

Zoning & Land Use Committee — Preliminary Report

**Crestline Neighborhood Association · Regular Meeting Presented by Josh Goodwin,
Committee Chair Subject: the St. Peter's project at 605 Hagood Street — status of the
required street improvements**

PRELIMINARY REPORT — August 27, 2026. The City's responses to fifteen public records requests were due August 26. The committee was told verbally, at the counter, that the requests had been denied — without written notice, without itemization, and without any grounds stated. Written notice has since been requested under Ala. Code § 36-12-40. The City's Office of Public Information is now searching for the waiver document directly. The closing paragraph of this report will state what was produced, or was not. Every quotation below is word-for-word from its source.

The short version: the City has confirmed in writing that the approved plan omits the curb, gutter, and storm sewer the regulations require — and no one, at the City or at the church, will name the document that makes that omission lawful.

1. What the neighborhood was told

- **May 28, 2025** — at the pre-vote meeting at the church, the secretary's written summary records the church's presentation on drainage: *"The property will control water runoff with systems designed by Schoel Engineering."*
- **June 5, 2025** — this Association voted **62–2**, with 75 people present, on one question only: the front-yard parking variance. A written statement entered into the record that night said so explicitly — the vote indicated support or opposition for nothing else. The street improvements were never on the table, because they were never the neighborhood's to grant or waive. They are the City's own requirements, and the neighborhood has relied on the City to enforce them.

2. What the City has now confirmed, in writing

On **August 4, 2026**, Phillip C. Montgomery, P.E., Senior Civil Engineer – Watershed, Department of Planning, Engineering & Permits, confirmed:

"The approved plan does not include curb and gutter and storm drainage along Hagood but does include sidewalk along the frontages of Hagood and Dunston."

He also confirmed that the building permit *"is standing on CNS2025-00051"* — civil drawings filed **December 17, 2025** — and that the one application filed since that declared a storm sewer (June 8, 2026) was *"filed in error by the contractor"* and has been withdrawn. Nothing has replaced it. Jefferson County rejected the storm drain, curb and gutter design on **March 30, 2026**, because the curb and gutter were drawn on top of the County's sanitary sewer main; the committee is aware of no resubmission to the County since.

3. What the regulations say

The City’s Subdivision Regulations (as amended July 6, 2016) place standard curb and gutter, sidewalks, and adequate storm sewers on **one schedule of required improvements** (Section 6.1.A). Section 5.5.A: “*All subdivisions shall be provided with adequate storm sewers.*” The regulations provide exactly two forms of relief: a written **waiver** under Article 7, applied for and granted; or a **Section 6.2 deferral** — an improvement agreement approved by the City Attorney, secured by a performance bond, decided by the Subdivision Committee.

4. The question we have asked, and to whom

Date	Asked of	Status
Aug 4	Mr. Montgomery (PEP): does an Article 7 waiver exist — and if not, how does the plan comply?	Unanswered
Aug 11	Mr. Montgomery, again — noting storm drainage materials staged on site	Unanswered
Aug 18	St. Peter’s Senior Warden John Turner, after he wrote that the church has “ <i>complied with all regulations and measures from the city in permitting this project</i> ” — produce the waiver, or revise the plan	Unanswered
Aug 20	Roderick Lowe, Subdivision Planner: does either an Article 7 waiver or a Section 6.2 agreement and bond exist — and if neither, will the plan be required to comply, on what timeline?	Answered Aug 24 — quoted in full below

On **August 24**, Mr. Lowe replied. His answer, quoted in its entirety:

“You will need to submit a public records request to have these questions answered.”

That is one sentence. It does not say a waiver exists. It does not say one doesn’t. And the second question — will the plan be required to comply, and on what timeline — is not a records question at all: it asks about a decision, not a document. The records requests he points to have been pending with the City Clerk since August 5; responses were due August 26.

Fifteen public records requests were hand-filed with the City Clerk on **August 5–6**, date-stamped, covering the waiver, any improvement agreement and bond, the plan sets, and the related case files. Under the City’s published policy, responses were due **August 26**. On that date

the committee was told verbally, at the counter, that the requests had been denied. It was not told which requests were denied, how many, or on what grounds, and was not copied on the email conveying the denial. On August 27 written denial notice was requested under Ala. Code § 36-12-40, which requires each denial and its statutory basis to be identified. Additional, narrower requests — for the Article 7 waiver and the Section 6.2 agreement and bond — were hand-filed on August 26 and are date-stamped. Also on August 27, Rick Journey of the City’s Office of Public Information telephoned to say the waiver request is approved and that he is looking for the document personally; Edward T. Bowser, Deputy Director of Communications, wrote that he would “do my best to run things down, though I may not be able to contact all parties until tomorrow.” Whatever is produced, or not produced, will be reported plainly. *(Nothing is characterized as lost or delayed: the requests as filed are complete, and their status is the City’s to answer.)*

One record the committee confirmed directly this week, on the City’s public portal: subdivision case **SUB2026-08010**, described by the City as “A request to waive the sidewalk installation requirements associated with the ST. PETER’S ANGELICAN CHURCH RESURVEY” (spelling theirs) — still showing status **Pending** as of August 27, four months after the church wrote on April 29: “We have officially withdrawn our request for the Waiver on construction of the sidewalk... I see no reason to meet.” A check of all seven City records for this project on August 27 shows no change to any of them since August 4.

