PLANNING COMMISSION PACKET

September 2, 2020

Hello All,

Enclosed please find your packet for the meeting of TUESDAY September 8, 2020.

We have:

- Three resurveys
- Amendment to master development plan for the Chabad *(temporary outdoor services on four specific dates in September 2020)*
- Amendment to Lane Parke PUD *(adding personal service-salon uses)*

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 (September 8, 2020)
- 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 Tuesday!
Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
SEPTEMBER 8, 2020
PRE-MEETING: 4:30 P.M.
REGULAR MEETING: 5:30 P.M.
CITY HALL, 56 CHURCH STREET
MOUNTAIN BROOK, AL 35213

MEETING TO BE HELD VIRTUALLY USING ZOOM VIDEO CONFERENCING
(ACCESS INSTRUCTIONS ON MEETING WEBPAGE AT MTNBROOK.ORG)

1. Call To Order

2. Approval of Agenda

3. **Case P-20-16:** Johnston Addition to Euclid Avenue, being a Resurvey of Lot 13, Block 4, Map of McElwaine, as recorded in Map Book 62, Page 88; and a portion of an alley vacated per instrument recorded in Volume 4344, Page 530; in the Judge of Probate Office, Jefferson County, Alabama; situated in a portion of the SW ¼ of Section 34, Twp-17S, R-2W, Jefferson County, Alabama. **806 Euclid Avenue**

4. **Case P-20-17:** Thomas's Fairmont Resurvey, being a Resurvey of Lot 1 and Lot 2, Block C, Overlook Subdivision, as recorded in Map Book 15, Page 19, in the Office of the Judge of Probate, Jefferson County, Alabama; being situated in the SE ¼ of Section 33, Twp-17S, R-2W, Jefferson County, Alabama. **229 Fairmont Avenue**

5. **Case P-20-18:** Overton Village Resurvey No. 3, being a Resurvey of Lots 1 and 36, Block 2, Glass 3rd Addition to New Merkle, Map Book 29, Page 35, and acreage; situated in the SW ¼ of the NE ¼ and the NW ¼ of the SE ¼ of Section 15, Twp-18S, R-2W, Jefferson County, Alabama. **3150 Overton Road**

6. **Case P-20-19:** Request for approval of an amendment to the approved master development plan for the Chabad of Alabama, to allow temporary (socially distanced) outdoor services for four specific evenings between September 18, 2020 and September 28, 2020. **3040 Overton Road**

7. **Case P-20-20:** Request for approval of an amendment to the approved Lane Parke PUD, specifically to amend the uses permitted [by conditional use, city council approval] to include the following: barber shops, beauty shops, hair salons; interior design shops, nail salons, and neuromuscular therapists. **2655 Lane Parke Road**

8. Next Meeting: **Monday**, October 5, 2020

9. Adjournment

Planning Commission Application
PART I

Project Data

Address of Subject Property 806 Euclid Avenue, Mountain Brook, Ala. 35213

Zoning Classification Residence B

Name of Property Owner(s) Russell Dickson Johnston Jr & Lauren Johnston

Phone Number 843-437-2521 Email russell.johnston.jr@gmail.com

Name of Representative Agent (if applicable)

_____

Phone Number _____ Email _____

Name of Engineer or Surveyor Rowland Jackins ASPLS No 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-20-16 Zoning

9/2/2020, 8:29:49 AM

Tax_Parcels

Residence B District

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

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

ArcGIS Web AppBuilder

JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons | Jefferson County Information Technology Services |

P-20-16

<u>Resurvey in existing Residence B zoning</u>

✓ "Clean-up" resurvey combining a legacy lot with a portion of a vacated alley.

☑ **May be approved as a final plat.**

✓ Meets the Zoning Regulations for the Res-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.

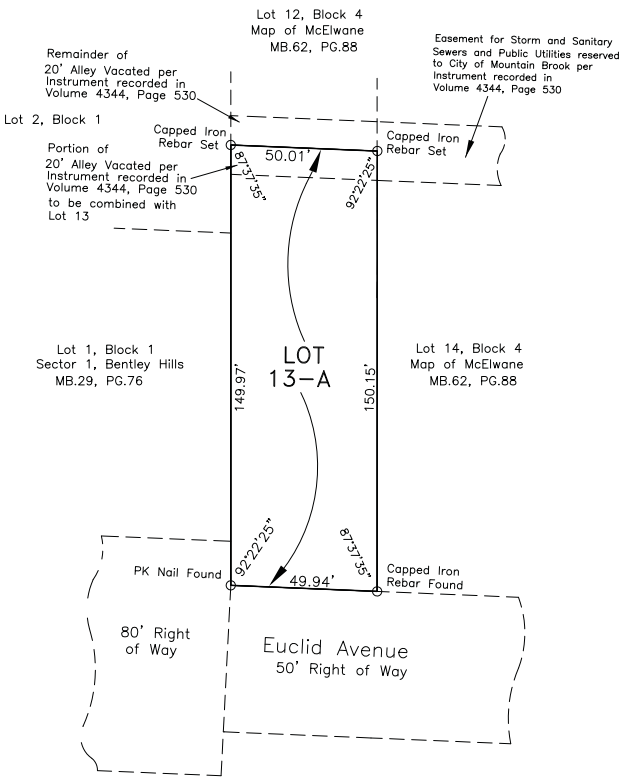
- **Project Data**:

NAME: Johnston Addition to Euclid Avenue

CURRENT ZONING: Residence B

OWNERS: Russell and Lauren Johnston

LOCATION: 806 Euclid Avenue



APPROVED:_____ DATE:_____

Chairman, Mountain Brook Planning Commission

APPROVED:_____ DATE:_____

Secretary, Mountain Brook Planning Commission

_____DATE:_____

DIRECTOR OF ENVIRONMENTAL SERVICES

Environmental Services Department approval indicates that this document has been reviewed for provision of future or existing 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.

STATE OF ALABAMA
JEFFERSON COUNTY

The undersigned, Rowland Jackins, a Registered Land Surveyor, State of Alabama, and Russell Dickson Johnston, Jr., and Lauren Tubb Johnston, owners, 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 Johnston Addition to Euclid Avenue, 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, 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 McElwaine, as recorded in the office of the County Probate Judge in Map Book 62, Page 88; 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 ownersalso certifies that they are the owners of said lands and that the same are not subject to any mortgage, except a mortgage held by the following mortgagor: Millennial Bank.

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 _____, 2020;

_____ _____
Rowland Jackins, Ala. Reg. No. 18399 Russell Dickson Johnston, Jr.,
Surveyor

_____ _____
Lauren Tubb Johnston Leslie McGhee, Vice President, Loan
Bancorpsouth. Operation; Millennial Bank

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_____, 2020.

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 Russell Dickson Johnston, Jr., whose name is signed to the foregoing certificate as owner, 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_____, 2020.

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 Lauren Tubb Johnston, whose name is signed to the foregoing certificate as owner, and who is known to me, acknowledged before me on this date, that after being duly informed of the contents of said certificate, she executed the same voluntarily as such individual with authority therefore.

Given under my hand and seal this_____ day of_____, 2020.

By:_____
Notary Public

My Commission Expires_____

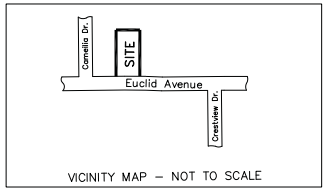
STATE OF ALABAMA
JEFFERSON COUNTY

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

Given under my hand and seal this_____ day of_____, 2020.

By:_____
Notary Public

My Commission Expires_____



VICINITY MAP – NOT TO SCALE

NOTES:

1. This property is located in Zone"X", according to the Federal Insurance Administration "Flood Hazard Boundary Map" Panel 413 of 755, Map Number 0107300413G, Jefferson County, Alabama, dated September 29, 2006; site is not located in a special flood hazard area;
2. 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.
3. Purpose of this resurvey is to combine a recorded lot with a portion of a previously vacated alley abutting the lot on the north side to created a single concise lot;
4. Builder is responsible for the drainage on each lot and in and around each building and for all soil conditions.
5. Builder will be responsible for adjusting all lids or top elevation for all manholes and yard inlets on each lot.
6. 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.
7. 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 foundation.
8. Elevation of all sanitary sewer laterals to each lot should be verified by builder prior to setting lowest floor of residence to be serviced.
9. No house shall have a finished floor elevation less than two (2) feet above top of any adjacent storm sewer without engineers approval.
10. No fence shall impede the flow of water in any drainage way.
11. Surveyor not responsible for soil compactions and did not conduct any surface and/or subsurface investigations.
12. Total Acreage of site = 7,497 Square Feet;
13. Property is Zoned Residence B (non-conforming); setbacks are: Front Setback=35 feet; Rear Setback=30 Feet; Side Setbacks= 8 feet for any portion of a building that is less than 22 feet high; and 12 feet for any portion of a building higher than 22 feet;

OWNER = Russell Dickson Johnston, Jr.
Lauren Tubb Johnston
3008 Sharpsburg Circle
Birmingham, Alabama 35213

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

MORTGAGEE = Millenial Bank
7924 Parkway Drive
Leeds, Alabama 35094

N

JOHNSTON ADDITION TO EUCLID AVENUE

Being a Resurvey of Lot 13, Block 4, Map of McElwaine, as Recorded in Mapbook 62, Page 88, and a portion of an alley vacated, per instrument recorded in Volume 4344, Page 530; Judge of Probate Office, Jefferson County, Alabama;

Situated in a Portion of the Southwest Quarter of Section 34, Township 17 South, Range 2 West,

Scale: 1 Inch = 20 Feet July, 2020

0 20 40 60

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

File: S–1479/20–YY Drawing 5

P-20-16 Aerial

9/2/2020, 8:33:57 AM

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

ArcGIS Web AppBuilder

Hunter Simmons | Jefferson County Information Technology Services | Maxar, Microsoft |

Planning Commission Application
PART I

Project Data

Address of Subject Property 229 Fairmont Drive

Zoning Classification _____

Name of Property Owner(s) Thomas Griffin & Riley Griffin

Phone Number 205-376-5977 Email thomaspgriffin@gmail.com

Name of Representative Agent (if applicable)

