

PLANNING COMMISSION PACKET

June 20, 2019

Hello All,

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

We have:

- Amendment to the Lane Parke PUD to amend the Traffic and Access Plan (Drive-Through Access Plan) to allow 2 additional drive through facilities.
- Two resurveys
- Amendment to the Professional District to allow Business Offices

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 (July 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

JULY 1, 2019

PRE-MEETING: (ROOM A106) 4:45 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: June 3, 2019
4. **Case P-19-19:** Resurvey of Lot C-1 Highlands Sector, Mountain Brook Estates, Originally recorded in Map Book 20, Page 99, located in the SW ¼ Section 9, Twp-18S, R-2W, Mountain Brook, Jefferson County, Alabama. **2916 and 2920 Cherokee Road**
5. **Case P-19-20:** Request for approval of an amendment to the Planned Unit Development (PUD) for Lane Parke. **2655 Lane Park Road**
6. **Case P-19-21:** A Resurvey of Lots 2, 3 & Part of Lot 4, Block 4 Country Club Gardens, as recorded in Map Book 15, Page 10, in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the NW ¼ of Section 4, Twp-18S, R-2W, Jefferson County, Alabama; together with part of an alley vacated by declaration and resolution recorded in Volume 4433, Page 500. **43 Country Club Boulevard**
7. **Amendment** to Article X (Professional District).
8. Next Meeting: August 5, 2019
9. Adjournment



Planning Commission Application
PART I

Project Data

Address of Subject Property 2916 & 2920 CHEROKEE Rd

Zoning Classification ESTATE RESIDENCE DISTRICT

Name of Property Owner(s) JAMES C. LEE, III

Phone Number 205-529-2649 Email jimbc.lee@buffalabrock.com

Name of Representative Agent (if applicable)

A. FRAZIER CHRISTY, PE & PLS

Phone Number 205-617-0565 Email frazier@eandlsq.com

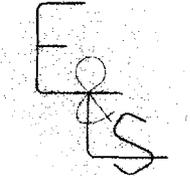
Name of Engineer or Surveyor Same as above

Phone Number _____ Email _____

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.



The Engineering & Land Surveying Group, LLC
3621 Kingshill Road
Mountain Brook, Alabama 35223
Phone 205-617-0565
www.eandlsg.com



May 15, 2019

Ms. Dana O. Hazen, AICP
Director of Planning, Building & Sustainability
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Re: 2916 and 2920 Cherokee Road Resurvey

Dear Ms. Hazen:

Transmitted herewith is the required information and documentation for the resurvey of the two parcels at 2916 and 2920 Cherokee Road into one lot, the original lot.

The purpose of this resurvey is to allow the owner to build a new residence in the area were two residences previously existed. The new home location would cross "parcel" lines.

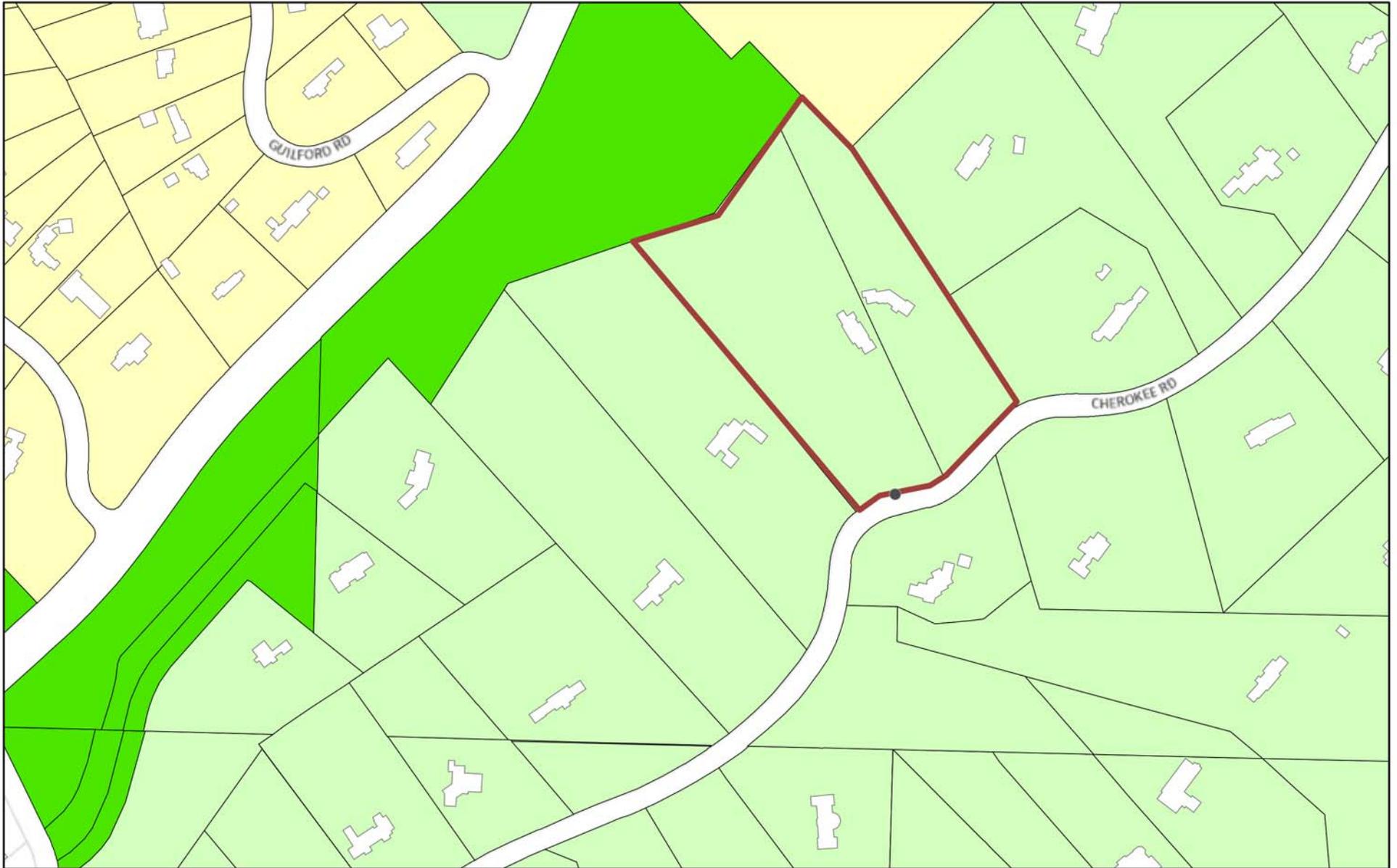
If you need any additional information, please feel free to contact me via email or phone.

Yours truly,
The E & LS Group, LLC

A. Frazier Christy
A. Frazier Christy, PE & PL
Manager



P-19-19 Zoning



6/20/2019, 12:54:49 PM

BuildingFootprints

Tax_Parcels

0

Estate Residence District

Residence A District

Recreation District

1:4,514

0 0.03 0.06 0.12 mi
0 0.05 0.1 0.2 km

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-19-19

Resurvey in existing Estate zoning

- ✓ Combining two lots into one lot for construction of new single family dwelling. There is only one house existing today (to be demolished).
- ☑ **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) Correct spelling of “Mountain” in title;
- 2) Correct spelling of “Chairman” in signature block.

- ✓ Meets the Zoning Regulations for the Estate 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: Lot C-1, Highlands Section, Mountain Brook Estates

CURRENT ZONING: Estate Residence

OWNER: James Lee

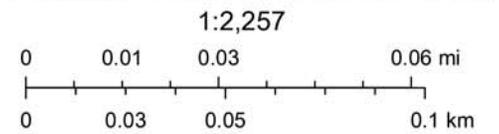
LOCATION: 2916 and 2920 Cherokee Road

P-19-19 Aerial



6/20/2019, 12:57:45 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 2655 Lane Parke Rd, 900 Jemison Ln,

Zoning Classification Lane Parke PUD
1000 Jemison Ln

Name of Property Owner(s) Evson, Inc., et al.

Phone Number 205 960 4428 Email john@evsoninc.com

Name of Representative Agent (if applicable)

Mel McElroy, Maynard, Cooper + Gale, P.C.

Phone Number _____ Email _____

Name of Engineer or Surveyor Jeff Slaton, Goodwyn, Mills + Cawood, Inc.

Phone Number 205-879-4462 Email jslaton@gmchnetwork.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.

LANE PARKE
Mountain Brook Village

PUD AMENDMENT APPLICATION

The Project Owner previously submitted an application for the re-zoning of the Property from Local Business District and Residence D District to a Planned Unit Development District in accordance with Article XVI of the City Code, which application was, following public hearings, approved by the City Council upon the adoption of Ordinance 1871 dated May 21, 2012 (as amended from time to time, the "Approved PUD"). All capitalized terms not otherwise defined herein shall have the meanings given to them in the Approved PUD.

The current owners of the Property subject to the Approved PUD are hereby submitting an application to the Planning Commission and the City Council (the "PUD Amendment Application") for the approval of certain amendments to the Approved PUD, which will provide an alternate Drive Through and Access Plan for Parcel 5 in the Approved PUD. Specifically, the owners request that the Approved PUD be amended by replacing the Table of Contents and pages 16 and 97 and of the Approved PUD with the changed pages, and by adding a new Appendix G to the Approved PUD, each as set forth in Exhibit "A" attached hereto. The names and addresses of all property owners whose property lies within 500 feet of Parcel 5 of the Property, as certified by Stewart Title Guaranty Company, are listed on Exhibit "B" attached hereto.

Accordingly, the owners hereby submit the information included herein to the City pursuant to the application requirements of Article XVI of the City Code in order to amend the Approved PUD.

P-19-20

Petition Summary

Request for approval of an amendment to the Planned Unit Development (PUD) for Lane Parke.

Analysis

The proposed PUD amendment has 3 prongs:

1. To allow 2 drive-thrus to access Rele Street (primary frontage street), where the approved PUD prohibits drive-thru access to a primary frontage street.
2. To amend the Traffic & Access Plan to allow alternate drive-thru locations (especially adding one to Block 8).
3. To amend the Base Zoning Standards to allow 4 drive-thrus instead of 3.

Traffic Study of Drive-Through Queue

Proposed Coffee Shop (Block 10)

The proposed drive-thru lane that is to access a coffee shop (Block 10) has the capacity to store nine vehicles. At the bottom of Page 5 (Skipper Queue Study), based on a Skipper study of a Starbucks in Trussville, it is anticipated that the queue for the proposed coffee shop would exceed the nine-queue storage available for 6 minutes per day, as follows:

- The queue will exceed storage by one vehicle for three (3) minutes
- The queue will exceed storage by two vehicles for one (1) minute
- The queue will exceed storage by three vehicles for one (1) minute
- The queue will exceed storage by four vehicles for one (1) minute

If the queue exceeds the nine car available queue storage, vehicles will interfere with the flow of traffic on Jemison Lane.

Proposed Fast Casual Restaurant (Block 8)

The proposed drive-thru lane that is to access a fast-casual restaurant (Block 8) has the capacity to store two vehicles. Charts on Pages 5 and 6 of the Skipper Queue Study indicate frequent excesses of the 2-car queue storage limit throughout the day (between 4-6 cars in the queue). At the bottom of Page 6, the study indicates that no queue is expected to impede traffic on Culver Road.

However, if the queue exceeds the two car available queue storage, vehicles will interfere with the use of on-site parking (behind the Ray & Poynor building) and it would seem that there is at least some unknown risk a queue could impede traffic flow on Culver Road.

Planning Commission's Role

An amendment to a PUD zoning is tantamount to rezoning, and the PC's role is to make a recommendation to the city council.

