

Board of Adjustment Agenda

December 17, 2015 – 5:00 pm

Council Auditorium

City Hall, 103 N. Perry St.

BOARD OF ADJUSTMENT MEMBERS

John Stanley, *Chairman*

K. T. Brown, *Vice-Chairman*

Beau Holmes

George C. Howell, Jr.

Steve Hughes

Bart Prince

Pickett Reese

Jennifer Shaw

Nathan Williams

**Planning Controls Division
25 Washington Ave., 4th Floor
Montgomery, AL 36104
(334)625-2722**

- I. Chairman's Message
- II. Approval of Minutes from the November 19, 2014 meeting

December 17, 2015

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1979-022	Lee Sims	R-100	2515 Woodley Road (Hospital – Special Exception)	1
2.	2015-070	Penny Patterson	R-60-s	403 Woodhaven Court (Chickens – Special Exception)	2
3.	2015-071	Flowers & White Engineering	B-2	3341 Ashley Road (Church – Special Exception & Master Plan)	3
4.	2015-069	Josh Cobb	B-2	1408 Madison Avenue (Variance to Ord. 17-2014)	4
5.	2014-045	Goodwyn, Mills & Cawood	T5	79 Commerce Street (Exception to SmartCode)	5

The next Board of Adjustment meeting is on January 21, 2016

1. BD-1979-022 **PRESENTED BY:** Lee Sims

REPRESENTING: Hospice of Montgomery

SUBJECT: Request a special exception for a hospital to be located at 2515 Woodley Road in an R-100 (Single-Family Residential) Zoning District.

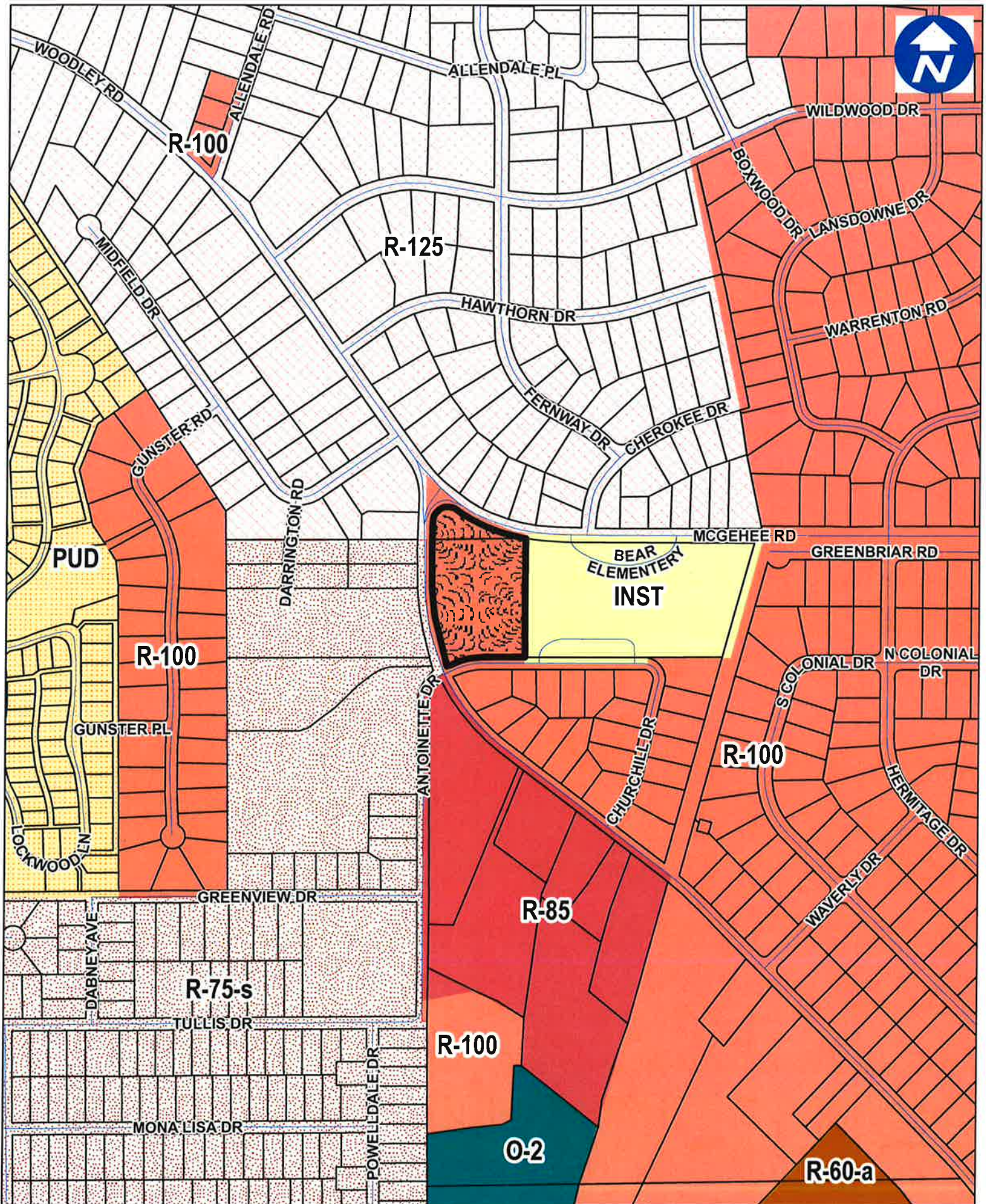
REMARKS: This request is being made to give the petitioner permission to operate a hospital facility (hospice) and administrative offices in an existing building. This will be a 10 bed inpatient facility for hospice care, with plans for an additional 10 beds in the future. Parking exceeds the requirement of one (1) space for each three (3) beds. Hospitals are permitted in any district on appeal to the Board of Adjustment.

