

# PLANNING COMMISSION PACKET

April 27, 2022

**Hello All,**

Enclosed please find your packet for the meeting of May 2, 2022.

For consideration we have:

- 1 rezoning case

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 (May 2, 2022)
- 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**  
**MAY 2, 2022**  
**PRE-MEETING: 5:00 P.M.**  
**REGULAR MEETING: 5:30 P.M.**  
**CITY HALL, 56 CHURCH STREET**  
**MOUNTAIN BROOK, AL 35213**

**MEETING TO BE HELD IN-PERSON, AS WELL AS VIRTUALLY USING ZOOM VIDEO  
CONFERENCING. ZOOM ACCESS INSTRUCTIONS MAY BE FOUND ON CITY WEBPAGE AT:  
MTNBROOK.ORG - CALENDAR (UPPER RIGHT CORNER) - PLANNING COMMISSION  
MAY 2, 2022)**

1. Call To Order
2. Approval of Agenda
3. Approval of Minutes: April 4, 2022
4. **Case P-22-09:** Request to rezone the Country Club Apartments property from Residence-A (single family) district to Residence-D (multi-family) district, for the purpose of additions and alterations to the existing improvements. **-3212 and 3220 Country Club Road**
5. Next Meeting: **Monday**, June 6, 2022
6. Adjournment



### Planning Commission Application PART I

Address of Subject Property 3220 Project Data  
3212 & Country Club RD

Zoning Classification RESIDENCE A

Name of Property Owner(s) COUNTRY CLUB APARTMENTS - JENNIFER NUNNELLEY

Phone Number 205.475.8181 Email JANUNNELLEY@AOL.COM

Name of Representative Agent (if applicable)

Rob Walker

Phone Number 205.542.0342 Email rob@rw4arch.com

Name of Engineer or Surveyor ANDREW KRAMER

Phone Number 205.281.8082 Email ANDREWKRAMERPLS@GMAIL.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.

Rob Walker Architects, LLC  
2229 First Avenue South – Suite 110  
Birmingham, AL 35233  
205-254-3212



April 8, 2022

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

**RE: 3212 and 3220 Country Club Road**

Dear Dana:

The owner of 3212 and 3220 Country Club Road would like to request rezoning the properties from the current designation of Residence A – to the applicable multi-family designation of Residence D. The owner plans to make improvements to the existing garage building on 3220 Country Club Road in the near future. Enclosed with our application is a current survey for both properties, which includes the required information as indicated in the zoning code.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Walker, AIA". The signature is stylized and includes a horizontal line with a small flourish at the end.

Rob Walker, AIA

Cc: Jennifer Nunnelley

- (1) Present zoning classification of the parcel; **Residence A**
- (2) Zoning classification to which the applicant wishes to have the property changed; **Residence D**
- (3) The address, real estate tax parcel identification number and legal description of the parcel, and the size of the parcel in square feet and acreage;  
**3220 COUNTRY CLUB RD  
MOUNTAIN BROOK, AL 35213  
Parcel ID: 2800053001001000  
LOTS 3 & 4 LESS W 50 FT LOT 3 ROCKHOUSE CIRCLE PB 19 PG 33  
Area: 74,664 sf / 1.7140 acres**  
  