_____

Phone Number _____ Email _____

Name of Engineer or Surveyor Weygand Surveyors

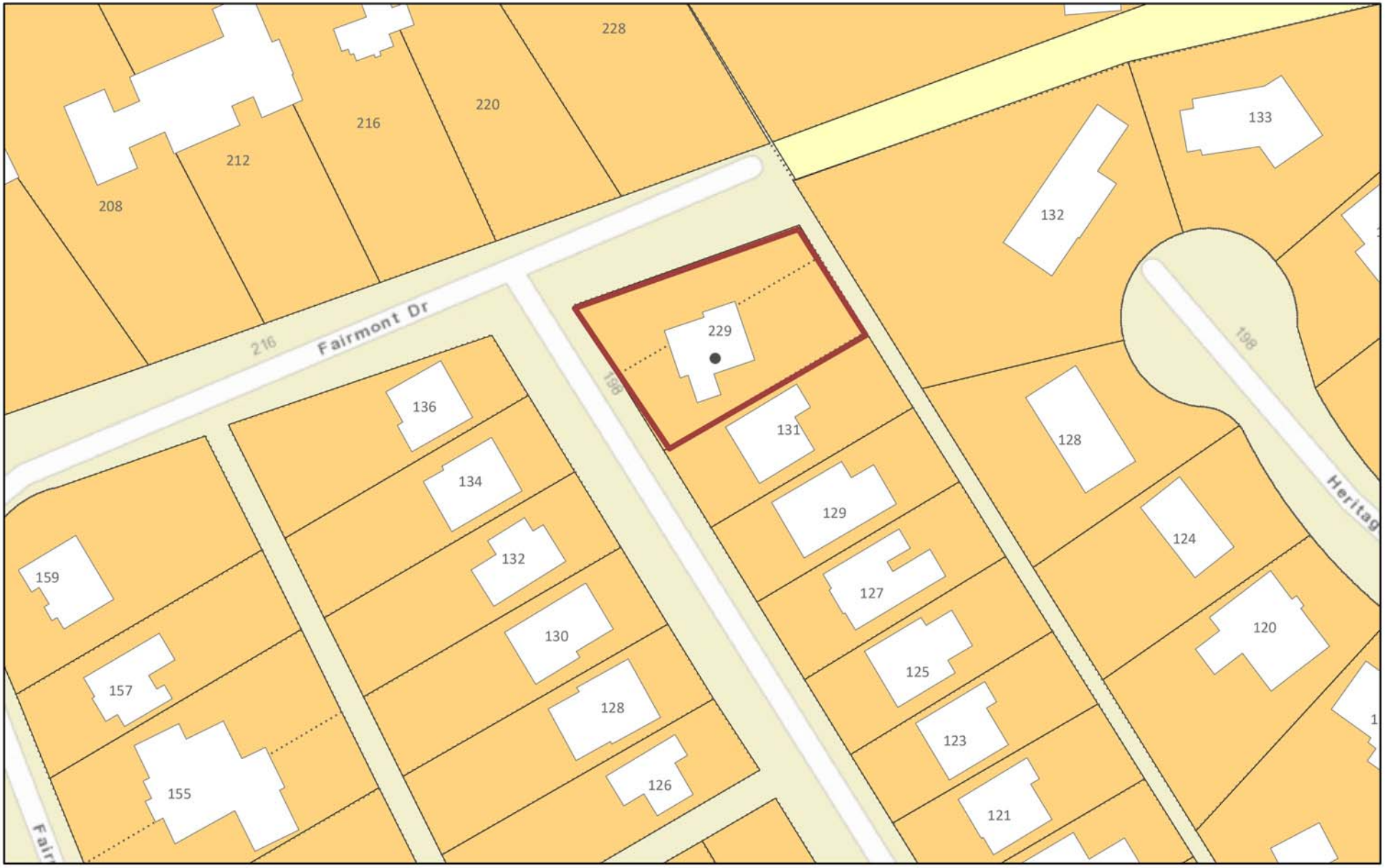
Phone Number 205-942-0086 Email office@weygandsurveyor.com

☒ 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-20-17 Zoning



9/2/2020, 9:51:50 AM

LotLines

Tax_Parcels

Residence C District

Residence A District

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

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

ArcGIS Web AppBuilder

Hunter Simmons | Jefferson County Information Technology Services | JeffCoAL, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

P-20-17

Resurvey in Residence C zoning

✓ Resurvey combining two lots into one lot.

☑ **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) revise setback note to include: "Minimum front (secondary) yard setback on corner lots where primary frontage is opposite dedicated alley is 15 feet"

✓ Meets the Zoning Regulations for the Residence C 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: Thomas's Fairmont Resurvey

CURRENT ZONING: Residence C

OWNERS: Thomas and Riley Griffin

LOCATION: 229 Fairmont Avenue

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
O	REBAR SET
MIN.	MINIMUM
℄	CENTERLINE
D.B.	DEED BOOK
⊥	NOT TO SCALE

THOMAS'S FAIRMONT RESURVEY

BEING A RESURVEY OF LOT 1 AND 2, BLOCK C, OVERLOOK SUBDIVISION AS RECORDED IN MAP BOOK 15, PAGE 19, IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA

BEING SITUATED IN THE SE ¼ OF SECTION 33, TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

WEYGAND SURVEYORS, INC.
Roy Weygand, Reg. L.S. #24973
189 Dalmar Road, Homewood, AL 35209
Phone:(205) 942-0588 Fax:(205) 942-0587

0' 30' 60' 90'

SCALE: 1"=30'

DATE: AUGUST 2020

VICINITY MAP
(NOT TO SCALE)

ZONED: RESIDENCE "C"

REQUIRED SETBACKS
MINIMUM FRONT (PRIMARY) YARD SETBACK ... 35 FEET
MINIMUM REAR YARD SETBACK ... 35 FEET
MINIMUM SIDE YARD SETBACK ... 10 FEET
MINIMUM FRONT (SECONDARY) YARD SETBACK ON CORNER LOTS WHERE PRIMARY FRONTAGE IS OPPOSITE DEDICATED ALLEY ... 15 FEET

NOTE:

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

WEYGAND SURVEYORS

STATE OF ALABAMA]
JEFFERSON COUNTY]

The undersigned, Roy Weygand, Registered Land Surveyor, State of Alabama, and Thomas Griffin, the Owner, hereby certify that this plat or map was made pursuant to a survey made by said surveyor, and that this plat or map was made at the instance of said owner, that this plat or map is a true and correct plat or map of land shown thereon and known or to be known as THOMAS'S FAIRMONT RESURVEY, 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 OVERLOOK SUBDIVISION (MB 15, PG 19) and to government survey of Section 33, Township 17 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 plat 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.

In Witness Whereof, we have hereunto set our hands this the _____ day of _____, 2020.

By: _____
Roy Weygand
Reg. L.S. #24973

By: _____
Thomas Griffin - 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 _____, 2020.

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 Thomas Griffin, 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 _____, 2020.

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.

_____ Date: _____
Director of Environmental

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.

P-20-17 Aerial

9/2/2020, 9:30:54 AM

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

ArcGIS Web AppBuilder

Hunter Simmons | Jefferson County Information Technology Services | Maxar, Microsoft |

Planning Commission Application
PART I

Project Data

Address of Subject Property 3150 Overton Rd

Zoning Classification Local Business District

Name of Property Owner(s) Overton Road, LLC

Phone Number _____ Email _____

Name of Representative Agent (if applicable)

Schoel Engineering Company

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.

P-20-14 Zoning

7/28/2020, 12:59:08 PM

Tax_Parcels

Local Business District

Professional District

Residence A District

Residence C District

Residence F District

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

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

ArcGIS Web AppBuilder

JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons | Jefferson County Information Technology Services |

P-20-18

Resurvey of Commercial and Residential Properties in Overton Village

Recent Background
On August 3, 2020, the planning commission approved resurvey case P-20-14, the purpose of which was to establish a vegetative buffer along the rear of the Overton Shopping Center to be owned and maintained by the adjoining townhome development to the north.

The previous plat (P-20-14, attached) included the strip of land along the rear of the shopping center (in the Mountain Brook city limits) as well as a portion of the adjoining townhome property in Vestavia Hills. Vestavia Hills' planning commission was not comfortable with the proposed configuration and proposed split zoning that was inherent to the previous resurvey, and so denied the resurvey request.

Request
The applicant has reconfigured the buffer zone such that it is not in Vestavia Hills; also, it does not involve the townhome lots in Mountain Brook.

Partial Excerpt from P-20-14 Report/Revised Summary
On September 9, 2019, the city council approved the rezoning of the adjoining property on Fairhaven Drive property from Res-G to Res-F for 10 townhomes (P-19-23). This project will have common ingress/egress from Poe Drive (in Vestavia) and Fairhaven Drive (in Mountain Brook). The residential development is to be directly behind the Overton Shopping Center. On October 7, 2019, the planning commission approved Case P-19-25, a resurvey of the 10-unit townhome property on Fairhaven Drive.

As may be seen on the attached boundary survey of the shopping center property, as well as in the street views from Poe Drive and Fairhaven Drive, the existing 36-38 foot rear setback behind the commercial building is a largely unused; it is comprised of a grassy slope and wooded area that serves no practical purpose to the commercial building.

The developers of the townhomes project have come to the conclusion that the slope and vegetative area behind the commercial building should be owned and maintained by the townhome group (as common area), in order to provide an improved buffer behind the commercial building, and an improved view of the back of the commercial property from the townhome development.

As such, it is herein proposed that the rear property line behind the commercial building be relocated to within 17-22 feet of the rear building line (the minimum rear setback allowed by the Village Overlay District is 10 feet). As may be seen on the attached proposed plat, this east-west strip is shown as "Common Area D." The relocation of this rear property line will not render the commercial building non-conforming in any way, in that there is no minimum lot size for the commercial property, and it will maintain the

minimum 10-foot rear setback. (It should be noted that the proposed lot line "jogs" around an existing temporary walk-in cooler at the rear of the commercial building so as to comply with the required rear setback.)