The request is a special exception for a hospital (hospice).

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 500 feet

Item 1A



SITE 

1 inch = 200 feet
Item 1B

2. BD-2015-070 **PRESENTED BY:** Penny Patterson

REPRESENTING: Gary McKim

SUBJECT: Request a special exception for chickens to be located at 403 Woodhaven Court in an R-60-s (Single-Family Residential) Zoning District.

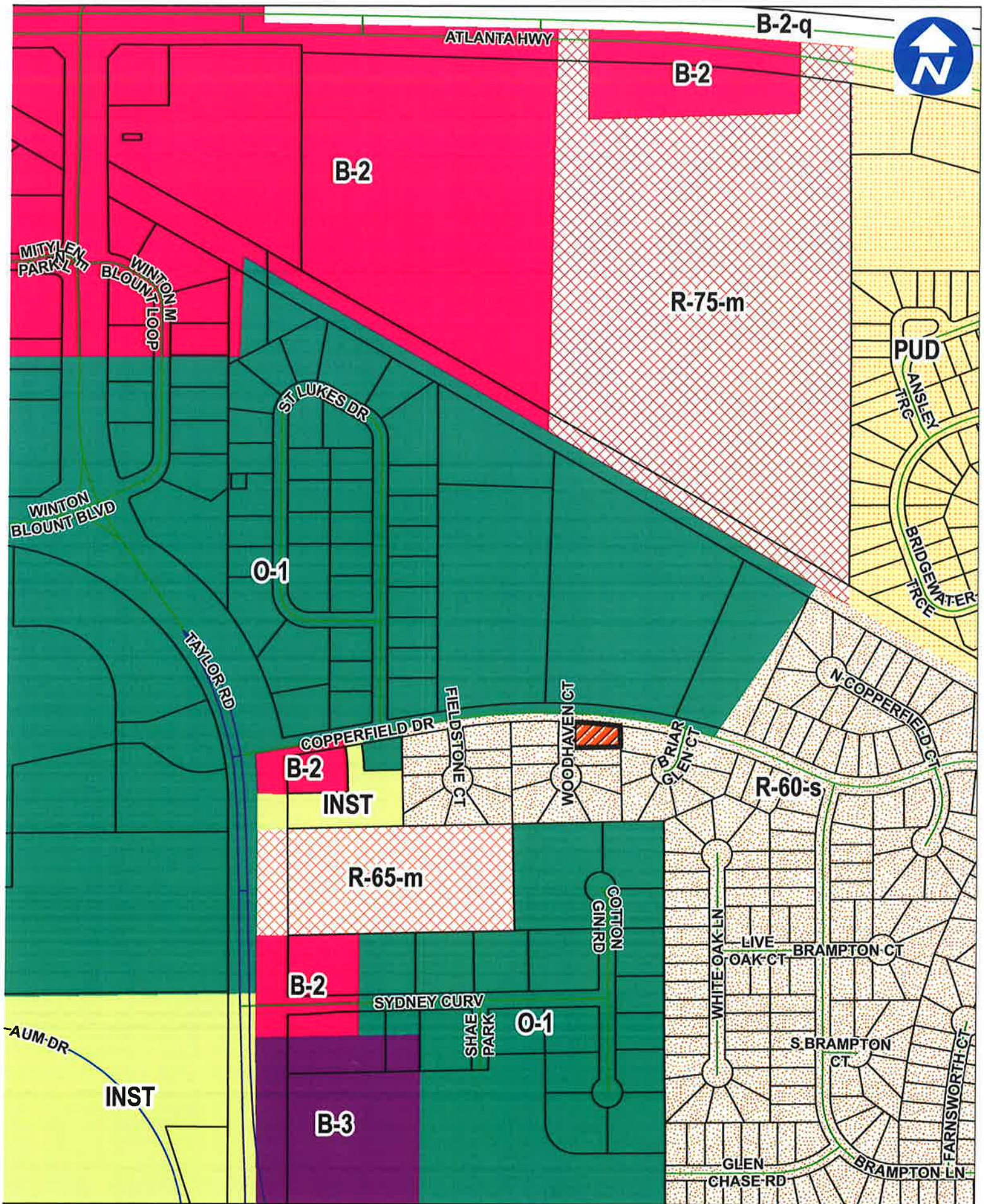
REMARKS: This request is being made to give the petitioner permission for 6 chickens to be kept in the rear yard. If approved, the petitioner will install a coop in accordance with the Guidelines for Chickens.

The request is a special exception to keep 6 chickens.