**3212 COUNTRY CLUB RD  
MOUNTAIN BROOK, AL 35213  
Parcel ID: 2800053001002000  
LOTS 1 & 2 & W 50 FT OF LOT 3 ROCKHOUSE CIRCLE PB 19 PG 33  
Area: 88,352 sf / 2.0283 acres**
- (4) Name and address of the owner of the parcel; For **both Parcels:**  
**Country Club Apartments  
2829 Thornhill Rd  
Mountain Brook, AL 35213**
- (5) Name and address of the applicant, if he is someone other than the owner;  
**Rob Walker, AIA  
2229 First Avenue South; Suite 110  
Birmingham, AL 35233**
- (6) If the application is made by anyone other than all of the owners of the parcel, written authorization from the other owners with respect to the filing of the application; **See attached authorization from Owner**
- (7) Name and address of any party who holds a mortgage on the parcel, or any part thereof;  
**SouthState Bank  
600 Luckie Drive  
Birmingham, AL 35223**
- (8) Statement of how the parcel is to be used if the rezoning application is granted; **Multi-Family (apartments)**
- (9) A preliminary site plan consisting of, at a minimum, a dimensioned drawing of the parcel showing at least the location of: - **Site plan attached**
- (10) Names and addresses of all property owners, any portion of whose property lies within 500 feet of any portion of the parcel included in the request for rezoning; said names and addresses are to be certified by the tax assessor or a title insurance company; **Owner provided addresses**
- (11) A letter from an attorney or a title insurance company stating whether the parcel which is the subject of the rezoning application is subject to any covenants or restrictions and, if so, a copy of the covenants and/or restrictions; and **See attached**
- (13) Information with respect to how the lots, parcels and dwelling units will be owned and maintained; **Existing apartments are rental units and will be maintained via a property management company as they are currently.**

- (14) A preliminary site plan showing the location and dimensions of all lots upon which dwellings are to be constructed, easements and all facilities to be constructed in any common area, the location of dwelling units, the proposed number of dwellings units and the maximum number of stories in the proposed building and the floor areas and heights of the dwelling units. Development plans should show that the following will be provided: **See attached site plan**
1. Satisfactory provisions for the visual and acoustical privacy of each dwelling unit must be made; and
  2. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of the parcel and the privacy of its occupants, for the screening of views of certain uses and to minimize noise. **Existing wooded buffer encompasses the borders of all adjacent property owners and provides the required screening and acoustical privacy.**

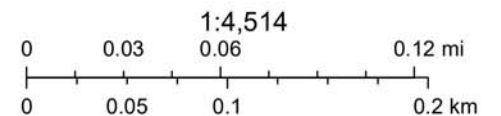
# P-22-09 Zoning Map



4/27/2022, 3:42:47 PM

- CADStreetCenterlines
- InterimTaxParcels
- JeffCoMunicipalBoundary
- JeffcoMunicipalBoundary\_Negative

- Tax\_Parcels 2021
- Residence A District
- Rec-2



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

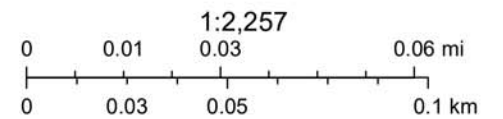


# P-22-09 Aerial



4/27/2022, 3:44:36 PM

..... LotLines 2018 Aerial  
■ Red: Band\_1  
■ Green: Band\_2  
■ Blue: Band\_3



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA | Jefferson County Information Technology Services | Hunter Simmons |



# P-22-09

## ***Petition Summary***

Request to rezone the Country Club Apartments property from Residence-A (single family) district to Residence-D (multi-family) district, for the purpose of additions and alterations to the existing improvements.

## ***Subject Property and Surrounding Land Uses***

The subject property contains twenty-five (25) apartment units. To the east are single family dwellings, as well as to the north and to the west, across Rockledge Road. To the south, across Country Club Road, is the Birmingham Country Club.

## ***Current State of Disrepair***

As may be seen in the attached photos, the east garage (and enclosed storage above) is dilapidated and is undergoing repair. The Fire Marshal has indicated that the second floor enclosed storage area had been in such a state of disrepair that it was a danger to residents using the parking below, as well as to any emergency responders who might be called upon; thus the city asked the property owner to repair the east garage for safety and stability.

The attached photos show that a portion of the second floor enclosed storage has been removed and replaced with an unfinished, wooden guard rail. The remaining enclosed storage has been left “as-is” without any exterior finish or repair.

This second floor storage area is where the two (2) new dwelling units are proposed. No preliminary plans were submitted with this rezoning application, but it is questionable as to whether the garage is structurally sound enough to support new units on top. It is more likely that the garage structure would have to be razed and new structured parking and the two (2) units would be constructed in its place.