Affected Regulation

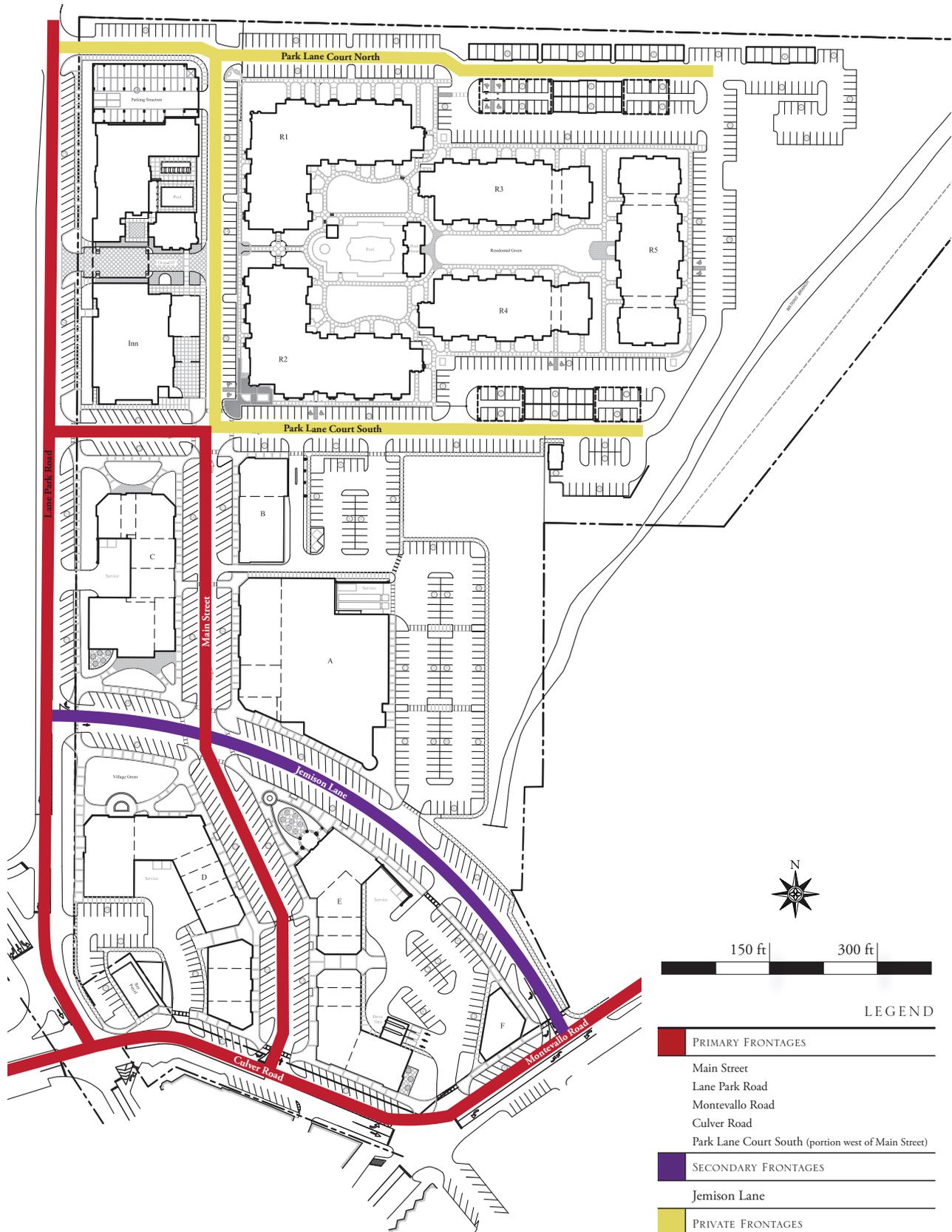
Article XVI, Planned Unit Development District; Section 129-266, Additional Requirements and Provisions

Appends

LOCATION: 2655 Lane Parke Road

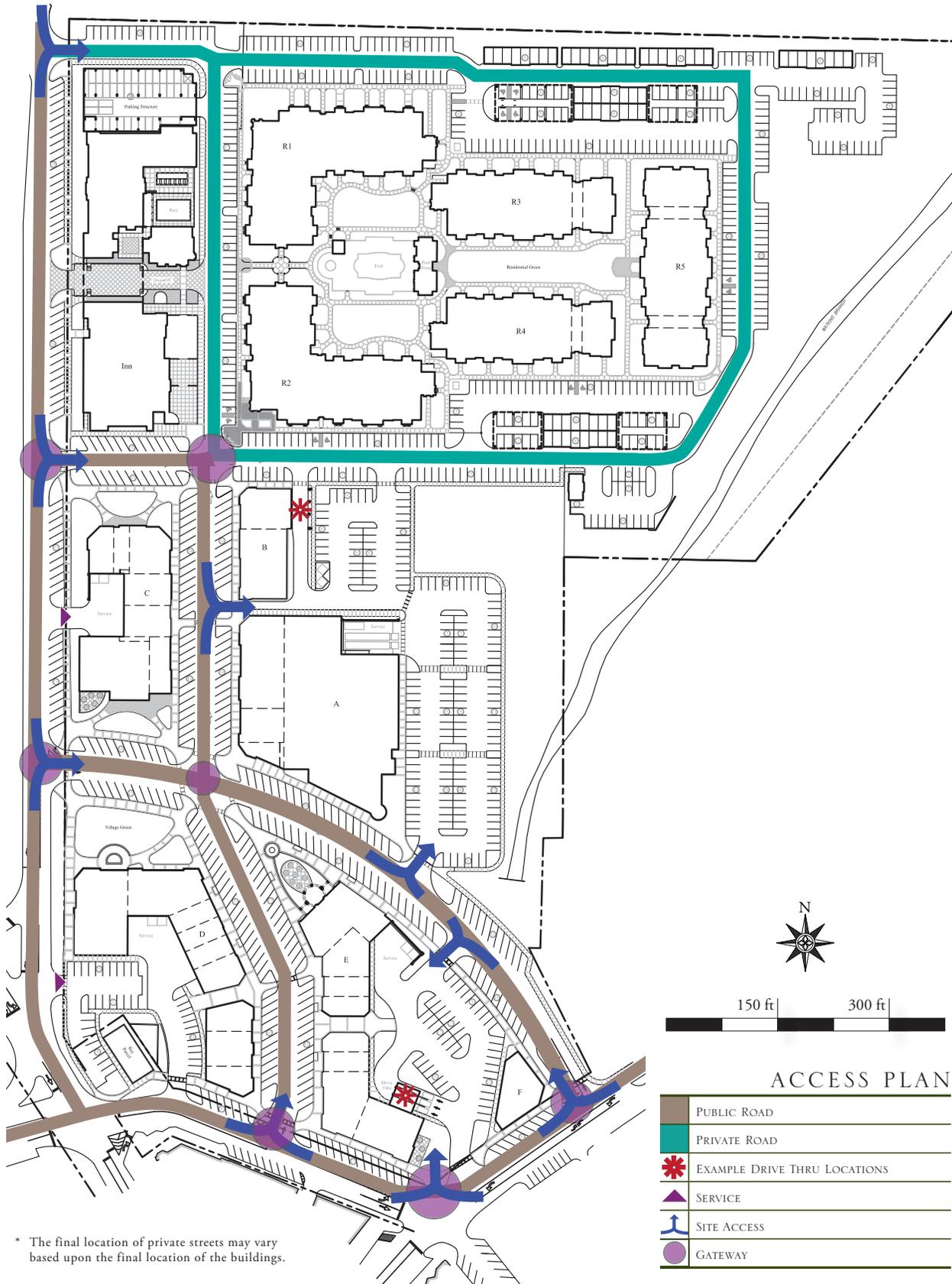
ZONING DISTRICT: Planned Unit Development

OWNER: Evson, Inc.



PARKING, ACCESS AND TRAFFIC PLAN

* - UPDATED FOR CONSISTENCY WITH ILLUSTRATIVE PLAN



ACCESS PLAN

	PUBLIC ROAD
	PRIVATE ROAD
	EXAMPLE DRIVE THRU LOCATIONS
	SERVICE
	SITE ACCESS
	GATEWAY

* The final location of private streets may vary based upon the final location of the buildings.



BASE ZONING DISTRICT STANDARDS

REQUIRED LOT WIDTH & MINIMUM LOT DEPTH			
Free-Standing	60' width	Not Applicable	Lane Parke will be divided into Parcels as identified on Page 3 of this PUD Application. The Design Standards and Illustrative Master Plan contemplate buildings and structures being oriented with respect to such Parcels, so minimum lot widths and depths are not necessary.
Street-Front	25' width		
Residential	60' width; 100' depth		
STREET WALL			
Street-Front	Street wall to cover 90-100% of a lot	Not applicable to drive aisles and access points to any structured parking	To allow for efficient vehicular travel and convenient access to parking within the Lane Parke Plan.
Residential	Street wall to cover 65-100% of a lot	Not Applicable	To allow for greater spacing between buildings, and to provide a center courtyard for the addition of green space and amenities.
PRIMARY ENTRANCES			
Primary Entrances	One (1) primary entrance to be located every 50' of street frontage on Primary Frontages	Exceptions permissible with respect to tenants occupying in excess of 4,000 square feet of space that require single point entry	To accommodate the requirements of larger tenants in the Lane Parke Plan.
FACADE PROJECTIONS			
Free-Standing	Bay windows and balconies may extend up to 5' from the facade, but may not extend over front building line.	Bay windows and balconies may extend up to 3' over the front building line.	To allow for more variation on buildings that preserve a tight street edge.
PARKING, VEHICLE AND PEDESTRIAN ACCESS STANDARDS			
Parking Quantity	Retail-5 per 1,000; Service-5 per 1,000; Office-4 per 1000; Residential-2 per dwelling unit plus visitor spaces	Parking quantity and access will be implemented in accordance with the Parking, Access and Traffic Plan included in Section 13 of this PUD application	Parking quantities incorporate shared use reductions, as allowed by the Village Overlay Standards.
Parking Design	Parking for all residential uses shall be located in the rear of any residential building, and no parking shall be permitted in any front yard or side yard; allowance for visitor parking in front of any building if located on – street and available for public use	Parking design for the Residential Use Area will be implemented in accordance with the Parking, Access and Traffic Plan included in Section 13 of this PUD application, which does not forbid parking in front or side yards	This will allow for multiple, yet smaller and more discreet, parking fields and is necessary to provide a center courtyard for the addition of green space and amenities. The location of the Residential Buildings away from the commercial core of Lane Parke and the Village mitigates the aesthetic impacts of parking areas within front and side yards.
Vehicle Access Limitations	Vehicle access to all lots shall be limited according to frontage type on the applicable Building and Development Regulating Plan	The limitation on vehicle access to buildings for both Primary and Secondary Frontages shall not apply to drive aisles and access points to any structured parking, as generally depicted in the Illustrative Master Plan	To allow for efficient vehicular travel and convenient access to parking within the Plan, so service areas will be located in accordance with the Parking, Access and Traffic Plan in Section 13 of this PUD Application.
Drive-through Facilities	Drive-through facilities may be permitted only where ingress and egress is provided from a Secondary or Access Street as identified in the Master Plan	Drive-through facilities shall be permissible in three (3) locations in accordance with the Design Standards	The Design Standards comply with the spirit of the Village Overlay Standards but specific streets in the Lane Parke Plan vary from the layout in the Village Master Plan.
SERVICE YARDS			
Service Yards	Residence G Standards and Local Business District Standards require service yards to be located at the rear of the buildings and specify size and material requirements	Does not require service yards to be at the rear and dictates that service yards be screened from view (see Design Standards)	Some of the buildings in the Lane Parke Plan do not have a rear yard and will have streets on all sides. Accordingly, service areas shall be located in accordance with the Parking, Access and Traffic Plan and screened in accordance with the Design Standards.
MATERIAL SPECIFICATIONS			
Standards	All buildings shall have one primary material covering at least 70% of building facades	The primary material for Residential Buildings may consist of less than 70% coverage of the building facades	To break up the scale of this larger (up to 4-story) building type.
Building Materials	Primary Materials and Secondary Materials do not include the use of painted brick	Allows for the use of painted brick	To provide greater variety without compromising the aesthetic of Mountain Brook Village.
SIDEWALK WIDTH			
Sidewalk Width	Sidewalks on primary streets shall be 8-12' wide	The sidewalk on the section of Lane Parke Road north of Park Lane Court South shall be 6' minimum	This sidewalk will not support retail traffic and will serve as a transition to residential areas north of Lane Parke.

Additional notes:

1. Utilities. The Building Typology requirements do not apply where utility easements and drainage/floodway easements prohibit the ability to conform.
2. Ray Building. To the extent the Ray Building does not comply with the Village Overlay Standards, the Local Business District requirements or the Design Standards in any respect, no alterations to the Ray Building shall be required and the Ray Building may remain as currently constructed as a legal non-conforming structure. Any future material exterior alterations or renovations to the Ray Building shall conform to the appropriate Architectural Style set forth in the Pattern Book.
3. Design Standards. The Design Standards are hereby incorporated herein by reference and any provisions thereof not expressly identified above that deviate from the Village Overlay Standards, the Residence G Standards or the Local Business District regulations shall be permissible. To the extent any provisions of the Design Standards are inconsistent with the provisions of the Village Overlay Standards, the Residence G Standards or the Local Business District regulations, the Design Standards shall control.
4. Parking Design. The requirements related to Parking Design shall not apply, as parking and access will be implemented in accordance with the Parking, Access and Traffic Plan included in Section 13 of this PUD Application.





Lane Parke

MOUNTAIN BROOK, ALABAMA

TABLE OF CONTENTS

1.	PUD Rezoning Application	1
2.	Defined Terms & Site Legend	2
3.	Statement of Development Objectives	5
4.	Master Development Plan.....	6
5.	Permitted Land Use Map	9
6.	Permitted Land Uses	10
7.	Permitted Density	12
8.	Base Zoning District Standards	13
9.	Design Standards & Pattern Book.....	15
10.	Landscaping, Parks and Open Spaces Plan	85
11.	Lighting and Screening Plan	93
12.	Signage Plan.....	94
13.	Parking, Access and Traffic Plan	96
14.	Utilities and Storm Drainage Plan.....	99
15.	Development Schedule and Construction Phasing.....	101
16.	Plan of Subdivision, Ownership, Maintenance and Restrictive Covenants	103
17.	Size, Address and Tax Parcel Identification Numbers.....	106
18.	Survey with Elevations & Aerial Photograph.....	107
19.	Vicinity Map with Current Zoning.....	110
20.	Legal Descriptions.....	111
21.	Title Letter.....	112
22.	Names & Addresses of Adjoining Property Owners.....	113
23.	Appendices.....	115
	A. Appendix A: Parking Study	115
	B. Appendix B: Traffic Study	117
	C. Appendix C: Three-Dimensional Conceptual Renderings	121
	D. Appendix D: Enlarged Illustrative Master Plan	125
	E. Appendix E: Dimensioned Illustrative Master Plan	127
	F. Appendix F: Inn/Commercial Use Area Sidewalk and Lighting Plan.....	128
	G. Appendix G: Alternate Drive Through and Access Plan.....	134



DRIVE THROUGH FACILITIES

Drive through facilities may be designed and constructed as amenities to first floor retail or commercial space in the following locations as shown in the Parking, Access and Traffic Plan or in the Alternate Drive Through and Access Plan: (i) within parcel 10, (ii) within parcel 8, and (iii) within parcel 5; (i) within Parcel 10 and (ii) within Parcel 5 along Park Lane Court South; provided however, that such drive through facilities may only service the following uses: banks/financial institutions, pharmacies (including pharmacies ancillary to another primary use), dry-cleaners, coffee shops and specialty food related concepts not included within the fast-food restaurant category such as bakeries, delicatessens and stores offering the sale of ice cream, yogurt and/or smoothies. Fast-food restaurant uses may not utilize drive through facilities.