COUNCIL DISTRICT: 8

COMMENTS _____

ACTION TAKEN: _____



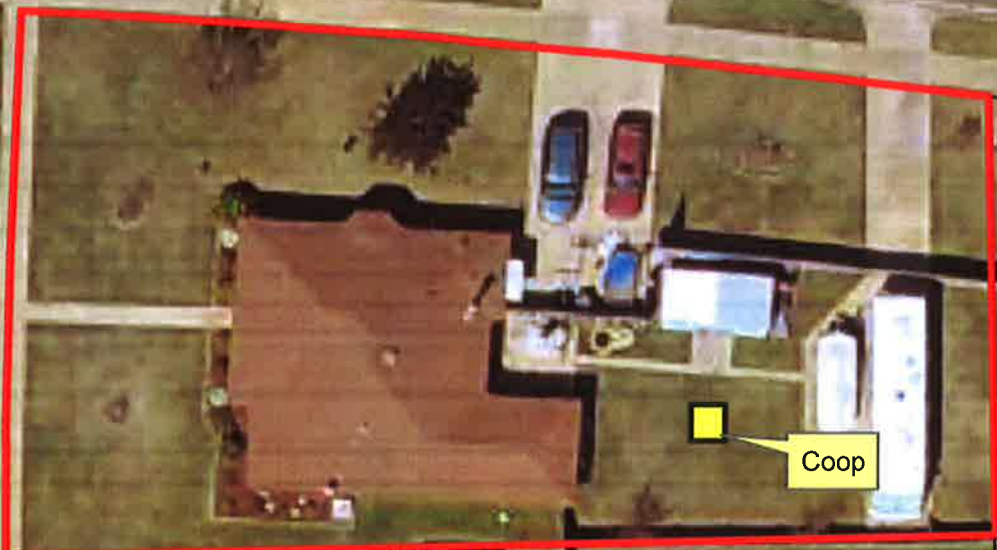
SITE 

1 inch = 400 feet
Item 2A



COPPERFIELD DR

WOODHAVEN CT



Coop

SITE 

1 inch = 30 feet
Item 2B

3. BD-2015-071 **PRESENTED BY:** Flowers & White Engineering

REPRESENTING: Little Bethel Primitive Baptist Church

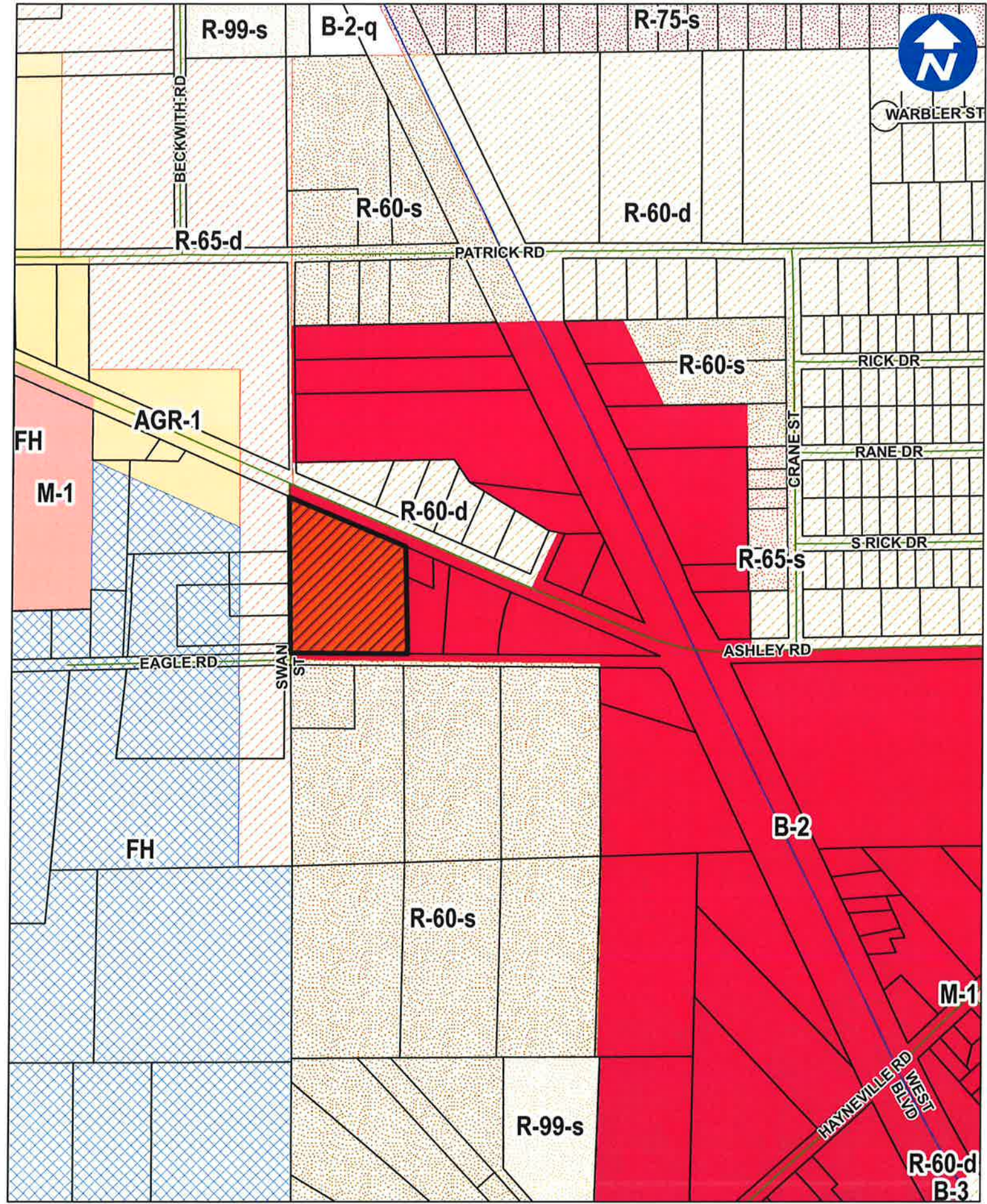
SUBJECT: Request a special exception for church use and approval of a master plan for a new church to be located at 3341 Ashley Road in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 7,626 sq. ft. church. There are 103 parking spaces indicated on the site plan, whereas 58 spaces are required for the 288 seat sanctuary. There is one (1) access drive to Ashley Road. All other applicable requirements will be met.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