No change is proposed to the approved layout of the townhome development (nor to its ingress/egress). The result of this resurvey is that the townhome owners will have control over the installation and maintenance of a vegetative buffer and fencing between their development and the rear of the commercial building.

☑ **May be approved as a final plat.**

✓ Meets the Zoning Regulations for the Local Business 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.

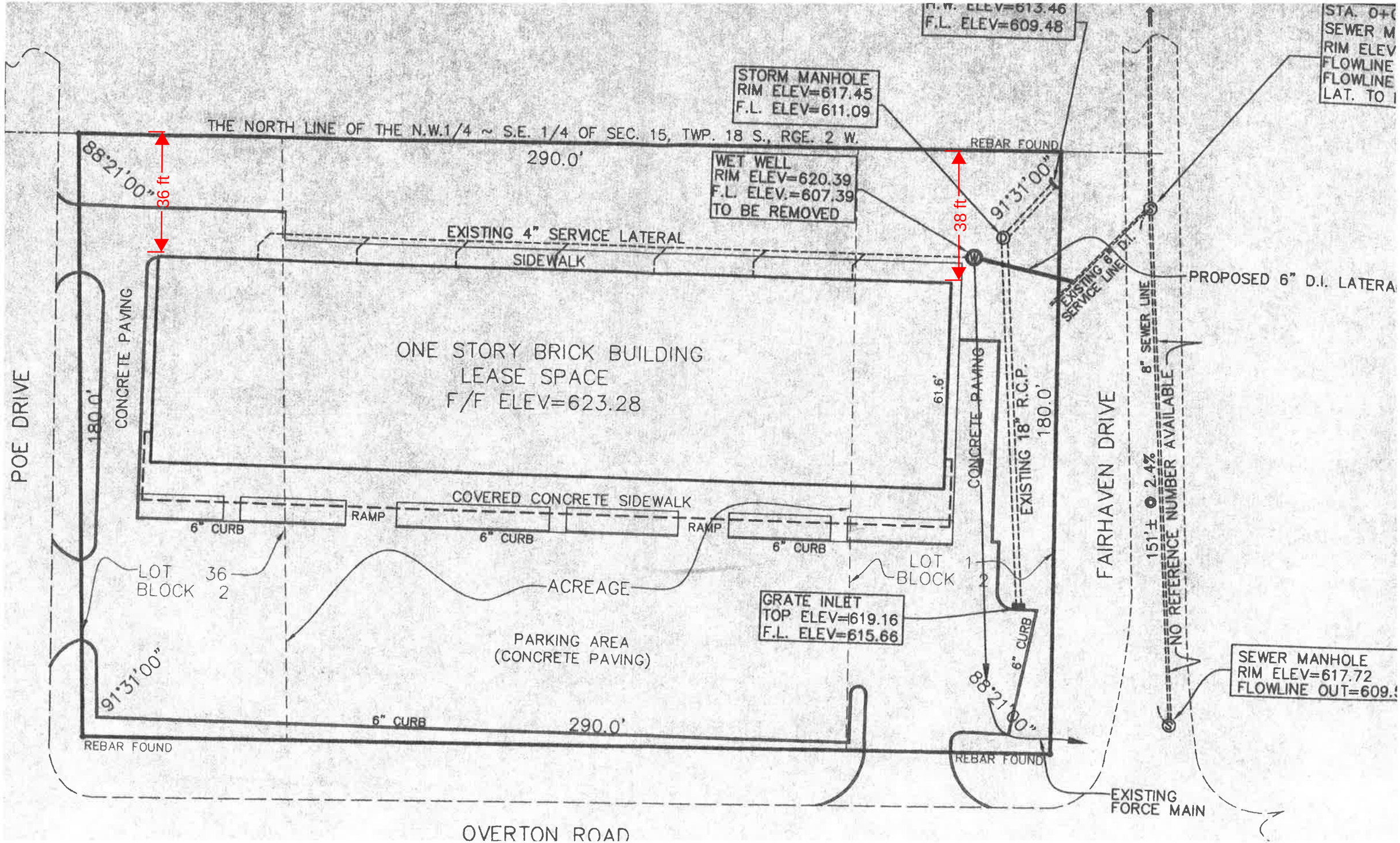
- **Project Data**:

  NAME: Overton Village Resurvey No. 3

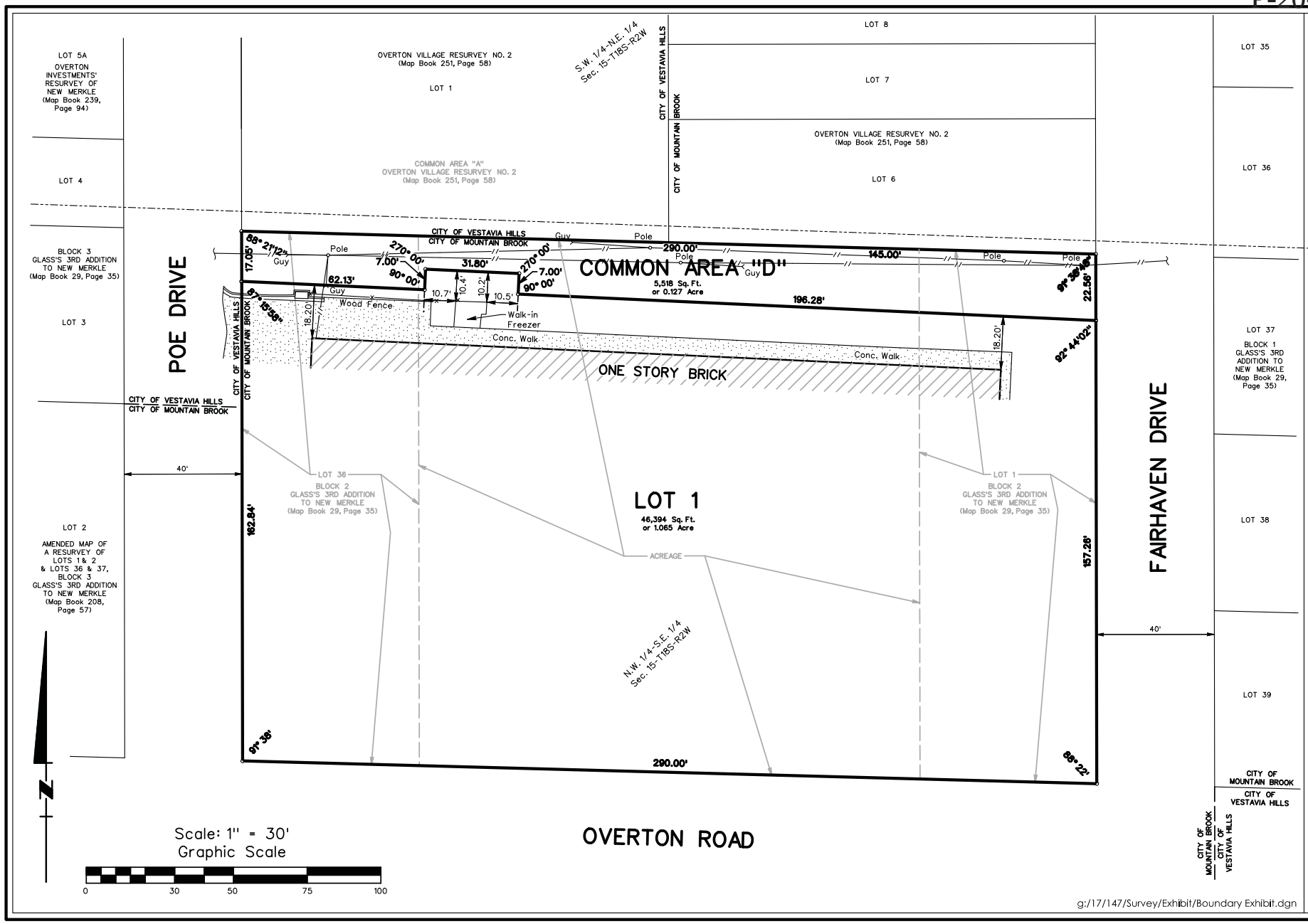
  CURRENT ZONING: Local Business

  OWNERs: Overton Partners, LLC, and Overton Road, LLC

  LOCATION: 3150 Overton Road


H.W. ELEV=613.46
F.L. ELEV=609.48
STA. 0+(
SEWER M
RIM ELEV
FLOWLINE
FLOWLINE
LAT. TO
STORM MANHOLE
RIM ELEV=617.45
F.L. ELEV=611.09
THE NORTH LINE OF THE N.W.1/4 ~ S.E. 1/4 OF SEC. 15, TWP. 18 S., RGE. 2 W.
REBAR FOUND
290.0'
88°21'00"
86 ft
WET WELL
RIM ELEV=620.39
F.L. ELEV.=607.39
TO BE REMOVED
38 ft
91°31'00"
EXISTING 4" SERVICE LATERAL
SIDEWALK
EXISTING 6" SERVICE LINE
D.I.
PROPOSED 6" D.I. LATERA
POE DRIVE
180.0'
CONCRETE PAVING
ONE STORY BRICK BUILDING
LEASE SPACE
F/F ELEV=623.28
61.6'
CONCRETE PAVING
EXISTING 18" R.C.P.
180.0'
FAIRHAVEN DRIVE
8" SEWER LINE
151'± @ 2.4%
NO REFERENCE NUMBER AVAILABLE
COVERED CONCRETE SIDEWALK
6" CURB
RAMP
6" CURB
RAMP
6" CURB
LOT 36
BLOCK 2
ACREAGE
LOT 1
BLOCK 2
GRATE INLET
TOP ELEV=619.16
F.L. ELEV=615.66
PARKING AREA
(CONCRETE PAVING)
6" CURB
91°31'00"
6" CURB
290.0'
88°21'00"
REBAR FOUND
REBAR FOUND
SEWER MANHOLE
RIM ELEV=617.72
FLOWLINE OUT=609.
EXISTING
FORCE MAIN
OVERTON ROAD

P-20-18



g:/17/147/Survey/Exhibit/Boundary Exhibit.dgn

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Birmingham, Alabama 35205 | Huntsville, Alabama 35802
205.323.6166 | 256.539.1221
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BOUNDARY EXHIBIT OVERTON VILLAGE RESURVEY NO. 3