The size and design of buildings and storefronts may vary from the sizes and designs shown in the Illustrative Master Plan and in the Parking, Access and Traffic Plan to accommodate the inclusion of or changes to drive-through facilities as permitted by these Design Standards.

DESIGN REVIEW

In connection with the preparation of schematic design documents for any building(s), the Project Owner shall submit to the zoning officer (as defined in the City Code) schematic design drawings (site plan, floor plans and elevations of the buildings therein) ("Preliminary Plans") for review and comment relative to compliance with the Design Standards. The zoning officer shall have the right to consult with the Design Committee for guidance on whether the Preliminary Plans comply with the Design Standards. Upon written request of the zoning officer, the Project Owner shall present the Preliminary Plans to the Design Committee at a regularly scheduled meeting of the Design Committee and cooperate with any subsequent inquiries of

the Design Committee. The zoning officer will notify the Project Owner in writing within 30 days of the last to occur of the submittal of the Preliminary Plans or the Project Owner's presentation to the Design Committee if said Preliminary Plans do not comply with the Design Standards, which written notice shall include a description of why the Preliminary Plans are not in compliance with the Design Standards.

Prior to commencing construction on any building within Lane Parke, the Project Owner shall apply for a building permit in accordance with the requirements of Section 109-40 through Section 109-46 of the City Code. The zoning officer shall have the right to consult with the Design Committee to determine if the final plans for any building comply with the Design Standards.

The provisions of the foregoing two (2) paragraphs shall be referred to herein as the "Design Review Process").

DESIGN REVIEW — SIGNAGE AND AWNINGS

The Project Owner shall submit a final signage plan (based upon the Signage Plan included in Section 12 of this PUD Application) to the Design Committee for review and approval as a Master Sign Plan in accordance with the requirements of Section 121, Division 3, of the City Code and each business within Lane Parke, prior to erecting any signs or awnings, shall submit an application for a sign permit in accordance with the requirements of Section 121, Division 2, of the City Code.



TRAFFIC AND ACCESS

The plan of traffic and access for Lane Parke shall be as more particularly set forth herein in this Section 13 (the "Traffic and Access Plan"). The traffic and access improvements constructed in connection with the Lane Parke Plan shall be in accordance with the Traffic and Access Plan or the Alternate Drive Through and Access Plan.



The Traffic and Access Plan has been prepared in accordance with the recommendations of a Traffic Impact Study prepared by Skipper Consulting, Inc, a leading regional traffic consultant, a copy of which has been submitted with this PUD Application as Appendix B (the "Traffic Impact Study").

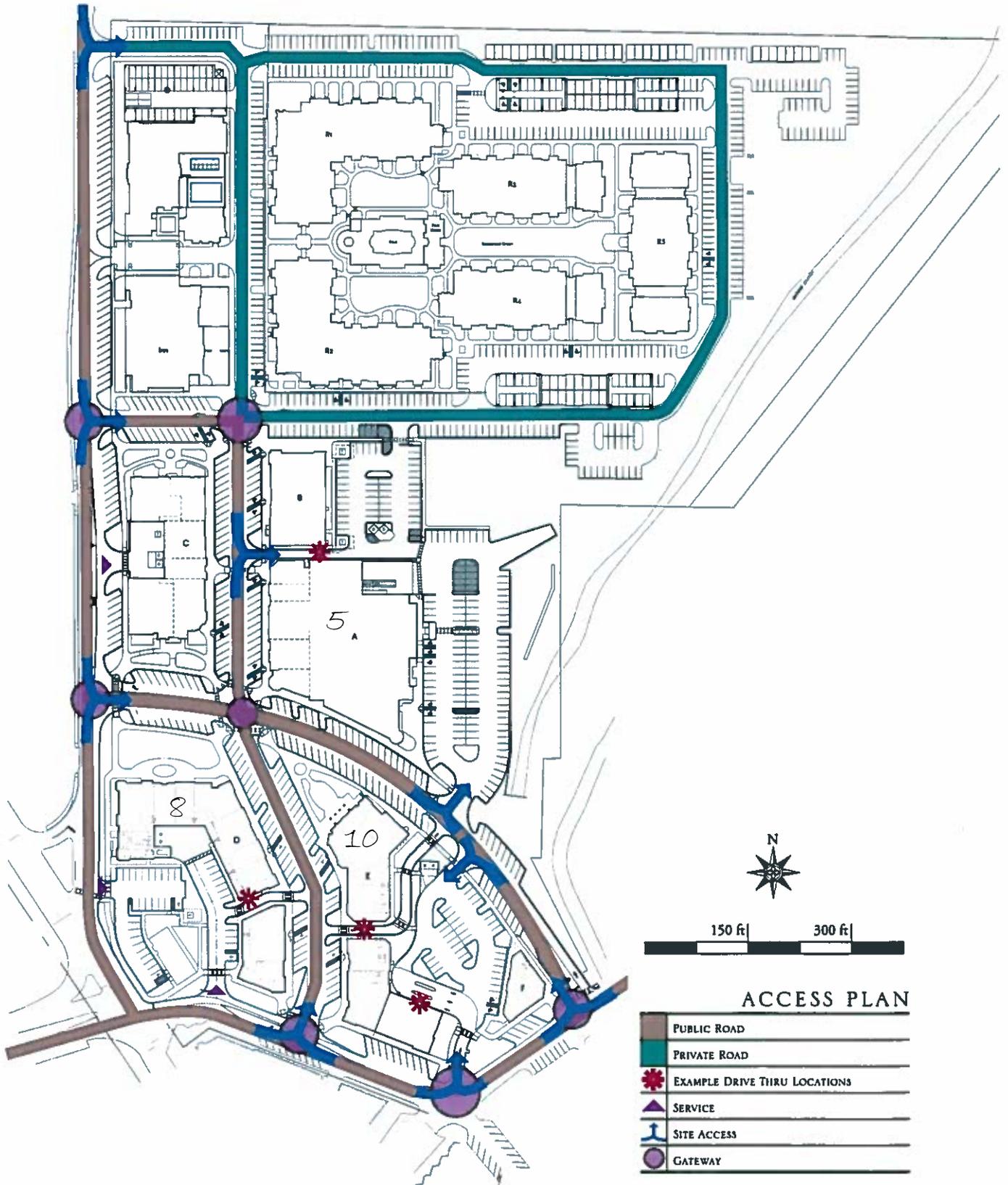
The Traffic Impact Study recommends that the following improvements be constructed to better service the traffic demands resulting from the uses and improvements to be included within Lane Parke (collectively, the "Traffic Improvements"):

- Widen Lane Park Road to a three lane cross section from the intersection of Cahaba Road/Culver Road/U.S. Hwy. 280 ramps for approximately 440 feet northward (including turn bay storage, turn bay taper, and transition taper).
- Widening of Culver Road to a three lane cross section.
- Restriping Montevallo Road to provide a left turn lane into the site access.
- Modifying the traffic signal at the intersection of Cahaba Road/Lane Park Road/Culver Road/U.S. 280 Ramps to provide a protected-permissive left turn arrow for traffic turning left from the U.S. 280 ramp northbound onto Cahaba Road and Lane Park Road.

In accordance with the recommendations of the Traffic Impact Study, the Traffic Improvements shall be constructed and/or implemented.



APPENDIX G: ALTERATE DRIVE THROUGH AND ACCESS PLAN



DRIVE-THROUGH QUEUE TRAFFIC STUDY

Lane Parke PUD

Mountain Brook, Alabama

Prepared for:

Evson, Inc.

2621 Lane Park Road
Mountain Brook, Alabama 35223

Prepared by:

Skipper Consulting, Inc.

3644 Vann Road, Suite 100
Birmingham, Alabama 35235



SIGNED: *Richard Lyn Caudle*

DATE: 6/10/19

June 10, 2019

Introduction

This report documents a traffic analysis to support a change in PUD use for the Lane Parke PUD in Mountain Brook, Alabama, in order to allow construction of two uses with drive-through windows. One shop is proposed to be a Coffee Shop, and the other is proposed to be a fast-casual restaurant (not fast food). The proposed shop locations within the PUD and orientation of the drive-through lane is shown in Figure 1.

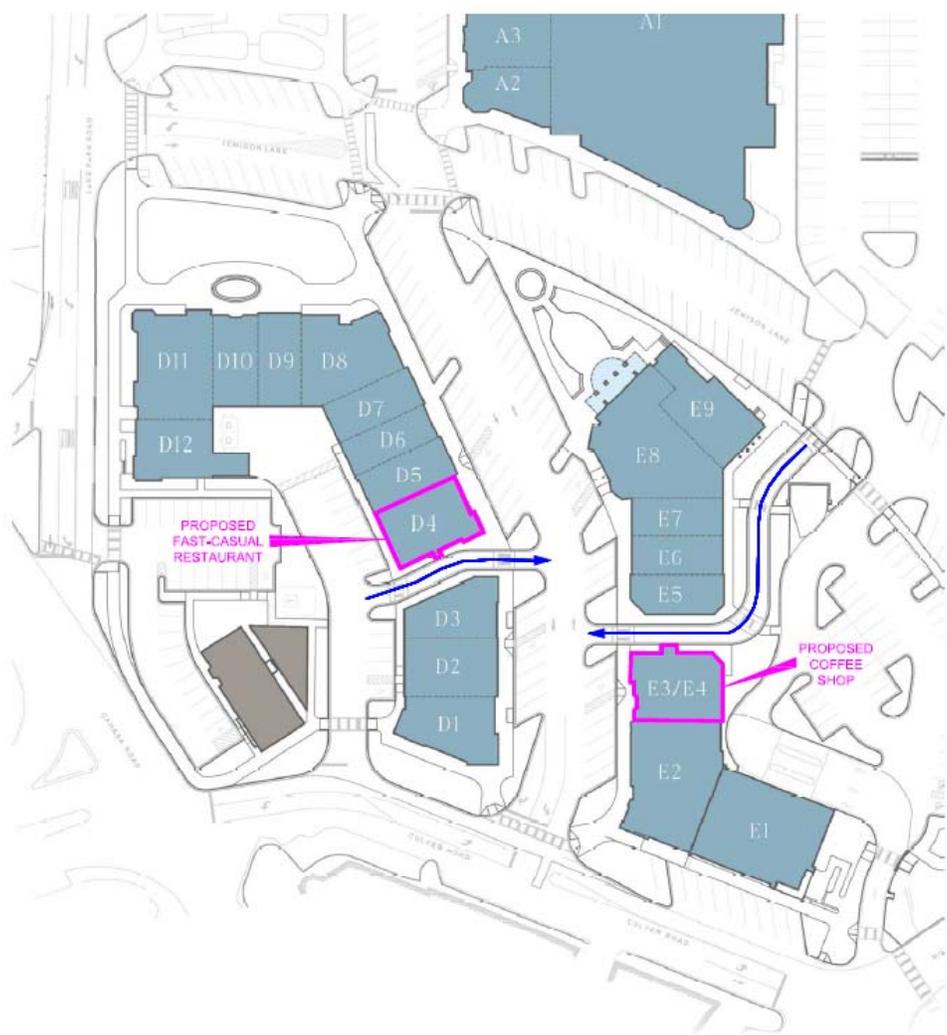


Figure 1. Drive-Through Locations

Drive-Through Storage

The drive-through lane for the Coffee Shop has the capacity to store approximately nine (9) vehicles beginning at the window before the queue begins to block traffic flow on Jemison Lane. The drive-through lane for the Fast-Casual Restaurant has the ability to store two (2) vehicles beginning at the window. Another five (5) vehicles can be stored in the parking area along the rear of shops D1, D2, and D3 before the queue begins to block traffic flow on Culver Road.

Existing Queue Length Studies

Existing studies for drive-through queues for Coffee Shops are limited to one report containing maximum queue lengths for six Coffee Shops located in Minnesota and Kansas. The data in the report is limited to reporting the maximum observed queue during a 24-hour period. A graphical depiction of the data is shown below.

