer to architectural plans for actual building dimensions, set-backs, and other related information.
 - Direction arrows and parking spaces striping shall be shown unless indicated otherwise; handicapped parking stripes, symbol, and access aisle shall be blue.
 - All walls are 3" unless otherwise noted.
 - In proposed drive to existing driveway, match grade and ensure smooth transition.

- Utility Notes:
- Contractor is cautioned all utilities on site may not be shown and the utilities shown are approximate.
 - The minimum horizontal clearance between water supply lines and sanitary sewer lines is 10 feet. The minimum vertical clearance between water supply lines and sanitary sewer lines is 5 feet.
 - For all domestic water services, fire protection, sanitary sewer, gas, lightning, and power services in hole, refer to appropriate plans in architectural drawings for exact locations. Field locate locations shown if required.
 - All utility branches shall be backfilled with suitable fill and compacted per ASTM D-688 in 6" layers the maximum dry density within 2% of optimum moisture content in 6" loose lifts.
 - Where available utility lines are encountered for bedding or backfilling purposes, all of it and ground alone shall be used to bed and backfill the utility.
 - Sewer pipe shall be Class 52 DIP.
 - Water service shall be Double Iron pipe class 250 for 3" and greater and type K copper for all pipe less than 3".
 - Backflow prevention shall be provided by the contractor on domestic water service, irrigation, and fire protection systems in accordance with the water company requirements specifications and procedures.
 - The contractor shall be responsible for connecting of water, gas, electric, telephone services from the point the utility service completes their work to the point of service to the building.

Kneseth Israel Congregation
Mountain Brook, Alabama



ARCHITECT
EvanTerryAssociates
10000 Highway 201, Suite 100
Mountain Brook, AL 35226
Phone: 205-975-9999
Fax: 205-975-9999

ENGINEER
EvanTerryAssociates
10000 Highway 201, Suite 100
Mountain Brook, AL 35226
Phone: 205-975-9999
Fax: 205-975-9999

Sheet Title
SITE LAYOUT / UTILITY PLAN
Job No. **3156**
Rev. No. **3**
Date: **3/6/08**
3 of 52
Date: **6/18/08**



Existing Floor Plan

3100 Overton Road

Assembly Hall
seats 228 at tables
seats 320 in chairs

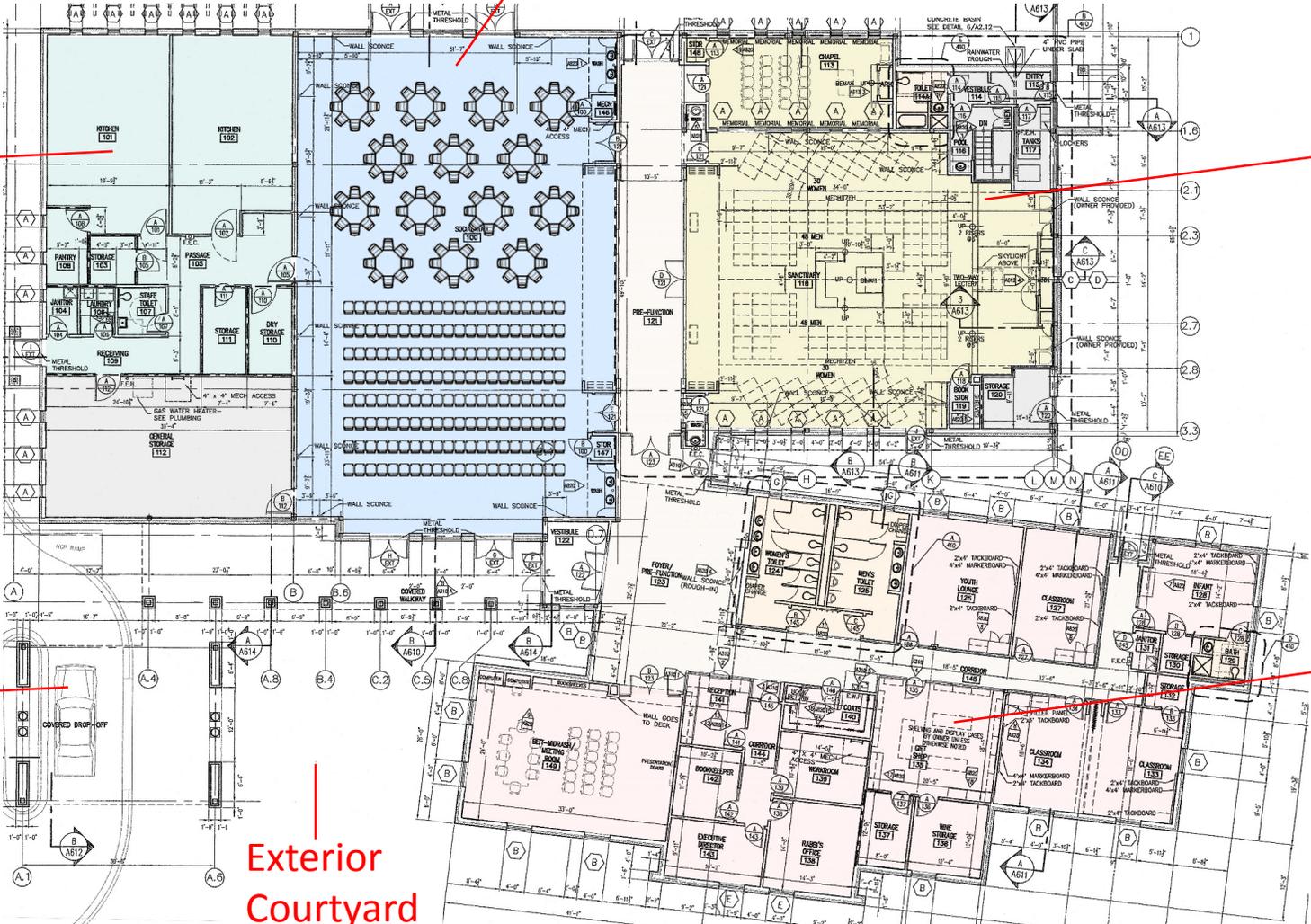
Commercial
Kitchen

Sanctuary
seats 152

Covered
Drop-off

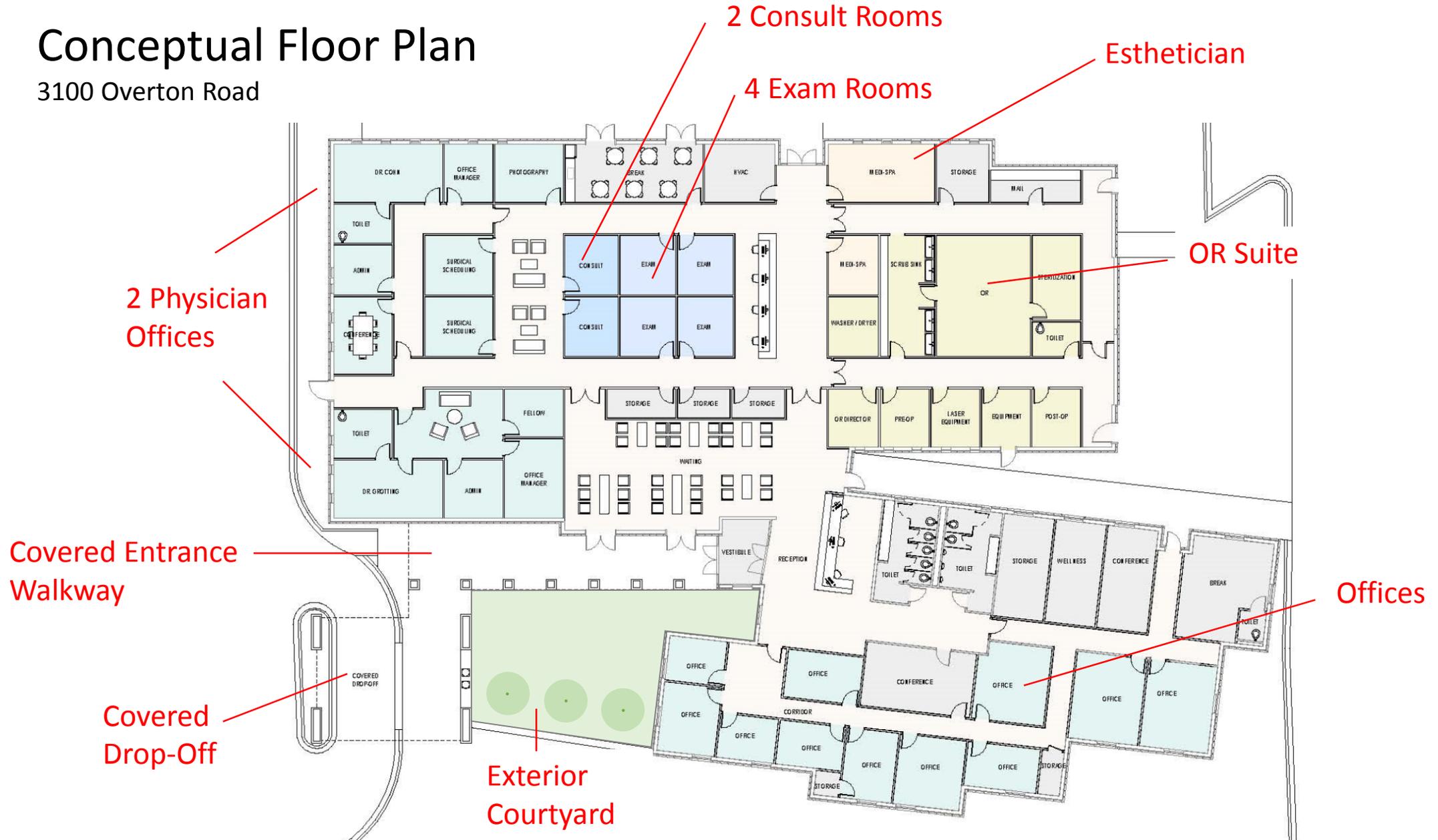
Classrooms
seats 50

Exterior
Courtyard



Conceptual Floor Plan

3100 Overton Road

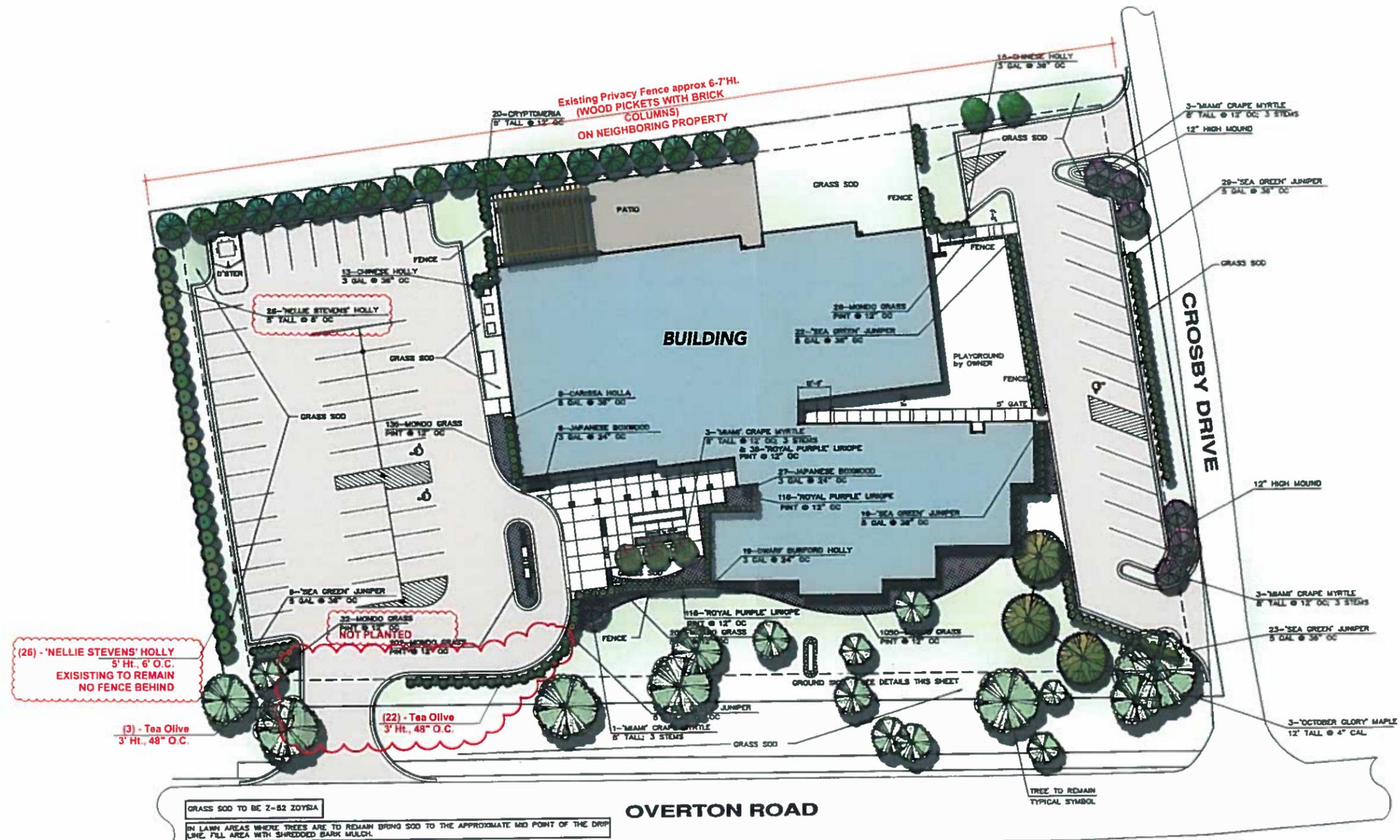


Space Program – Grotting & Cohn Plastic Surgery

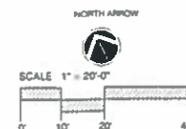
3100 Overton Road

- 1 Operating Room Suite
- 4 Exam Rooms
- 2 Consultant Rooms
- 2 Physician Office
- Staff Office Space (nurse/admin)
- Esthetician
- Staff Break Area
- Waiting / Reception
- Procedure Rooms
 - Photography Room
 - Storage / Equipment

P-19-02



PROPOSED Landscape Planting Plan 3100 Overton Road Mountain Brook, AL



Church / Synagogue Use

Worship	Assembly/Events	Classes	Staff	Total
OCCUPANTS (per building code occupant load)				
152	228 - 320	50	5	435 – 527 people
CARS (1/3 seats for assembly/sanctuary spaces)				
50				60 parking spaces

Professional Office Use

62 Parking Spaces required (1 space per 250 SF)

Grotting & Cohn Traffic Analysis

Day	Patient Visits	Patient Cars / Hour	Office Staff	Total Cars / Hour
Monday (Cohn hospital / Grotting office)	16	2	30	32
Tuesday (Grotting office/Cohn hospital)	28	3.5	30	34
Wednesday (Grotting OR/Cohn patients)	50	6.25	30	37
Thursday (Cohn OR /Grotting patients)	31	3.8	30	34
Friday (closed half day limited patients)	5	.62	30	31
Saturday (closed)	0	0	0	0
Sunday (closed)	0	0	0	0

Total 62 parking spaces in existing parking lot

SKIPPER

CONSULTING INC

3644 Vann Road, Suite 100
 Birmingham, Alabama 35235
 Phone (205) 655-8855 Fax (205) 655-8825

November 19, 2018

Mr. Joel Blackstock, AIA, NCARB
 Williams Blackstock Architects
 2204 1st Avenue South, Suite 200
 Birmingham, AL 35233

Mr. Blackstock;

At your direction, we have undertaken and completed a trip generation comparison for the existing property located along Overton Road and Crosby Drive in Mountain Brook, Alabama. The focus of this assessment is to provide a trip generation comparison between applicable land uses for the subject property. The following paragraphs summarize the trip generation assessment.

The subject property is located along Overton Road adjacent to its intersection with Crosby Drive. The property currently has access to Overton Road and Crosby Drive. The property is currently zoned as Residential A and the most recent land use was a synagogue. A medical office development is being proposed on the subject property which requires a change in zoning to Professional District. It was assumed the existing building (approximately 20,000 square feet) would be re-purposed for the proposed new development land use.

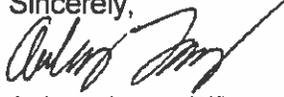
Trip generation estimates were determined for the existing and proposed zoning conditions based on data contained in the Trip Generation Manual, Tenth Edition, as published by the Institute of Transportation Engineers (ITE). Morning and afternoon peak hour trip generation estimates are presented in the following table.