## ***Current Zoning and Non-Conforming Status***

The current zoning is Residence-A (single family). The subject development pre-dates the city’s incorporation, and thus the adoption of its original zoning map and zoning code. The earliest municipal zoning map that included the subject property was adopted in 1947, and although the map legend included a category for the Res-D zoning district, the subject property was deliberately zoned Res-A along with the surrounding properties.

The corresponding zoning code from 1947 contained a Res-D multi-family district with development standards very similar to that of today’s Res-D development regulations; so the subject property could have been zoned for multi-family uses had the governing body at the time deemed it to be the appropriate zoning for future development in this neighborhood.

## ***Residence-D Development Standards***

The following is a summation of the Res-D development standards and how rezoning the subject property would or would not align with said standards.

### **Sec. 129-93. Area and dimensional requirements for duplexes and apartment houses.**

(a) *Requirements for development.*

- (1) Minimum total site area 15,000  
..... square feet ✓
- (2) Minimum number of feet of the parcel which must abut a street 100 ✓

(b) *Minimum dimensions of parcels.*

- (1) Minimum width of parcel at all points between the street line and the front setback line 100 feet ✓

(c) *Minimum yards and building setbacks.*

- (1) Minimum front yard setback 35 feet ✗ (29 feet to primary front Country Club Road for east principal structure and 2.1 feet to secondary front Rockledge Road for west garage).
- (2) Minimum rear yard setback 25 feet (NA)
- (3) *Minimum side yard setback.* ✗ (9 feet to the east side property line for the east garage)  
For buildings containing no more than one story 12½ feet  
**For buildings containing more than one story, but less than three feet 15 feet**  
For buildings containing three stories 20 feet

(d) *Building limitations.*

- (1) Maximum building area 37½ percent of the total area of the parcel ? (Applicant did not provide this information, but it appears to conform)

Impervious surfaces are limited to 5 percent more than the allowed maximum building area, as specified in subsection 113-228(e) of chapter 113. ? (Applicant did not provide this information, but it appears to conform)

- (2) Maximum number of stories (3) three ✗ (four stories)
- (3) Maximum building height 45 feet ? (Applicant did not provide this information, but it may be higher than 45 feet)
- (4) Maximum allowable density (1) one dwelling unit per 6,000 square feet of land contained in the parcel. ✓ (6,513/dwelling unit, existing)

### **Sec. 129-95. Offstreet parking areas.**

- (a) *Generally.* All parking spaces and such attendant driveways and other areas as may be necessary for the maneuvering of motor vehicles shall be arranged so as to provide convenient access to and from a paved street or alley. ✗ (All paved interior maneuvering drives and access to public roads are substandard and extremely narrow. The Fire Marshal has indicated that this property is inaccessible to most emergency vehicles and equipment).

All parking spaces, driveways and maneuvering areas shall be paved with asphalt or concrete. **✗**  
(Paved areas along both garages are broken into gravel and need re-paving.)

All such areas shall have adequate storm drainage facilities. **✗** (Given the age of this development it is doubtful that any stormwater drainage considerations have been made implemented.)

(b) *Parking spaces.*

(1) Minimum number of parking spaces required for each dwelling unit two (2). **✗** (The site plan shows a total of 54 spaces, but only 36 are currently striped or accessible to residents; so non-conforming by a deficit of 14 spaces. It may be possible to add another 18 spaces to the property as shown on the site plan for the 25 existing units plus 2 new units.)

(2) Minimum size of each parking space 10 feet wide by 20 feet long **?** (It is unclear as to the dimensions within the garages; however, most of the surface striping shown on the site plan appears to conform to the minimum size for parking spaces.)

(c) *Parking areas in general.*

(1) Minimum setback from any street line 20 feet **✓**

(2) Maximum width of driveway or curb cut for access to and from street 25 feet **✓**

**Sec. 129-96. Additional requirements and provisions.**

(a) *Service yards.* Each building erected in a Residence D District shall be provided with a service yard for the storage of garbage, trash and maintenance equipment. Each such yard shall be located so as to be conveniently accessible by a street, alley or driveway to vehicles collecting such refuse and to occupants of the building or buildings served by such yard. Each such yard shall be paved with asphalt or concrete and shall be enclosed by an opaque wall or fence of permanent construction, at least six feet, but not more than eight feet, in height, and designed and constructed so as to conceal the service yard from visibility from outside such wall or fence. The entrance to the service yard shall be screened by a gate constructed of an opaque material, which gate must be at least six feet, but not more than eight feet, in height. **✗** (There is no service yard; trash cans are lined in a row at both ends of the property.)