WARBLER ST

SITE 

1 inch = 400 feet

Item 3A



SITE 

1 inch = 200 feet
Item 3C

4. BD-2015-069 **PRESENTED BY:** Josh Cobb

REPRESENTING: Barra

SUBJECT: Request a variance to Ordinance 17-2014 for a building located at 1408 Madison Avenue in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to continue to operate a lounge, which will service alcoholic beverages, in an existing building. This hookah lounge has been in existence for several years; however they have only served wine and champagne. The petitioner is applying for a Lounge Retail Liquor-Class I license; which would require the 250 ft. distance from any residential district boundary. The front door comes within 60 ft. of a residential district boundary, whereas 250 ft. is required. The closest structure is approximately 150 ft. from the front door of this establishment.

Ordinance 17-2014

Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum setback for structures shall be 250 ft. from any residential district boundary or planned unit development residential boundary (based on approved master plan). The distance for setback shall be measured from the closest door of the building, or closest door of a tenant space in a multi-tenant building, to any residential or PUD residential district line. Facilities operating prior to the adoption of this ordinance shall be considered legal non-conforming.

The variance requested is a 190 ft. variance to the required 250 ft. buffer.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



INST

VONGRA AVE

R-60-s

N HOPPER ST

MADISON AVE

B-2

O-1

LLOYD ST

S HOPPER ST

M-1

R-60-s

250 ft. buffer 

1 inch = 100 feet

Item 4A



250 ft. buffer 

1 inch = 100 feet
Item 4B

5. BD-2014-045 **PRESENTED BY:** Goodwyn, Mills & Cawood

REPRESENTING: CBD Montgomery, LLC

SUBJECT: Request an exception to SmartCode Landscape Standards for an existing development located at 79 Commerce Street in a T5 (SmartCode) Zoning District.

REMARKS: This request is being made to give the petitioner permission to remove three (3) existing Everclear Elm's on the Private Frontage on Bibb Street (closest to Commerce Street), and install Emily Bruner Holly's. The Everclear Elm would interfere with the canopy that will be installed along Bibb Street for the restaurant (Mellow Mushroom) that will be located at the corner of Bibb Street and Commerce Street. SmartCode requires a minimum of one tree to match the species of street trees on the Public Frontage to be planted in the first layer of the Private Frontage; and that trees shall be a species with shade canopies that, at maturity, remain clear of the building frontages. The proposed Emily Bruner Holly would not match the species on the Public Frontage; therefore an exception is required.

The requests is an exception to allow three (3) Emily Bruner Holly's on the Private Frontage on Bibb Street closest to Commerce Street.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 200 feet

Item 5A

LANDSCAPE SCHEDULE

SYMBOL	DESCRIPTION	SIZE & SPACING	QUANTITY
TREES			
(Symbol)	W/PO PURYFOLL BOUNTY EVERGREEN LICEBARK ELM	2" CAL PER DIA	1 EA
(Symbol)	QUERCUS PHELLOS W/PO DIA	2" CAL PER DIA	1 EA
(Symbol)	QUERCUS NUTTALLI NUTTALL OAK	2" CAL PER DIA	3 EA
(Symbol)	LEAFY BRUNER BRUNER HOLLY	8" HT 170" DIA	3 EA
SHRUBS			
(Symbol)	LEAFY CORNUS CORNUS LINDERA VOLL	1 GAL 18" OC	1 EA
(Symbol)	LEAFY CORNUS NEEDLEPOINT NEEDLEPOINT HOLLY	1 GAL 18" OC	1 EA
GROUND COVER AND GRASS			
(Symbol)	EMERALD GARDEN LIRIOPE LIRIOPE MUSCINE	1 GAL	21 EA
(Symbol)	CYNCHON QUINCY ON TRAIL 18" W/PO BENTONIA SOD	SOLID SOD	100 SQ

3 Everclear Elms to be replaced with Emily Bruner Holly.

5B

HATCHED AREA TO BE FILLED BACK IN WITH 3" OF TOPSOIL THAT WAS REMOVED. TOPSOIL TO BE IN PLACE PRIOR TO PLANTING OF THESE TREES.