Trip Generation Estimates					
Land Use	Unit	Total AM		Total PM	
		In	Out	In	Out
Synagogue - Previous Use	20,000 sf	30	18	33	25
Medical/Dental Office - Proposed Use	20,000 sf	42	12	20	50

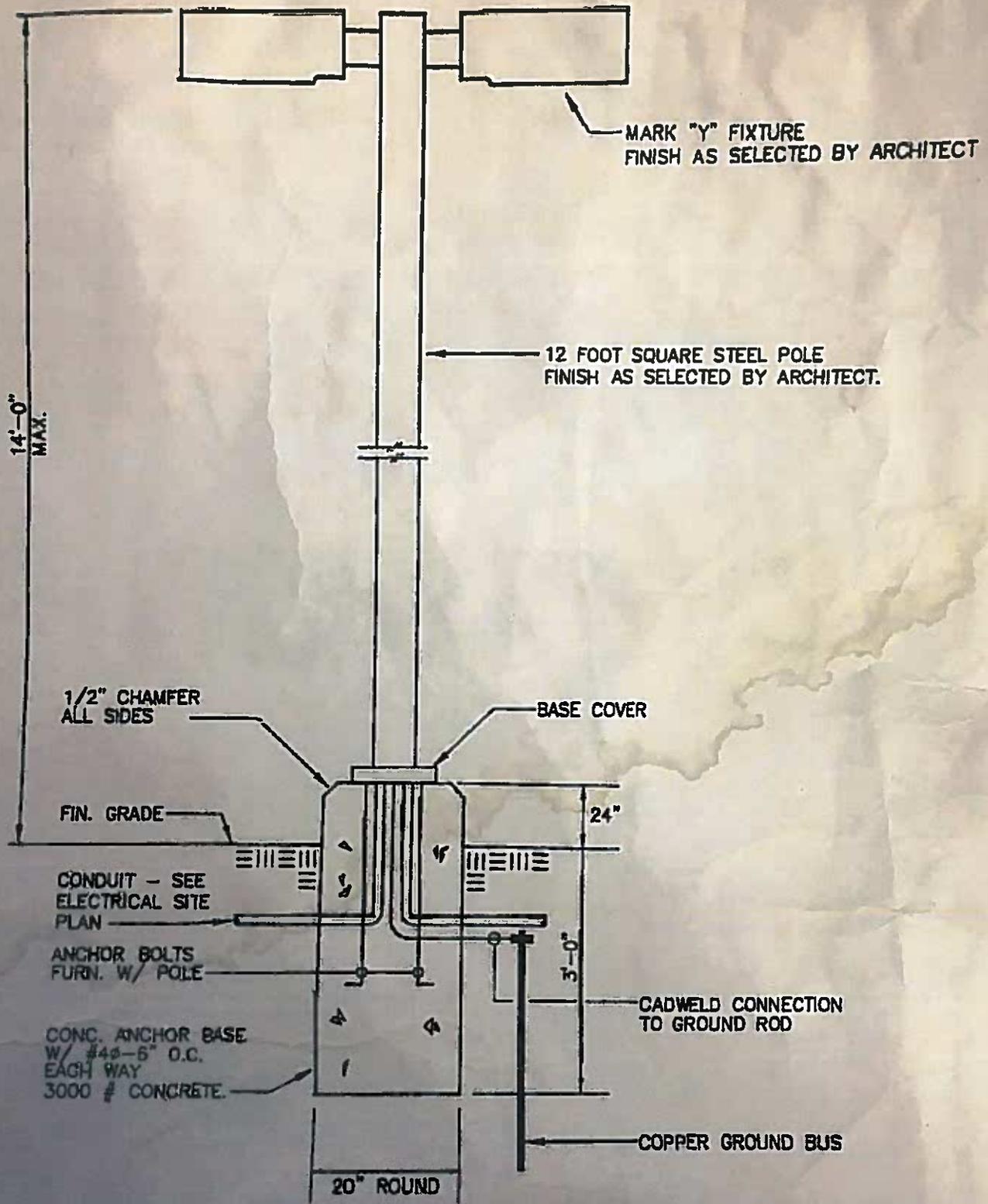
As shown in the table, the previous and proposed land uses would generate comparable peak hour trips. The inbound/outbound ratios would be slightly different, but the overall trips produced for each peak hour would be very similar.

This concludes our trip generation comparison summary. If you have any questions, please contact us.

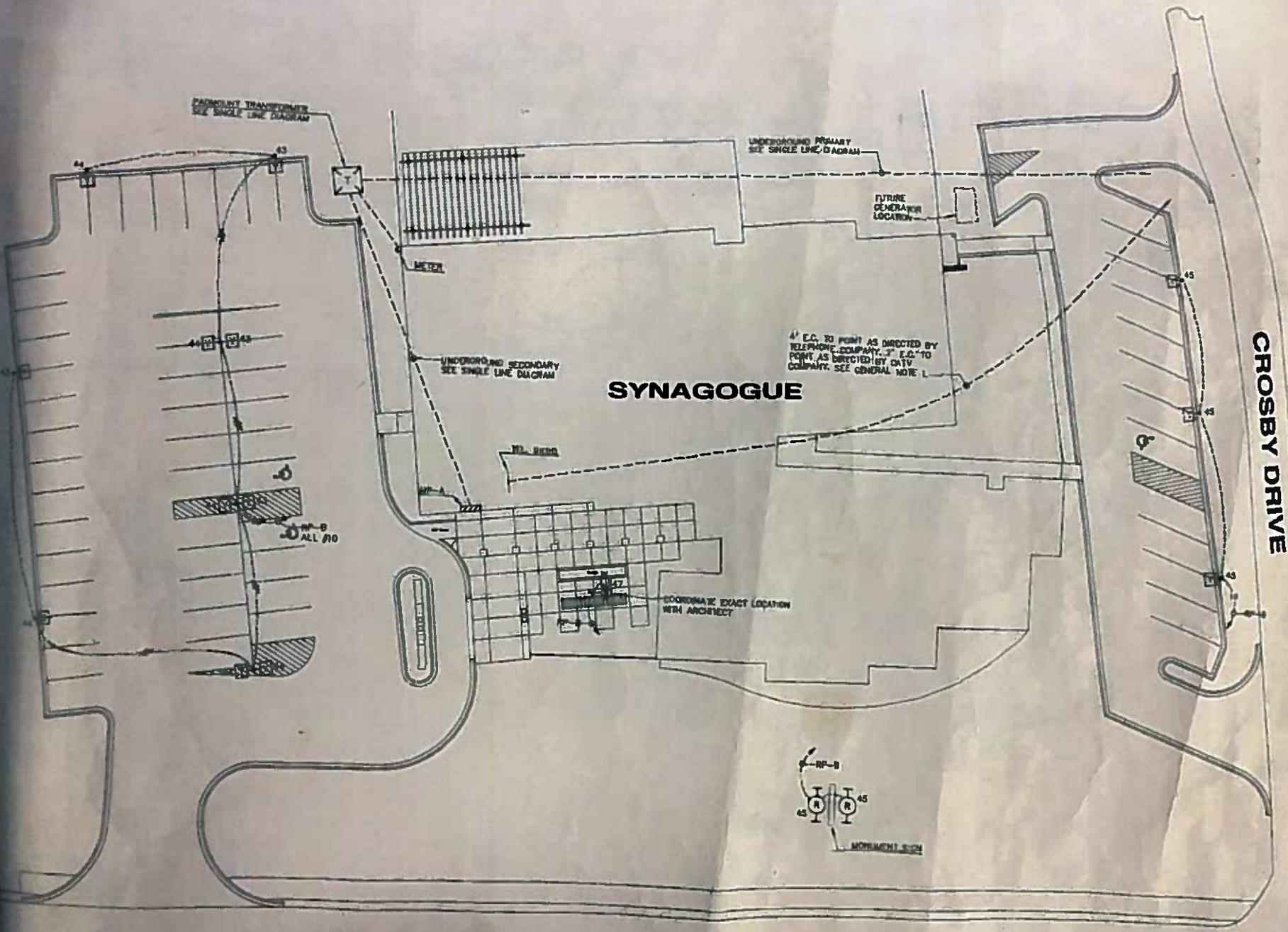
Sincerely,

A handwritten signature in black ink, appearing to read "Aubrey Long". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aubrey Long, PE
Skipper Consulting, Inc.
205-655-8855



DETAIL "A"
MARK "Y" FIXTURES
SCALE : NONE



SYNAGOGUE

CROSBY DRIVE

OVERTON ROAD

PARKING TRANSFORMER
SEE SINGLE LINE DIAGRAM

UNDERGROUND PRIMARY
SEE SINGLE LINE DIAGRAM

FUTURE GENERATOR
LOCATION

METER

UNDERGROUND SECONDARY
SEE SINGLE LINE DIAGRAM

ALL E.C. TO POINT AS DIRECTED BY
TELEPHONE COMPANY. ALL E.C. TO
POINT AS DIRECTED BY CATV
COMPANY. SEE GENERAL NOTE 1.

PL. SIGN

COORDINATE EXACT LOCATION
WITH ARCHITECT

RP-8

MONUMENT SIGN

RP-8
ALL 7/0

Existing Building – 3100 Overton Road



Parched Stucco on Brick – Heights Dermatology



WILLIAMS · BLACKSTOCK
ARCHITECTS

Review of the Mountain Brook, Alabama – Code of Ordinances for the property at 3100 Overton Road

Chapter 129 – ZONING
ARTICLE X. - PROFESSIONAL DISTRICT

Sec. 129-151. - Permitted uses.

The uses permitted in Professional Districts shall be as follows:

- (1) Professional offices;
- (2) Private schools for the teaching of dancing, music or other educational courses; and
- (3) The design and assembly of frames for paintings, pictures, photographs, posters, lithographs, shadow boxes and similar items; and
- (4) Accessory structures customarily incidental to the uses permitted by this section 129-151.

(Ord. No. 1224, 2-26-96; Ord. No. 1427, 8-28-00; Ord. No. 1955 , § 1, 7-12-2016)

Sec. 129-152. - Area and dimensional requirements.

(a) Minimum dimensions of parcel.

- (1) Minimum area of parcel 15,000 SF; actual: 80,057 SF
- (2) Minimum width of parcel at all points 100 feet; actual: 189.93 feet
between the street line and the front setback line

(b) Building limitations.

- (1) Maximum building area 25% of the total area of parcel; actual: 18,248 GSF / 80,057SF = 23%
- (2) Maximum number of stories Two; actual: one plus mechanical mezzanine
- (3) Maximum building height 35 feet; actual: 35 feet

(c) Minimum yards and building setbacks.

- (1) Minimum front yard setback 40 feet; actual: 40 feet
- (2) Minimum rear yard setback 40 feet; actual: 40 feet
- (3) Minimum side yard setback 20 feet; actual: 40 feet

(d) Minimum yards and building setbacks for professional districts which are contiguous to local business districts.
N/A

(Ord. No. 1224, 2-26-96; Ord. No. 1446, 10-23-00)

Sec. 129-153. - Additional requirements and provisions.

(a) Service yards. On any parcel on which a professional office building or private school is hereafter built, the construction of which is started after the effective date of this chapter, there shall be provided a service yard, the size of which shall be sufficient to serve the needs of the occupants of the building or school, and which shall be located at the rear of such office building or school. The service yard shall have access to a street, alley or driveway and shall provide adequate accommodations for the handling of waste and garbage and for the loading and unloading of vehicles. The service yard shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction, at least six feet, but not more than eight feet, in height, and designed and constructed so as to conceal the service yard from visibility from outside such wall or fence. The entrance to the service yard shall be screened by a gate constructed of an opaque material, which gate must be at

least six feet, but not more than eight feet, in height. No part of the service yard may be used to satisfy the offstreet parking requirements of this article. Fence height at dumpster – must be 6'-8' tall.

The existing service yard complies with these requirements.

(b) *Building setbacks.* Any professional office or private school, the construction of which is started after the effective date, shall not be located closer to the front lot line than 35 feet, or the front line of the principal structure on any adjacent property located in a residential district, whichever is greater.

We comply with all setbacks.

(Ord. No. 1224, 2-26-96)

Sec. 129-154. - Offstreet parking.

(a) *Generally.* All parking spaces and such attendant driveways and other areas which may be necessary for the maneuvering of motor vehicles shall be arranged so as to provide convenient access to and from a paved street or alley. All parking spaces, driveways and maneuvering areas shall be paved with asphalt or concrete. All such areas shall have adequate storm drainage facilities.

(b) *Parking spaces.*

- | | |
|---|---|
| (1) Minimum number of parking spaces required | (1/250 RSF) 15,420 RSF/250 = 62; <u>actual = 60</u> |
| (2) Minimum size of each parking space | 9' X 18'; <u>actual: 9' X 18'</u> |

(Ord. No. 1224, 2-26-96)

Sec. 129-155. - Exterior lighting.

If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel. No lighting fixtures used for any parking area shall be elevated more than 14 feet above the ground. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.

Existing Site Lighting Fixtures are 14 feet tall and direct the light downward.

(Ord. No. 1224, 2-26-96)

Sec. 129-156. - Alternate process for permitting construction of certain nonconforming structures and improvements.

N/A

(Ord. No. 1622, § 1, 1-26-04)



Thomas C. Clark III
DIRECT 205.254.1072
EMAIL tclark@maynardcooper.com

December 12, 2018

Ms. Dana Hazen
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Dear Ms. Hazen:

To our knowledge and based upon our review of Title Commitment No. 11588-33 issued by Maynard, Cooper & Gale, P.C. as agent for Stewart Title Guaranty Company, we confirm that the land described as

Lot 1, according to the Kneseth Israel Congregation Addition to Mountain Brook, as Recorded in Map Book 220, Page 41, in the Office of the Judge of Probate of Jefferson County, Alabama

does not currently appear to be subject to any covenants or restrictions of record except as set forth below:

- Restrictive Covenants contained in that certain document recorded in Book 3233, Page 344, in the Office of the Judge of Probate of Jefferson County, Alabama.

A copy of the aforesaid Restrictive Covenants are attached hereto as Exhibit A.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "TC" followed by a horizontal line.

Thomas C. Clark III

EXHIBIT A
(Restrictive Covenants)

See Attached.