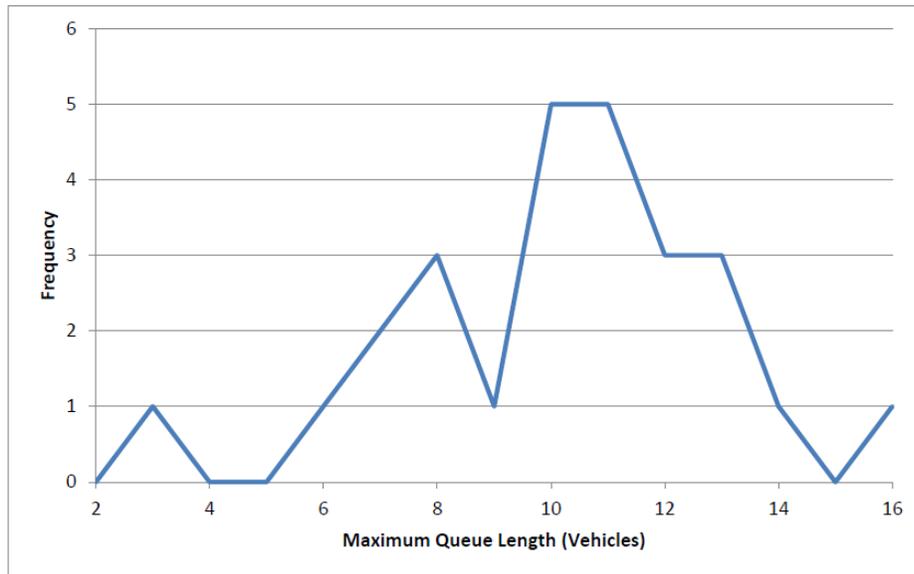


Figure 3.3.2 – Drive-Through Coffee Shop Maximum Queue Frequency – MN + KS Data
Source: *Drive-Through Queue Generation*, Mike Spack, P.E., et al

The data collected in Minnesota and Kansas can be statistically analyzed to yield the following:

- Average Maximum Queue – 10.2 vehicles
- 85th Percentile Queue – 13 vehicles
- Maximum Queue – 16 vehicle

No existing studies for drive-through queues for Fast-Casual Restaurants were located in literature search.

New Queue Length Data Collection

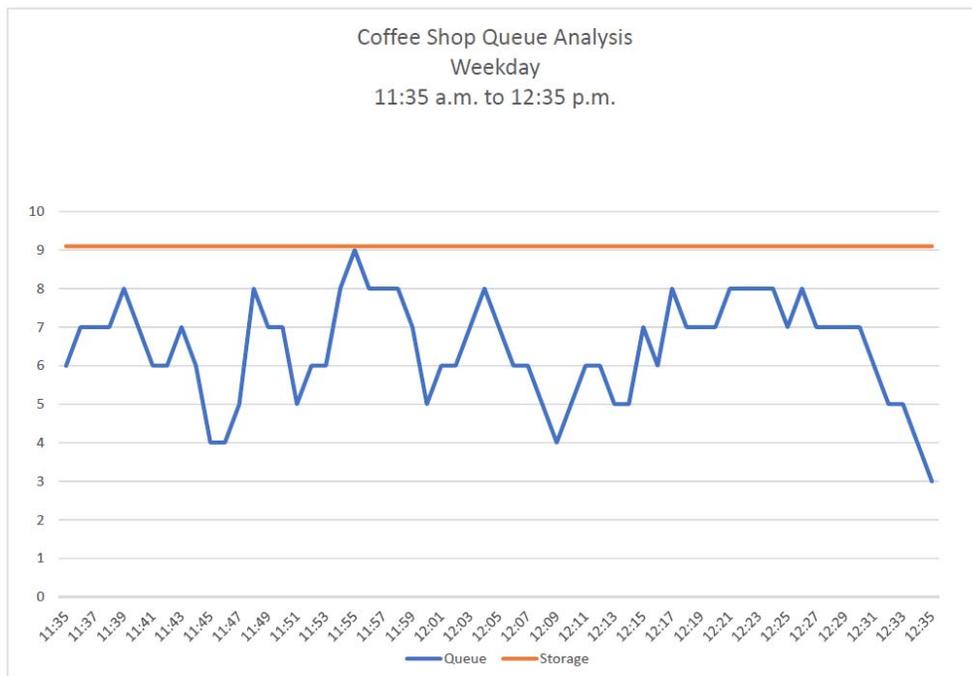
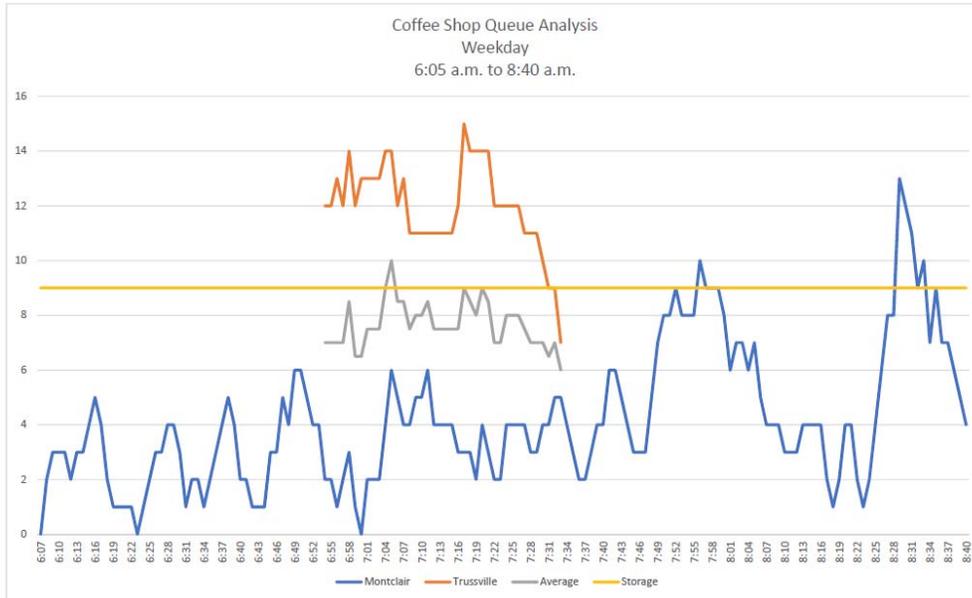
Existing queue length studies available were determined to be insufficient for the purposes of this report. In order to provide a complete picture of the queues, not only the length of the maximum queues must be determined, but also the duration (in minutes) of any queues which exceed the storage available needs to be known in order to make sound decisions regarding the proposal. Therefore, in order to provide a complete picture of queue lengths, Skipper Consulting, Inc. undertook new research to determine queue lengths for drive-throughs for Coffee Shops and Fast-Casual Restaurants. The sites selected for detailed data collection were:

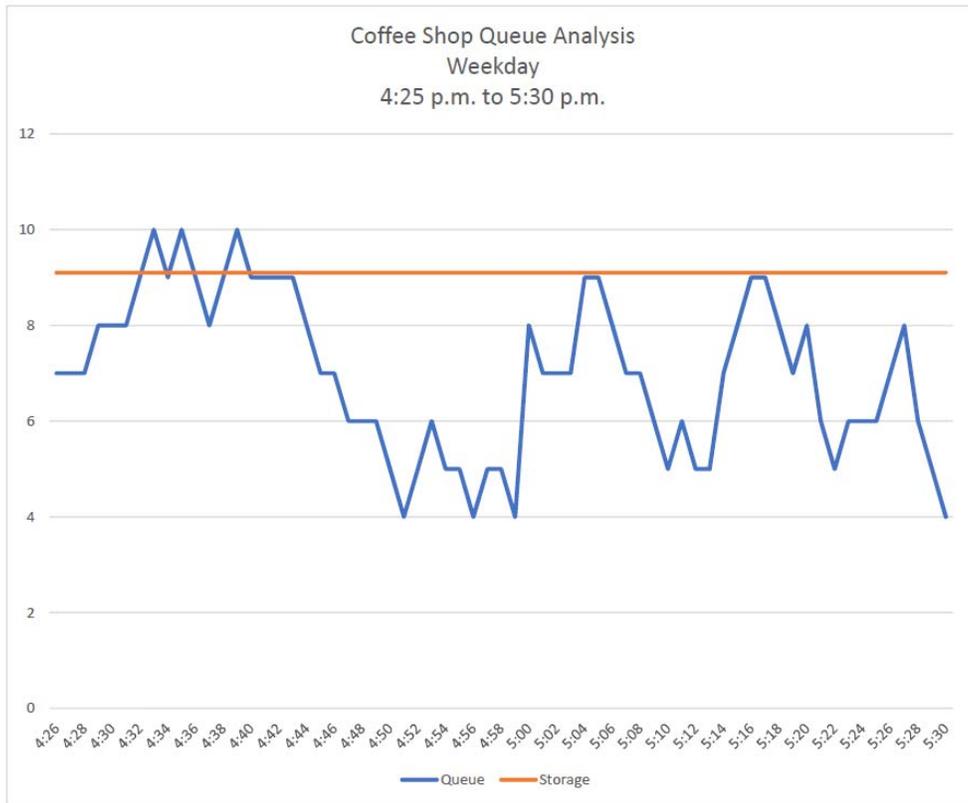
- Coffee Shops
 - Starbucks on U.S. Highway 11 in Trussville

- Starbucks on Montclair Road in Birmingham
- Fast-Casual Restaurant
 - Panera Bread on U.S. Highway 11 in Trussville.

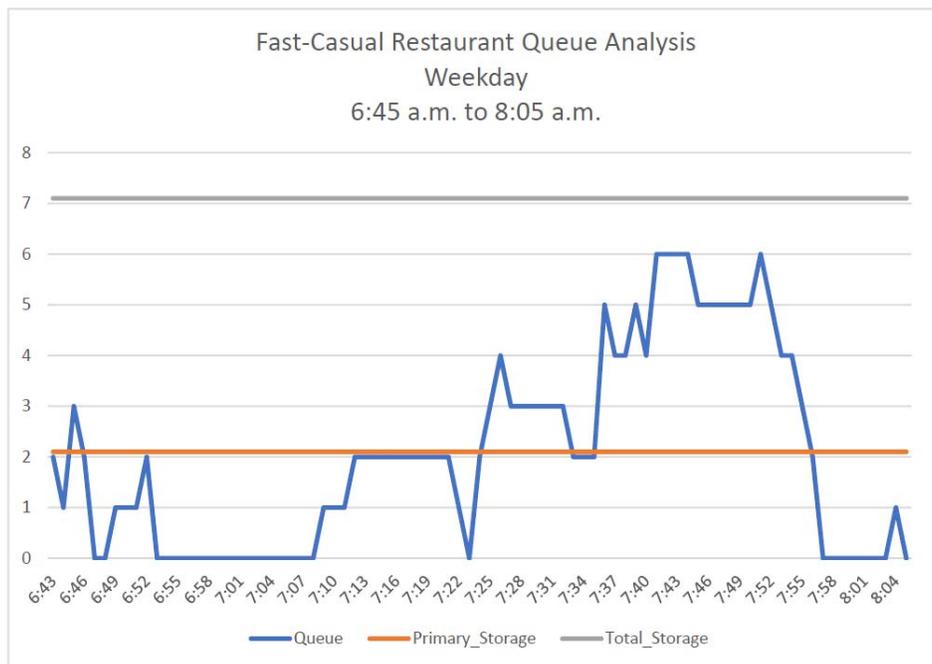
Data collection was performed by observing the queues during the morning, midday, and afternoon peak periods, with the queue data collected minute-by-minute. The results of the queue length data collection are depicted in the following graphs.