NUTTALL OAK 3" CAL 1 EA. THESE ARE REPLACEMENT TREES EXISTING OAKS WERE REMOVED DURING CONSTRUCTION.

EMILY BRUNER HOLLY 3 8" HT 170" EA. EXISTING ELMS ARE TO BE REMOVED. REPAIR IRRIGATION WAS NEEDED.

WILLOW OAK 3" CAL 3 EA. THESE ARE REPLACEMENT TREES EXISTING OAKS WERE REMOVED DURING CONSTRUCTION.

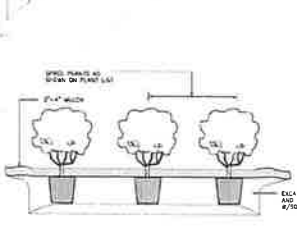
NEENAH FOUNDARY R-2110 AVENUE COLLECTION. IS COMPLIANT/ PEDESTRIAN FRIENDLY TREE GRATE. (3 TOTAL) 920/125-1000

TREE PITS TO BE EQUAL DISTANCE EXACT LOCATION TO BE ADJUSTED IF REQUIRED TO AVOID UTILITY CONFLICT.

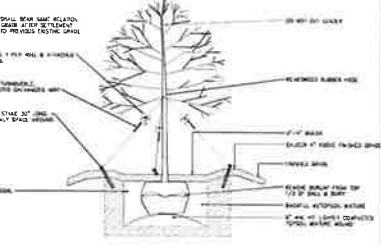
PERMEABLE PAVER BY HARDSCAPE USA, MODEL STYLE ECO-PRIORA, COLOR: BY ARCHITECT CONTACT: BLOCK USA JON STEWART, 334/201-0530

PERMEABLE PAVER BY HARDSCAPE USA, MODEL STYLE: ECO-PRIORA, COLOR: BY ARCHITECT CONTACT: HARDSCAPES USA 800-338-1902

- EMERALD LIRIOPE 1 GAL 18" OC 1 EA
- EVERCLEAR ELM 2" CAL 3 EA
- NEEDLEPOINT HOLLY 1 GAL 18" OC 1 EA
- CAROLINA HOLLY 1 GAL 18" OC 1 EA



A TYP. SHRUB BED PLANTING DETAIL



B TYP. TREE PLANTING DETAIL

PLANTING NOTES:

- TREES ARE TO BE PROVIDED BY PLANTATION TREE COMPANY. LUNULEN TREES ON ROAD SPRINGS OR SITES APPROVED BY LANDSCAPE ARCHITECT FIRM TO BE.
- THE CONTRACTOR SHALL VERIFY THE TOTAL QUANTITIES INDICATED IN THE PLANT LIST WITH THE QUANTITIES SHOWN ON THE PLAN. THE CONTRACTOR SHALL PROVIDE THE QUANTITIES REQUIRED TO COMPLETE THE PROPOSED PLANTING AS INDICATED ON THE PLAN.
- ALL PLANTS SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK SPECIFICATIONS (ANSI Z60.1) AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. PLANTS NOT CONFORMING TO ANSI SPECIFICATIONS WILL BE REJECTED.
- PLANT MATERIAL Nomenclature TO CONFORM TO HORTUS THIRD A CONDENSED DICTIONARY OF PLANTS CULTIVATED IN THE UNITED STATES AND CANADA (2004 EDITION). NAMES NOT LISTED WILL COMPLY WITH THOSE MOST COMMONLY USED IN THE TRADE. IN ALL CASES BOTANICAL NAMES TAKE PRECEDENCE OVER COMMON NAMES.
- THE LANDSCAPE ARCHITECT MAY INSPECT ALL PLANT MATERIAL AND PLANTING SOIL MIXTURE FOR QUALITY AND CONSISTENCY. ANY PLANT MATERIAL FAILING TO MEET REQUIRED STANDARDS OR ANY PLANT NOT PROPERLY INSTALLED USING THE SPECIFIED MIX WILL BE PROPERLY REPLACED AT THE CONTRACTOR'S EXPENSE.
- VERIFY LOCATION OF ALL UTILITIES IN THE FIELD BEFORE BEGINNING WORK. REPAIR DAMAGED UTILITIES TO OWNERS SATISFACTION AT NO ADDITIONAL COST.
- REMOVE 1" HIGH SILT ANY LUMBER, SHILLS AND/OR SHIELDS IN CON LINE WITH PLANTING PLAN.
- STAKE TREE LOCATIONS AND PLANTING BED PERIMETER FOR APPROVAL BY ARCHITECT BEFORE INSTALLATION. ADJUST STAKE LOCATIONS AS DIRECTED. ALL PLANTS ARE SUBJECT TO FIELD ADJUSTMENT UNDER THE DIRECTION OF THE LANDSCAPE ARCHITECTS.
- ALL PLANTS ARE TO BE INSTALLED WITH A PLANTING SOIL MIXTURE OF TWO PARTS TOPSOIL, AS SPECIFIED, ONE PART DECOMPOSED ORGANIC MATTER, ONE PART SAND. PRE-MIX SOIL MIXTURE BEFORE PLACING IN BED.
- ALL SHRUBS IN PARKING LOT ISLANDS ARE TO BE PLANTED 2' FROM BACK OF CURB TO ALLOW FOR BETTER PEDESTRIAN CIRCULATION.
- SPECIFIED TOPSOIL PROVIDE NEW TOPSOIL THAT IS FERTILE, FRANK, NATURAL, LOAM, SURFACE SOIL, READILY AVAILABLE, FREE OF SUBSON, CLAY LUMPS, BRUSH, WICKS, AND OTHER LITTER AND FREE OF NITS, STUMPS, STONES LARGER THAN 2" IN ANY DIMENSION AND OTHER EXTRANEUS OR TOXIC MATTER TO PLANT GROWTH. AMEND AS PER RECOMMENDATIONS OF SOIL TEST.
- ALL TREES AND PLANTING BEDS ARE TO BE MULCHED WITH 4" OF FINE STRAW THAT IS FREE FROM LEAVES, TWIGS, INSECTS, GRASSES, WEEDS, PLANTS AND THEIR SEEDS, OTHER FOREIGN MATERIAL AND ANY SUBSTANCE HARMFUL TO PLANT GROWTH.
- MAINTAIN ALL PLANT MATERIAL AND LAWNS UNTIL THE JOB IS ACCEPTED IN FULL BY THE LANDSCAPE ARCHITECT. UNLESS OTHERWISE SPECIFIED, MAINTENANCE INCLUDES WATERING, WEEDING, MULLING, STRAW TEAR, MOULDING, FERTILIZING ETC AS SPECIFIED.
- REMOVE FROM SITE ANY PLANT MATERIAL WHICH IS SHOWN ON DISPLAYS WITHIN 3 DAYS OF THE PLAN DATE. REMOVE IMMEDIATELY IF NOT APPROVED SPECIFIC TO THE PLAN.
- THE CONTRACTOR IS RESPONSIBLE FOR ACHIEVING AND MAINTAINING ADEQUATE DRAINAGE FROM ALL PLANTING BEDS.
- CONTRACTOR SHALL PROVIDE WARRANTY ON ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR BEYOND THE DATE OF SUBSTANTIAL COMPLETION.
- ALL PLANTS TO BE PROVIDED BY AN APPROVED NURSERY (SEE LIST ON SHEET 10).

ISSUE DATE

Montgomery CBD Mixed Use Project for Montgomery CBD LLC



LANDSCAPE & HARDSCAPE PLAN

GOODWYN MILLS | CAWOOD
9000 Eastchase Lane, Suite 200 | Montgomery, AL 36117
TEL: 334.371.3300 | GCM@NETWORK.COM

GCM/MODS

FINAL

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