3233 MAR 944

Alabama Power 

Restrictive Covenants

414686

STATE OF ALABAMA)

Jefferson)
COUNTY)

KNOW ALL MEN BY THESE PRESENTS THAT

WHEREAS, the undersigned owners of record of the following described real estate in Jefferson County, Alabama, to wit The Glen at Mountain Brook Subdivision as shown on the plat recorded in Map Book 154 Page 7, in the Office of the Judge of Probate of Jefferson County, Alabama, and

WHEREAS, the said undersigned owners are desirous of establishing or placing the heretofore described subdivision under certain restrictive covenants to insure the use of the property for attractive residential purposes and thereby to secure to each site owner the same advantages insured to other site owners

NOW, THEREFORE, the undersigned owners do hereby adopt the following conditions, restrictions, covenants and limitations which shall apply in their entirety to all lots in the said Subdivision and shall be included as a part of the consideration in transferring and conveying title to any or all of said lots in said subdivision

1. The owners of lots within said subdivision will not erect or grant to any person, firm or corporation the right, license or privilege to erect or use or permit the use of overhead wires, poles, or overhead facilities of any kind for electrical, telephone, or cable television service on said real estate (except such poles and overhead facilities as may be required at those places where distribution facilities enter and leave said subdivision, or existing overhead transmission facilities) Nothing herein shall be construed to prohibit overhead street lighting, or ornamental yard lighting, where serviced by underground wires or cables

2. In order to beautify said subdivision for the benefit of all lot owners and permit Alabama Power Company to install underground electric service to each house in said subdivision for the mutual benefit of all lot owners therein, no owner of any lot within said subdivision will commence construction of any house on any said lot until such owner (1) notifies Alabama Power Company that such construction is proposed, (2) grants in writing to Alabama Power Company such rights and easements as Alabama Power Company requests in connection with its construction, operation, maintenance and removal of underground service lateral of each lot, and (3) otherwise complies with the Rules and Regulations for Underground Residential Distribution on file with and approved by the Alabama Public Service Commission

3. Alabama Power Company, its successors and assigns, will retain title to the underground service lateral and outdoor metering trough serving each said house, and said service entrance facilities provided by Alabama Power Company will not in any way be considered a fixture or fixtures and thereby a part of said real estate, but will remain personal property belonging to Alabama Power Company, its successors and assigns, and will be subject to removal by Alabama Power Company, its successors and assigns, in accordance with applicable Rules and Regulations filed with and approved by the Alabama Public Service Commission

4. These covenants and restrictions touch and concern and benefit the land and shall run with the land and shall be binding on Alabama Power Company, the undersigned, their respective heirs, successors and assigns. Invalidation of any one of the foregoing covenants and restrictions shall in no way affect any other provision contained herein

IN WITNESS WHEREOF, this instrument has been executed this 20 day of March 19 87

Signature Const. Co. Inc.
Developers
Paul R. ... - Project Mgr.
Developer's Authorized Agent

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, DAVID R. GRESHAM, a Notary Public in and for said

County, in said State, hereby certify that ROCK ROCKWELL whose name as PROJECT MANAGER of

SIGNATURE CONSTRUCTION, INC. a corporation, is signed to the foregoing restrictive covenants, and who is known to me, acknowledged before me on this date that, being informed of the contents of the agreement, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation

Given under my hand and official seal, this the 20 day of MARCH 19 87

STATE OF ALA. JEFFERSON CO
I CERTIFY THIS INSTRUMENT
WAS FILED ON

David R. Gresham
Notary Public

STATE OF ALABAMA)

_____, COUNTY) 1987 SEP -1 PM 3:28 350
I, _____, Notary Public in and for said County, in said State, hereby certify that

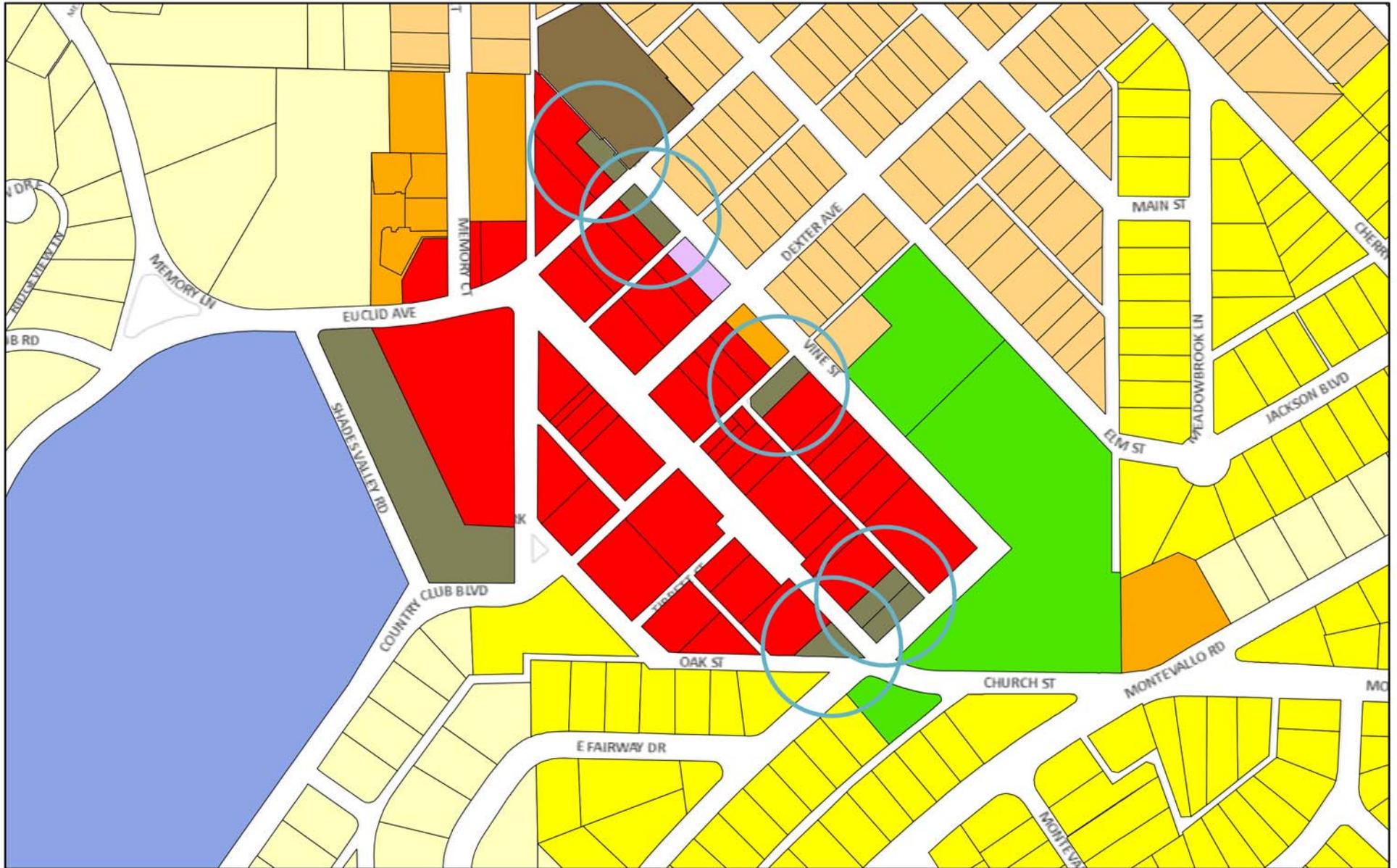
whose name(s) _____, known to me, acknowledge before me on this day that, being informed of the contents of the agreement, _____ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____ 19 _____

TE Hunt
Ala Power
15 So 20th St
Bham 35233

Notary Public

Crestline Professional Lots



1/23/2019, 7:56:36 AM

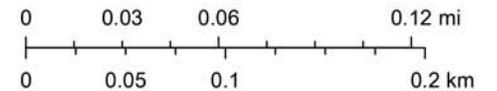
Tax_Parcels

0

Local Business District

- | | | |
|---|--|--|
|  Professional District |  Residence C District |  Recreation District |
|  Residence A District |  Residence D District |  Rec-2 |
|  Residence B District |  Residence E District |  Vine Street Transitional |

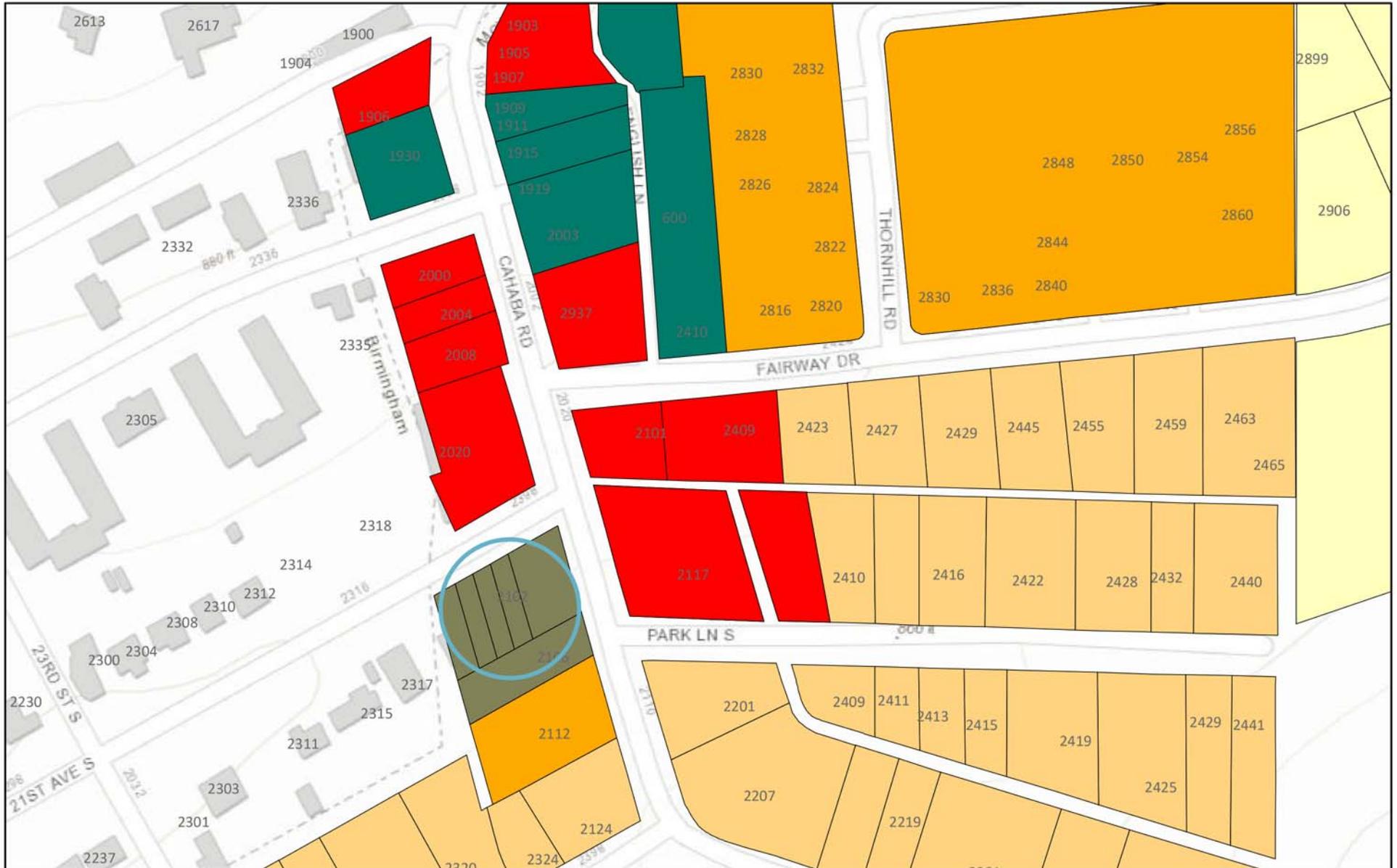
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

English Village Professional Lots

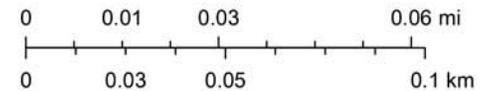


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SiteAddressPoints Tax_Parcels



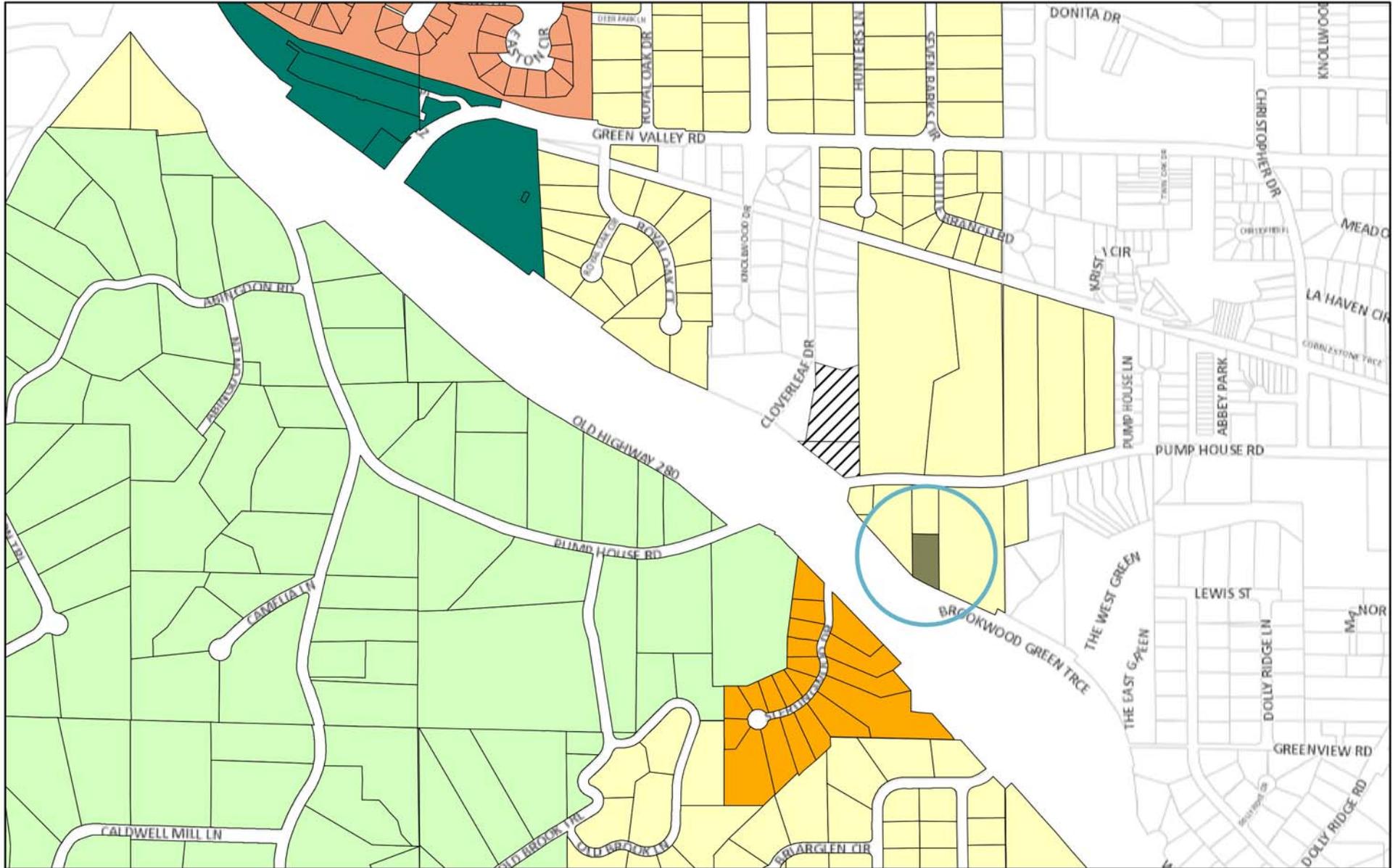
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

Hwy 280 Professional Lot



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Tax_Parcels

0

Clustering Residential

Estate Residence District

MXD

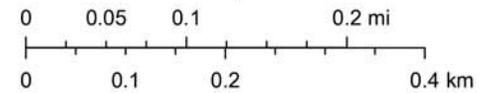
Professional District

PUD

Residence A District

Residence D District

1:9,028



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

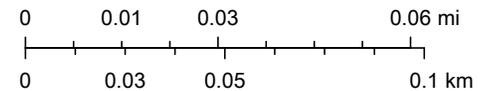
Overton Village Professional Lots



1/23/2019, 2:28:13 PM



1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

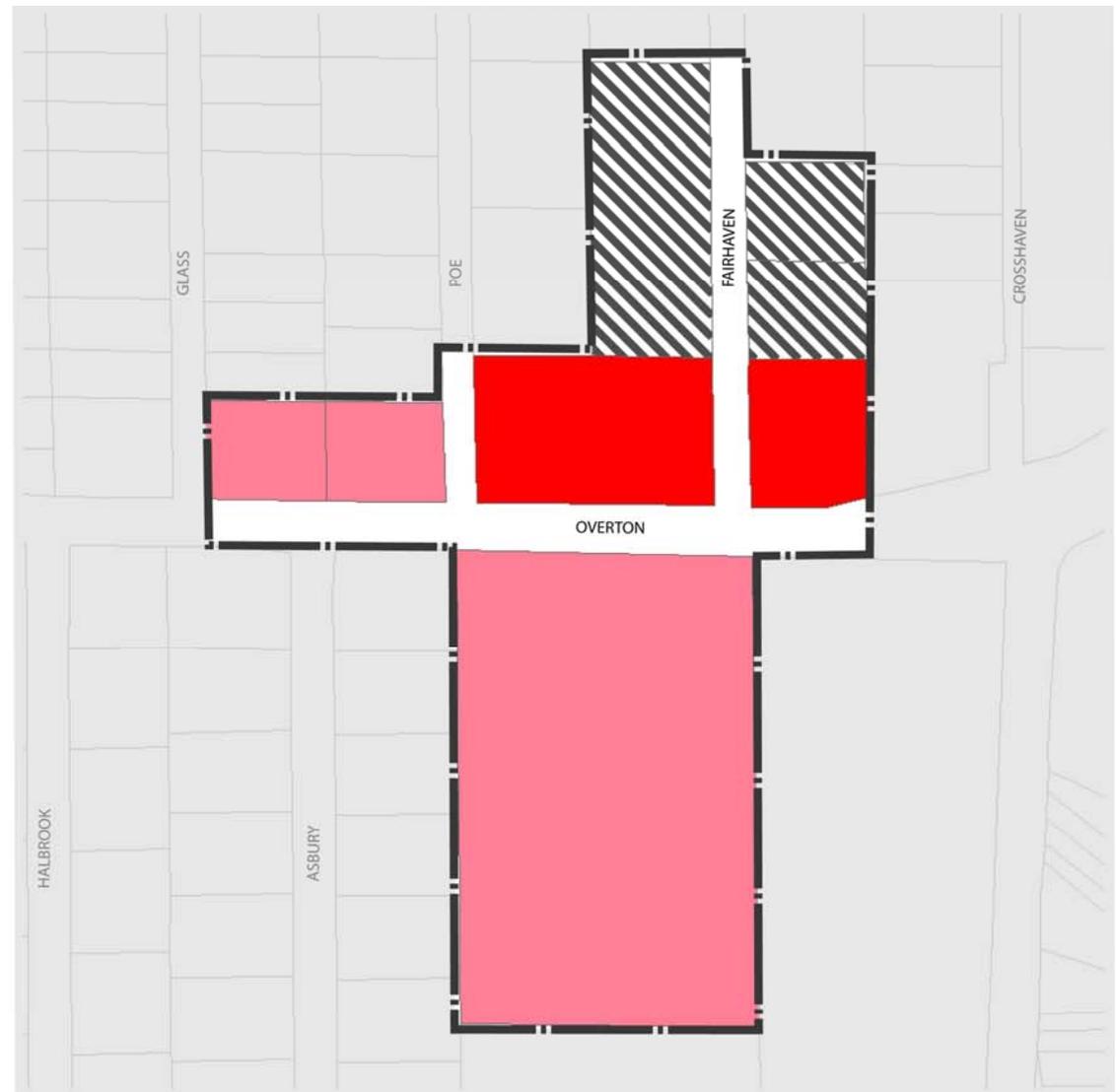
City of MOUNTAIN BROOK

OVERTON VILLAGE

LAND USE POLICY MAP

PROPOSED LAND USE

-  General Commercial
-  General Commercial - Retail Dominant
-  Multi-Use
-  Village Boundary Line