(b) *Sidewalks.* Sidewalks of not less than five feet in width shall be provided between any parking area and the building or buildings which they serve, and there shall be a curb between all parking areas and any adjacent sidewalk. The sidewalks shall be paved with concrete or brick. **✗** (none)

(c) *Exterior lighting.* If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel. No lighting fixtures used for any parking area shall be elevated more than 14 feet above the ground, except for a light which is installed on the ceiling of a porch of a dwelling unit and is designed to illuminate only such porch. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture. **?** (The applicant did not include any information about lighting in the application.)

(d) *Fire protection.* No portion of any building shall be located further from a fire hydrant than may be reached with 500 feet of fire hose. **?** (This distance is unconfirmed; but the Fire Marshal has indicated grave concern about the addition of two (2) new units atop the east garage, since the site is already considered by the Fire Marshal to be a hazard for residents and emergency responders, due to limited accessibility for emergency vehicles and apparatus.)

### ***Density***

The maximum density for the Res-D District is one unit per 6,000 square feet, which in the case of the subject four (4) lot acreage would be 27 units (162,836 sf/ 6,000).

### ***Variance Required for New Units***

Given that the east garage (subject units to be atop) is 9 feet from the east side property line, any structural alterations (or addition of new units) will require approve of a side yard variance from the Board of Zoning Adjustment.

### ***Resurvey Required***

If the proposed rezoning is approved by the council, then the four (4) lots would have to be resurveyed into one (1) lot, and said case would come back to the planning commission at that time.

### ***Future Use of Property***

The Land Use Plan (adopted by the planning commission in 2002) indicates a land use designation for “Multi-Family” use on the subject property. However, the question remains for the planning commission and governing body as to whether this site would be appropriate for duplexes, townhomes, or apartments in the event that it were redeveloped. Under the current Res-A zoning the site would revert back to single-family use; whereas if rezoned to Res-D could be used for any multi-family uses allowed in Res-D in the future.

### ***Role of Planning Commission***

The role of the planning commission is to make a recommendation to the city council on the rezoning request.

### ***Affected Regulation***

Article VII, Residence D District; Section 129-93, Area and Dimensional Requirements

Article XXV, Amendments

### ***Appends***

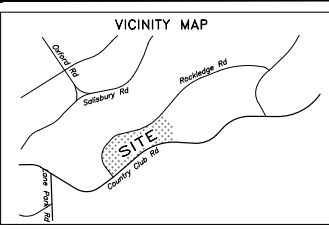
LOCATION: 3212 and 3220 Country Club Road

EXISTING ZONING DISTRICT: Residence-A

PROPOSED ZONING DISTRICT: Residence-D

OWNER: Country Club Apartments, LLC





LEGAL DESCRIPTION

LR 200901-17861  
 Lot 3, except the West fifty feet thereof, and Lot 4, according to the Survey of Rockhouse Circle, a map which is recorded in Map Book 19, Page 33, in the Office of the Judge of Probate of Jefferson County, Alabama.

LR 200901-17865  
 Lots 1, 2 and the West 50 feet of Lot 3, according to the Survey of Rockhouse Circle, a map which is recorded in Map Book 19, Page 33, in the Office of the Judge of Probate of Jefferson County, Alabama.