DATE: AUGUST 18, 2020

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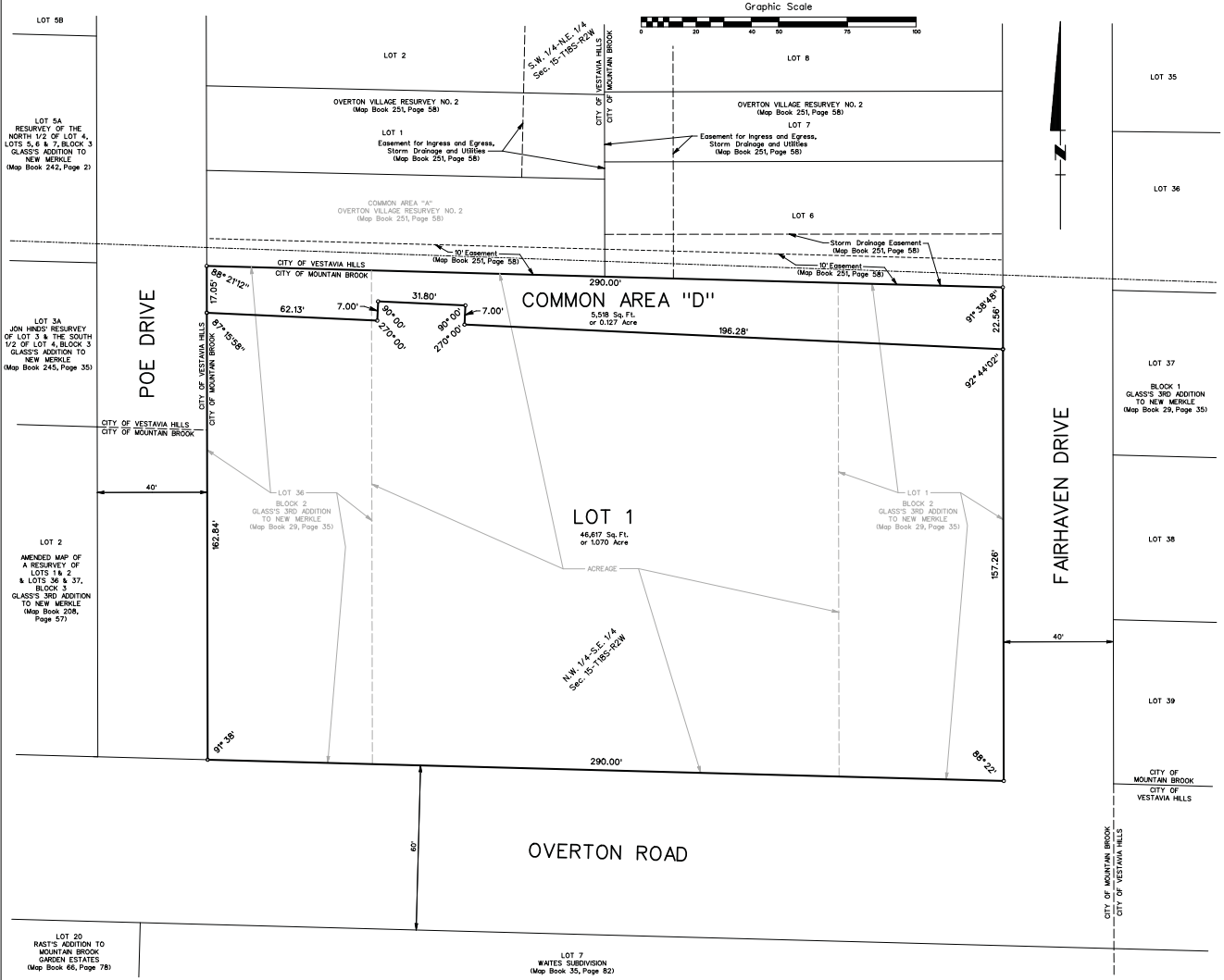
Boundary Exhibit.dgn 8/18/2020 2:37:48 PM

P-20-18



NOTES:

1. This property is not located within the 100 year flood area and is in Unshaded Zone "X"(areas determined to be out of 0.2% annual chance floodplain) as shown on the National Flood Insurance Programs "FIRM" Flood Insurance Rate Map of Jefferson County, Alabama, according to Panel 578 of 755, Map Number 01073C0578H dated September 3, 2010, as published by the Federal Emergency Management Agency.

2. The gross land area being resurveyed is 1.197 acres.

3. The purpose of this resurvey is to divide two existing lots (Lot 1 and Lot 36) and acreage into two new lots (Lot 1 and Common Area D).

4. The subject property is zoned "Local Business District" in the City of Mountain Brook, Alabama (setbacks required in accordance with Article XXXI, Village Overlay Standards, Section 129-553 (b) of the Mountain Brook Municipal Code).

5. Unless otherwise noted, all easements shown on this plat are for ingress and egress, utilities and storm drainage, and may be used for such purposes to serve property both within and without this resurvey.

6. Common Areas are subject in their entirety to easements for ingress and egress, utilities and storm drainage.

7. The areas within the building setback lines are subject to easements for utilities and storm drainage.

STATE OF ALABAMA
JEFFERSON COUNTY

I, Joseph F. Breighner, Jr., a Registered Professional Land Surveyor in the State of Alabama, and Overton Road, LLC, Owner, hereby certify that this plat or map was made pursuant to a survey made by said Surveyor and that said survey and this plat or map were made at the instance of said Owner; that this plat or map is a true and correct plat or map of the lands shown therein and known or to be known as OVERTON VILLAGE RESURVEY NO. 3, showing the subdivisions into which it is proposed to divide said lands, giving the length and angles of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearing, width, length, 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 Overton Village Resurvey No. 2, as recorded in Map Book 251 Page 58, and Glass's 3rd Addition to New Merkle, as recorded in Map Book 29, Page 35, all in the office of the Judge of Probate of Jefferson County, Alabama, being situated in the S.W. 1/4 of the N.E. 1/4 and the N.W. 1/4 of the S.E. 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama; and that iron pins or other appropriate monumentation have been installed at all lot corners (or reference points to lot corners) and curve points as shown and designated by small open circles on said plat or map. This survey and drawing of the parcel described hereon, were made by individuals under my supervision, based on knowledge and information in accordance with commonly accepted procedures consistent with applicable standards of practice and 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 they are the Owner of said lands and that the same are not subject to any mortgage.

SCHOEL ENGINEERING COMPANY, INC.

_____
Joseph F. Breighner, Jr., Alabama License No. 17518

ALABAMA REGISTERED No. 17518 PROFESSIONAL LAND Surveyor JOSEPH F. BREIGHNER, JR.

OVERTON ROAD, LLC.
An Alabama limited liability company, Owner

By:_____
Its:_____

STATE OF ALABAMA
JEFFERSON COUNTY

I, Sheila Stephenson, as Notary Public in and for said County and State, do hereby certify that Joseph F. Breighner, Jr., whose name is signed to the foregoing certificate as Surveyor, who is known to me, acknowledged before me, on this date that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such Surveyor with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the _____day of_____, 2020.

_____
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 _____, whose name as _____ of Overton Road, LLC, an Alabama limited liability company, is signed to the foregoing certificate, and who is known to me, acknowledged before me on this date that, being informed of the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the _____day of_____, 2020.

_____
Notary Public
My Commission Expires:_____

SHEILA STEPHENSON NOTARY PUBLIC STATE OF ALABAMA

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

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

APPROVED IN FORMAT ONLY:

_____ _____
Director of Environmental Services Date

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.

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Birmingham, Alabama 35205 | Montgomery, Alabama 36107
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OVERTON VILLAGE RESURVEY NO. 3

BEING A RESURVEY OF LOTS 1 AND 36, BLOCK 2, GLASS'S 3RD ADDITION TO NEW MERKLE (MAP BOOK 29, PAGE 35)
AND ACREAGE SITUATED IN THE S.W. 1/4 OF THE N.E. 1/4 AND
THE N.W. 1/4 OF THE S.E. 1/4 OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST
JEFFERSON COUNTY, ALABAMA

REVISIONS:

FINAL PLAT

DATE: JULY 2020
DRAWN BY: J.W.H.
CHECKED BY: S.D.S. & M.W.C.
FIELD BOOK: #3096
FIELD CREW: A.C.M.
FILE NAME: 17147_Resurvey No. 3
g:\17\147\Survey\Final Plat\