3.0 OVERTON VILLAGE MASTER PLAN

The Overton Village Master Plan is based primarily on the Vision, Value and Goals established through the public participation process. To achieve this Vision, all future development should be arranged and evaluated based upon three key plan components – (1) a future Land Use Policy Map (a plan for regulating use of land and buildings); (2) a Building and Development Regulating Plan (a plan for regulating building types and designs); and a Circulation and Urban Design Plan (a plan to guide coordinated public improvements and private site and building designs). Together these three components reflect a comprehensive approach to development in the Village, and guide the many private and public decisions that occur with new development in the Village.

3.1 VISION

Vision

Gateway and gathering place in Mountain Brook's southern neighborhoods.

Overton Village is a neighborhood village that provides essential services to the nearby residents. Overton Village presents an opportunity to become a modern version of Mountain Brook's traditional village patterns, where neighbors and businesses support one another in building a unique identity for this area.

Values

- Neighborhood businesses that offer key services and meet daily needs for surrounding neighborhoods.
- Gathering spaces that introduce a civic presence to the village.

- A strong community – a good demographic base with the ability to support improvement and change.
- The opportunity to create a unique identity and gateway.
- Convenience and accessibility.

Goals

- Create a village pattern – either at the intersection (node) or through small-scale side streets.
- Promote traffic calming along streets to strengthen pedestrian connections at key intersections.
- Improve connections to adjacent neighborhoods – both enhancing current on-street connections and developing secondary off-street pathways.
- Promote street-front buildings rather than strip centers, including opportunities for mixed-use buildings.
- Improve gateways and civic or green areas throughout the village.
- Explore municipal cooperation with Vestavia Hills – potentially expanding the village pattern and increasing opportunities.
- Create a neighborhood focal point within the village.

3.2 LAND USE POLICY MAP

The Land Use Policy Map is a plan that recommends future uses of land and buildings. It guides future zoning decisions and assists in considering a variety of future regulatory strategies that could implement the physical and policy recommendations of the Master Plan.

The map reflects some of the following general categories which are part of the City's overall land use policy framework. Not all categories are currently represented or recommended in the Village planning area. Where these categories and descriptions differ from the City's overall master plan, the master plan is

specifically amended to include these updated categories and descriptions.



General Commercial – The majority of the city's commercial uses fall into this category. There is an extensive list of uses in the Zoning Regulations. The appropriate building type in or adjacent to the Villages for this category is a low-scale (1 to 3 story) buildings, with street-level storefront designs. The appropriate implementation of this category is the Local Business District as modified by any specific applicable planning and design recommendations for buildings in the village.



General Commercial – Retail Dominant - Land uses in this category are the same as the General Commercial category, except due to the location on key sites and/or streets in the Village, ground-level uses that present a high degree of pedestrian activity are preferred. These are generally retail/restaurant-type uses. The appropriate building type for this category is a low-scale (1 to 3 story) buildings, with street-level storefront designs. The appropriate implementation of this category is the Local Business District as modified by any specific applicable planning and design recommendations for buildings in the Village, and further modified to incorporate policies or regulations to discourage, limit or prohibit ground level service and office uses at these key retail locations.



Office – Land uses in this category include any professional or business office use, regardless if it has a single office on a lot, multiple offices in a single building or multiple buildings in an office park. These uses may range in size depending on location and a variety of building types may be appropriate depending on context. Other compatible uses in this group include municipal buildings, fitness centers, gymnasiums, daycares, restaurants, and laboratories or any other business or service that primarily supports the employment focus. The appropriate implementation of this category is Professional District or Office Park District.



Heavy Commercial – There are only a few occurrences of these kinds of uses in Mountain Brook. This category includes the more intense

commercial uses, such as hotels, large restaurants and fast-food restaurants, which generate a high amount of traffic and rely on a predominantly automobile oriented site design and infrastructure. The appropriate implementation of this category is through the Community Shopping District.



Multi-Use – Land uses in this category utilize buildings designed for a variety of uses – specifically general commercial uses on the ground level, and retail, office or residential uses on the upper levels. This category is generally only appropriate at defined locations in the Village, where the potential for upper level residential uses will not disrupt the primary retail function of the area, and can provide a broader public benefit to the Village as a whole. Multi-story buildings with street-level storefront designs are the appropriate building type for this category. The appropriate implementation of this category is the Local Business District, as modified by any specific applicable planning and design recommendations for buildings in the Village.



Multi-Use – Retail Dominant – Land uses, applicability, and building types in this category are the same as the Multi-Use category, except due to the location on key sites and/or streets in the Village, ground-level uses that present a high degree of pedestrian activity are preferred. These are generally retail/restaurant uses. Multi-story buildings with street-level storefront designs are the appropriate building type for this category. The appropriate implementation of this category is Local Business District, as modified by any specific applicable planning and design recommendations for buildings in the Village, and further modified to incorporate policies or regulations to discourage, limit or prohibit ground level service and office uses.



Low Density Residential – Land uses in this category are primarily intended to be average-size residential lots and/or developments. These lots range from 10,000 square feet up to two acres in size. The majority of lots in this classification are zoned Residence A, Residence B, and Cluster Residential, although this also includes Estate lots that are less than two acres and are adjacent to Residence A

Cherokee Bend South Sector - Fifth Addition



**Planning Commission Application
PART I**

Project Data

Address of Subject Property 3758 Rock Brook Lane, Mountain Brook, AL 35223

Zoning Classification R-A

Name of Property Owner(s) Paul Gilliam and Lisa Jones Duncan & Gilliam Construction

Phone Number 205-602-6081 Email N/A

Name of Representative Agent (if applicable)

JR Adams

Phone Number 205-296-4501 Email jradamshp@gmail.com

Name of Engineer or Surveyor David A. Rawson, P.E.

Phone Number 205-942-2486 Email dar@gonzalez-strength.com

Property owner or representative agent must be present at hearing

Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.



GONZALEZ – STRENGTH & ASSOCIATES, INC.
CIVIL ENGINEERING • TRAFFIC & TRANSPORTATION ENGINEERING • LAND SURVEYING
LAND PLANNING • LANDSCAPE ARCHITECTURE

February 25, 2019

Ms. Dana Hazen
Planning Department
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

**Re: Cherokee Bend South Sector Fifth Addition
Job #16BET01**

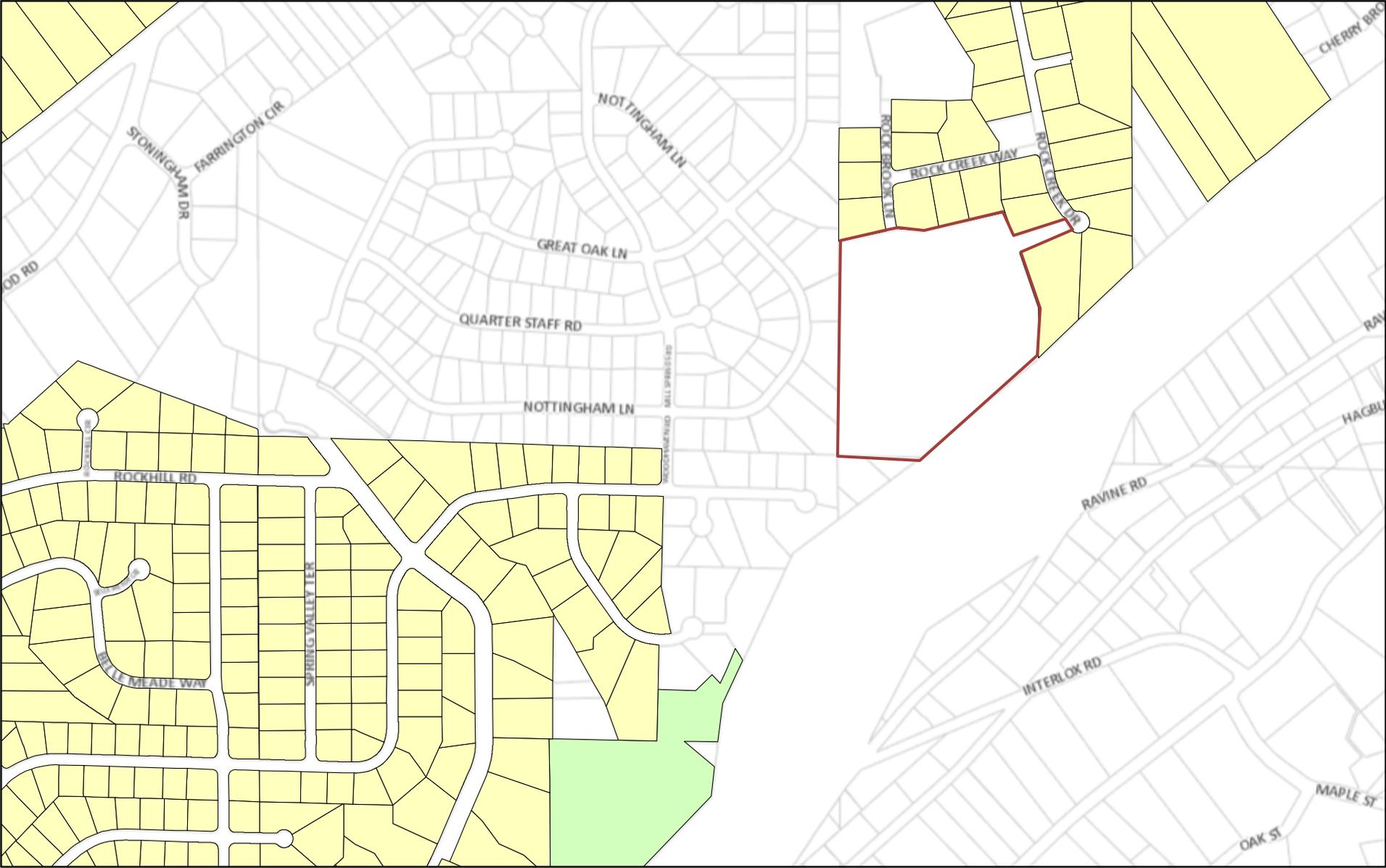
Dear Ms. Hazen:

We are requesting the approval of the preliminary plat for a three (3) lot residential subdivision. The development will consist of extending Rock Brook Lane with associated utilities to create three (3) new residential lots. The development plans and are being submitted as well for your review.

Sincerely

David Rawson, P.E., P.L.S.
For Gonzalez-Strength & Associates, Inc.

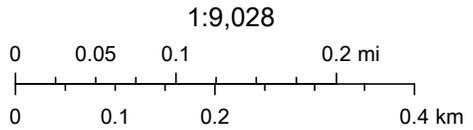
P-19-07 and 08 Zoning



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Tax_Parcels
0

	Estate Residence District
	Residence A District



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

P-19-07

Preliminary Plat in existing Estate zoning (Res-A proposed)

Request for approval of a subdivision of 17 acres into 3 lots (with new public right-of-way, cul-de-sac); and a variance for lot width of Lots 2 and 3 at the street.

On November 26, 2018, the city council annexed into the city of Mountain Brook the subject property, which consists of 17.25 acres. Covenants imposed with said annexation include a limitation that there be no more than 3 lots (each of which must be at least 3 acres), and that the lots be developed to a minimum of Res-A standards (annexation ordinance and covenants are attached to the rezoning case P-19-08).

- The proposed plat, as drawn, meets the minimum standards for Res-A (which requires at least 70 feet of road frontage and a 70-foot width at the front setback line.

However, since permanent zoning has not been approved by the city council (the rezoning case P-19-08 is included in this month's PC packet) at this time the plat should reflect the minimum development standards for Estate zoning, which is the temporary zoning assigned per ORD 1347.

Estate zoning requires a minimum road frontage of 140 feet (for lots on a cul-de-sac), as well as 140 feet of width at the required front setback (which is 100 feet in Estate). Due to the cul-de-sac radius, the 140-foot road frontage is not met for Lots 2 and 3, but the 140 feet is met at the front setback line for all 3 lots.

- As such, the applicant requests approval of a variance from the terms of the subdivision regulations to allow 70 feet of road frontage for Lot 2 and 120 feet for Lot 3.
- Sidewalks – The preliminary plat indicates no installation of sidewalks (Subdivision Regulations require 5-foot wide sidewalks along one side of the street, or payment of an in-lieu fee where the planning commission approves such). There are no sidewalks on any streets in the surrounding area, so it may make sense to allow the in-lieu payment (\$30/linear foot as updated by the planning commission on November 5, 2018).
- ✓ **Overall layout is acceptable**, with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.
- ✓ No floodplain present.