LEGEND OF SYMBOLS & ABBREVIATIONS

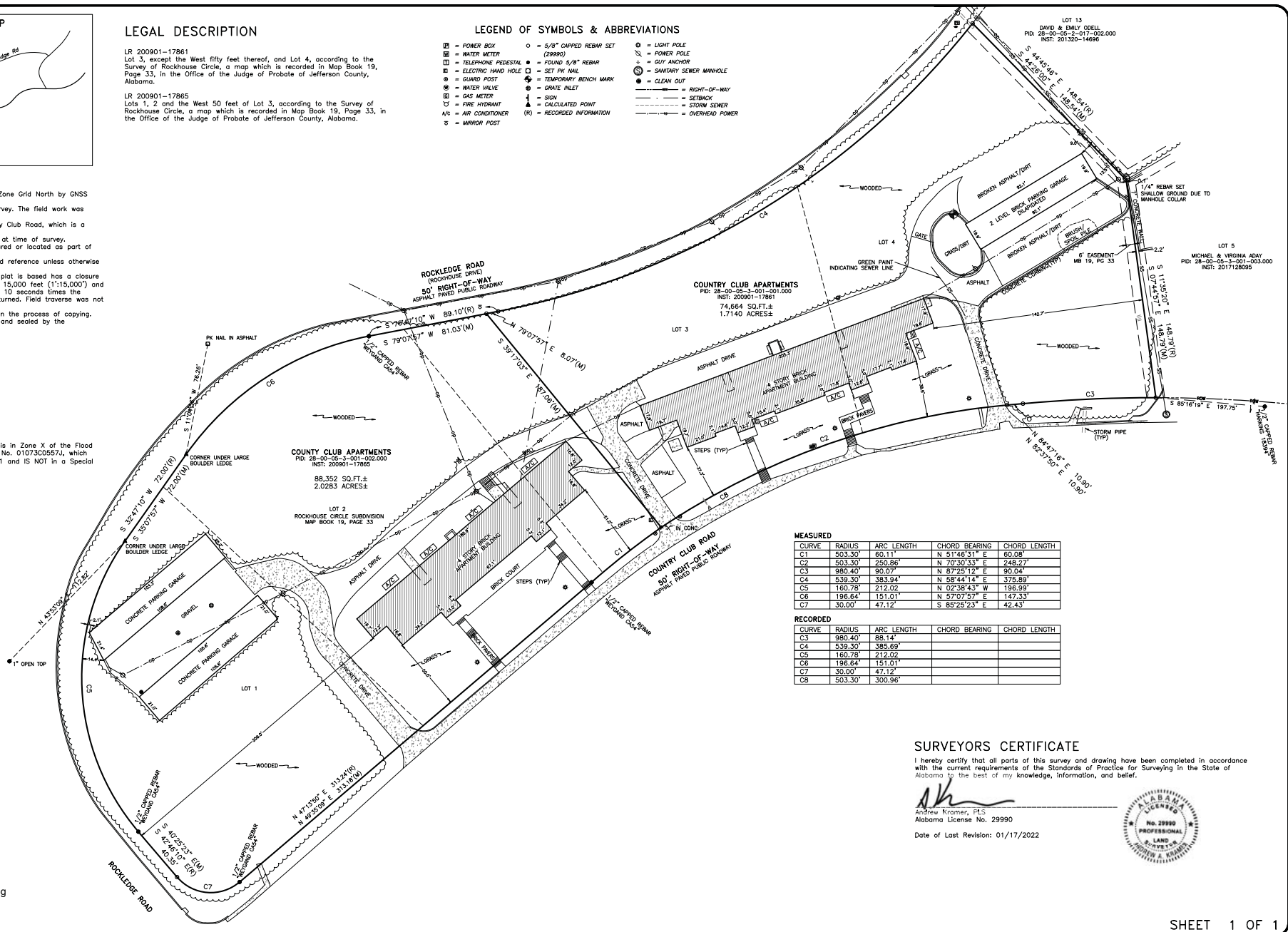
- ☐ = POWER BOX
- ⊠ = WATER METER
- ⊞ = TELEPHONE PEDESTAL
- ⊞ = ELECTRIC HAND HOLE
- ⊞ = GUARD POST
- ⊞ = WATER VALVE
- ⊞ = GAS METER
- ⊞ = FIRE HYDRANT
- ⊞ = AIR CONDITIONER
- ⊞ = MIRROR POST
- = 5/8" CLIPPED REBAR SET (2999)
- = FOUND 5/8" REBAR
- = SET PK NAIL
- = TEMPORARY BENCH MARK
- = GRATE INLET
- ↑ = SIGN
- ▲ = CALCULATED POINT
- (R) = RECORDED INFORMATION
- = LIGHT POLE
- ⊞ = POWER POLE
- ⊞ = GUY ANCHOR
- ⊞ = SANITARY SEWER MANHOLE
- = CLEAN OUT
- = RIGHT-OF-WAY
- = SETBACK
- = STORM SEWER
- = OVERHEAD POWER