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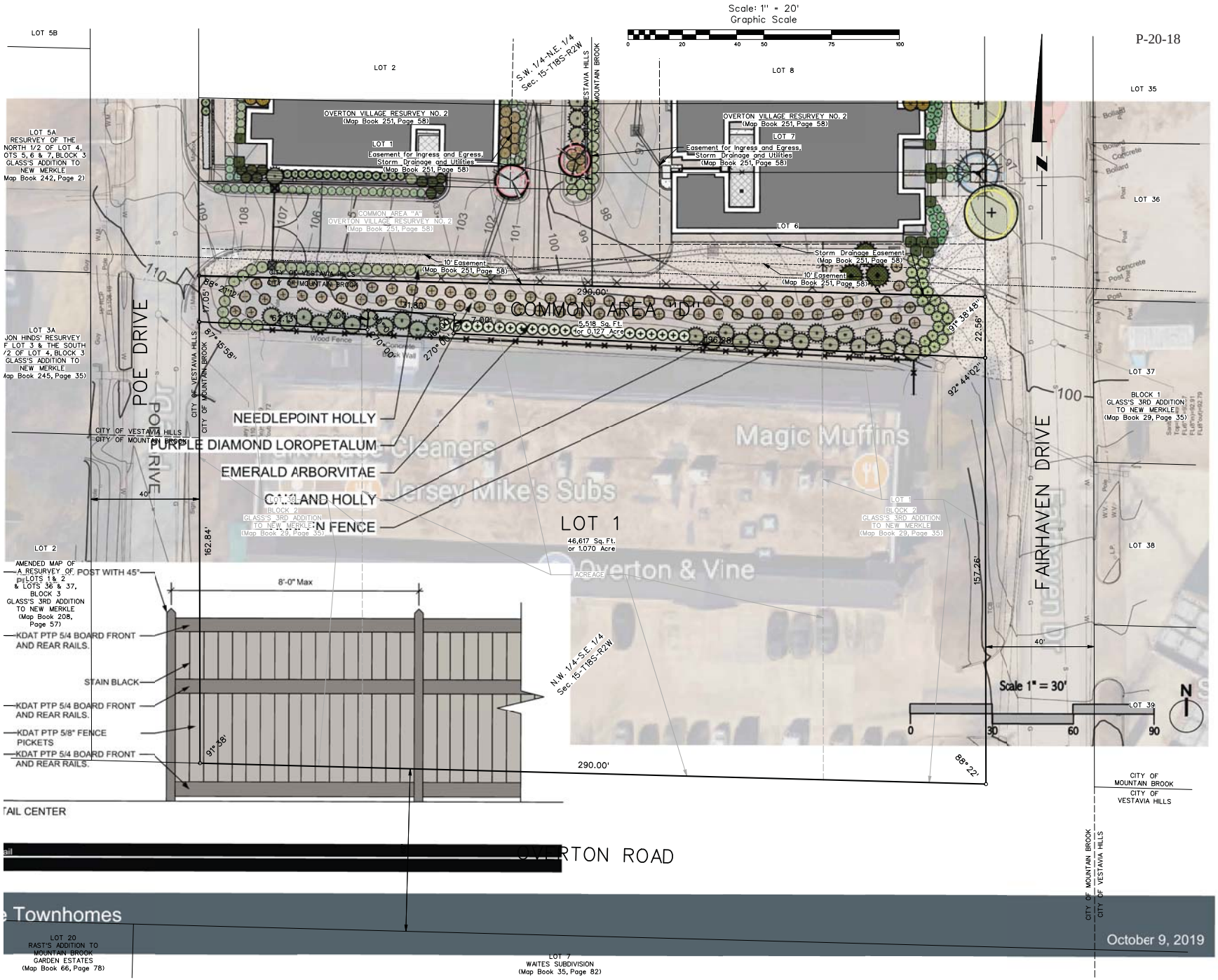
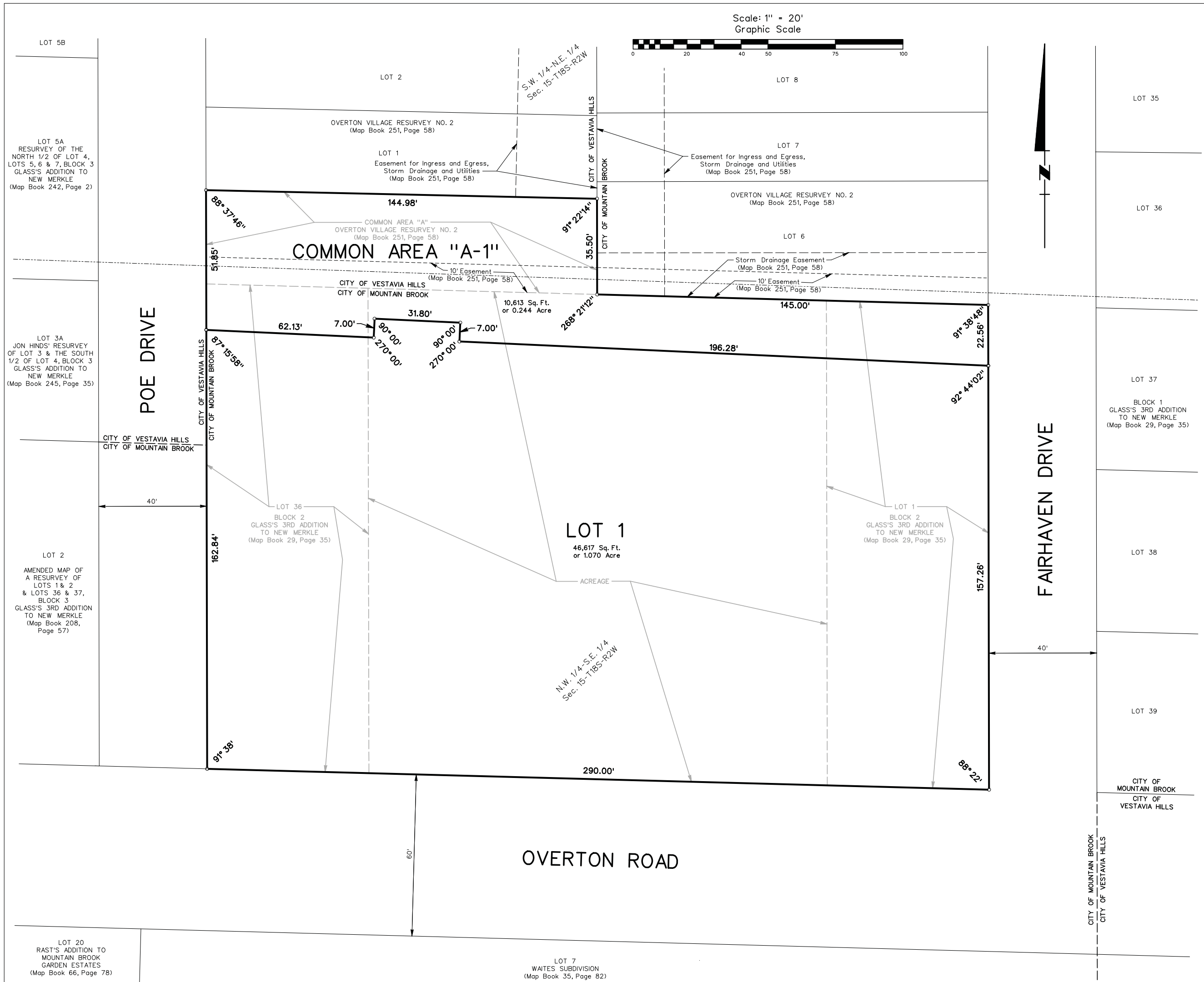


P-20-18
Scale: 1" = 20'
Graphic Scale
0 20 40 50 75 100
LOT 5B
LOT 2
LOT 8
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
S.W. 1/4-N.E. 1/4
Sec. 15-T18S-R2W
CITY OF VESTAVIA HILLS
CITY OF MOUNTAIN BROOK
OVERTON VILLAGE RESURVEY NO. 2
(Map Book 251, Page 58)
LOT 1
Easement for Ingress and Egress, Storm Drainage and Utilities
(Map Book 251, Page 58)
LOT 7
LOT 6
COMMON AREA "A"
OVERTON VILLAGE RESURVEY NO. 2
(Map Book 251, Page 58)
10' Easement
(Map Book 251, Page 58)
Storm Drainage Easement
(Map Book 251, Page 58)
LOT 5A
RESURVEY OF THE NORTH 1/2 OF LOT 4, LOTS 5, 6 & 7, BLOCK 3 GLASS'S ADDITION TO NEW MERKLE
(Map Book 242, Page 2)
LOT 3A
JON HINDS' RESURVEY OF LOT 3 & THE SOUTH 1/2 OF LOT 4, BLOCK 3 GLASS'S ADDITION TO NEW MERKLE
(Map Book 245, Page 35)
POE DRIVE
POE DRIVE
COMMON AREA "D"
5,518 Sq. Ft.
or 0.127 Acre
290.00'
NEEDLEPOINT HOLLY
PURPLE DIAMOND LOROPETALUM
EMERALD ARBORVITAE
OAKLAND HOLLY
FENCE
Magic Muffins
Jersey Mike's Subs
Overton & Vine
LOT 1
46,617 Sq. Ft.
or 1.070 Acre
LOT 1
BLOCK 2
GLASS'S 3RD ADDITION TO NEW MERKLE
(Map Book 29, Page 35)
FAIRHAVEN DRIVE
BLOCK 1
GLASS'S 3RD ADDITION TO NEW MERKLE
(Map Book 29, Page 35)
LOT 2
AMENDED MAP OF A RESURVEY OF LOTS 1 & 2 & LOTS 36 & 37, BLOCK 3 GLASS'S 3RD ADDITION TO NEW MERKLE
(Map Book 208, Page 57)
POST WITH 45°
8'-0" Max
KDAT PTP 5/4 BOARD FRONT AND REAR RAILS.
STAIN BLACK
KDAT PTP 5/4 BOARD FRONT AND REAR RAILS.
KDAT PTP 5/8" FENCE PICKETS
KDAT PTP 5/4 BOARD FRONT AND REAR RAILS.
N.W. 1/4-S.E. 1/4
Sec. 15-T18S-R2W
Scale 1" = 30'
0 30 60 90
N
290.00'
TAIL CENTER
OVERTON ROAD
Townhomes
LOT 20
RAST'S ADDITION TO MOUNTAIN BROOK GARDEN ESTATES
(Map Book 66, Page 78)
LOT 7
WAITES SUBDIVISION
(Map Book 35, Page 82)
CITY OF MOUNTAIN BROOK
CITY OF VESTAVIA HILLS
October 9, 2019



NOTES:

1. This property is not located within the 100 year flood area and is in Unshaded Zone "X"(areas determined to be out of 0.2% annual chance floodplain) as shown on the National Flood Insurance Programs "FIRM" Flood Insurance Rate Map of Jefferson County, Alabama, according to Panel 578 of 755, Map Number 01073C0578H dated September 3, 2010, as published by the Federal Emergency Management Agency.

2. The gross land area being resurveyed is 1.314 acres.

3. The purpose of this resurvey is to divide two existing lots (Lot 1, and Lot 36), one Common Area ("A"), and acreage into one new lot (Lot 1) and one Common Area ("A-1").

4. The subject property is zoned "Local Business District" in the City of Mountain Brook, Alabama (setbacks required in accordance with Article XXXI, Village Overlay Standards, Section 129-553 (b) of the Mountain Brook Municipal Code) and "R-9" Planned Residential District in the City of Vestavia Hills, Alabama (matters such as building setback lines, off-street parking, building height and other restrictions are determined by Development Plan as approved by the City Council of the City of Vestavia Hills).