- **Project Data:**

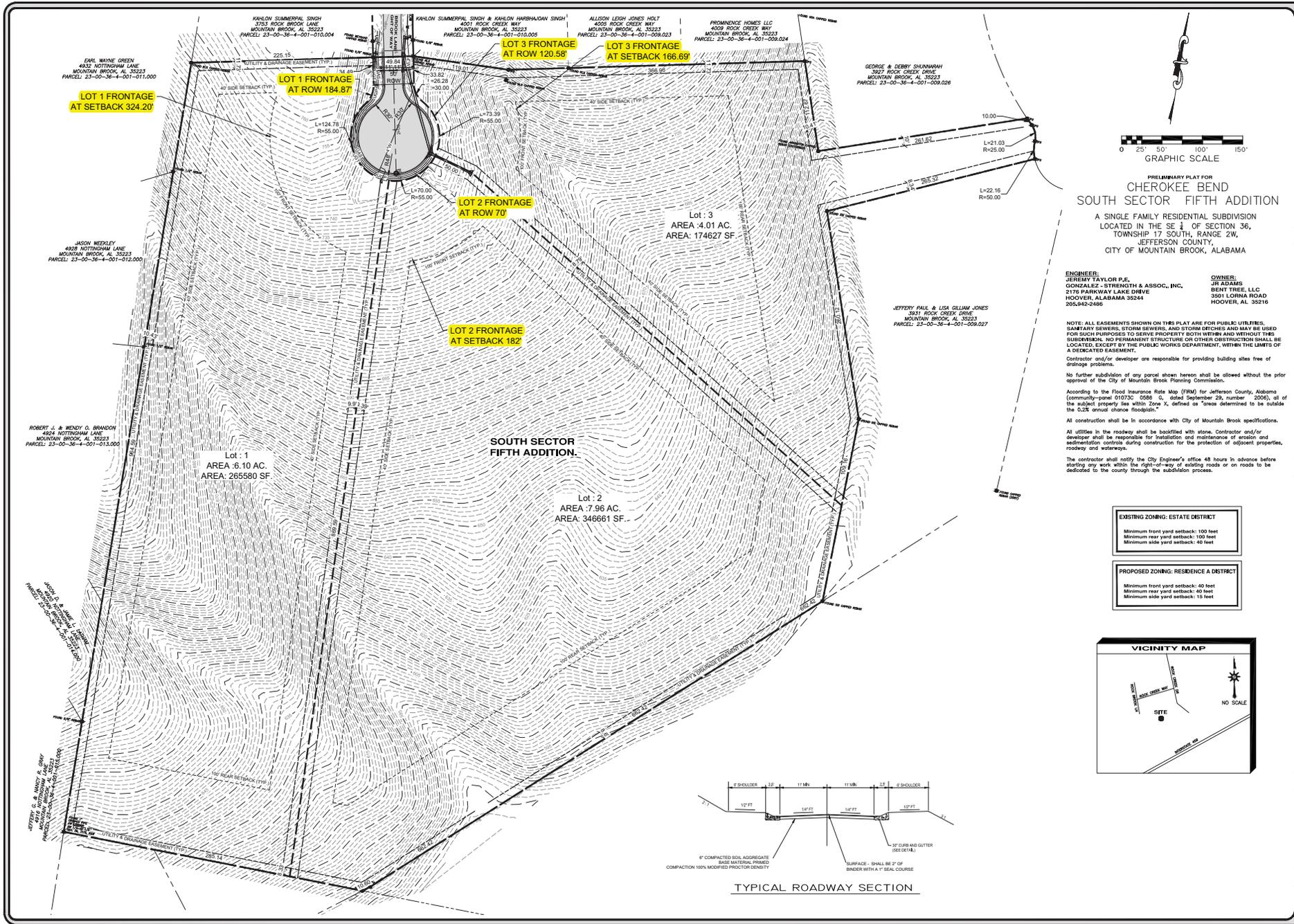
NAME: Cherokee Bend, South Sector, Fifth Addition

CURRENT ZONING (temporary): Estate

PROPOSED ZONING (permanent): Res-A

OWNER: Paul Gilliam and Lisa Jones

LOCATION: 3758 Rock Brook Lane



PRELIMINARY PLAN FOR
CHEROKEE BEND
 SOUTH SECTOR FIFTH ADDITION
 A SINGLE FAMILY RESIDENTIAL SUBDIVISION
 LOCATED IN THE SE 1/4 OF SECTION 36,
 TOWNSHIP 17 SOUTH, RANGE 2W,
 JEFFERSON COUNTY,
 CITY OF MOUNTAIN BROOK, ALABAMA

ENGINEER:
 JEREMY TAYLOR P.E.
 GONZALEZ - STRENGTH & ASSOC., INC.
 2175 PARKWAY LAKE DRIVE
 HOOVER, ALABAMA 35224
 205.942-2486

OWNER:
 JR ADAMS
 BENT TREE, LLC
 3901 CORINA ROAD
 HOOVER, AL 35216

NOTE: ALL EASEMENTS SHOWN ON THIS PLAN ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, AND STORM DITCHES AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED, EXCEPT BY THE PUBLIC WORKS DEPARTMENT, WITHIN THE LIMITS OF A DEDICATED EASEMENT.

Contractor and/or developer are responsible for providing building sites free of drainage problems.

No further subdivision of any parcel shown herein shall be allowed without the prior approval of the City of Mountain Brook Planning Commission.

According to the Flood Insurance Rate Map (FIRM) for Jefferson County, Alabama (commonly-known 010702-0596-0, dated September 23, number 2000), all of the subject property lies within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."

All construction shall be in accordance with City of Mountain Brook specifications.

All utilities in the roadway shall be installed with stone. Contractor and/or developer shall be responsible for installation and maintenance of erosion and sedimentation controls during construction for the protection of adjacent properties, roadway and waterways.

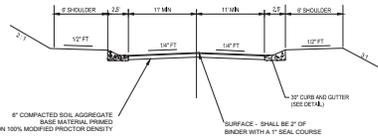
The contractor shall notify the City Engineer's office 48 hours in advance before starting any work within the right-of-way of existing roads or on roads to be dedicated to the county through the subdivision process.

EXISTING ZONING: ESTATE DISTRICT

Minimum front yard setback: 100 feet
 Minimum rear yard setback: 100 feet
 Minimum side yard setback: 40 feet

PROPOSED ZONING: RESIDENCE A DISTRICT

Minimum front yard setback: 40 feet
 Minimum rear yard setback: 40 feet
 Minimum side yard setback: 15 feet



TYPICAL ROADWAY SECTION

REVISIONS	DATE	DESCRIPTION
NO.		

PRELIMINARY PLAN
CHEROKEE BEND
 SOUTH SECTOR FIFTH ADDITION
 ALABAMA
BENT TREE, LLC
 BIRMINGHAM, ALABAMA

DRAWN BY: JAT
 CHECKED BY: JAT
 SCALE: AS SHOWN
 SHEET PLAN: 16BET01

DATE: 2/28/15

GONZALEZ - STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION

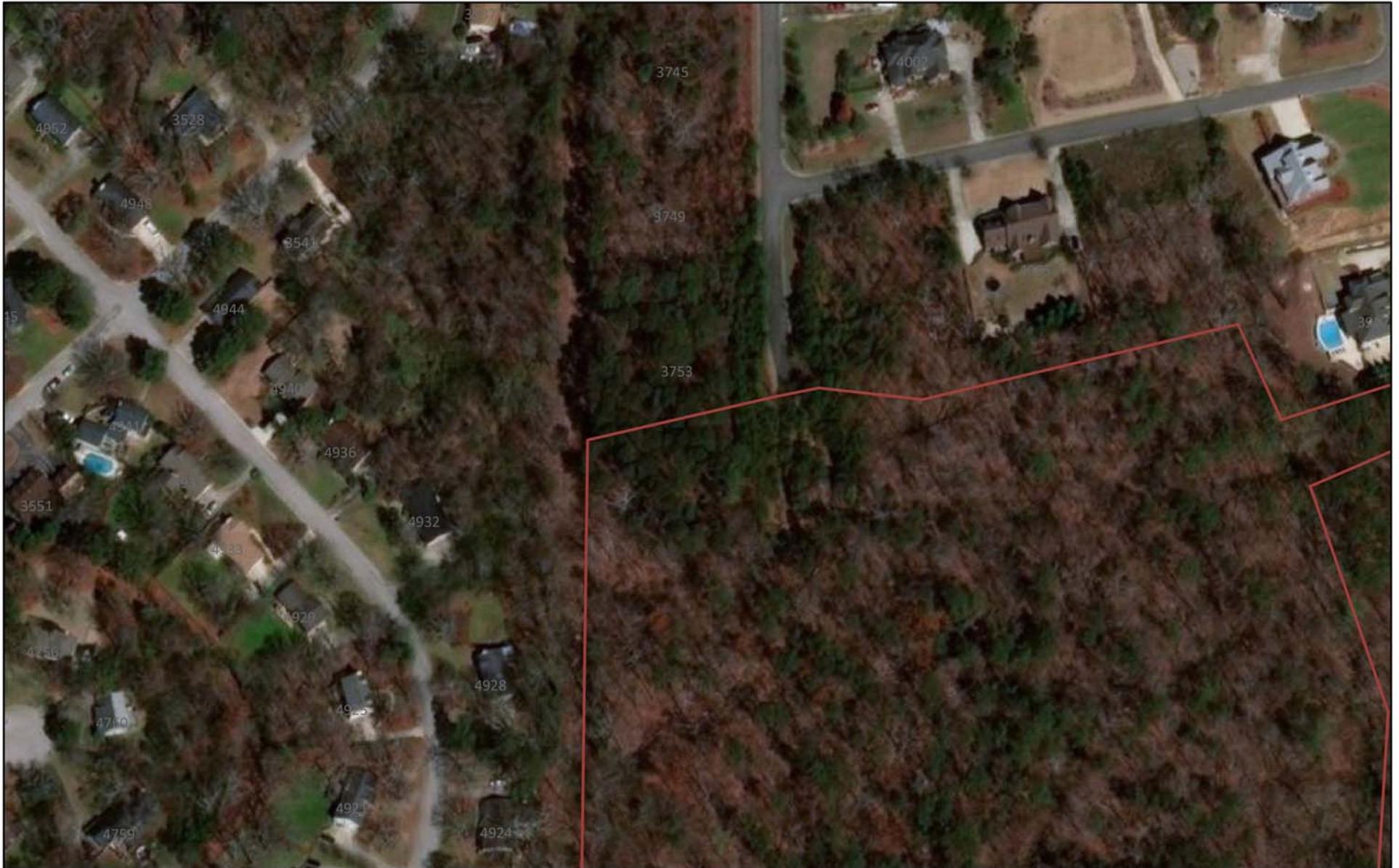
10000 WOODBURN ROAD
 HOOPER, ALABAMA 35224
 PHONE: (205) 942-2486
 FAX: (205) 942-2493
 www.Gonzales-Strength.com

© Copyright 2015

DWG. NO.
P1
 PROJECT
16BET01

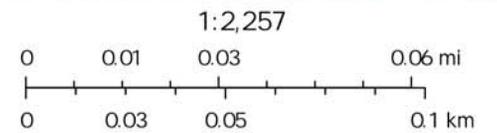
X:\2015\Projects\16BET01\16BET01.dwg (Mountain Brook, AL) SHEET 1 OF 1 (2/28/15) 11:48 AM 2/28/15

P-19-07 and 08 Aerial



3/28/2019, 5:58:33 PM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |

Cherokee Bend South Sector - Fifth Addition



**Planning Commission Application
PART I**

Project Data

Address of Subject Property 3758 Rock Brook Lane, Mountain Brook, AL 35223

Zoning Classification Estate (proposed R-A)

Name of Property Owner(s) Paul Gilliam and Lisa Jones Duncan & Gilliam Construction

Phone Number 205-602-6081 Email N/A

Name of Representative Agent (if applicable)

JR Adams

Phone Number 205-296-4501 Email jradamshp@gmail.com

Name of Engineer or Surveyor David A. Rawson, P.E.

Phone Number 205-942-2486 Email dar@gonzalez-strength.com

Property owner or representative agent must be present at hearing

Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.



GONZALEZ – STRENGTH & ASSOCIATES, INC.

**CIVIL ENGINEERING • TRAFFIC & TRANSPORTATION ENGINEERING • LAND SURVEYING
LAND PLANNING • LANDSCAPE ARCHITECTURE**

March 4, 2019

Ms. Dana Hazen
Planning Department
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

**Re: Cherokee Bend South Sector Fifth Addition
Job #16BET01**

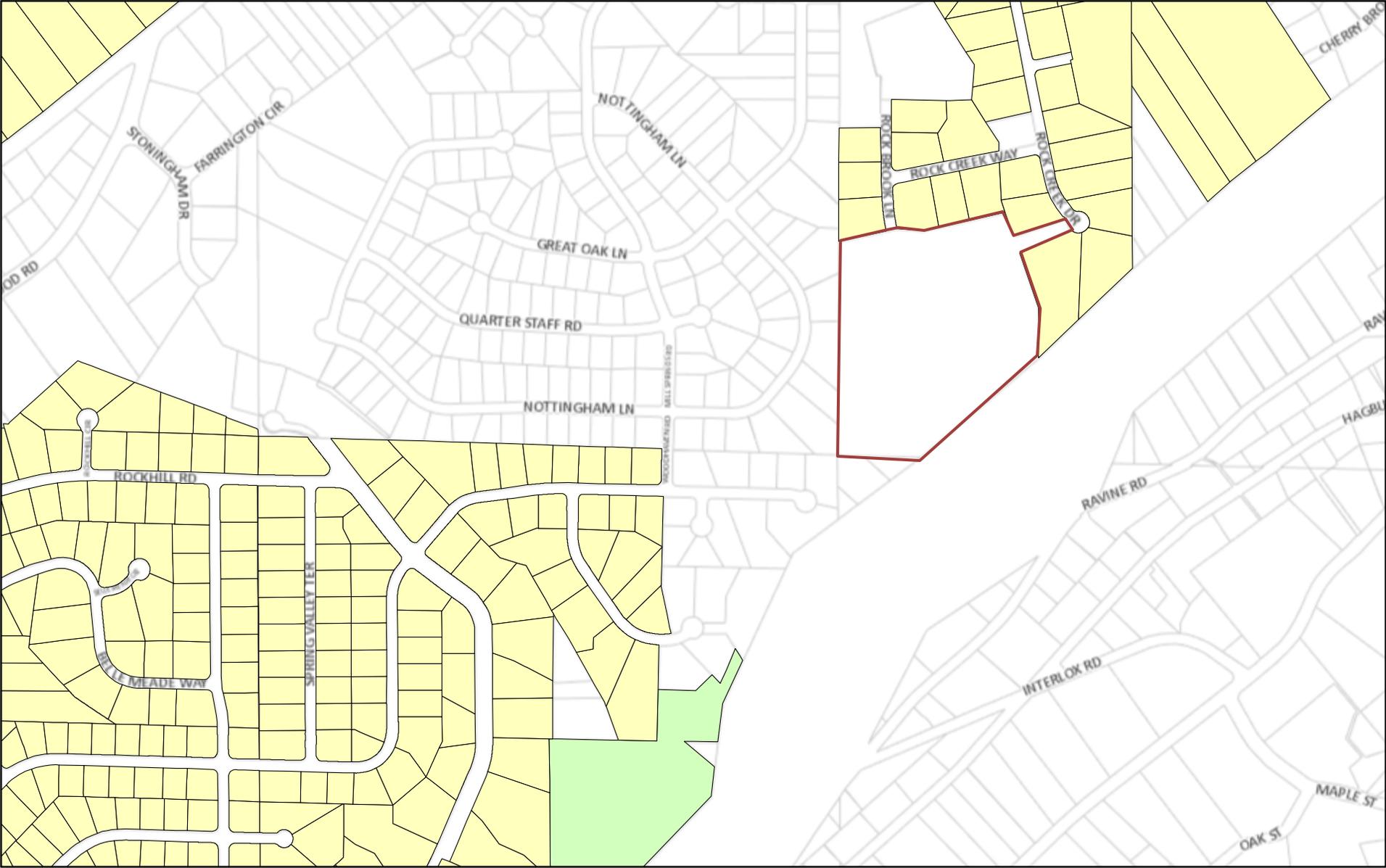
Dear Ms. Hazen:

We are requesting rezoning from Estate to R-A. Additionally, we are requesting the approval of the preliminary plat for a three (3) lot residential subdivision. The development will consist of extending Rock Brook Lane with associated utilities to create three (3) new residential lots. The preliminary plat is being submitted as well for your review.

Sincerely,

David Rawson, P.E., P.L.S.
For Gonzalez-Strength & Associates, Inc.

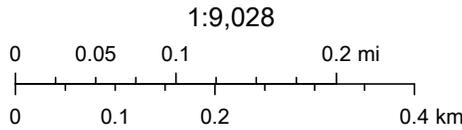
P-19-07 and 08 Zoning



3/28/2019, 5:56:52 PM

Tax_Parcels

0		Estate Residence District
0		Residence A District



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

P-19-08

Petition Summary

Request to rezone a parcel of land, recently annexed into the city of Mountain Brook, from its current temporary zoning (Estate district) to permanent zoning (Residence-A district).

Background/Analysis

On November 26, 2018 the city council annexed the subject property into Mountain Brook. Per Ordinance 1347, temporary zoning of Estate was automatically assigned for the interim period between annexation and the assignment of permanent zoning to the property.

The property consists of 17.25 acres, and covenants imposed with said annexation include a limitation that there be no more than 3 lots (each of which must be at least 3 acres), and that the lots be developed to a minimum of Res-A standards (annexation ordinance and covenants are attached).

Subject Property and Surrounding Land Uses

The subject property contains a single family dwelling and is surrounded by the same.