GENERAL NOTES

- The bearing base is Alabama West Zone Grid North by GNSS RTK Observation.
- This is a boundary and as-built survey. The field work was performed on 09/30/2021.
- The Property has access via Country Club Road, which is a public right-of-way.
- No interior roadways were observed at time of survey.
- No underground utilities were measured or located as part of this Survey, unless otherwise shown.
- Measured dimensions match recorded reference unless otherwise shown.
- Field data upon which this map or plat is based has a closure precision of not less than one-foot in 15,000 feet (1/15,000") and an angular error that does not exceed 10 seconds times the square root of the number of angles turned. Field traverse was not adjusted.
- This survey may have been scaled in the process of copying.
- This survey is invalid unless signed and sealed by the Professional Land Surveyor.
- No title commitment was provided.

FLOOD ZONE NOTE

By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 01073C02571, which bears an effective date of 09/24/2021 and IS NOT in a Special Flood Hazard Area.



MEASURED				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	503.30'	60.11'	N 51°46'31" E	60.08'
C2	503.30'	250.86'	N 70°30'33" E	248.27'
C3	980.40'	90.07'	N 87°25'12" E	90.04'
C4	539.30'	383.94'	N 58°44'14" E	375.99'
C5	160.78'	212.02'	N 02°38'43" W	196.99'
C6	196.64'	151.01'	N 57°07'57" E	147.33'
C7	30.00'	47.12'	S 85°25'23" E	42.43'

RECORDED				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C3	980.40'	88.14'		
C4	539.30'	385.69'		
C5	160.78'	212.02'		
C6	196.64'	151.01'		
C7	30.00'	47.12'		
C8	503.30'	300.96'		

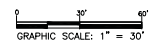
SURVEYORS CERTIFICATE

I 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.