5. Unless otherwise noted, all easements shown on this plat are for ingress and egress, utilities and storm drainage, and may be used for such purposes to serve property both within and without this resurvey.

6. Common Areas are subject in their entirety to easements for ingress and egress, utilities and storm drainage.

7. The areas within the building setback lines are subject to easements for utilities and storm drainage.

APPROVED:______________________ DATE:__________
Vestavia Hills Planning & Zoning Commission

APPROVED:______________________ DATE:__________
Vestavia Hills City Engineer

APPROVED:______________________ DATE:__________
Vestavia Hills City Clerk

APPROVED IN FORMAT ONLY:

______________________ __________
Director of Environmental Services Date

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.

STATE OF ALABAMA
JEFFERSON COUNTY

I, Joseph F. Breighner, Jr., a Registered Professional Land Surveyor in the State of Alabama, Overton Partners, LLC and Overton Road, LLC, Owners, hereby certify that this plat or map was made pursuant to a survey made by said Surveyor and that said survey and this plat or map were made at the instance of said Owners; that this plat or map is a true and correct plat or map of the lands shown therein and known or to be known as OVERTON VILLAGE RESURVEY NO. 3, showing the subdivisions into which it is proposed to divide said lands, giving the length and angles of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearing, width, length, 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 Overton Village Resurvey No. 2, as recorded in Map Book 251, Page 58, and Glass's 3rd Addition to New Merkle, as recorded in Map Book 29, Page 35, all in the office of the Judge of Probate of Jefferson County, Alabama, being situated in the S.W. 1/4 of the N.E. 1/4 and the N.W. 1/4 of the S.E. 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama; and that iron pins or other appropriate monumentation have been installed at all lot corners (or reference points to lot corners) and curve points as shown and designated by small open circles on said plat or map. This survey and drawing of the parcel described hereon, were made by individuals under my supervision, based on knowledge and information in accordance with commonly accepted procedures consistent with applicable standards of practice and 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 Owners also certify that they are the Owners of said lands and that the same are not subject to any mortgage.

SCHOEL ENGINEERING COMPANY, INC.

ALABAMA REGISTERED No. 17518 PROFESSIONAL LAND SURVEYOR JOSEPH F. BREIGHNER, JR.

____
Joseph F. Breighner, Jr., Alabama License No. 17518

OVERTON PARTNERS, LLC,
an Alabama limited liability company, Owner, Common Area "A-1"

By:______________________
Its:______________________

CB&S Bank, Mortgagee, Common Area "A-1"

By:______________________
Its:______________________

OVERTON ROAD, LLC,
An Alabama limited liability company, Owner, Lot 1

By:______________________
Its:______________________

STATE OF ALABAMA
JEFFERSON COUNTY

I, Shelia Stephenson, as Notary Public in and for said County and State, do hereby certify that Joseph F. Breighner, Jr., whose name is signed to the foregoing certificate as Surveyor, who is known to me, acknowledged before me, on this date that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such Surveyor with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the ________day of____________, 2020.

SHELIA STEPHENSON NOTARY PUBLIC STATE OF ALABAMA

____
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 ______________________, whose name as ______________________ of Overton Partners, LLC, an Alabama limited liability company, is signed to the foregoing certificate, and who is known to me, acknowledged before me on this date that, being informed of the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the ________day of____________, 2020.

____
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 ______________________, whose name as ______________________ of Overton Road, LLC, an Alabama limited liability company, is signed to the foregoing certificate, and who is known to me, acknowledged before me on this date that, being informed of the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the ________day of____________, 2020.

____
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 ______________________, whose name as ______________________ of CB&S Bank, is signed to the foregoing certificate, and who is known to me, acknowledged before me on this date that, being informed of the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the ________day of____________, 2020.

____
Notary Public
My Commission Expires:______________

APPROVED:______________________ DATE:__________
Chairman, Mountain Brook Planning Commission

APPROVED:______________________ DATE:__________
Secretary, Mountain Brook Planning Commission

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Birmingham, Alabama 35205 | Huntsville, Alabama 35802
205.323.6166 | 256.539.1221
SCHOEL.COM

OVERTON VILLAGE RESURVEY NO. 3

BEING A RESURVEY OF COMMON AREA "A", OVERTON VILLAGE RESURVEY NO. 2 (MAP BOOK 251, PAGE 58), LOTS 1 AND 36, BLOCK 2, GLASS'S 3RD ADDITION TO NEW MERKLE (MAP BOOK 29, PAGE 35), AND ACREAGE SITUATED IN THE S.W. 1/4 OF THE N.E. 1/4 AND THE N.W. 1/4 OF THE S.E. 1/4 OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST JEFFERSON COUNTY, ALABAMA

REVISIONS:

FINAL PLAT

DATE: JULY 2020
DRAWN BY: J.W.H.
CHECKED BY: S.D.S. & M.W.C.
FIELD BOOK: #3096
FIELD CREW: A.C.M.
FILE NAME: 17147_Resurvey No. 3
g:/17/147/Survey/Final Plat/

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P-20-18

August 18, 2020

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 acreage along with Lot 1 & Lot 36, Block 2 Glass's 3rd Addition to New Merkle (Map Book 29 Page 35) to be known as Lot 1 and Common Area D, Overton Village Resurvey No 3. If you have any questions, please contact me at 205-313-1152 or by email at 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,

Shelia Stephenson

Established 1888
SCHOEL ENGINEERING COMPANY, INC.
1001 22nd Street South | Birmingham, AL 35205
P 205-323-6166 | F 205-323-2252 | schoel.com

Planning Commission Application
PART I

Project Data

Address of Subject Property 3040 Overton Road, Birmingham AL, 35223

Zoning Classification _____

Name of Property Owner(s) Levi Weinbaum

Phone Number 347-678-4878 Email rabbilevi@friendshipcircleal.org

Name of Representative Agent (if applicable)

_____

Phone Number _____ Email_____

Name of Engineer or Surveyor _____

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.

Planning Commision Application
Written Statement
Chabad of Alabama

The Jewish New Year begins on the night of September 18th and ends on the night of September 20th. The Day of Repentance starts the night of September 27 and ends the following night. The High Holidays are a time of great importance for our community and we are trying our best to develop a secure plan to safely host communal services.

Due to the current status of Covid, we will not host our services inside. We plan to create a shaded area on our basketball court using tents. The services contain communal prayer with no sound systems or choirs. We plan to set up LED lights on the inside of the tent. We will ensure that the light does not flood onto our surrounding neighbors' property.

Our terms of conditions for the area of the property we plan on setting up on is until 5:30 pm. Chabad of Alabama is asking permission to use that area during these specified dates and times which are not in our contract:

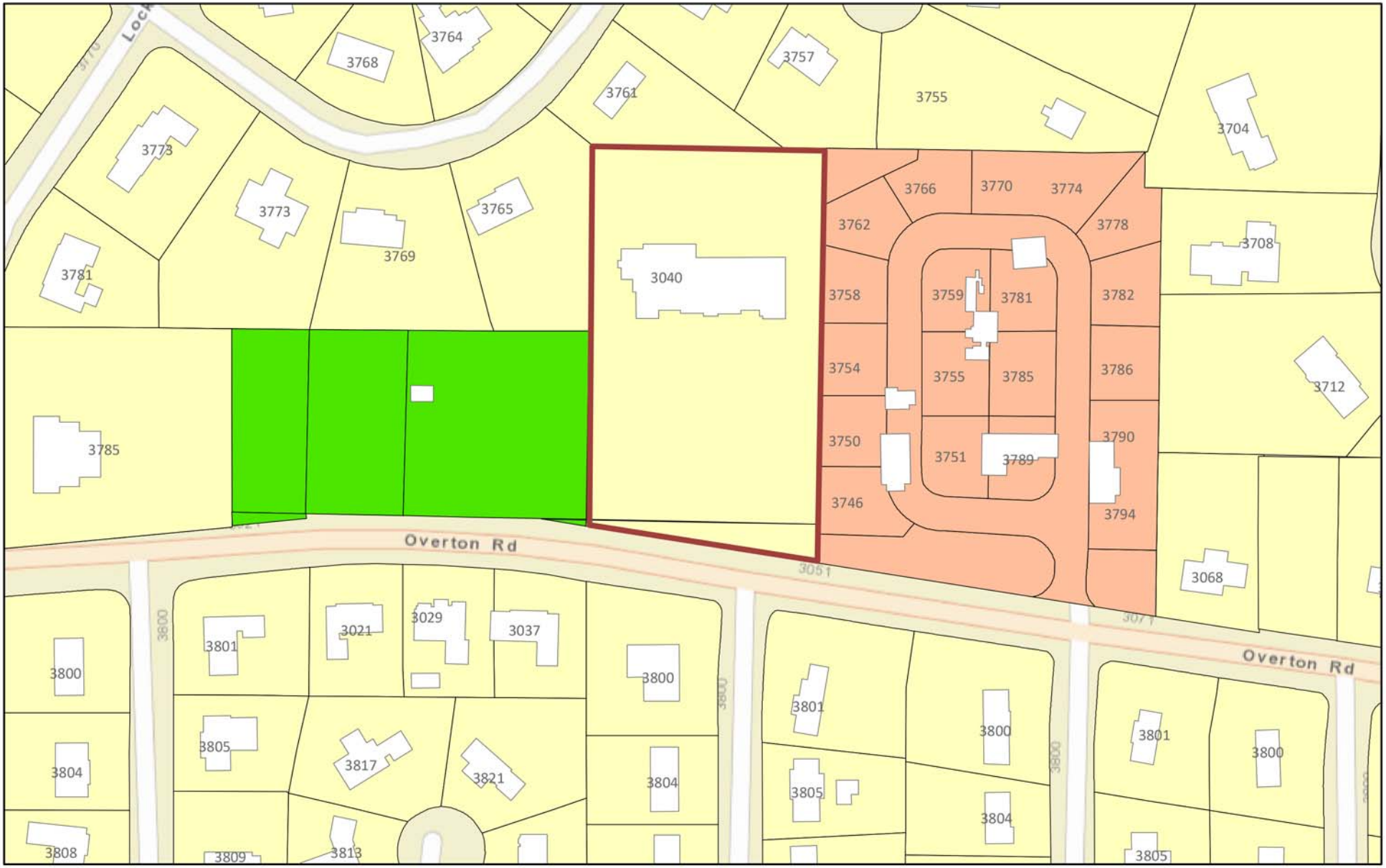
Date:	Time:	Approx. Attendees:
9/18/2020	6:30-7:30pm	30
9/19/2020	6:30-7:30pm	30
9/27/2020	6:30-8:00pm	30
9/28/2020	5:00-7:30pm	30

The attached sketches display the area in which we intend to place a tent. We look forward to safely opening up our center and hosting communal services.