5. Why this matters to every person in this room

The number one traffic concern in this neighborhood is speeding on Hagood. Any marked pedestrian crossing on that street — wherever one is eventually placed — runs into the same physical constraint. Here it is in the Department of Transportation’s own words, the reason it declined to stripe a crosswalk at Gladstone and Hoadley this February:

“There is no ADA compliant receiving cross ramp here.”

A marked crossing requires ADA ramps on both sides. Ramps require a curb. **Along the church’s frontage, the curb and gutter is exactly what the approved plan omits.** That is a question of physical infrastructure — not of any variance, not of any application, and not of where a crossing ought to go. Where it goes is the Traffic and Infrastructure Committee’s question to answer, and this committee takes no position on it.

Pedestrian improvements on Hagood are not a new concern and not a reaction to any dispute. They have been on the Traffic and Infrastructure Committee’s written priorities list since **October 2025** — published in the official October 23, 2025 meeting agenda, presented at that meeting per the minutes, and transmitted to BDOT by the City itself on October 21, 2025.

6. Where this goes next

Every avenue now runs through one gate: the records responses. The engineer has answered the factual question; the planner has referred the paperwork question to the records process; the church has been asked, in writing, to produce the paperwork or put the improvements back on the drawings while its contractor is still mobilized on Hagood. The committee will report each development as it lands, from documents, with dates.

Sources on file: Secretary’s meeting summary of May 28, 2025; CNA minutes of June 5, 2025; email of Phillip C. Montgomery, P.E., Aug 4, 2026; Subdivision Regulations of the City of Birmingham (2016), §§5.5.A, 6.1.A, 6.2, Art. 7; correspondence of Jul 30–Aug 24, 2026; City public portal captures of Jul 27–Aug 20, 2026; date-stamped records requests of Aug 5–6, 2026.

Appendix A — Timeline of record (March 30 – August 26, 2026)

Date	Event
Mar 30	Jefferson County ESD rejects the storm drain / curb & gutter design (drawn over the County sanitary sewer main)
Jul 30	Lowe’s spring assurance (“no building permit without a complete storm sewer plan” — John Trott present) put to him in writing
Jul 31	Lowe: “I don’t review building permits. I only administer the Subdivision Process for zoning.” Does not dispute the assurance
Aug 4	Montgomery in writing: permit stands on the Dec 2025 drawings; June application “filed in error by the contractor,” withdrawn; no curb, gutter, or storm drainage along Hagood in the approved plan; the excavation permit is “water service connections”
Aug 4–11	The two compliance questions (Article 7 waiver? if not, how does the plan comply with §§5.5.A/6.1.A?) asked twice. Unanswered
Aug 5–6	Fifteen records requests, date-stamped, City Clerk. Acknowledgment expected ~Aug 19 — none arrived. Responses due Aug 26. Do not characterize the requests as lost, stalled, or unrouted in any public statement — status is the City’s to answer
Aug 17–18	Turner: church “ <i>complied with all regulations and measures from the city in permitting this project</i> ”; Todd: name any error and it will be corrected publicly; produce the §7.2.A waiver or revise the plan. Unanswered since
Aug 20	Letter to Lowe: Article 7 waiver or §6.2 agreement+bond — does either exist; if neither, will the plan be required to comply, on what timeline. Lowe out of office until Aug 24 (auto-reply on file — delivery proof)

Date	Event
Aug 24	Lowe replies, in full: “You will need to submit a public records request to have these questions answered.” No waiver named, no agreement named. Question 2 — compliance and timeline, not a records question — unanswered
Aug 20	SUB2026-08010 confirmed live on the public portal: Subdivision record, status Pending , description “...ST. PETER’S ANGELICAN CHURCH RESURVEY” (spelling theirs). Added to the daily tracker
Aug 20–21	Refile packets built for records items 7 (Art. 7 waiver) and 8 (§6.2 agreement/bond), addressed to the Zoning Division, for hand-delivery — additive, original Aug 26 clock unaffected
Aug 26	Refile packets filed. Response deadline for the original fifteen requests passes. No records received. The City’s public information office indicates a response is coming

Discipline note carried forward: the records requests are not characterized as lost, stalled, or unrouted in any public statement — their status is the City’s to answer. Also open for counsel: the Aug 5–6 records deadline of Aug 26; the two hand-delivered refile packets (Article 7 waiver; §6.2 agreement and bond) addressed to the Zoning Division.