*Andrew Kramer*  
 Andrew Kramer, PLS  
 Alabama License No. 29990



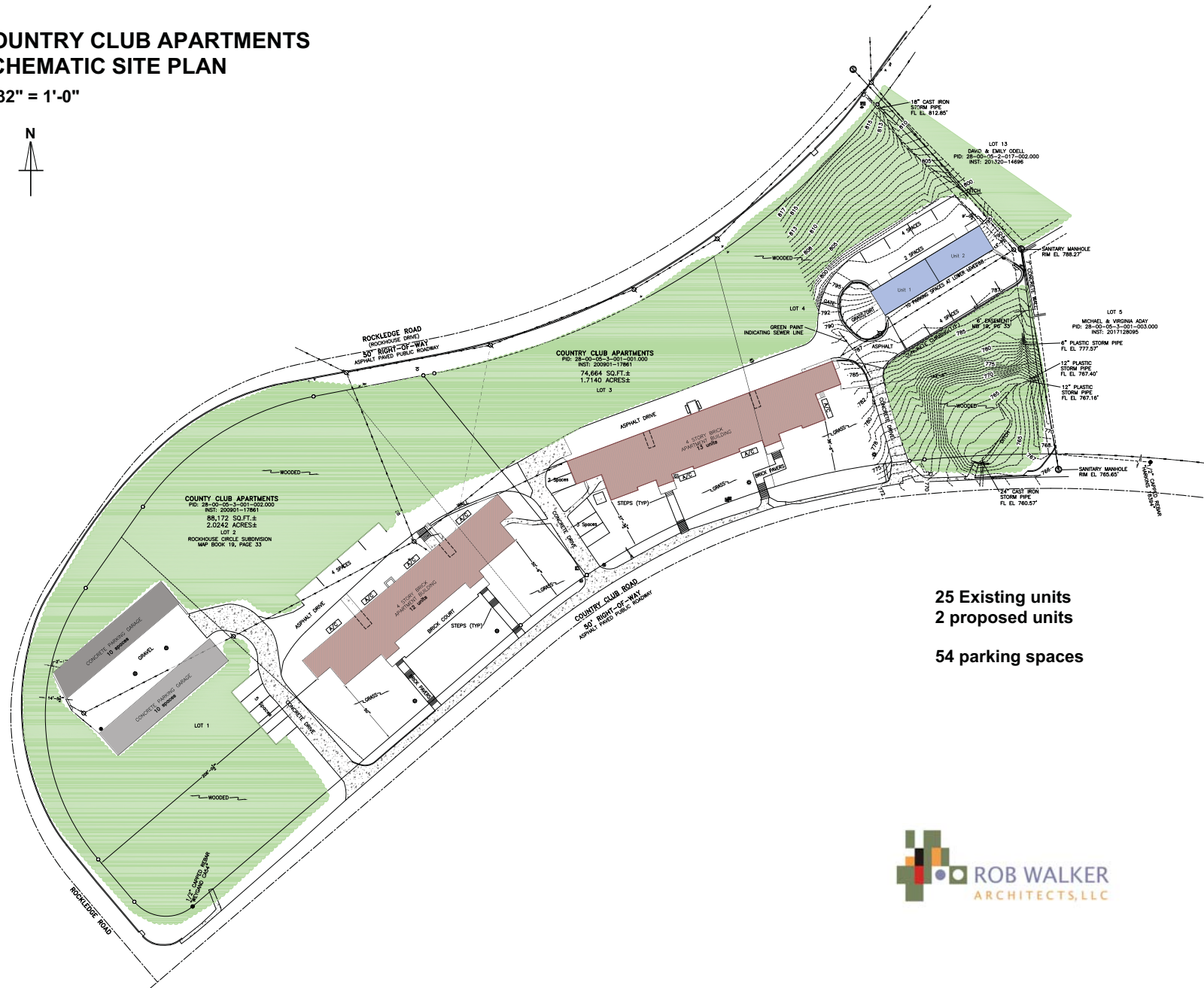
Date of Last Revision: 01/17/2022



Andrew Kramer Land Surveying  
 9340 Helens Road  
 Suite F-190  
 Birmingham, Alabama 35244  
 205-261-6062  
 Project No. AL21-052

# COUNTRY CLUB APARTMENTS SCHEMATIC SITE PLAN

1/32" = 1'-0"































































































**JENNIFER NUNNELLEY**

**ATTORNEY AT LAW**

2829 Thornhill Road  
Birmingham, AL 35213  
(205) 475-8181  
(205) 879-8162 (fax)

April 25, 2022

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

RE: Country Club Apartments – Survey and Title Policy Review

Dear Ms. Hazen:

In the matter of the Application for rezoning of Country Club Apartments, I have reviewed the survey and title policy documents for the parcels located at 3212 and 3220 Country Club Road. The parcels located at 3212 and 3220 Country Club Road are not subject to any covenants or restrictions.

Sincerely,

  
Jennifer Nunnelley

# REDMONT PROPERTIES

2829 Thornhill Road Birmingham, AL 35213  
Phone (205) 871.3488 Fax (205) 879.8162  
[www.RedmontGardens.com](http://www.RedmontGardens.com)

April 25, 2022

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

RE: Rezoning Application Country Club Apartments

Dear Ms. Hazen,

Country Club Apartments of Mountain Brook, LLC, is the owner of Country Club Apartments, located at 3212 and 3220 Country Club Road, Birmingham, Alabama 35213. Rob Walker, AIA, is authorized to represent Country Club Apartments in the process of rezoning the properties from the current designation of Residence A – to the applicable multi-family designation of Residence D.

Sincerely,



Jennifer Nunnelley

for Country Club Apartments of Mountain Brook, LLC