Thank you.

Levi Weinbaum
Chabad Of Alabama
3040 Overton Road Birmingham AL, 35223

P-20-19 Zoning



9/2/2020, 4:16:57 PM

Tax_Parcels

Residence A District

Recreation District

RID

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

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

ArcGIS Web AppBuilder

Hunter Simmons | Jefferson County Information Technology Services | JeffCoAL, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

P-20-19

Petition Summary
Request for approval of an amendment to the approved master development plan for the Chabad of Alabama, to allow temporary (socially distanced) outdoor services for four specific evenings between September 18, 2020 and September 28, 2020.

Background
On May 7, 2018, the planning commission approved Case P-18-07, which allowed the construction of a recreational court along the rear property line of the Chabad property (see attached conditions of approval). This approval was for recreational use of the court; not to be illuminated, and not to be used for recreation after 5:30 p.m..

Analysis
The current proposal is to hold four evening services in a tent canopy, to be located on the recreation court at the rear of the property. Due to COVID precautions, the Chabad is seeking to hold four special services outdoors (see attached applicant letter for description of service times and dates). The services are proposed in a temporary tent canopy, and panel lighting is proposed along the interior of the tent canopy ceiling (see attached photos of tent and lighting). It is anticipated that there will be 30 people in attendance each evening.

The proposal is limited to the dates and year specified in the application.

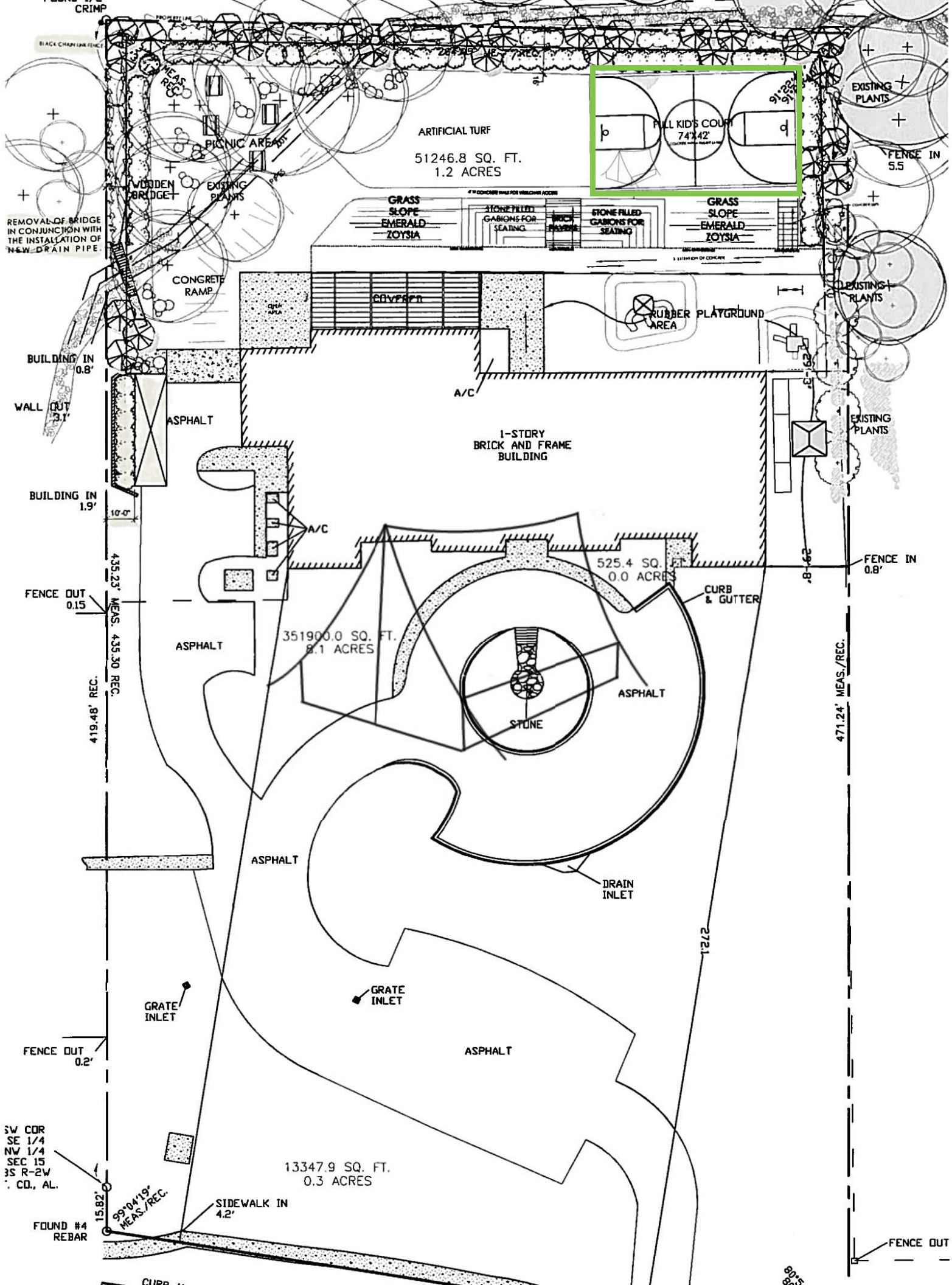
Subject Property and Surrounding Land Uses
The subject property contains the Chabad facility, and is surrounded on three sides by single family dwellings, with Overton Park to the west.

Affected Regulation
Article III, Residence A District; Section 129-32, Conditions on Certain Permitted Uses

