

# PLANNING COMMISSION PACKET

October 2, 2019

**Hello All,**

Enclosed please find your packet for the meeting of October 7, 2019.

We have:

- Resurvey for Overton Village townhomes
- Annual PC review of Sidewalk In-Lieu Fee

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

[www.mtnbrook.org](http://www.mtnbrook.org)

- Calendar (upper right corner)
- Planning Commission (October 7, 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](mailto:hazend@mtnbrook.org).

**Looking forward to seeing you on Monday!**

*Dana*

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
**PLANNING COMMISSION**

**OCTOBER 7, 2019**

**PRE-MEETING: (ROOM A106) 5:15 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: August 5, 2019
4. **Case P-19-25:** Overton Village Resurvey No. 2, being a resurvey of Lot 1-A and Lot 1-B, Overton Village Resurvey No. 1 (recorded in Map Book 249, Page 64) and Lot 2, Overton Village (recorded in Map Book 227, Page 52); situated in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 15, Twp-18S, R-2W, Jefferson County, Alabama. **3789 & 3790 Fairhaven Drive**
5. **Annual Review** of Guideline for Sidewalk In-Lieu Fee
6. Next Meeting: **Monday**, November 4, 2019
7. Adjournment



# Planning Commission Application PART I

## Project Data

Address of Subject Property 3789 & 3790 Fairhaven Drive

Zoning Classification Residence F

Name of Property Owner(s) Overton Village Condos, LLC

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Name of Representative Agent (if applicable)

Schoel Engineering Company, Inc.

Phone Number 205-313-1152 Email sstephenson@schoel.com

Name of Engineer or Surveyor Joseph F. Breighner, Jr.

Phone Number 205-313-1167 Email jfb@schoel.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.



September 13, 2019

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

Ms. Hazen,

Please find enclosed our request for a resurvey of Overton Village. This request is to divide Lot 1-B, Overton Village Resurvey No. 1 (Map Book 249 Page 64) and Lot 2, Overton Village (Map Book 227 Page 52) into 15 separate lots to be known as Lots 7-21, Overton Village Resurvey No 2. If you have any questions, please contact me at 205-313-1152 or by email at [sstephenson@schoel.com](mailto:sstephenson@schoel.com)

Also, enclosed in this application package is the following:

Application (Part I & II)  
Certified copies of adjacent property owners  
4 copies of final plat  
Application fee \$100

Thank You,

A handwritten signature in blue ink, appearing to read "Shelia Stephenson", is written over a light blue horizontal line.

Shelia Stephenson

# P-19-25

## Resurvey in existing Residence F zoning

- ✓ Dividing two lots in Mountain Brook (and one lot in Vestavia Hills) into multiple lots for townhome development, in conjunction with rezoning cases in Mountain Brook to Res-F.
- ☑ **May be approved as a final plat;** the following correction for the final plat is required by the Subdivision Regulations, and is **suggested as a condition of approval:**
  - 1) Indicate required setbacks on plat.
- ✓ Meets the Zoning Regulations for the Residence F district.
- ✓ **Overall layout is acceptable,** with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.

### ➤ **Background**

On September 9, 2019, the city council approved the rezoning of the subject property from Mixed Use to Res-F for 10 townhomes. The subject plat is in conformance with the plans presented at that time. The ingress/egress across “Common Area A” in Vestavia is still proposed.

On December 3, 2018, the planning commission approved Case -18-32, a resurvey dividing one lot into two lots in conjunction with the previous rezoning of the Overton Village Condominium development (Res-G, 23 condominiums). Lot 1-B is in the city of Mountain Brook, and Lot 1-A is in Vestavia Hills.

On May 14, 2018, the city council approved the rezoning of the subject property from Mixed Use to Res-G. The subject plat is in conformance with the plans presented at that time. The ingress/egress across proposed Lot 1-A is still proposed.

In October 2007, in conjunction with the original rezoning to Mixed Use, the Planning Commission approved Case 1731, a resurvey of Lots 2-7 & 33-35 of Block 2 and Lots 33 and 34 of Block 1, Glass’s 3rd Addition to New Merkle; the plat was recorded in the Office of the Probate Judge of Jefferson County.

### ● **Project Data:**

NAME: Overton Village Resurvey No. 2      CURRENT ZONING: Residence F

LOCATION: 3789 /3790 Fairhaven Drive

OWNERS: Overton Village Condos, LLC



## ***Annual Review of Sidewalk In-Lieu Fee***

The attached *Guideline for Planning Commission – Fees-in-Lieu for Sidewalk Installation* provides that the fee will be evaluated by the planning commission at the beginning of each fiscal year to determine if it should be revised.

Also, the fee may be revised or modified at any time if market conditions or construction costs change materially, or if the planning commission should otherwise determine such a revision to be necessary or proper.

In 2017, the initial fee was established at a rate of \$25/linear foot. On November 5, 2018, the planning commission voted to increase the fee to \$30/linear foot.

## City of Mountain Brook

### Guideline for Planning Commission - Fees-in-Lieu of Sidewalk Installation

**WHEREAS** in cases where the Subdivision Regulations of the City of Mountain Brook require the installation of sidewalks by the developer of a subdivision, Section 5.2.3 of the Subdivision Regulations indicates that in the case of cul-de-sacs or minor streets where sidewalks would be of less benefit than sidewalks in surrounding areas, the Planning Commission may lessen or waive sidewalk requirements and may instead require a fee-in-lieu so that the City may make sidewalk improvements on existing streets in the area surrounding the proposed subdivision, and

**WHEREAS** the Subdivision Regulations indicate that such fee-in-lieu shall be equal to the cost of sidewalk improvements that would otherwise have been required; and

**WHEREAS** the practice of the City has historically been to consult with the Public Works Department on a case by case basis to determine “the cost of the sidewalk improvements that would have otherwise been required” for purposes of setting the fee-in-lieu of sidewalk installation; and

**WHEREAS** the Planning Commission has determined that an equally effective and more efficient manner of making that determination would be to set a standard fee per linear foot based on market conditions and average cost of sidewalk installation by the City; and

**WHEREAS** the Public Works Department has indicated that, for the 2017 – 2018 fiscal year, the cost of sidewalk improvements is an average of \$25/linear foot, based on market conditions in place at the time of this enactment, and that those costs are anticipated to remain in place for the remainder of the present fiscal year.

**NOW THEREFORE** be it established by the Planning Commission as follows:

1. In cases where the Subdivision Regulations require installation of sidewalks by a developer and where the Planning Commission has the jurisdiction and discretion to require a fee-in-lieu of such sidewalks, a fee of \$30/linear foot will be utilized to establish the “cost of sidewalk improvements that would have otherwise been required,” except as may be otherwise provided herein.
2. The fee hereby established shall be effective immediately and remain in place until the Planning Commission determines otherwise.
3. **The fee will be evaluated at the beginning of each fiscal year to determine if it should be revised.** The fee may also be revised or modified at any time if market conditions or construction costs change materially or if the Planning Commission should otherwise determine such a revision to be necessary or proper.