Affected Regulation

Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

CURRENT ZONING (temporary): Estate

PROPOSED ZONING (permanent): Res-A

OWNER: Paul Gilliam and Lisa Jones

LOCATION: 3758 Rock Brook Lane

ORDINANCE NO. 2038

3758 Rock Brook Lane, 35223
23-00-36-4-001-012.000
18+/- acres

Clerk: HERVEYA

**AN ORDINANCE TO ALTER AND REARRANGE
THE BOUNDARY LINES OF THE CITY OF MOUNTAIN BROOK, ALABAMA,
SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS CERTAIN OTHER
TERRITORY CONTIGUOUS TO SAID CIT**

WHEREAS, Lisa G. Jones and Jeffrey P. Gilliam ("Petitioners") have caused to be signed and filed a written petition with the City of Mountain Brook, an incorporated municipality located in the State of Alabama (the "City"), stating that the Petitioner is the owner of the hereinafter described property which is contiguous to the city limits of the City and that no part of the Property is within the corporate limits of any other municipality, and asking that the Property be annexed to the City pursuant to § 11-42-21, *et seq.*, Code of Alabama (1975).

WHEREAS, the petition contained an accurate description of the property and the signatures of all the owners of the property or persons with legal authority to act therefor, and the petition was accompanied by a map of the property showing its relationship to the corporate limits of the City; and

WHEREAS, the City Council has determined that the property is contiguous to the City and that no part of the property is within the corporate limits of any other municipality; and

WHEREAS, to induce the City to annex the property, the Petitioners have agreed to subject the property to certain restrictive covenants; and

INST# 2018121544 dtd 11/30/2018

WHEREAS, the City Council has determined that, if the property is made subject to the covenants, it will be in the public interest that the property be annexed to the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

Section 1. Alteration of Corporate Limits. That under the provisions of the Code of Alabama (1975) § 11-42-21, the corporate limits of the City of Mountain Brook, Alabama, be, and the same are altered and rearranged so as to include, in addition to the territory already within the corporate limits of said City, the Property described in Exhibit "A" and illustrated in the accompanying map entitled Exhibit "B," which are attached hereto and made a part hereof, which Property is contiguous to said City of Mountain Brook, Alabama, and not within the corporate limits of any other municipality.

Section 2. Zoning. The zoning of the Property described in Exhibit "A" attached hereto will be temporarily assigned to the zoning district set forth in City of Mountain Brook Ordinance No. 1347.

2038

Section 3. Severability. If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding. If any part, section, or subdivision of this ordinance or documents, map, or petition to which it may refer shall be held unconstitutional or invalid as to any portion of the territory annexed herein, such holding shall not be construed to impair or invalidate the ordinance as to the territory not included in or affected by such holding.

Section 4. Publication. The City Clerk shall file a certified copy of the Property described in Exhibit "A" attached hereto, and a certified copy of this ordinance with the Probate Judge of the county in which the Property is located, and also cause a copy of this ordinance to be published as provided by law.

Section 5. Effective Date. This ordinance shall be effective upon its publication as provided by law and upon restrictive covenants, in a form similar to Exhibit "C" attached hereto, binding upon the owners and all successors in title thereto, being executed and recorded in the Probate Court of Jefferson County, Alabama, no later than December 7, 2018.

Section 6. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

ADOPTED: The 26th day of November, 2018.



Council President

APPROVED: The 26th day of November, 2018.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, at its regular meeting on the 26th day of November, 2018, as same appears in the minutes of record of said meeting, and published by posting copies thereof on the 27th day of November, 2018, at the following public places, which copies remained posted for five (5) days as provided by law:

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road

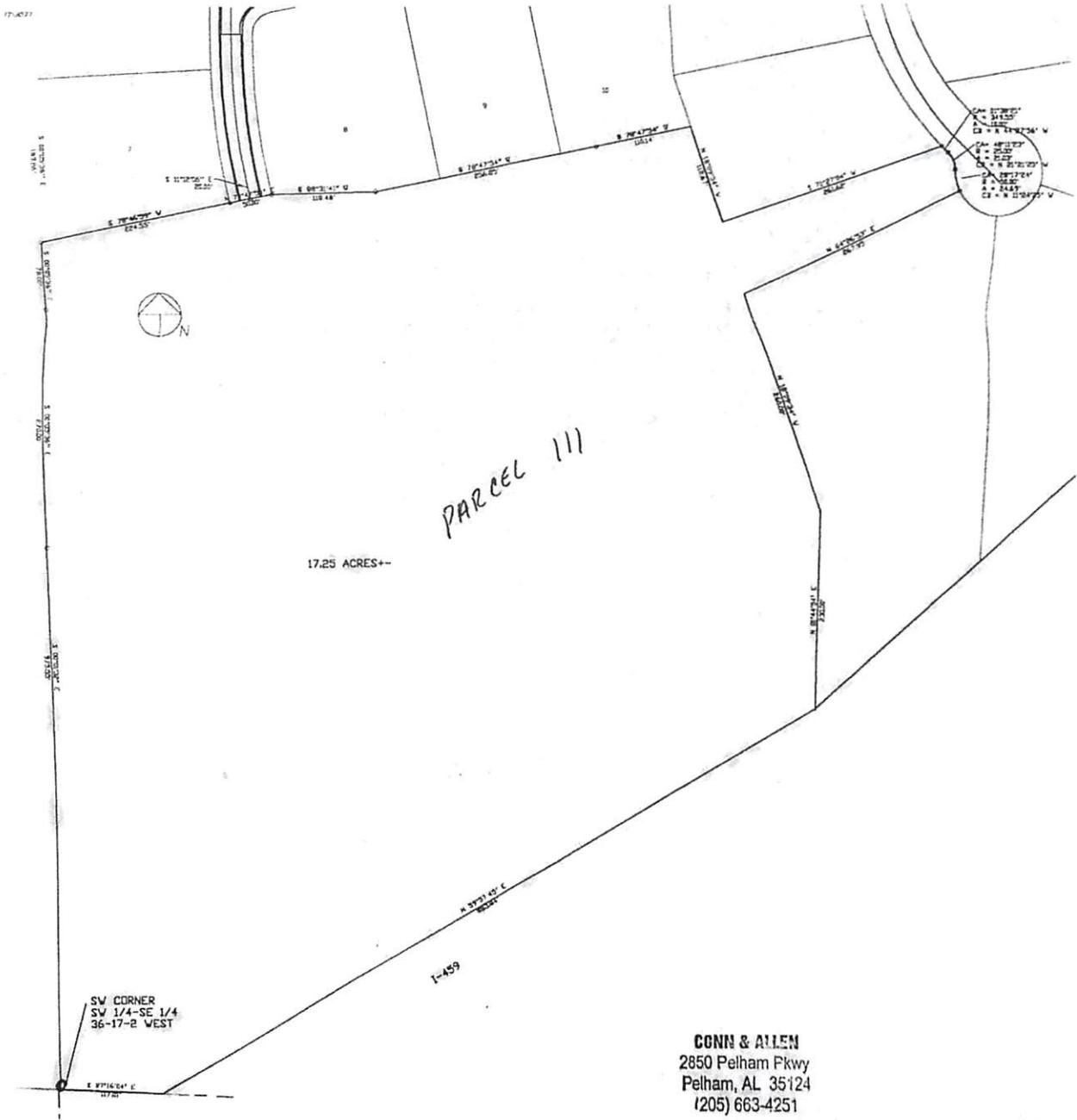


City Clerk

EXHIBIT A

STATE OF ALABAMA
COUNTY OF SHELBY

Beginning at the southwest corner of the southwest quarter of the southeast quarter of Section 36, Township 17 south, Range 2 west, Jefferson County, Alabama and run thence S 87°16' 04" E along the south line of said quarter-quarter section a distance of 117.01' to a corner; Thence run N 59° 57' 45" E along the northerly right of way line of Interstate Highway 459 a distance of 883.94' to a corner; Thence run N 01° 44'54" E a distance of 230.00' to a corner; Thence run N 18° 09' 34"W a distance of 260.00' to a corner; Thence run N 64° 26' 53" E a distance of 267.95' to a corner on the westerly arc of a curve de sac; Thence run along the arc of a curve to the right having central angle of 28°17' 24" and a radius of 50.0' an arc distance of 24.69' to a P.O.R. C. to the left having a central angle of 48°11' 23" and a radius of 25.0'; Thence run along the arc of said curve an arc distance of 21.03' to the P.T. of said cul de sac curve; Thence run along a curve to the right having a central angle of 01°38' 21" and a radius of 349.55' an arc distance of 10.0' to a corner; Thence run S 71° 27' 04" W a distance of 261.42' to a corner; Thence run N 18° 09' 34" W a distance of 112.67' to a corner; Thence run S 78° 47' 54" W a distance of 110.14' to a corner; Thence run last described call a distance of 256.85' to a corner; Thence run N 88° 31' 41" W a distance of 118.48' to a corner on the east margin of a public street; Thence run S 78° 42' 58"W a distance of 50.0' to a corner on the west margin of same said street; Thence run S 78° 46' 59" W a distance of 224.55' to a corner; Thence run S 00°05'56" E a distance of 78.0' to a corner; Thence run S 00° 05' 36" E a distance of 270.00' to a corner; Thence run S 00° 01' 32" E a distance of 975.55' to the point of beginning, containing 17.25 acres, more or less. Property is subject to any and all agreements, easements, restrictions, limitations and / or omissions of probated record and / or applicable law.



CONN & ALLEN
2850 Pelham Pkwy
Pelham, AL 35124
(205) 663-4251

2038

Clerk: HERVEYA

STATE OF ALABAMA
JEFFERSON COUNTY

DECLARATION OF PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, Lisa G. Jones and Jeffrey P. Gilliam is/are the owner(s) of the following described real property, located in Jefferson County, Alabama, with an address of 3758 Rock Brook Lane, 35223, more particularly described on Exhibit "A" and illustrated in the accompanying map entitled Exhibit "B," which are attached hereto and made a part hereof; and

WHEREAS, the undersigned desires to subject said Property with the conditions, limitations, and restrictions hereinafter set forth.

The undersigned does hereby expressly engraft the following restrictive and protective covenants, conditions, covenants, and limitations on the real property hereinafter described in Exhibit A attached hereto:

1. EXCLUSIVE RESIDENTIAL USE AND IMPROVEMENTS.

- a. The real estate shall not be subdivided into more than three (3) lots, all of which shall be at least three (3) acres in size, and which must conform to the lot standards for the Residence A zoning district.
- b. There shall be no more than one single-family, residential home constructed on each lot.
- c. Setbacks shall conform to appropriate Residence A zoning district regulations in effect at the time of the execution and recording of these protective covenants.
- d. The minimum square footage of heated and cooled area of any residence constructed on the real estate shall be a minimum of 4,500 square feet.
- e. Any home constructed on the real estate shall not exceed two and one-half (2-1/2) stories and must include a private garage for not more than four (4) vehicles.
- f. The exterior of any home constructed on the real estate shall be of brick or better materials and shall not include wood, drivet, or vinyl siding materials

2. GENERAL PROVISIONS.

- a. The property owner(s) shall use their best efforts to prevent the development or occurrence of any unclean, unsightly, or unkempt conditions of buildings or grounds on the real estate which shall tend to decrease the beauty of the area.

ORD 2038

- b. No weeds, underbrush, or other unsightly growth shall be permitted to grow or remain from the building line forward and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain upon the real estate.
- c. No animals, livestock or poultry of any kind shall be raised, bred or kept on the real estate except dogs, cats or other household pets. Said household pets may be kept provided they are not kept, bred or maintained for any commercial purposes and provided that they are not permitted to roam freely; and provided further that when they are outside they are kept within a fenced area behind and to the rear of the residential dwelling(s).
- d. No vegetables or other crops may be grown on the real estate except to the rear of the house on the real estate and only if said plants are screened by fencing or shrubbery to reduce visibility.
- e. Fencing is permitted but must not be within the requisite building set back lines and must complement the area in appearance. Therefore, if fencing is chain link, it must be dark coated. Any fence erected on a corner Lot must extend from the rear corners of the residence and such fence shall not encroach within the building set back lines.
- f. All retaining walls constructed on the real estate must be faced with brick, stone, stucco or other finished material
- g. No noxious or offense trade or business shall be carried on upon the real estate which may be or become a nuisance to the neighborhood.
- h. No oil drilling, development or refining shall be permitted upon the real estate. No quarrying or mining operation of any kind shall be permitted and no oil wells, tanks, tunnels, mineral excavations or shafts shall be permitted upon or in or through the real estate. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted on the real estate.
- i. No trash, garbage or other refuse shall be dumped, stored or accumulated on the real estate. Trash, garbage or other waste shall not be kept on the real estate except in sanitary containers or garbage compactor units. Garbage containers shall be kept clean and shall be placed so as not to be visible from any road at any time except during refuse collection periods. No outside burning or trash, garbage or household refuse shall be permitted except during construction period.
- j. No structure of temporary character such as a trailer, mobile home, manufactured home, double-wide manufactured home, tent or shack shall be used as a residence either temporarily or permanently.
- k. Vehicles larger than passenger vehicles including trucks, boats, campers and recreational vehicles shall not be kept at the residential dwelling(s) unless said vehicle or trailer is located behind the building set back lines.
- l. No clubhouse, tree-house, swing-sets, outdoor gym sets, outdoor batting cages, or other types of children's play structures or apparatus wider than a basketball goal

OMD 2038

shall be erected or placed within the 40 foot building set back lines as reflected on said recorded plat.

- m. No sign of any kind shall be displayed to the public view on the real estate except on professional sign of not more than 3 square feet advertising property for sale.
- n. During construction, any damage to street and curbs must be repaired by builder. During construction, all builders must keep the home, garage and building site clean. All building debris, papers, stumps and trees must be removed from the property by the builder as often as necessary to keep the house(s) and said real estate clean and attractive.
- o. When the construction of the residence(s) has begun, work thereon must be pursued diligently and continuously and must be completed within 12 months.
- p. Garage doors will not be permitted on the front of the residence. All exterior colors of doors, windows and exterior paint must be in keeping with the general appearance of the neighborhood.
- q. No outside air conditioning units shall be permitted in the front yard of the real estate. The outside air conditioning unit(s) must be located only on the side or rear of the residences.

3. GENERAL PROVISION.

- a. Each and every covenant and restriction contained herein shall be considered to be an independent and separate covenant and agreement, and in the event any one or more of said covenants or restrictions shall, for any reason, be held invalid or unenforceable, all remaining covenants and restrictions shall nevertheless remain in full force and effect in all matters and respects.
- b. The covenants and restrictions herein shall enure to the benefit of the real estate described above and shall run with the land. If any person shall violate or attempt to violate any of such restrictions or covenants, it shall be lawful for the undersigned or the City of Mountain Brook, Alabama: (a) to prosecute proceedings at law for the recovery of damages against person or persons so violating or attempting to violate any such covenant or restriction, or (b) to maintain an action in equity against the person or persons so violating or attempting to violate any such covenant or restriction for the purpose of preventing such violation; provided, however, that the remedies contained in this paragraph shall be construed as cumulative of all other remedies now or hereafter provided by law.
- c. The covenants and restrictions set forth herein are made for the mutual and reciprocal benefit of the real estate herein described are intended to create: (i) mutual, equitable servitude upon the real estate; (ii) reciprocal rights between and among the respective owners and future owners of each Lot within such Subdivision and (iii) a privity of contract and estate between the grantees of the real estate, their respective heirs, personal representatives, successors and assigns.

ORD 2038

- d. The restrictions, covenants and provisions contained herein shall remain in full force and effect for a period of twenty-five (25) years from the date hereof, after which time said restrictive, covenants and provisions shall be automatically extended for successive periods of ten (10) years.
- e. The covenants and restrictions set forth herein shall not be revised, modified or otherwise altered until after such time as all of the Lots to which the written conditions, limitations and restriction are applicable have developed with single family detached residences; provided however, that additional or supplemental covenants and restrictions that are not inconsistent with the covenants and restrictions set forth herein may be adopted prior to such time.

IN WITNESS WHEREOF, Lisa G. Jones and Jeffrey P. William (owners) authorized, to execute this Declaration of Protective Covenants on this 28 day of NOVEMBER 2018.

Signature Page Follows

ORD 2038

ATTEST:

Jeffrey P. Gilliam
(Printed Name)

BY: [Signature]
(Printed Name)

Lisa G. Jones

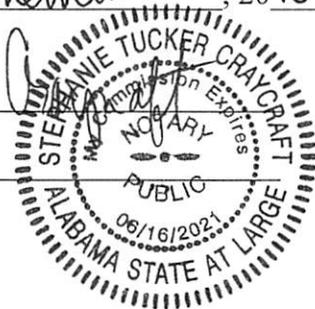
BY: [Signature]
(Printed Name)

THE STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Jeffrey P. Gilliam a executed the forgoing Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the covenants, they have with full authority, executed the same voluntarily.

Given under my hand and official seal this the 28th day of November, 2018.