Appends
LOCATION: 3040 Overton Road

ZONING DISTRICT: Res-A

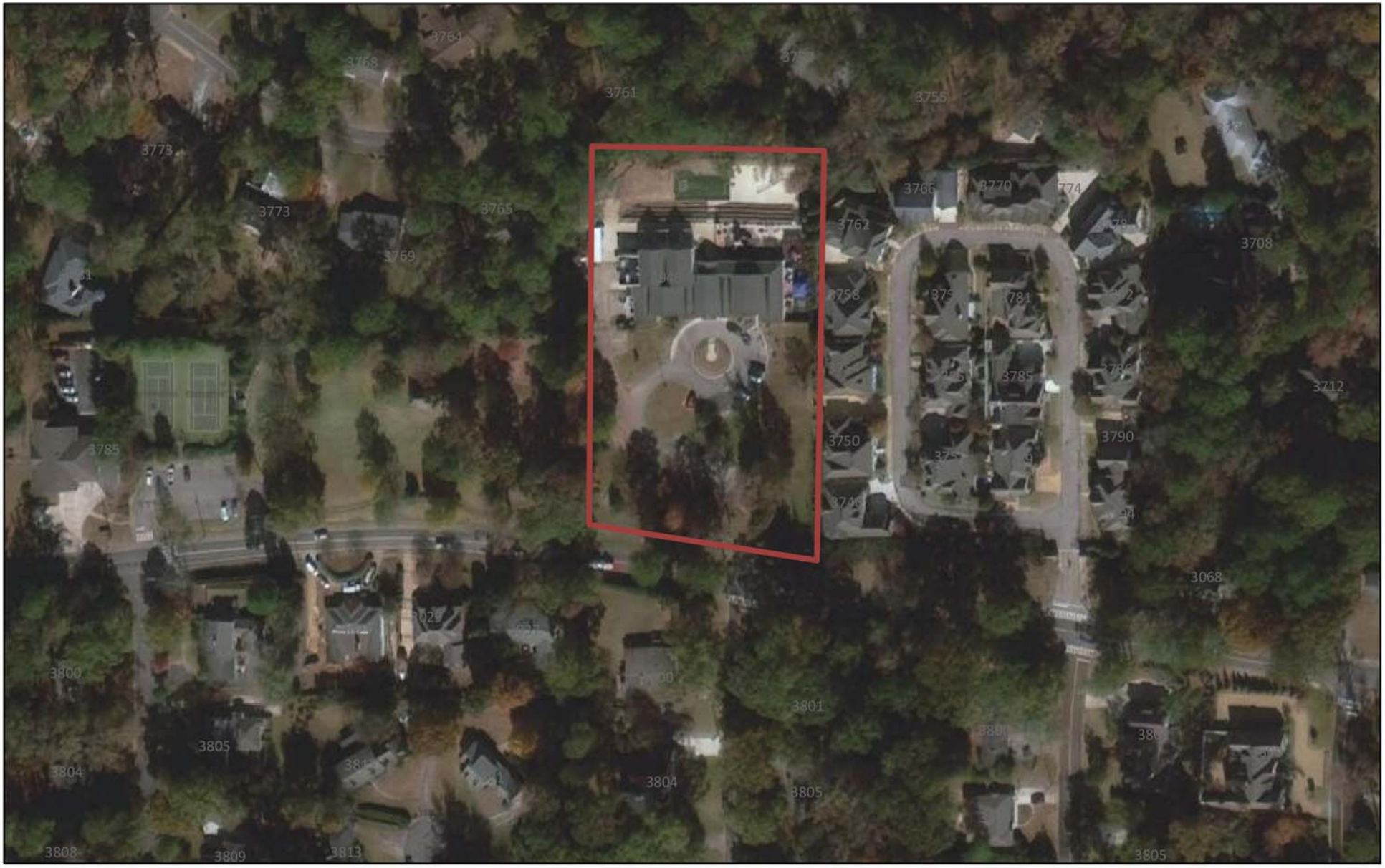
OWNER: The Chabad of Alabama


CRIMP
BLACK CHAIN LINK FENCE
MEAS. REC.
PICNIC AREA
WOODEN BRIDGE
EXISTING PLANTS
REMOVAL OF BRIDGE IN CONJUNCTION WITH THE INSTALLATION OF NEW DRAIN PIPE.
CONCRETE RAMP
ARTIFICIAL TURF
51246.8 SQ. FT.
1.2 ACRES
FULL KID'S COURT
74'X42'
GRASS SLOPE EMERALD ZOYSIA
STONE FILLED GABIONS FOR SEATING
BRICK PAVERS
STONE FILLED GABIONS FOR SEATING
GRASS SLOPE EMERALD ZOYSIA
EXISTING PLANTS
FENCE IN 5.5
COVERED
RUBBER PLAYGROUND AREA
EXISTING PLANTS
BUILDING IN 0.8'
WALL OUT 3.1'
ASPHALT
A/C
1-STORY BRICK AND FRAME BUILDING
EXISTING PLANTS
BUILDING IN 1.9'
10'-0"
A/C
525.4 SQ. FT.
0.0 ACRES
FENCE IN 0.8'
CURB & GUTTER
FENCE OUT 0.15
435.23' MEAS. 435.30 REC.
ASPHALT
351900.0 SQ. FT.
8.1 ACRES
ASPHALT
STONE
419.48' REC.
471.24' MEAS./REC.
ASPHALT
DRAIN INLET
GRATE INLET
GRATE INLET
FENCE OUT 0.2'
ASPHALT
SW COR SE 1/4 NW 1/4 SEC 15 3S R-2W . CO., AL.
13347.9 SQ. FT.
0.3 ACRES
15.82'
99°04'19" MEAS./REC.
SIDEWALK IN 4.2'
FOUND #4 REBAR
FENCE OUT

P-20-19

Proposing six panel LED lights that will be affixed to the ceiling. They will be on a timer and go off once service is finished.

P-20-19 Aerial



9/2/2020, 4:19:46 PM

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

ArcGIS Web AppBuilder

Hunter Simmons | Jefferson County Information Technology Services | Maxar, Microsoft |

Planning Commission Application
PART I

Project Data

Address of Subject Property 2655 Lane Parke Road; 900 Jemison Lane; 1000 Jemison Lane

Zoning Classification Lane Parke PUD

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

Phone Number Evson, Inc., et al 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@gmcnetwork.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 revise the permitted conditional uses in the Retail Use Area of the Property which may be approved by the City Council. Specifically, the owners request that the Approved PUD be amended by replacing page 10 of the Approved PUD with the changed page as set forth in Exhibit "A" attached hereto. The names and addresses of all property owners whose property lies within 500 feet of the Property, as certified by Jefferson County Tax Assessor's Office, 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.

The undersigned owners of the Property subject to the Planned Unit Development District approved by the City Council upon the adoption of Ordinance 1871 dated May 21, 2012 (as amended from time to time) hereby consent and join in the Lane Parke, Mountain Brook Village, PUD Amendment Application submitted on or about the dates set forth under each of the signatures below.

EVSON, INC.,
an Alabama corporation

By: _____
Name: John T. Evans
Its: President
Date: August 9th, 2020
Address: 2000 Springhill Ave
Mobile, AL 36607

LANE PARKE RETAIL, LLC,
an Alabama limited liability company

By: _____
Name: John T. Evans
Its: President
Date: August 9th, 2020
Address: 107 Princiana Drive
Homewood, AL 35209

P-20-20

Petition Summary

Request for approval of an amendment to the approved Lane Parke PUD, specifically to amend the uses permitted [by conditional use, city council approval] to include the following: barber shops, beauty shops, hair salons; interior design shops, nail salons, and neuromuscular therapists.

Analysis

Lane Parke has a very specific set of development standards and permitted uses. These standards are set forth in the PUD document. Page 10 of the PUD document has a specific list of uses that are permitted (by right) and some that are permitted at the discretion of the city council, via the conditional use process.

The request at this time is to amend page 10 of the PUD document to add personal service uses (6-10 below) to the list of uses that may be permitted on a cases-by-case basis, at the discretion of the city council (conditional use process).

The following conditional uses may be permitted within Lane Parke, but only with the prior written approval of the city council:

1. Daycare centers;
2. Physical therapists;
3. Shoe repair shops;
4. Theaters for the performing arts;
5. Business offices and professional offices;
6. Barber shops (in addition to the 1 barber shop permitted by right);
7. Beauty shops and hair salons;
8. Interior design shops (that do not include the on-site exchange of merchandise);
9. Nail Salons;
10. Neuromuscular therapists.

Context

It has been the experience of the city that personal service establishments such as hair and nail salons erode the availability of street parking in the villages. In 2008 the city had 21 personal service salons in the three villages. A door-to-door study of these salons revealed as many as 30 people at a time occupying salons as small as 2,000-3,000 square feet; each of these people presumably parked on the street. A retail establishment of similar size was found to have between 2-7 occupants at any given time. It was apparent that these salons disproportionately affected the parking availability in the villages when compared to their retail counterparts.

This led to the council adopting an ordinance in 2008 that amended the parking requirement for personal service establishments, increasing the on-site parking requirement from one parking space/200 square feet to 2 parking spaces per chair or station (one for each patron and one for each stylist/technician).

At the time of this parking amendment, the city council was adamant that villages properties with non-conforming on-site parking would not be further saturated with salons, whose contribution to revenue was minimal, and whose presence led to the erosion of viable retail establishments due to increasing parking scarcity.

On the heels of these 2008 ordinance changes the Lane Parke PUD was submitted; the original version included personal service salons as a permitted use. The council purposely struck these uses from the approved version PUD for the reasons noted above.

Current Request for Change to PUD

The application is now to amendment the PUD to add personal service salons back into the list of uses allowed by conditional use approval of city council. By comparison to the Local Business district, it should be noted that Section 129-192 for the Local Business district states that the council may only consider a conditional for a salon if all on-site parking is to code; it cannot waive required on-site parking through the conditional use process. So it may be concluded that the council takes the matter of parking and salons seriously.

Given the fact that the parking demand for salons is much greater than that of retail, the parking study for the PUD will need to be reevaluated to include salons into the shared parking analysis on a case-by-case basis. To this end it is understood by the applicant that any use not covered by the approved parking assumptions would require an update to the parking study for each and every request for conditional approval of a service use.

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.

Permitted Uses

Multiple uses shall be permitted within Lane Parke including retail, hospitality, office, service, residential, green space, parking and municipal uses, as more particularly set forth below.

Lane Parke is divided into each of the following Use Areas, the location and boundaries of which are shown in Section 5 on Page 9. All uses are permitted by right unless (i) expressly limited or conditioned herein or (ii) the square footage of any specific use would exceed the Shared Parking Assumption for such specific use, as outlined in Section 13, in which case such specific use shall be conditioned upon the delivery by Project Owner of a Shared Parking Opinion, in accordance with Section 13, confirming that the parking demand created by such specific use shall not exceed the Total Parking Supply.

Retail Use Area. Within areas designated Retail Use Area, the following uses are permitted by right:

1. Antique stores;
2. Appliances and electronic goods and equipment;
3. Arts and crafts stores;
4. Bakeries selling food from the premises;
5. Banks and financial services firms;
6. Barber shops (limited to one);
7. Bars, pubs and other establishments primarily engaged in the sale of alcoholic beverages for on-site consumption;
8. Bookstores;
9. Bridal shops;
10. Not used;
11. Clothing stores;
12. Coffee shops;
13. Computer and electronics stores;
14. Not used;
15. Dry cleaning establishments where no laundering or cleaning is done on the premises;
16. Electronic and electrical repair shops;
17. Fitness centers;
18. Florist shops;
19. Furniture stores;
20. Garden and lawn stores;
21. General merchandise stores, including full-line department stores;
22. Gift shops;
23. Grocery stores;
24. Hardware stores;
25. Ice cream parlors;
26. Interior design shops that include the on-site exchange of merchandise for general consumers;
27. Jewelry stores;
28. Liquor, wine and/or spirits stores;
29. Meat, seafood, vegetable and fruit markets;
30. Parcel delivery and packaging stores;
31. Personal fitness trainers and studios, heath clubs, spas, dance/yoga studios and similar facilities;
32. Pet shops;
33. Pharmacies;
34. Photography studios;
35. Not used;
36. Rental and sale of electronic media and related items;
37. Restaurants, cafes, cafeterias and delicatessens, provided however, that the Shared Parking Assumptions shall not apply to restaurant, cafeteria or delicatessen uses that are ancillary to a primary use within the Inn/Commercial Use Area or the Retail Use Area (such as a delicatessen within a grocery store);
38. Shipping and wrapping of packages and sale of related items;
39. Not used;
40. Shoe stores;
41. Sporting goods stores;
42. Not used;
43. Travel agents;
44. United States Post Office;
45. Variety stores;
46. Streets, rights of way, service roads, access ways and drive aisles (both private and public);
47. Sidewalks and pedestrian passage ways;
48. Drive through facilities, if implemented in accordance with the Design Standards;
49. Accessory uses customarily incidental to the uses permitted in the Retail Use Area;
50. Any other business that provides for the display and on-site exchange of merchandise for general consumers that is not otherwise prohibited under the City Code;
51. Not used;
52. Not used;

The following conditional uses may be permitted within Lane Parke, but only with the prior written approval of the city council:

1. Daycare centers;
2. Physical therapists;
3. Shoe repair shops;
4. Theaters for the performing arts;
5. Business offices and professional offices.;
6. Barber shops (in addition to the 1 barber shop permitted by right);
7. Beauty shops and hair salons;
8. Interior design shops (that do not include the on-site exchange of merchandise);
9. Nail Salons;
10. Neuromuscular therapists.

Office/Commercial Use Area. Within areas designated Office/Commercial Use Area, the following uses are permitted by right:

1. Any use permitted in the Retail Use Area;
2. Any conditional use permitted within the Retail Use Area but only with the prior written approval of the City Council;
3. Not used;
4. Public and private parking structures;
5. Commercial uses ancillary to the operation of a parking structure, such as administrative space for parking structure management and valet services, an automobile wash/detail service and storage space;