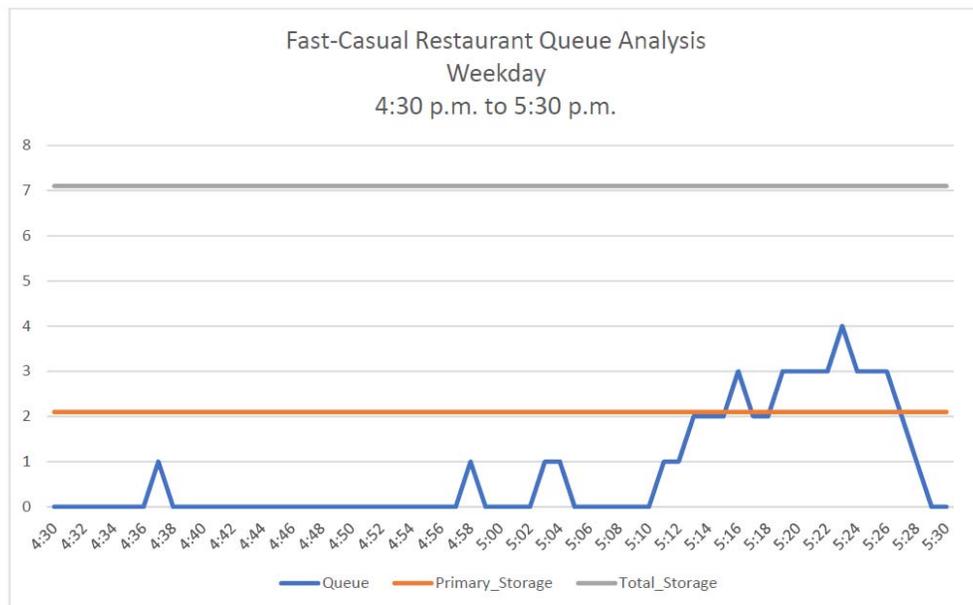
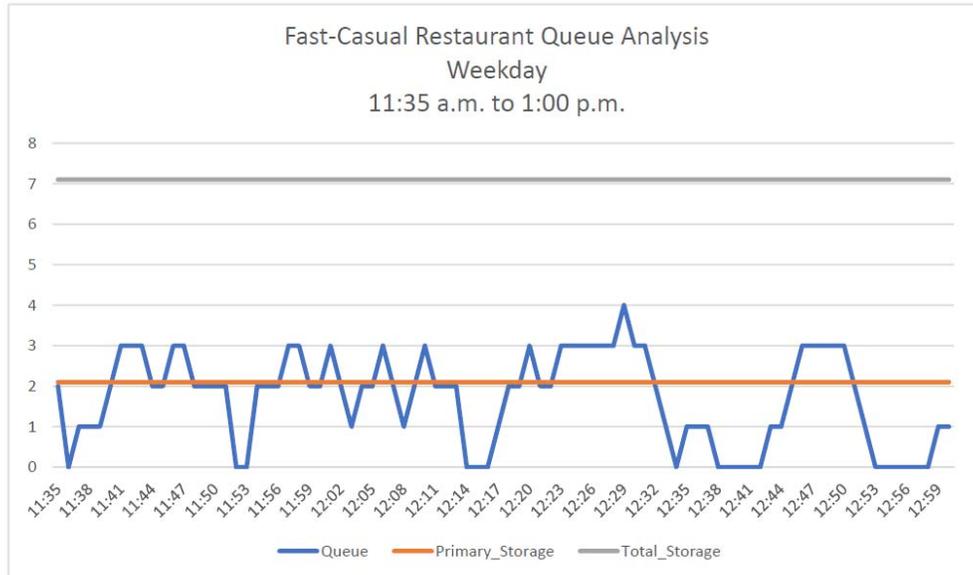
COFFEE SHOP QUEUES





FAST-CASUAL RESTAURANT QUEUES





Analysis of Queue Lengths

Coffee Shop

The longest queues (both in length and duration) for the Coffee Shop is during the morning peak period. Based on the data collected, it is estimated that the queue for the proposed Coffee Shop will exceed the available storage of nine (9) vehicles for six (6) minutes during the morning peak period. More specifically,

- The queue will exceed storage by one vehicle for three (3) minutes
- The queue will exceed storage by two vehicles for one (1) minute
- The queue will exceed storage by three vehicles for one (1) minute
- The queue will exceed storage by four vehicles for one (1) minute

During the midday peak period, it is projected that the queue will never exceed the storage. And during the afternoon peak period, it is projected that the queue will exceed the storage for three (3) minutes, with the storage exceeded by one (1) vehicle during those three (3) minutes.

Or, in other words, there is would be projected to be minor disruption to traffic flow on Jemison Lane for six (6) minutes each weekday, with the possibility of both directions of traffic flow being disrupted for up to three (3) minutes each weekday.

Fast-Casual Restaurant

The queue length data collected for the Fast-Casual Restaurant shows that the primary storage of two (2) vehicles is projected to be frequently exceeded during the time periods analyzed. However, the projected queue lengths never exceed the available storage including the parking areas behind shops D1, D2, and D3. Or, in other words, it is projected that the drive-through for the Fast-Casual Restaurant would never impact traffic flow on Culver Road.



**Planning Commission Application
PART I**

Project Data

Address of Subject Property 43 Country Club Boulevard, Mountain Brook, AL 35213

Zoning Classification Residence A

Name of Property Owner(s) Dorothy Fay Hall

fmhtwo@aol.com and

Phone Number (205) 879-7925 Email lisahelliott@reagan.com

Name of Representative Agent (if applicable)

Charles A. J. Beavers, Jr.

Phone Number (205) 521-8620 Email cbeavers@bradley.com

Name of Engineer or Surveyor Steven M. Allen / ALLSURV, LLC

Phone Number (205) 663-4251 Email leftahair1@yahoo.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.

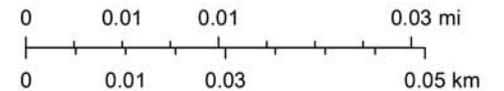
P-19-21 Zoning



6/20/2019, 1:19:36 PM

SiteAddressPoints Tax_Parcels Rec-2
BuildingFootprints Residence A District

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

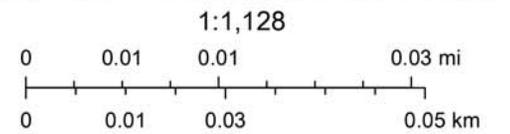
Web AppBuilder for ArcGIS
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

P-19-21 Aerial



6/20/2019, 1:21:35 PM

SiteAddressPoints



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

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |

P-19-21

Clean-Up Resurvey and Lot Line Adjustment in Existing Residence A zoning

Request

As may be seen on the attached survey, the subject property is comprised of Lot 2, Lot 3, a portion of a vacated alley, and a portion of Lot 4. The subject of the proposed resurvey is two-fold:

1. To “clean up” the rear of the lots, thereby incorporating that portion of the vacated alley, and a portion of Lot 4, into Lots 2 and 3.
2. To adjust the interior lot line between Lot 2 and Lot 3, to accommodate an existing house on Lot 3 that encroaches 7 feet across the interior lot line onto Lot 2.

Background

The single family home that exists on the property was likely built prior to the city’s incorporation. At that time Jefferson County allowed houses to be built across such property lines, so long as both lots are owned by one entity.

In 1995, the property owner had a plan to build a house for herself on Lot 2, and sell the existing house on Lot 3. At that time it was formerly acknowledged by the city of Mountain Brook’s then City Attorney, Building Superintendent and Chairman of the Board of Zoning Adjustment that the lots were to remain separate, buildable lots, and that private covenants could be recorded to allow the continued encroachment of the existing house on Lot 2, together with a 5-foot easement around the encroaching portion of the house for the purposes of access and maintenance.

The covenants were recorded are attached herein. As noted above, the covenants included, on Lot 2, a 5-foot easement around the encroaching portion of the house. This easement was a rectangle that was approximately 12.5 feet from the common interior property line, and accommodated the 7-foot encroachment plus a 5-foot access strip around the encroachment (see attached depiction of the easement as noted in the recorded covenants).

Said proposed construction having not commenced, and under the advice of her attorney, in 2005 the property owner went before the Board of Zoning Adjustment to confirm that a variance would not be needed in the future event of the development of Lot 2. The BZA confirmed that no variance would be needed.

Nonetheless, the property owner never carried out the plan to build on Lot 2 and sell the house on Lot 3. Today, the entire property is for sale, and the property owner and prospective buyers have sought confirmation from the city that it is prepared to honor the agreement and covenants, to allow the house to on Lot 3 to remain, and to allow Lot 2 to

be developed as a separate lot. While the city is not formally bound to the 1995 agreement and covenants, the city is prepared to honor them.

Present day discussions about the 1995 agreement and recorded covenants have led the staff to recommend to the property owner that a resurvey be submitted to the planning commission, adjusting the interior property line between Lot 2 and Lot 3 such that it mimics the shape of the recorded easement, and, if approved, would eliminate the need for the covenants and easement.

Variance from the Subdivision Regulations

The subdivision regulations indicate that an approved resurvey shall comply with the underlying zoning requirements, unless a variance from the subdivision regulations is approved by the planning commission. In the case of Residence-A zoning, the minimum lot size is 30,000 square feet. Each of the existing lots (2 and 3) is currently nonconforming with respect to size: Lot 2 is approximately 22,000 and Lot 3 is approximately 21,000.

The proposed lot line adjust shifts approximately 475 square feet from Lot 3 to Lot 2, the existing house being wholly contained on Lot 3-A, with a southwest side setback of 5 feet. This proposed configuration mimics that of the covenants and easement already in place, but is a cleaner approach to the same end. If approved, future development of these lots would then fall under the zoning regulations in place at the time of any proposed construction.

An Aside

If the resurvey is approved, the existing patio (hardscape around the portion of the house that encroaches) may remain. Nothing would preclude those improvements from crossing the interior property line between proposed Lots 2-A and 3-A.

May be approved as a final plat.

✓ **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:**

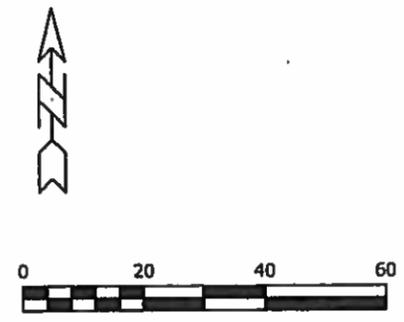
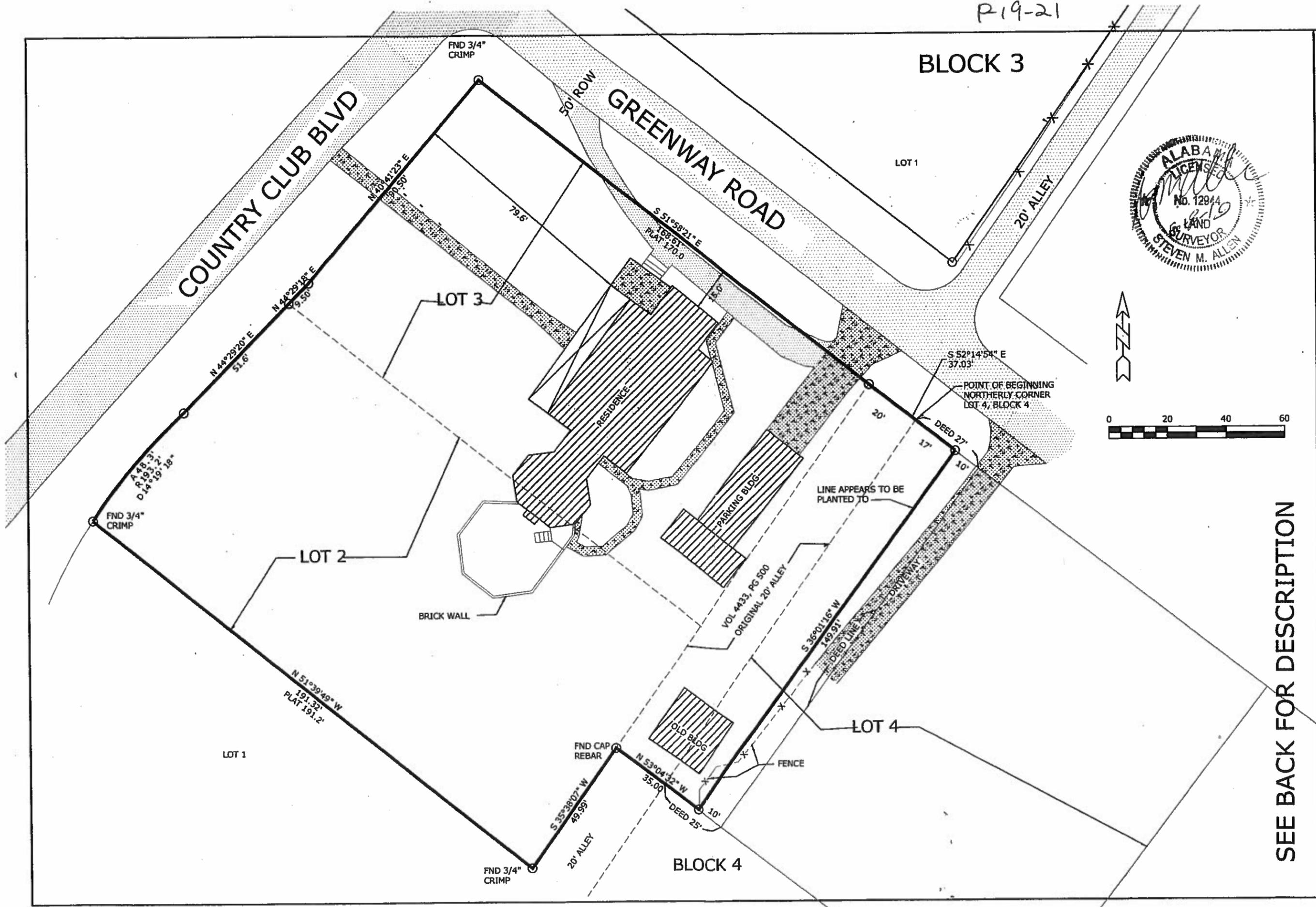
NAME: A Resurvey of Lots 2, 3 & Part of 4, Block 4, Country Club Gardens

CURRENT ZONING: Residence A

OWNER: Dorothy Fay Hall

LOCATION: 43 Country Club Boulevard

P19-21



SEE BACK FOR DESCRIPTION

DRAWN BY: SMA		REVISIONS:	
DATE: 5-6-19		DATE OF FIELD SURVEY 5-6-19	
DWG. NO.: 15614, 15660		BEARINGS STATE PLANE WEST	
APPROVED BY: SMA		CLOSURE 1:20000	
ALLSURV, LLC			
S.M. ALLEN, PLS 12944 9378 HIGHWAY 119 SUITE B ALABASTER, AL 35007 205 663-4251			

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 EASEMENTS BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

DIRECTOR OF ENVIRONMENTAL SERVICES _____ DATE _____

APPROVED IN FORMAT ONLY

APPROVED: _____ DATE _____
CHAIRMAN, CITY OF MOUNTAIN BROOK PLANNING COMMISSION

APPROVED: _____ DATE _____
SECRETARY, CITY OF MOUNTAIN BROOK PLANNING COMMISSION

STATE OF ALABAMA
JEFFERSON COUNTY

THE UNDERSIGNED, STEVEN M. ALLEN, REGISTERED LAND SURVEYOR, STATE OF ALABAMA, AND RICHARD NELSON & MELISSA WISE SALEM, AND RITA LYNN ALDERSON, OWNER(S), HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE AT THE INSTANCE OF SAID OWNER(S); THAT THIS PLAT OR MAP IS A TRUE AND CORRECT MAP OF LAND SHOWN THEREIN AND KNOWN AS OR TO BE KNOWN AS "A RESURVEY OF LOTS 2, 3 AND PART OF LOT 4, BLOCK 4, COUNTRY CLUB GARDENS" SHOWING SUBDIVISION INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS; GIVING THE LENGTH AND THE ANGLES OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER; SHOWING THE STREETS, ALLEYS, AND PUBLIC GROUNDS; GIVING THE LENGTH, WIDTH, AND NAME OF EACH STREET, AS WELL AS THE NUMBER OF EACH LOT AND BLOCK; ALSO SHOWING THE RELATIONS OF THE LANDS TO THE GOVERNMENT SURVEY; 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(S) FURTHER CERTIFY THAT THEY ARE THE OWNERS OF SAID PROPERTY AND THAT THE SAME IS NOT SUBJECT TO ANY MORTGAGE.

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.

BY: _____ DATE _____
STEVEN M. ALLEN PLS NO. 12944

BY: _____ DATE _____
OWNER DOROTHY FAY HALL

A RESURVEY OF LOTS 2, 3 & PART OF LOT 4, BLOCK 4
COUNTRY CLUB GARDENS

AS RECORDED IN MAPBOOK 15, PAGE 10,
IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA

TOTAL ACREAGE BEING SUBDIVIDED IS 42,847 S.F.
SITUATED IN THE NW 1/4 OF SECTION 4, TWP 18 SOUTH, RANGE 2 WEST
JEFFERSON COUNTY ALABAMA
DATED 6-4-19

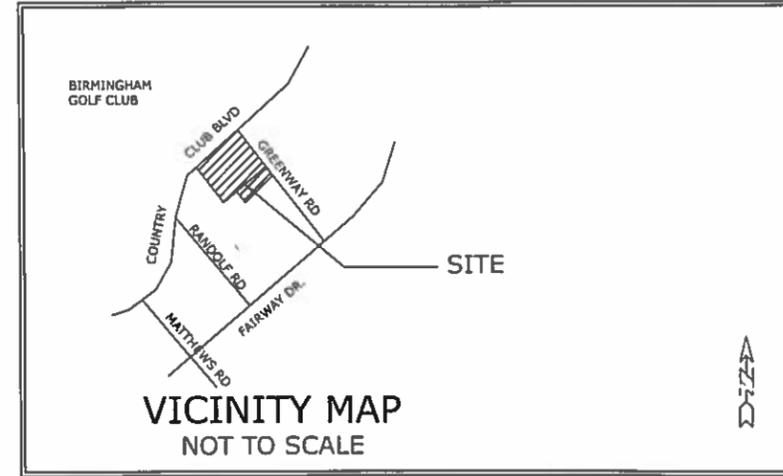
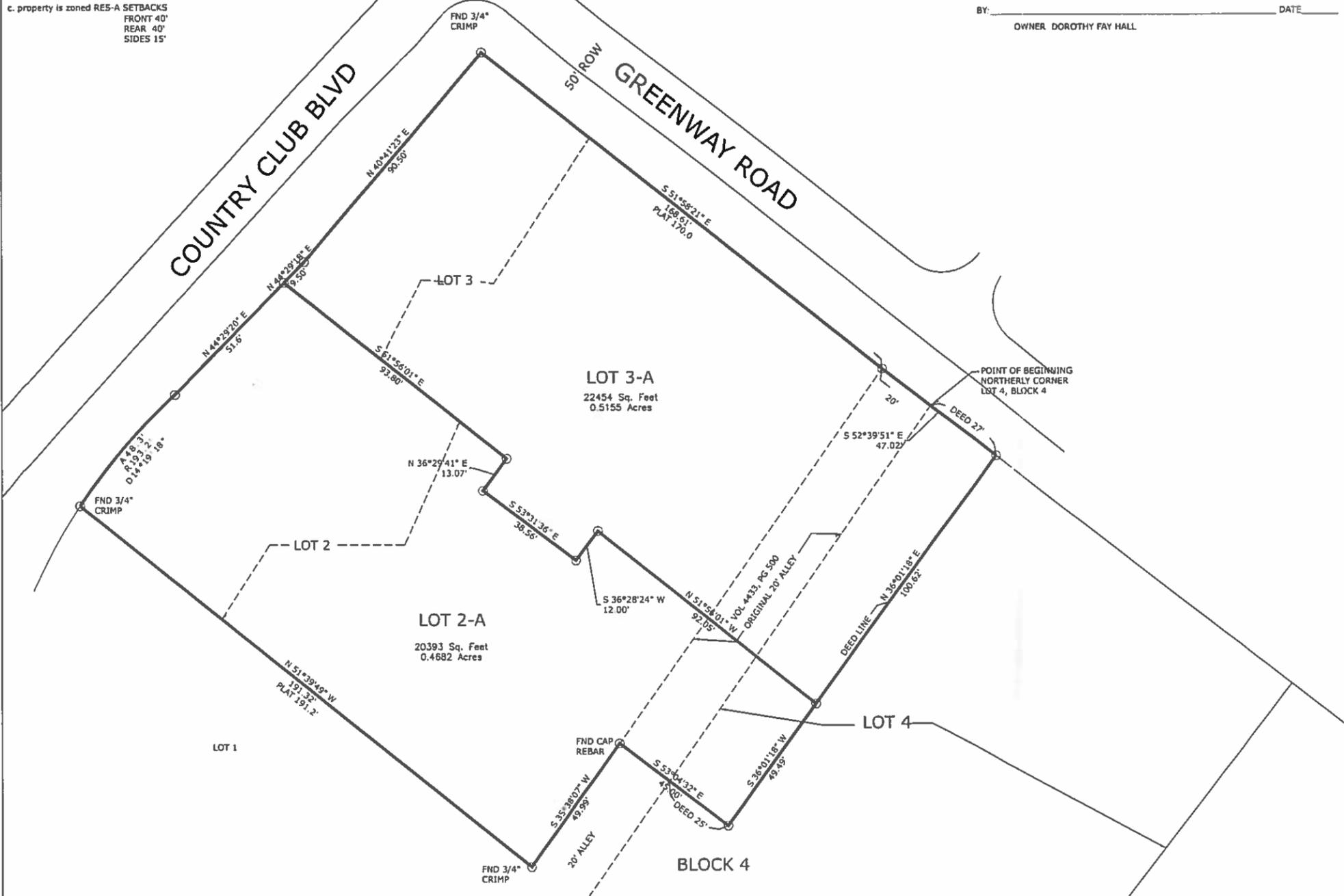


PREPARED FOR:
PID 28-00-04-2-019-001.000
DOROTHY FAY HALL
43 COUNTRY CLUB BLVD
MOUNTAIN BROOK, AL. 35213

PREPARED BY:
ALLSURV, LLC.
9378 HWY 119
SUITE B
ALABASTER, AL 35007
205 663-4251

NOTES

- a. 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.
- b. This entire property is located in Flood Zone __X__ as shown on the latest Federal Insurance Rate Maps (Panel Number 01073C0557H), dated 09-03-2010.
- c. property is zoned RE5-A SETBACKS
FRONT 40'
REAR 40'
SIDES 15'



STATE OF ALABAMA
COUNTY OF JEFFERSON

I, _____ the undersigned, as Notary Public in and for said County in said State, hereby certify that S.M. ALLEN, whose name is signed to the foregoing instrument as Surveyor, who is known to me, acknowledged before me, on this date that, after being duly informed of the contents of the foregoing instrument, executed same voluntarily as such individual with full authority thereof on the day same bears date.

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

BY: _____
Notary Public My Commission expires _____

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, _____ the undersigned, as Notary Public in and for said County in said State, hereby certify that DOROTHY FAY HALL, whose name is signed to the foregoing instrument as owner, who is known to me, acknowledged before me, on this date that, after being duly informed of the contents of the foregoing instrument, executed same voluntarily as such individual with full authority thereof on the day same bears date.

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

BY: _____

NO.	DESCRIPTION	BY	DATE
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			

CLIENT: _____
PROJECT: A RESURVEY OF LOTS 9A & 10
HOLLYWOOD
TITLE: FINAL PLAT

ALLSURV, LLC
S.M. ALLEN PLS 12944
119 HWY 119
SUITE B
ALABASTER, AL 35007
PHONE 205 663-4251

WALSTON, STABLER, WELLS, ANDERSON & BAINS

FINANCIAL CENTER

505 20TH STREET NORTH, SUITE 500
BIRMINGHAM, ALABAMA 35203

(205) 251-9600

TELECOPIER (205) 251-0700

MAILING ADDRESS

P.O. BOX 830642

BIRMINGHAM, ALABAMA 35283-0642

ROBERT H. WALSTON
FRANK C. GALLOWAY JR.
L. VASTINE STABLER, JR.
CHARLES HAYES
LAWRENCE DUMAS III
C. HENRY MARSTON
VERNON L. WELLS, II
JAMES L. BIRCHALL
MICHAEL C. QUILLEN
DAVID B. ANDERSON
LARRY B. CHILDS
KAY K. BAINS
KEYWARD C. HOSCH III
HELEN CURRIE FOSTER
ELIZABETH CHAMPLIN BISHOP

C. ELLIS BRAZEAL III
DAVID B. WALSTON
ANNE B. STONE
EDWARD J. ASHTON
COUNSEL

EMILY SIDES BONDS
JULIA BOAZ-COOPER
JERRY DEAN HILLMAN
RANDALL D. GUARLES
N. CHRISTIAN GLENOS
GREGORY L. DOODY
DAWN HELMS SHARFF

April 17, 1995

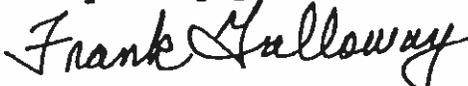
Mr. Henry Sprott Long, Jr.
Henry Sprott Long & Associates
3016 Clairmont Avenue
Birmingham, Alabama 35205

Re: Faye Hall Property

Dear Hank:

The revised letter is satisfactory, and the original and two copies of it, all signed by me, are enclosed. Please let me know if you have any further questions about this matter.

Very truly yours,



Frank C. Galloway, Jr.

FCGjr/lb

Copies: Mr. Sam S. Gaston } with a copy of the
Mr. Jerry Weems } enclosed letter
Mr. Allen D. Rushton }

HENRY SPROTT LONG & ASSOCIATES, INCORPORATED - ARCHITECTS

3016 CLAIRMONT AVENUE BIRMINGHAM, ALABAMA 35205 (205) 323-4564 FAX (205) 322-1446

HENRY SPROTT LONG, EMERITUS

HENRY SPROTT LONG, JR., PRESIDENT

JAMES T. MITCHELL, VICE PRESIDENT

IRVING W. CUNLIFF, III, SECRETARY

March 23, 1995

Mr. Frank C. Galloway, Jr.
505 20th Street North
Birmingham, AL 35203

Dear Frank:

This will confirm our recent discussions about Lots 2 and 3 and part of Lot 4, in Block 4, according to the Survey of Country Club Gardens, as recorded in the office of the Judge of Probate of Jefferson County, Alabama, in Map Book 15, Page 10, otherwise known as Faye Hall's property on Country Club Boulevard. After discussion with Jerry Weems (City of Mountain Brook Building Inspector), Allen Rushton (Chairman, Mountain Brook Board of Zoning Adjustments) and you (Attorney for the City of Mountain Brook), it was agreed that the lots noted above are: (1) legal lots; and (2) that the existing encroachment of the residence on Lot 3 across the common property line between Lot 2 and Lot 3 would not preclude construction of a new residence on Lot 2. It was also agreed that an easement would be drawn up which would allow the existing encroachment to remain and that the easement would cover an area larger than the existing encroachment to allow for access and future maintenance around the existing encroachment. (For example, if the encroachment is 7 feet across the property line, then the easement shall be 12 feet at the points where the encroachment occurs). There will also be a covenant which shall provide that the new residence to be built on Lot 2 shall maintain a side yard setback of at least 15 feet for a one-story residence or at least 20 feet for a two story residence, and that the setback distance shall be measured from the westerly side of the encroachment and not from the property line between Lots 2 and 3. The covenant shall also provide that, unless a variance is obtained from the Mountain Brook Board of Zoning Adjustment, no further additions may be made to the house located on Lot 3 which will violate any setback line on Lot 3, and that no addition may be made to the portion of said house which is located on Lot 2. The covenants shall run with the land and shall be subject to the approval of the Mountain Brook City Attorney. Promptly after the execution and approval of the covenants they shall be recorded in the office of the Judge of Probate of Jefferson County, Alabama. These setback requirements and the covenants shall be in effect for as long as the encroachment exists.

Sincerely,

HENRY SPROTT LONG & ASSOCIATES, INC.

Henry Sprott Long, Jr.
Henry Sprott Long, Jr., President

I, Frank C. Galloway, Jr., attorney for the City of Mountain Brook, acknowledge that the aforementioned statements are correct and in accord with our conversations. My opinion and those of Mr. Weems and Mr. Rushton, as referred to in the foregoing letter, cannot be binding on the people who hereafter hold the positions of City Attorney, Building Inspector and Chairman of the Board of Zoning Adjustment, respectively, and would not be binding on the City of Mountain Brook if there are changes in applicable ordinances or laws which would affect the subject matter of said letter. Signed on the 17th day of April, 1995.

Frank C. Galloway Jr.
Frank C. Galloway, Jr
Attorney, City of Mountain Brook

STATE OF ALABAMA

)

2 0 0 6 0 2 / 6 0 3 2

JEFFERSON COUNTY

)

DECLARATION OF EASEMENT AND RESTRICTIONS

This Declaration of Easement and Restrictions (the "Declaration") is entered into this the 20th day of January, 2006 by the undersigned, DOROTHY FAY HALL (hereinafter "Declarant").

WITNESSETH:

Declarant is the owner of that certain real property which is located in the City of Mountain Brook, Alabama (the "Property") which is more particularly described as:

Lots 2 and 3, and a part of Lot 4, in Block 4, according to the survey of Country Club Gardens, as recorded in Map Book 15, Page 10, in the Office of the Judge of Probate of Jefferson County, Alabama. said part of Lot 4 being more particularly described as follows:

Begin at the most northerly corner of Lot 4, thence run southeastwardly along the northeasterly line of said Lot 4, being also the southwesterly line of Greenway Road, for a distance of 27 feet; thence run southwestwardly to a point on the southwesterly line of said Lot 4, then run northwestwardly along the southwesterly line of Lot 4, 25 feet to the most westerly line of Lot 4, to the point of beginning.

ALSO, all that part of alley running through the above mentioned Block 4, which lies northeasterly of the southwesterly line of Lot 4, Block 4, Country Club Gardens, if said southwesterly line of Lot 4 were extended northwestwardly, being a part of alley vacated by Declaration and Resolution recorded in Volume 4433, Page 500.

A residence has been constructed primarily upon Lot 3 and partially upon Lot 2, as shown on the survey (the "Survey") attached hereto as Exhibit A. Declarant has determined to convey title to Lot 3 and the portions of Lot 4 and the vacated alley which are adjacent to Lot 3, to a separate party and to retain title to Lot 2 and the portions of Lot 4 and the vacated alley which are adjacent to Lot 2, as described hereinabove. The concrete patio situated on Lot 2 and the walkway which extends from the concrete patio across a portion of Lot 2 to its intersection with the boundary line between Lots 2 and 3, as shown on the Survey, shall be removed; however, the portion of the two-story residence which extends across the boundary line between Lot 2 and Lot 3 shall remain. The Board of Zoning Adjustments (the "Board") for the City of Mountain Brook (the "City") has approved the issuance of a building permit for the construction of a new residence upon Lot 2, and has required the establishment of an easement for the use and

maintenance of the portion of the existing residence which extends onto a portion of Lot 2, and certain restrictions as set forth herein below.

NOW, THEREFORE, in consideration of the foregoing recitals, ten dollars, and other good and valuable considerations, the undersigned Declarant does hereby covenant, declare and agree as follows:

1. Easement. Declarant hereby grants, declares and establishes an easement for the benefit of Lot 3 and the owners and occupants thereof, for the continued use, maintenance and occupancy of that portion of the residence situated on Lot 3 which extends onto Lot 2, as shown on the Survey, across that portion of Lot 2 which is shown on the Survey and which is more particularly described as follows:

Part of Lot 2, Block 4, Map of Country Club Gardens as recorded in the Office of Judge of Probate, Jefferson County, Alabama in Map Book 15, Page 10 and being more particularly described as follows:

From an existing iron rebar set by Weygand, being the most northerly corner of said Lot 2, Block 4, run in a southeasterly direction along the northeast line of said Lot 2 for a distance of 93.80 feet to the point of beginning; thence continue in a southeasterly direction along last mentioned course and along the northeast line of said Lot 2 for a distance of 38.57 feet; thence turn an angle to the right of 88 degrees 24 minutes 25 seconds and run in a southwesterly direction for a distance of 12.0 feet; thence turn an angle to the right of 90 degrees and run in a northwesterly direction for a distance of 38.56 feet, thence turn an angle to the right of 90 degrees and run in a northeasterly direction for a distance of 13.07 feet, more or less, to the point of beginning.

The easement established pursuant to this paragraph shall bind and run with the land forever and shall be enforceable by the owners and occupants of Lot 3, and shall be for the exclusive use and benefit of the owners and occupants of Lot 3.

2. Lot 2 Setback Requirement. Declarant does hereby agree, covenant and declare that the new residence to be constructed upon Lot 2 shall maintain a side yard setback of at least 15 feet for a one-story residence or at least 20 feet for a two-story residence, from the southwesterly side of the portion of the residence which extends into the easement established pursuant to paragraph 1 of this Declaration.
3. Binding Effect. The easement and the restriction established pursuant to this Declaration shall run with the land and shall be binding upon and enforceable by the owners of all portions of the Property and by the City.

State of Alabama - Jefferson County
I certify this instrument filed on:

2006 FEB 06 02:00:07:57PM
Recorded and \$

and \$		Deed Tax and Fee Amt.
\$	12.00	Total \$ 12.00

MARK GAINES, Judge of Probate



200602/6032

Google Maps 43 Country Club Blvd

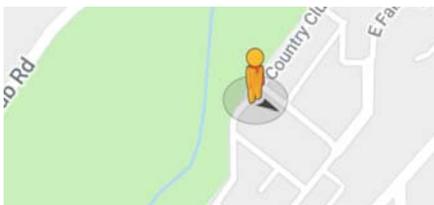


Image capture: Jun 2015 © 2019 Google

Mountain Brook, Alabama



Street View - Jun 2015



PROFESSIONAL DISTRICT AMENDMENT

Recent Background

On April 23, 2019, the city council approved ORD 2044, which amended the Professional District regulations. The permitted use category was “cleaned up” to eliminate some antiquated uses (such as an allowance for the assembling of frames and an allowance for private dance schools, etc.), leaving professional offices as the only permitted use. A new section was added to the professional district regulations that requires a conditional use approval for the establishment of any new professional use on any parcel approved for rezoning to the Professional District after April 23, 2019.

Subject Amendment

The amendment herein proposed would add language to the permitted uses to allow business offices. Chapter 125 of the city’s municipal code defines business and professional offices as follows:

Office, business. Office uses that provide employment and space for the administrative affairs of businesses, but that do not generally involve frequent or intensive interactions by clients or general consumers on a daily basis, and where the delivery of the product or service does not necessarily need to occur on the premises.

Office, professional. Offices uses such as accountants, architects, attorneys, dentists, engineers, insurance agents, physicians, realtors, surgeons or persons conducting similar occupations or professions whose occupation or profession often requires professional licenses or certification.

In the recently approved amendment to the Professional District, business offices were not purposely. The Office Park District, for example, allows both types of office uses.

Other Context for Discussion

It has recently come to the attention of staff that a particular “*service*” use (The Scribbler) is proposed at the townhouse professional property at the corner of 21st Avenue South and Cahaba Road, in English Village. When asked by the Scribbler business owner about the zoning for said property (Professional District) the question came up as to what type of use The Scribbler is considered to be, and whether or not it is a permitted use in the professional district, which led to further discussion about what types of “*services*” uses might be appropriate on a professionally-zoned property, if any.

For example, The Scribbler, which was formerly located in the local business district (on Church Street) at one time was a combination retail/ personalized-invitation store. Gifts were available for purchase, but a large part of the business involved the ordering of personalized invitations and stationary via an on-site designer/consultant.

The Scribbler has since revised its business plan to involve only the designer/consultant part of the business, whereby clients (often by appointment) come to the “studio” to meet with a consultant and design and order personalized stationary and invitations (retail sales of gift products are not offered). Since this business, for example, is primarily one-on-one consulting (by appointment), it is not wholly unlike a business or professional office, but it has some characteristics of a service nature, as well.

One question before the planning commission, in this regard, is whether this type of “soft service use” might be better suited in a professional district rather than in the local business district? Is this type of use what the city desires to limit to the local business district on the primary “retail streets?” Perhaps a different zoning district might better accommodate this type of soft “*service*” use. The word “*service*” is italicized in this report to indicate that it is loosely used to describe businesses that may operate in such a manner as to have some characteristics of a traditional service use and some more akin to a professional or business office.

The following is a list of service uses from the local business district: (note that service uses are only allowed in LB with conditional use approval by the city council; they are not permitted, outright, in any zoning district):

- a. Banks;
- b. Barber shops;
- c. Beauty shops;
- d. Dancing academies;
- e. Daycare centers;
- f. Dry cleaning establishments;
- g. Electronic and electrical repair shops;
- h. Fitness centers;
- i. Gymnasiums;
- j. Interior design shops
- k. Nail Salons
- l. Neuromuscular therapists;
- m. Personal fitness trainers;
- n. Photography studios;
- o. Physical therapists;
- p. Self-service laundries;
- q. Shipping and wrapping of packages and sale of related items;
- r. Shoe repair shops;
- s. Tanning salons;
- t. Theaters for the performing arts;
- u. Travel agents.

Perhaps the professional and/or office park district could allow “soft” services uses, defined as services uses listed in local business, with the exception of the following:

Drive-thrus

Personal service

Group fitness classes; fitness uses limited to one-on-one personal trainers

There are currently 14 lots in the city which are zoned Professional District (see attached maps for specific locations). All but one serve as transitional sites, between commercial and residential properties. Allowing the professional district sites on the periphery of the commercial areas is done “by design.” As such any thought given to adding soft service uses to the professional district should be given in light of transitional nature of such sites.

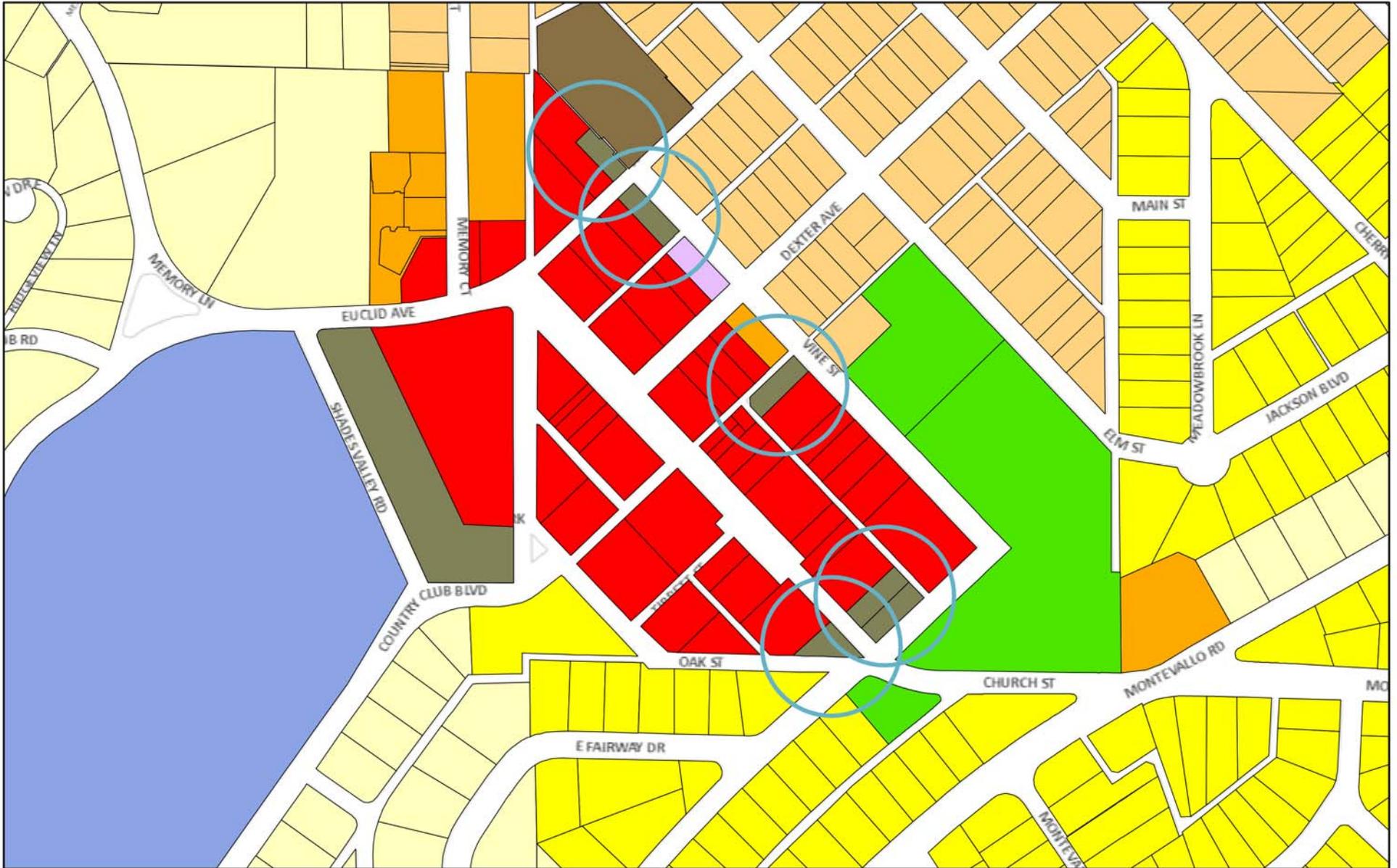
In Summary

While the proposed amendment is (at a minimum) a proposal to add *business offices* to the list of permitted uses in the professional district; by extension, a discussion of soft service uses may be appropriate, as well as what the city might define as such (if anything) and what district(s) might be appropriate for the location of such uses.

Affected Regulation

Article X, Professional District

Crestline Professional Lots



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

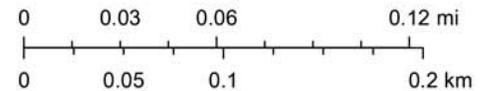
Tax_Parcels

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 |

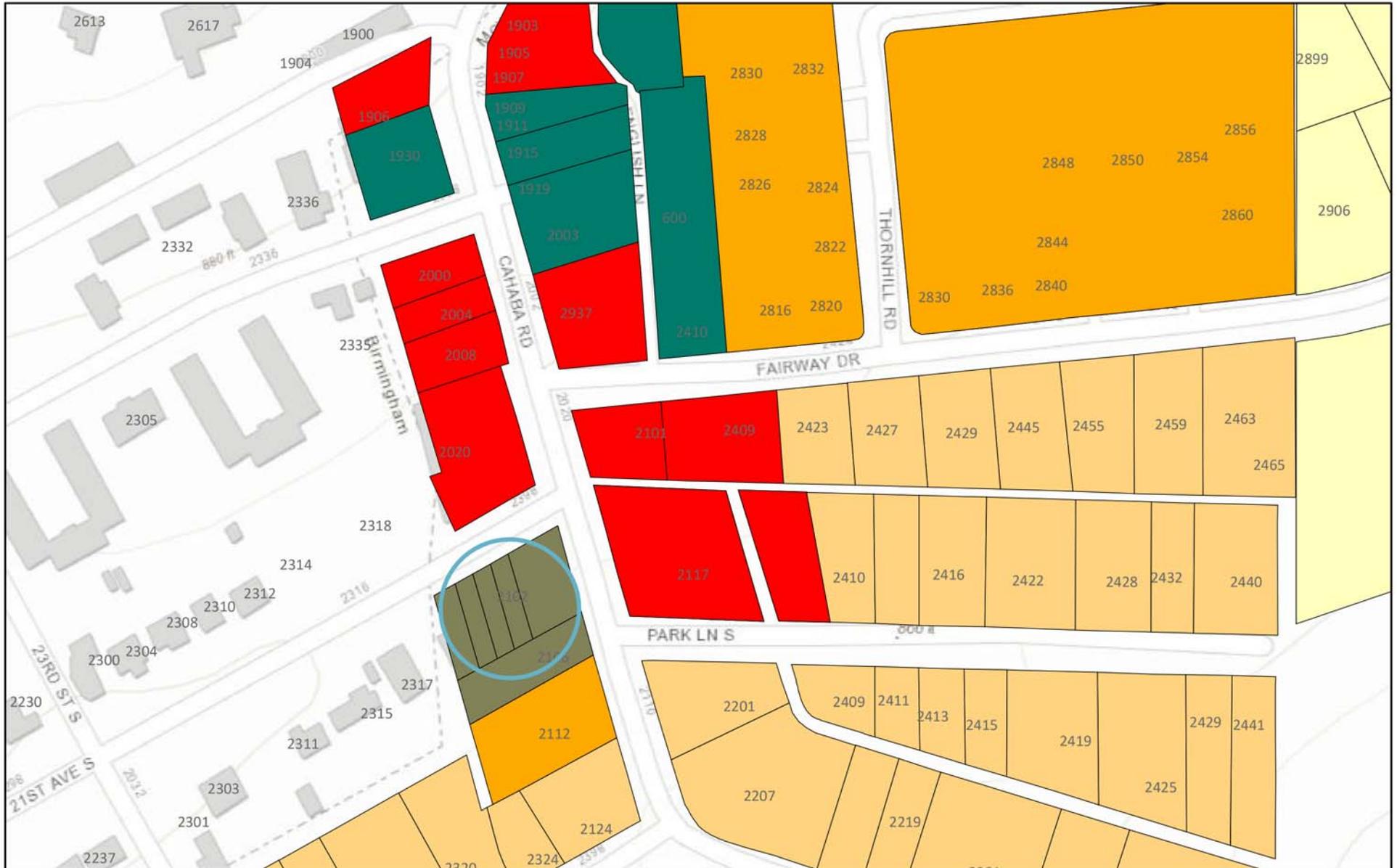
1:4,514



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

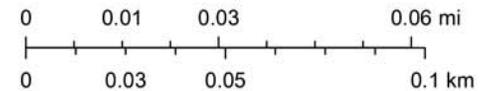


1/23/2019, 8:06:26 AM

SiteAddressPoints Tax_Parcels



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 |

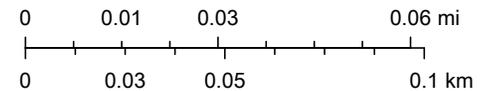
Overton Village Professional Lots



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
NOTICE OF PROPOSED AMENDMENTS TO THE ZONING
ORDINANCE AND OF PUBLIC HEARING THEREUPON**

Notice is hereby given that at a regular meeting of the Planning Commission of the City of Mountain Brook, Alabama, to be held on July 1, 2019, at 5:30 p.m. in Council Chambers at Mountain Brook City Hall, 56 Church Street, Mountain Brook, Alabama, said Planning Commission will hold a public hearing to consider a proposed amendment to Chapter 129 of the Code of the City of Mountain Brook, as it pertains to Article X as follows:

“ARTICLE X. - PROFESSIONAL DISTRICT

Sec. 129-151. – Permitted uses.

(a) The uses permitted in Professional Districts shall be as follows:

1. Professional offices
2. Business offices
3. Accessory structures customarily incidental to the uses permitted by this section 129-151.

At the aforesaid time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of adoption of the proposed amendment.

For questions concerning these proposed zoning amendments, please contact:

Dana Hazen, AICP, MPA
Director of Planning, Building & Sustainability
205/802-3816
hazend@mtnbrook.org

CERTIFICATION

I, Tammy Reid, Administrative Analyst for the City of Mountain Brook, Alabama, do hereby certify that I have caused notice of the proposed amendment to the zoning ordinance and of public meeting thereupon set forth above to be published and provided in the manner specified by Article XXV, Sec. 129-431, of the Mountain Brook City Code. I further certify that I have posted said notice in four conspicuous places within the City of Mountain Brook, in the manner and within the time permitted by law, said places being:

Mountain Brook City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
Cahaba River Walk, 3503 Overton Road
Overton Park, 3020 Overton Road

Tammy Reid, Administrative Assistant

ORDINANCE NO. 2044

AN ORDINANCE AMENDING ARTICLE X OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Article X of the City Code is hereby adding Section 129-50, and amending Sections 129-151 and 129-153 as follows:

Section 1.

“ARTICLE X. – PROFESSIONAL DISTRICT

Sec. 129-150. – Intent and purpose.

The Professional District is intended to provide appropriate-scaled buildings for professional offices. The district may be applied to sites which can establish an effective transition to adjacent residential neighborhoods.

Sec. 129-151. – Permitted uses.

(a) The uses permitted in Professional Districts shall be as follows:

1. Professional offices
2. Accessory structures customarily incidental to the uses permitted by this section 129-151.

(b) Conditions on Permitted Uses. All uses in the Professional District shall be conditional uses and shall only be permitted with prior written approval of the city council. Conditional uses are uses which may be acceptable within the Professional District, based on specific circumstances and mitigating site design provisions that would eliminate the potential for these uses to otherwise have negative impacts on adjacent property or other uses in the vicinity. Therefore, they require special review to better determine if the circumstances and design provisions for the proposed use, when applied to a specific site, are sufficient to mitigate any potential negative impacts. Proposed conditional uses will be reviewed as to the following.

- i. Whether the use would disparately impact public parking in the area;
- ii. Whether vehicular or pedestrian circulation would be adversely impacted by the use;
- iii. Whether the use would adversely impact surrounding existing uses;
- iv. Whether the hours of operation or peak traffic times would adversely impact the surrounding properties and public streets.
- v. Whether sufficient landscape buffers exist or are proposed along any adjoining residential properties;
- vi. Whether existing or proposed exterior lighting is sufficiently designed so as not to spill onto adjoining properties.

(c) The city council may require the party applying for the approval of such conditional use to furnish to the city council any or all of the following information and

2044

documents and such additional information and documents which the city council may consider necessary or helpful in deciding whether to approve such requested conditional use:

1. A survey of the property;
2. A topographical survey of the property;
3. A site plan for the property, showing the location, size, height and elevation of all existing and proposed improvements, the location, number and size of parking spaces and such other information about the existing and proposed improvements and the development plan for the property which the planning commission considers reasonably necessary for its consideration of the request for approval;
4. Plans for all proposed improvements;
5. The type of construction materials to be used in the proposed improvements;
6. A traffic study with respect to the traffic expected to be generated by the use;
7. Information concerning outdoor lighting;
8. The hours of operation of the activities proposed to be conducted on the property;
9. Information concerning the visibility of the proposed improvements from adjacent property, buildings and public streets;
10. Information concerning the proposed screening of the proposed improvements by fences, walls, berms, shrubs, trees or other means;
11. Whether any trees or other vegetation which would serve to screen the proposed improvements and the use thereof from adjacent property will be removed from the property; and
12. Information concerning vehicles, equipment and materials which may be stored on the property or within the improvements.

All materials and information required to be submitted must be submitted to the zoning officer at least 24 days prior to consideration of any application for such conditional use.

- (d) The city council shall hold a public hearing for the consideration of any such conditional use, after giving at least ten days' notice thereof. For purposes of this section, written notice of public hearings held by the city council shall be sent, by United States mail, to all property owners, any portion of whose property lies within 500 feet of any portion of the parcel included in a request for conditional use consideration. For the purpose of such notice, the owner of a parcel shall be considered to be the person who is shown as the owner of such parcel according to the records of the tax assessor of Jefferson County, Alabama. If a public hearing is continued or postponed during the meeting of the city council during which such hearing was held or was scheduled to have been held, no notice of such continued or postponed hearing need be given.

- (e) Any use established and permitted by right in the Professional District prior to April 23, 2019 shall be permitted to continue in the same location without regard to these provisions, provided that such use is not expanded. However, should such use be expanded, such expansion shall require prior written approval of the city council per subsection (b) of this section.
- (f) A Professional Office use established on or after April 23, 2019 and permitted after city council review and approval under subsection (b) of this section may be replaced by another Professional Office use if the zoning officer determines that there are non-material changes for the proposed professional use utilizing the criteria for review outlined in subsection (b). In the absence of such a determination, city council review of the replacement use shall be required under subsection (b).

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

- (a) Service yards. On any parcel on which a professional building 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, and which shall be located at the rear of such office building. 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 6 feet, but no more than 8 feet, in height, and designed and constructed 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 6 feet, but not more than 8 feet, in height. No part of the service yard may be used to satisfy the offstreet parking requirements of this article.
 - (b) Building setbacks. Any professional office, 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 the adjacent property located in a residential district, whichever is greater.”
2. **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.
 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.

4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 23rd day of April, 2019.



Council President

APPROVED: This 23rd day of April, 2019.



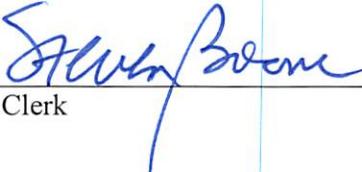
Mayor

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 meeting held on this 23rd day of April, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on April 24, 2019, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Overton Park, 3020 Overton Road

Gilchrist Pharmacy, 2805 Cahaba Road
Cahaba River Walk, 3503 Overton Road



City Clerk

Wilbur K. Allen, junior
3203 Pine Ridge Road Mountain Brook, Alabama 35213
(205) 870-7946 wka2@aol.com

June 4, 2019

Mountain Brook City Council Members
56 Church Street
Mountain Brook, Alabama 35213-0009

Re: Scribblers, LLC
Business Occupancy in Professional Office Building
2102 Unit C Cahaba Road, 35223 English Village

Dear City Council Members,

Through the help and guidance of Dana Hazen and Hunter Simmons I would like to request the Mountain Brook City Council's approval to allow Ms. Ginny Hutchinson, DBA Scribblers Inc., to operate her business at the 2102 Unit C Cahaba Road address. Ms. Hutchinson started her business in Crestline on Church Street long ago but moved to Homewood sometime back. She wants to move the business back to Mountain Brook and the Cahaba Road space is the perfect spot. She provides personal and professional guidance for clients selecting wedding invitations and other related items. She has limited business hours during the day or open by appointment only. There is plenty of parking and the other tenants are excited to welcome her. She has already improved the landscaping and has plans to beautify the space keeping it in the Tudor tradition our villages are famous for.

Council consent to approve this request is appreciated.

Respectfully yours,



Wilbur K. Allen, junior

CC: Dana Hazen
Hunter Simmons