Stephanie Tucker Craycraft
NOTARY PUBLIC
My commission expires:

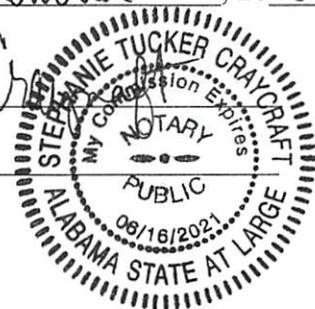


THE STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Lisa G. Jones a executed the forgoing Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the covenants, they have with full authority, executed the same voluntarily.

Given under my hand and official seal this the 28th day of November, 2018.

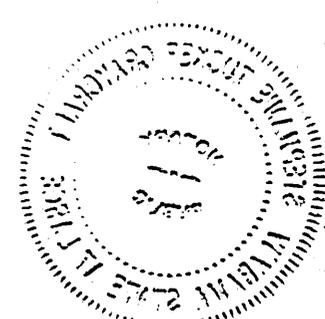
Stephanie Tucker Craycraft
NOTARY PUBLIC
My commission expires:



OPD 2038

[Faint handwritten text]

[Faint handwritten text]



2006 090



Judges Alan L. King & Sherri C. Friday
Judge of Probate
Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203
(205) 325-5300

CUSTOMER INFORMATION

CITY OF MOUNTAIN BROOK

TRANSACTION INFORMATION

Transaction #: 5910152
Receipt #: 990523
Cashier Date: 11/30/2018
Print Date: 11/30/2018
Cashier By: HERVEYA

Source Code: Over the Counter
Return Code: Over the Counter
Comments:

ORD AND PETITION FOR ANNE Instrument.: 2018121543

From: MOUNTAIN BROOK CITY OF To: JONES LISA G

RECORDING FEE	\$17.00
ARCHIVAL FEE	\$11.00
Document Total:	\$28.00

REST. COVENANT/RELEASE OF Instrument.: 2018121544

From: GILLIAM JEFFERY P To:

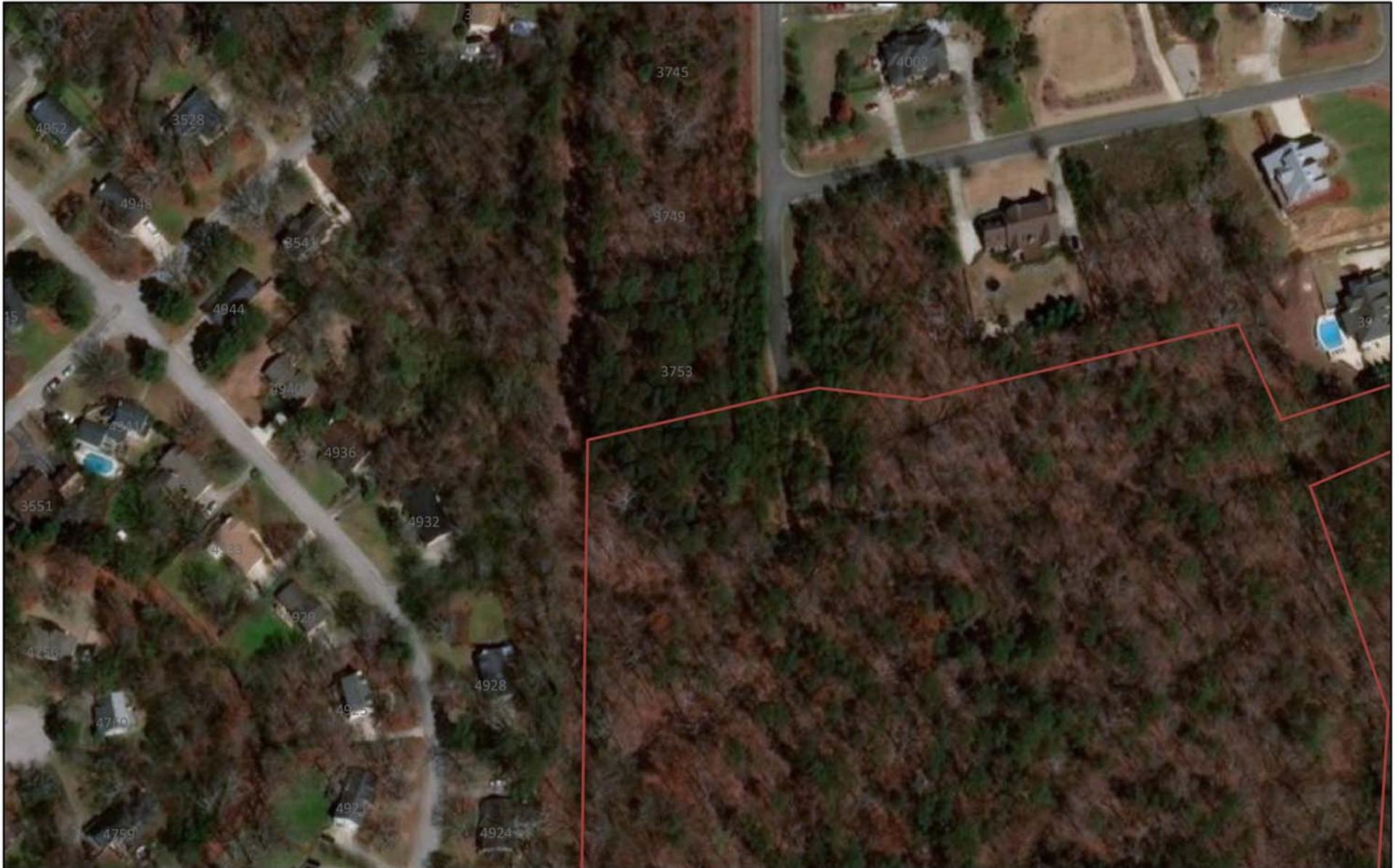
RECORDING FEE	\$17.00
ARCHIVAL FEE	\$11.00
Document Total:	\$28.00

PAYMENT: CHECK	2935	AMOUNT:	\$56.00
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Void / Revised Reason:

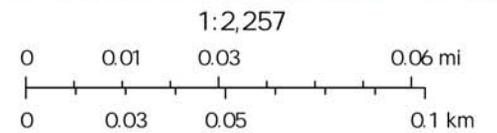
Total Payments:	\$ 56.00	Total Fees:	\$ 56.00	Shortage:	\$ 0.00
Overage:	\$ 0.00	Total Change Returned:	\$ 0.00		

P-19-07 and 08 Aerial



3/28/2019, 5:58:33 PM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |



Planning Commission Application PART I

Project Data

Address of Subject Property 3020 COUNTRY CLUB ROAD, MOUNTAIN BROOK,

ALABAMA - 35213

Zoning Classification RESIDENCE "A" DISTRICT

Name of Property Owner(s) WILLIAM G. PLOTT

Phone Number 205-321-3210 Email 91P@PLOTANDCOMPANY.COM

Name of Representative Agent (if applicable)

Phone Number _____ Email _____

Name of Engineer or Surveyor ROWLAND JACKINS, ALA. PLS 18399

Phone Number 205-870-3390 Email BBSURV@BELLSOUTH.NET

Property owner or representative agent must be present at hearing

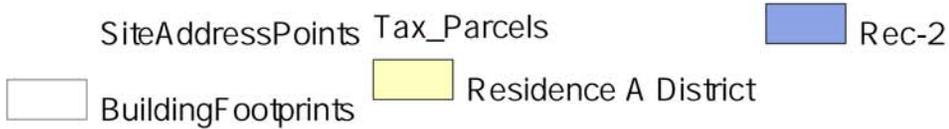
Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

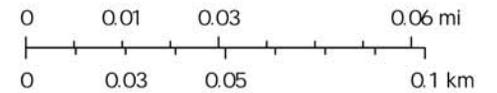
P-19-09 Zoning



3/28/2019, 6:27:33 PM



1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

P-19-09

Resurvey in existing Residence A zoning

- ✓ Resurvey combining 2 lots into 1 lot
- ☑ **May be approved as a final plat;** the following corrections for the final plat are required by the Subdivision Regulations, and **are suggested as conditions of approval:**
 - 1) note zoning district (Residence A) on plat;
 - 2) indicate all required building setbacks (40f, 15s, 40r)
- ✓ Meets the Zoning Regulations for the Residence A district.
- ✓ **Overall layout is acceptable**, with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.
- ✓ No relevant history or prior cases.
- **Project Data:**

NAME: Plott's Addition to Redmont Park

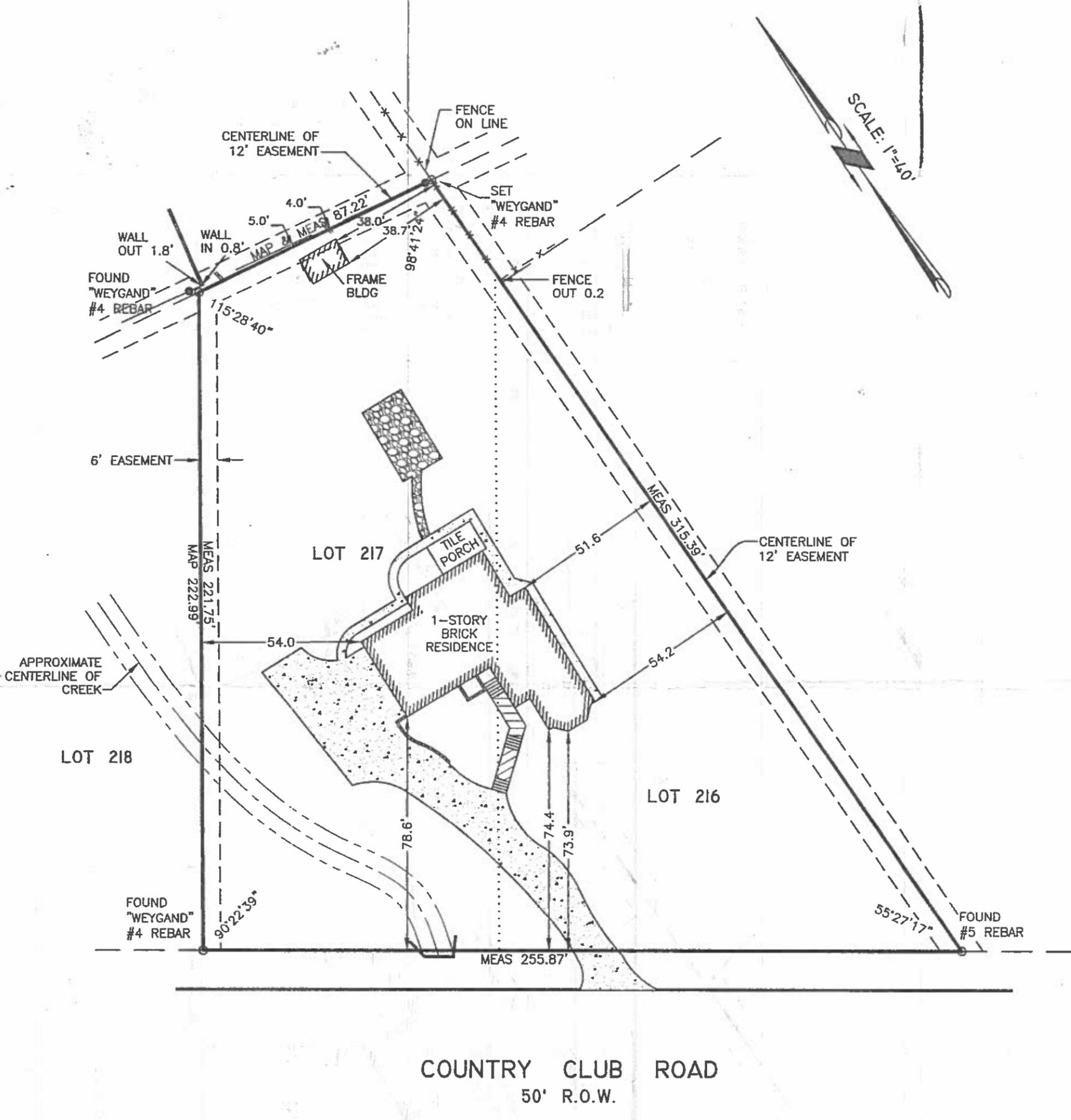
CURRENT ZONING: Residence A

OWNERS: William Plott

LOCATION: 3020 Country Club Road

P-19-09

LEGEND						
ASP	ASPHALT	HW	HEADWALL	oLGT	LIGHT COVERED	ANCHOR
BLDG	BUILDING	MIN	MINIMUM	COV	COVERED	RADIUS
CALC	CALCULATED	MH	MANHOLE	[Hatched Box]	DECK	R.O.W.
MEAS	MEASURED	OH	OVERHANG	[Circle]	CONCRETE	SAN
CH	CHORD	PVMT	POWER LINE	[Circle with X]	WALL	STM
LNG	LONG CHORD	W/	PAVEMENT	[Line with X]	FENCE	UTIL
d	DEFLECTION	TAN	WITH	POR	PORCH	AC
Δ	DELTA	RES	TANGENT			S.F.
ESMT	EASEMENT		RESIDENCE			€
						CENTERLINE



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

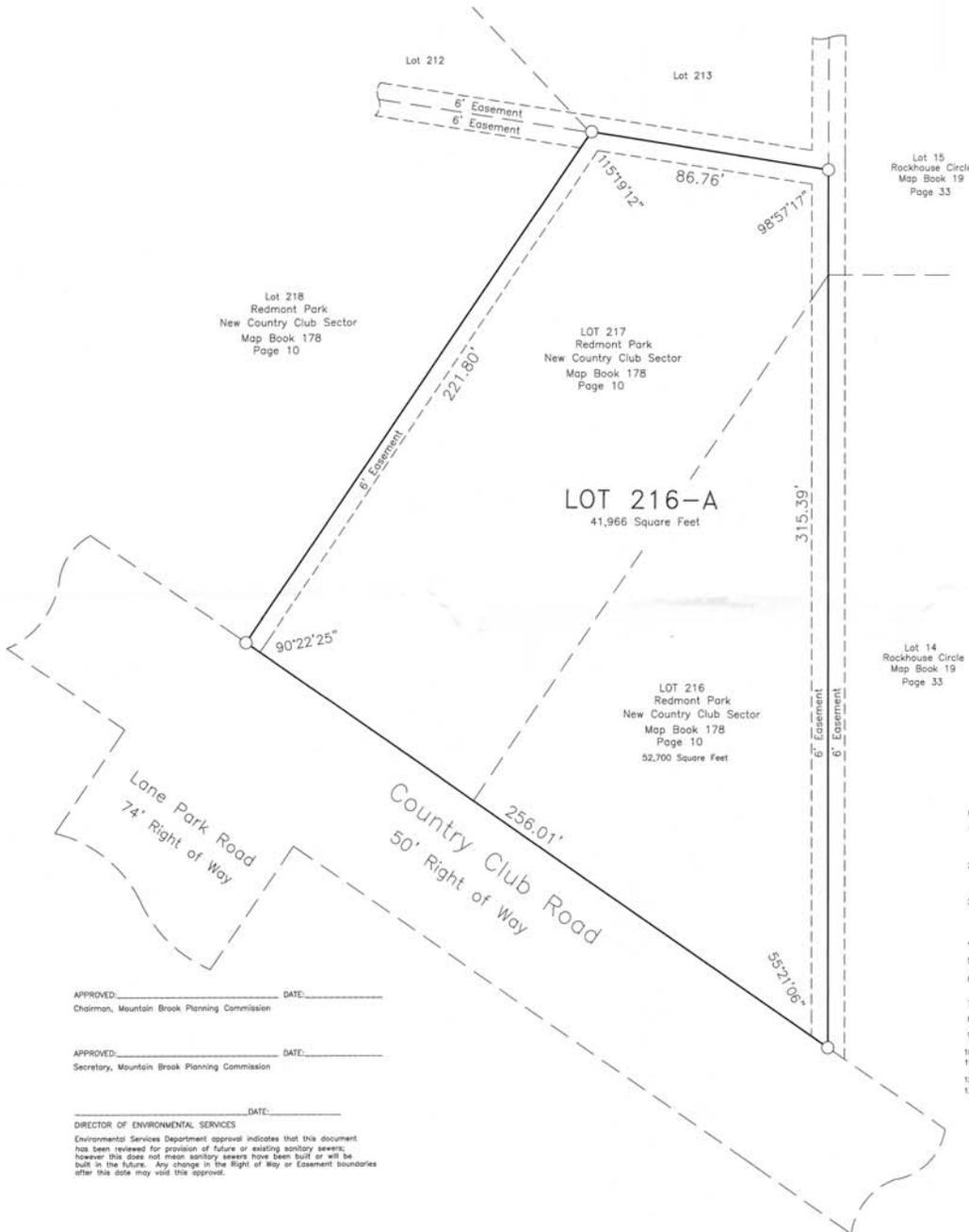
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lots 216 and 217, REDMONT PARK, NEW COUNTRY CLUB SECTOR, as recorded in Map Volume 15, Page 99, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of JANUARY 24, 2019. Survey invalid if not sealed in red.

Order No.: 1990
Purchaser:
Address: 3020 COUNTRY CLUB ROAD

Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©



Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



STATE OF ALABAMA
JEFFERSON COUNTY

The undersigned, Rowland Jackins, a Registered Land Surveyor, State of Alabama, and William G. Platt, owner, certify that this plat or map was made pursuant to a survey and this plat or map is a true and correct map of lands shown therein and known as Platt's Addition to Redmont Park, showing the subdivision into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, ways and public grounds, giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the relation of the lands to the survey of Redmont Park, New Country Club Sector, as recorded in the office of the County Probate Judge in Map Book 150, Page 99, and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map; said owner also certifies that he is the owner of said lands and that the same are not subject to any mortgage, except a mortgage held by the following mortgagee: Progress Bank & Trust.

I, Rowland Jackins, PLS, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information and belief.

Dated _____ 2019;

Rowland Jackins, Alt. Reg. No. 18399 William G. Platt, Owner
Surveyor

Progress Bank & Trust:
Charles R. Kramer, II
Senior Vice President of Commercial Lending;

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____ as notary public in and for said county and state, do hereby certify that Rowland Jackins, whose name is signed to the foregoing certificate as surveyor, and who is known to me, acknowledged before me on this date, that after being duly informed of the contents of said certificate, he executed the same voluntarily as such individual with authority therefore.

Given under my hand and seal this _____ day of _____ 2019.
By: _____
Notary Public
My Commission Expires _____

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____ as notary public in and for said county and state, do hereby certify that William G. Platt, whose name is signed to the foregoing certificate as surveyor, and who is known to me, acknowledged before me on this date, that after being duly informed of the contents of said certificate, he executed the same voluntarily as such individual with authority therefore.

Given under my hand and seal this _____ day of _____ 2019.
By: _____
Notary Public
My Commission Expires _____

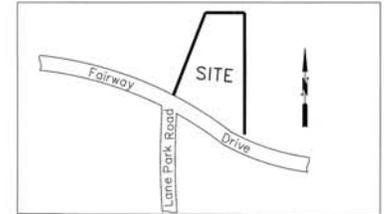
STATE OF ALABAMA
JEFFERSON COUNTY

I, _____ as notary public in and for said county and state, do hereby certify that Charles R. Kramer, whose name is signed to the foregoing certificate as surveyor, and who is known to me, acknowledged before me on this date, that after being duly informed of the contents of said certificate, he executed the same voluntarily as such individual with authority therefore.

Given under my hand and seal this _____ day of _____ 2019.
By: _____
Notary Public
My Commission Expires _____

NOTES:

- This property is located in "Zone X", according to the Federal Insurance Administration "Flood Hazard Boundary Map" - Panel 557 of 795, Map Number 01073C0570, Jefferson County, Alabama, dated September 3, 2010, site is not located in a special flood hazard area.
- All easements shown on this plat are for public utilities, sanitary sewers, storm sewers, and storm ditches and may be used for such purposes to serve property both within and without this subdivision. No permanent structure or other obstruction shall be located, except by the Public Works Department, within the limits of a dedicated easement.
- Purpose of this resurvey is to combine recorded lots into a concise single lot description by this resurvey, as referenced below:
Lots 216 and 217, Redmont Park, New Country Club Sector, recorded in Plat Book 178, Page 10, Jefferson County Judge of Probate Office;
- Builder is responsible for the drainage on each lot and in and around each building and for all soil conditions.
- Builder will be responsible for adjusting all ties or top elevation for all manholes and yard levels on each lot.
- The lot owner/builder shall use appropriate methods, whether pipes, underdrain, ditches grading or other means to provide a building site free of surface or subsurface drainage problems without adversely affecting adjacent lots.
- The lot owner/builder shall field verify the location and direction of sanitary sewer service line or septic tank location prior to construction of building foundation.
- Elevation of all sanitary sewer laterals to each lot should be verified by builder prior to setting lowest floor of residence to be serviced.
- No house shall have a finished floor elevation less than two (2) feet above top of any adjacent storm sewer without engineers approval.
- No fence shall impede the flow of water in any drainage way.
- Surveyor not responsible for soil compositions and did not conduct any surface and/or subsurface investigations.
- Total Acreage of site = 0.96 Acres;
- Mathematical Lot Closure error exceeds the minimum of one part per 5000;



VICINITY MAP - NOT TO SCALE

OWNER = William G. Platt
4300 1st Avenue South
Birmingham, Alabama 35222

SURVEYOR = Rowland Jackins, Alt. PLS Reg. No. 18399
Jackins, Butler & Adams, Inc.
3430 Independence Drive, Suite 30
Birmingham, Alabama 35209

MORTGAGEE = Progress Bank & Trust
2121 Highland Avenue South
Birmingham, Alabama 35205



PLATT'S ADDITION TO REDMONT PARK
Being a Resurvey of Lots 216 and 217,
Redmont Park, New Country Club Sector
as Recorded in Mapbook 150, Page 99, Judge of Probate Office,
Jefferson County, Alabama

Situated in a Portion of the Southwest Quarter of
Section 5, Township 18 South, Range 2 West,
Scale: 1 Inch = 20 Feet February, 2019

JACKINS, BUTLER & ADAMS, INC.
SURVEYING-GEOLOGY
3430 INDEPENDENCE DRIVE, SUITE 30
BIRMINGHAM, ALABAMA 35209
(205) 870-3390

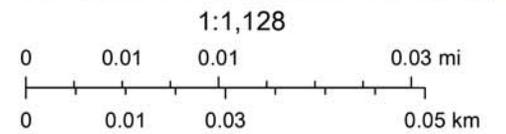
File: S-1092/19-QQ Drawing 1

P-19-09 Aerial



3/28/2019, 6:29:05 PM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |



Planning Commission Application PART I

Project Data

Address of Subject Property 11 Montrose Circle / 10 Montrose Circle

Zoning Classification Residence B

Name of Property Owner(s) Catherine T. Watson

Phone Number 205-862-5397 Email C.watson5397@charter.net

Name of Representative Agent (if applicable)

Ray Weygand

Phone Number 205-942-0086 Email Ray@WeygandSurveyor.com

Name of Engineer or Surveyor Ray Weygand

Phone Number 205-942-0086 Email Ray@WeygandSurveyor.com

- Property owner or representative agent must be present at hearing

Plans

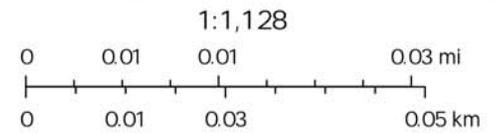
- See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

P-19-10 Zoning



3/28/2019, 6:41:49 PM

- SiteAddressPoints
- Tax_Parcels
- BuildingFootprints
- Residence B District
- Residence A District



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

P-19-10

Resurvey in existing Residence B zoning

- ✓ Lot line adjustment between 2 lots. Applicant wishes to add to the existing detached accessory building on Lot 11 (a variance may be requested).
- ☑ **May be approved as a final plat;** the following corrections for the final plat are required by the Subdivision Regulations, and **are suggested as conditions of approval:**

- 1) note zoning district (Residence B) on plat;
- 2) indicate all required building setbacks (f35, s12.5, r35);

- ✓ Meets the Zoning Regulations for the Residence B district.
- ✓ **Overall layout is acceptable,** with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.
- ✓ No floodplain present.
- ✓ No relevant history or prior cases.

- **Project Data:**

NAME: Montrose Circle Resurvey of Lots 10 and 11

CURRENT ZONING: Residence B

OWNER: Catherine Watson

LOCATION: 10 and 11 Montrose Circle

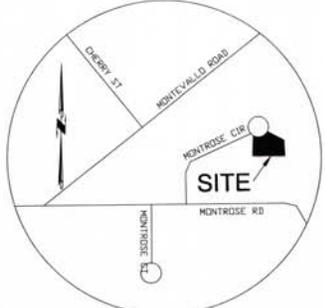
MONTROSE CIRCLE RESURVEY OF LOTS 10 & II

SCALE: 1"=20' DATE: MARCH 2019

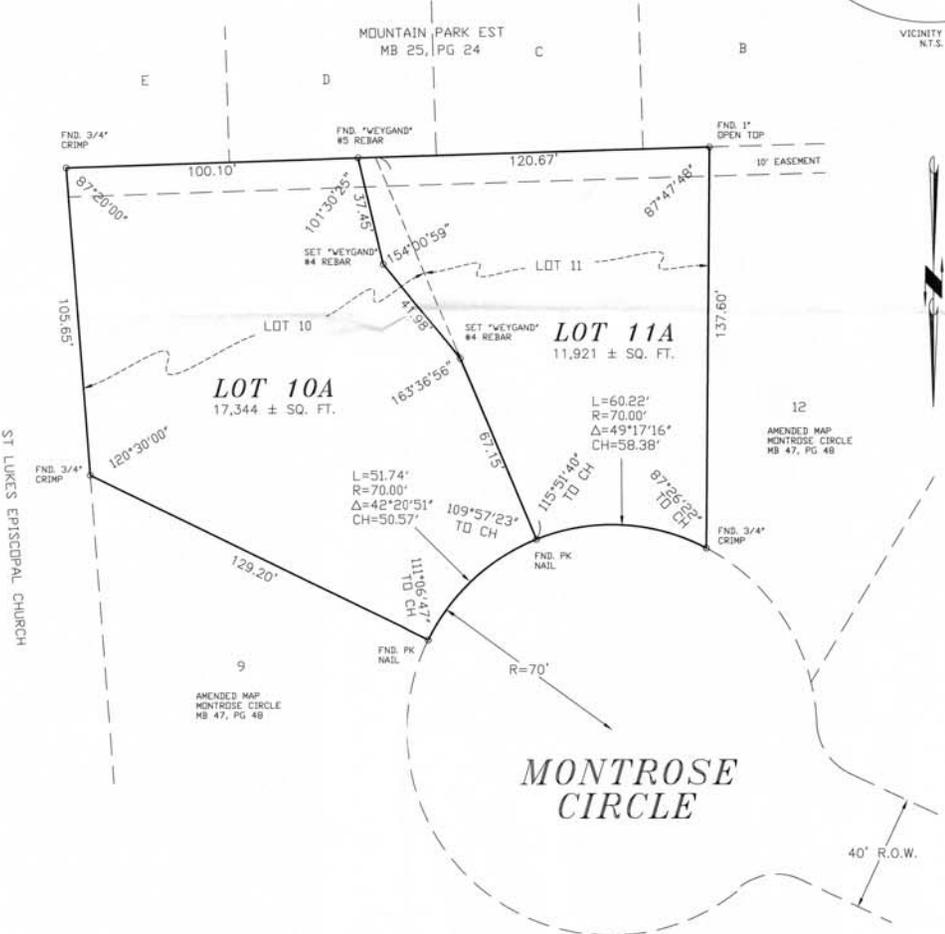
BEING A RESURVEY OF LOTS 10 & II OF AMENDED MAP MONTROSE CIRCLE AS RECORDED IN MAP BOOK 33, PAGE 37 IN THE OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA

SITUATED IN THE NE ¼ OF THE NE ¼ OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 2 WEST JEFFERSON COUNTY, ALABAMA

WEYGAND SURVEYORS, INC. Ray Weygand, Reg. L.S. #24973 169 Oxmoor Road, Homewood, AL 35209 Phone: (205) 942-0086 Fax: (205) 942-0087



- LEGEND**
- SQ. FT. SQUARE FEET
 - AC. ACRES
 - +/- MORE OR LESS
 - Δ DELTA ANGLE
 - d DEFLECTION ANGLE
 - T. TANGENT
 - R. RADIUS
 - CH. CHORD
 - L. LENGTH
 - ESMT. EASEMENT
 - EX. EXISTING
 - M.B. MAP BOOK
 - PG. PAGE
 - FND. FOUND
 - ROW. RIGHT-OF-WAY
 - D. DEED SET
 - MIN. MINIMUM
 - C. CENTERLINE
 - D.B. DEED BOOK
 - NOT TO SCALE



STATE OF ALABAMA
JEFFERSON COUNTY

The undersigned, Roy Weygand, Registered Land Surveyor, State of Alabama, and Catherine Watson, Owner, hereby certify that this plot or map was made pursuant to a survey made by said surveyor, and that this plot or map was made at the instance of said owner, that this plot or map is a true and correct plot or map of land shown therein and known or to be known as MONTROSE CIRCLE RESURVEY OF LOTS 10 & 11, showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the relation of the lands to the map of Amended Map Montrose Circle (Map Book 33, Page 37) and to government survey of Sections 4, Township 18 South, Range 2 West, and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plot or map. I, Roy Weygand, hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief. Said owner also certifies that it is the owner of said lands, and that the same is not subject to any mortgage. Said owner agrees that the City of Birmingham may, at any time, change the natural or existing grade of any street, alley or public grounds, or any part thereof, from the natural or existing grade to the permanent grade without the payment of compensation or damages to the abutting owner, and this agreement shall be a covenant running with the lands. The undersigned appoints the City of Birmingham as agent for the purpose of filing said plot or map, together with this instrument, for record, and certifies that we have full authority to execute this instrument and map.

In Witness Whereof, we have hereunto set our hands this the ____ day of _____, 2019.

By: Roy Weygand, Reg. L.S. #24973
By: Catherine Watson - Owner

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____, a Notary Public in and for said County and State hereby certify that Roy Weygand, whose name is signed to the foregoing certificate as Land Surveyor and who is known to me, acknowledged before me, on this day, that being informed of the contents of the certificate, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this ____ day of _____, 2019.

By: _____
Notary Public - My commission expires: _____

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____, a Notary Public in and for said County and State hereby certify that Cathy Watson, whose name is signed to the foregoing certificate as Owner, and who is known to me, acknowledged before me, on this day that, being informed of the contents of the certificate, she executed same voluntarily on the day the same bears date.

Given under my hand and seal this ____ day of _____, 2019.

By: _____
Notary Public - My commission expires: _____

APPROVED: _____ DATE: _____
Chairman, Mountain Brook Planning Commission

APPROVED: _____ DATE: _____
Secretary, Mountain Brook Planning Commission

NOTE: Environmental Services Department approval indicates that easements have been dedicated for future Jefferson County sanitary sewers however this does not mean sanitary sewers have been built or will be built in the future. Any change in the Right-of-Way or Easement boundaries after this date may void this approval.

Director of Environmental _____ Date: _____

NOTES: ALL EASEMENTS ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, STORM DITCHES, PRIVATE TELEVISION CABLE SYSTEMS, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION (UNLESS OTHERWISE NOTED). NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DEDICATED EASEMENT. BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING.

BUILDER WILL BE RESPONSIBLE FOR ADJUSTING THE LIDS OR TOP ELEVATION FOR ALL MANHOLES AND YARD INLETS ON EACH LOT. THE LOT OWNER/BUILDER SHALL USE APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAIN, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.

THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINE OR SEPTIC TANK LOCATION PRIOR TO CONSTRUCTION OF BUILDING FOUNDATIONS.

ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVICED.

NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN TWO (2) FEET ABOVE TOP OF ANY ADJACENT STORM SEWER WITHOUT ENGINEER'S APPROVAL.

NO FENCE SHALL IMPEDE THE FLOW OF WATER IN ANY DRAINAGE WAY.

WEYGAND SURVEYORS, INC. IS NOT RESPONSIBLE FOR SOIL COMPACTIONS AND DID NOT CONDUCT ANY SURFACE OR SUBSURFACE INVESTIGATIONS.

NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

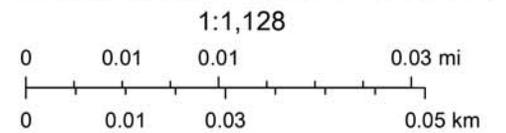
NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073C0413G, DATED SEPTEMBER 29, 2006.

P-19-10 Aerial



3/28/2019, 6:43:42 PM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |