# **CITY OF VESTAVIA HILLS**

# PLANNING AND ZONING COMMISSION

# AGENDA

# AUGUST 11, 2016

# 6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: July 15, 2016

### Final Plats

- (1) Consent Agenda:
- A. P-0816-36 Liberty Park Joint Venture, LLP Is Requesting Final Plat Approval For Heritage Hills-Phase I Resurvey No. 5. The Purpose For This Request Is To Amend Easement Lines. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PR-1.
- B. P-0816-37 City of Vestavia Hills Is Requesting Final Plat Approval For Resurvey Of Lot 1A Added Sign Easement Patchwork Farms. The Purpose For This Request Is To Add An Easement. The Property Is Owned By Patchwork Retail Venture, LLC and Is Zoned Vestavia Hills PB.
- C. P-0816-38 Benjamin Strout Is Requesting Final Plat Approval For Resurvey of Lot 2 Palmer's Estate. The Purpose For This Request Is To Create A 2 Lot Subdivision. The Property Is Owned By Benjamin Strout and Is Zoned Vestavia Hills E-2.

# **Rezoning/Conditional Use Recommendations:**

- (2) P-0816-33 Malcolm S. McLeod Is Requesting Conditional Use Approval For Two Chickens Located At 724 Paden Dr. The Property Is Owned By City of Malcolm S. McLeod And Is Zoned Vestavia Hills R-2.
- P-0816-35
   Cahaba Heights Corner, LLC & Bob Armstrong Is Requesting Rezoning for 3017 Cahaba Heights Rd. from Vestavia Hills O-1 and Vestavia Hills B-3 to Vestavia Hills B-1.2 For The Purpose Of Commercial Development.

Time of Adjournment.

# **CITY OF VESTAVIA HILLS**

# PLANNING AND ZONING COMMISSION

# **MINUTES**

# JULY 14, 2016

# 6:00 P.M.

The Planning and Zoning Commission of the City of Vestavia Hills met in regular session on this date at 6:00 P.M. following posting/publication as required by Alabama law. The roll was called with the following:

#### **MEMBERS PRESENT:**

Lyle Larson, Chairman Brian Wolfe Fred Goodwin Deloye Burrell Greg Gilchrist Jim Sharp

**MEMBERS ABSENT**:

Jim Brooks Bill Visintainer Blaine House

**OTHER OFFICIALS PRESENT:** 

Conrad Garrison, City Planner Christopher Brady, City Engineer

# **APPROVAL OF MINUTES**

Mr. Larson stated that the minutes of the meeting of June 9, 2016 are presented for approval.

**MOTION** Motion to approve minutes as presented was by Mr. Burrell and second was by Mr. Gilchrist. Voice vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes Mr. Wolfe – yes Motion carried. Mr. Burrell – yes Mr. Sharp – yes Mr. Larson – yes

#### **Consent Agenda/Final Plats:**

 A. P-0716-32 Chris Freeman Is Requesting Final Plat Approval For Freemans Biltmore Estate Resurvey. The Purpose For This Request Is To Resurvey Lot Lines. The Property Is Owned By Chris Freeman and Is Zoned Vestavia Hills R-3.

**MOTION** Mr. Gilchrist made a motion to approve item A. Second was by Mr. Sharp. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes Mr. Wolfe – yes Motion carried. Mr. Burrell – yes Mr. Sharp – yes Mr. Larson – yes

Conrad Garrison, City Planner

# **CITY OF VESTAVIA HILLS** SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

# Date: AUGUST 11, 2016

- <u>CASE</u>: P-0816-36
- **<u>REQUESTED ACTION</u>**: Heritage Hills-Phase I Resurvey No. 5
- <u>ADDRESS/LOCATION</u>: Heritage Hills Way
- APPLICANT/OWNER: Liberty Park Joint Venture, LLP
- **<u>REPRESENTING AGENT</u>**: Schoel Engineering
- <u>GENERAL DISCUSSION</u>: Plat is amending storm sewer easements. An easement will be removed from Lot 898B and added to lots 899A and 898B.
- **<u>LIBERTY PARK PUD</u>**: This request is consistent with the PUD for single family residential.

#### • **<u>STAFF REVIEW AND RECOMMENDATION</u>**:

**1. City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

- 2. City Engineer Review: No problems noted.
- 3. City Fire Marshal Review: No problems noted
- 4. Building Safety Review: No problems noted

**P0816-36**//**27-9-2-150,151&149 4861,4865&4857 Heritage Hills Way** Final Map Liberty Park Joint Venture, LLP

P&Z Application Page 3

# CITY OF VESTAVIA HILLS PLANNING AND ZONING COMMISSION FINAL MAP APPLICATION

### II. APPLICANT INFORMATION: (owner of property)

NAME: Liberty Park Joint Venture, LLP

ADDRESS: 8000 Liberty Parkway, Suite 114

Birmingham, AL 35242

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home \_\_\_\_\_

Office

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

Walter Schoel Engineering

#### III. ACTION REQUESTED

#### **Final Plat Approval**

Explain reason for the request: Dedication and vacation of storm sewer easement

\*\*if additional information is needed, please attached full description of request\*\*

#### IV. PROPERTY DESCRIPTION: (address, legal description, etc.)

	Lot 898B, 898A and 899	<u>A, Amended M</u>	<u>1ap Heritage Hill Phase I Resur</u>	vey No. 3
	Property size:	_ feet X	feet. Acres:	
VI.	ZONING/REZONING:	×.		ي يو
	The above described prope	rty is presently	zoned:	9

# **P0816-36//27-9-2-150,151&149 4861,4865&4857 Heritage Hills Way** Final Map Liberty Park Joint Venture, LLP

P&Z Application Page 4

### VI. OWNER AFFIDAVIT:

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

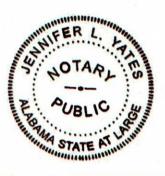
Owner Signature/Date

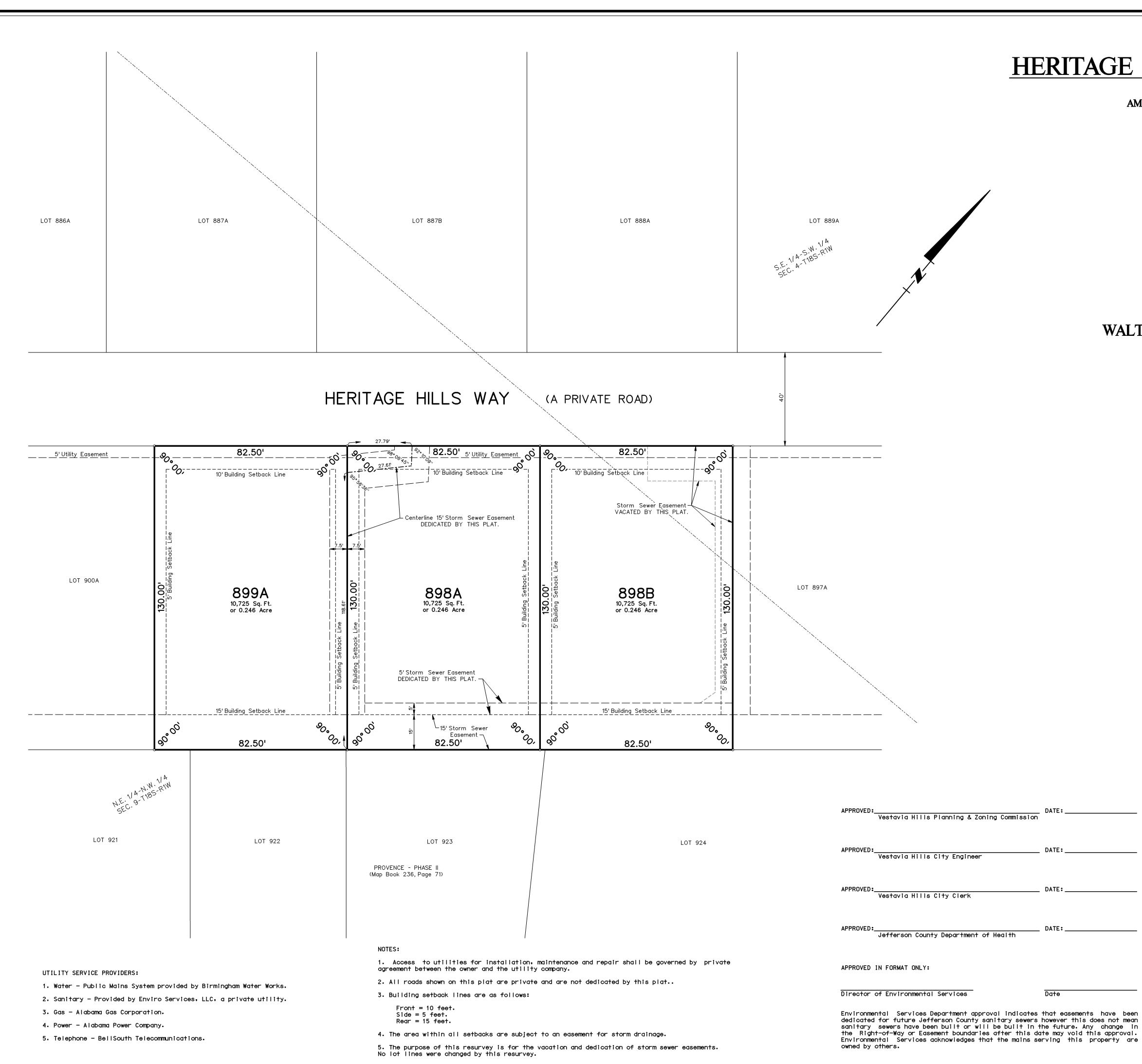
Representing Agent (if any idute

Given under my hand and seal ,2016. this 14th day of July

blic d. yates Notary P

My commission expires \_\_\_\_\_\_ 9<sup>+</sup> day of \_\_\_\_\_\_\_, 20\_20\_





File: G:/LIB/13/109/DOCS/HERITAGE-HILLS-PH-I-RES-5-REC.doc

# HERITAGE HILLS - PHASE I RESURVEY NO. 5

BEING A RESURVEY OF LOTS 898A, 898B AND 899A, AMENDED MAP OF HERITAGE HILLS - PHASE I RESURVEY NO. 3 (RECORDED IN MAP BOOK 239, PAGE 49) SITUATED IN THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 9, AND THE S.E. 1/2 OF THE S.W. 1/4 OF SECTION 4, BOTH IN TOWNSHIP 18 SOUTH, RANGE 1 WEST JEFFERSON COUNTY, ALABAMA

SCALE:  $1^{*} = 20^{\circ}$ 

JULY, 2016

 GRAPHIC SCALE

 0
 10
 20
 30
 40
 50
 75
 10

# LIBERTY PARK JOINT VENTURE, LLP

A LIMITED LIABILITY PARTNERSHIP 8000 LIBERTY PARKWAY, SUITE 114 BIRMINGHAM, ALABAMA 35242 (205) 945-6458

# WALTER SCHOEL ENGINEERING COMPANY, INC.

1001 22ND STREET SOUTH BIRMINGHAM, ALABAMA 35205 205-323-6166

STATE OF ALABAMA JEFFERSON COUNTY

The undersigned, Joseph F. Breighner, Jr., Registered Land Surveyor, State of Alabama, and Liberty Park Joint Venture, LLP, A Limited Liability Partnership, 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 HERITAGE HILLS - PHASE I RESURVEY NO. 5, 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 Amended Map of Heritage Hills - Phase I - Resurvey No. 3, as recorded in Map Book 239, Page 49, in the office of the Judge of Probate of Jefferson County, Alabama, and being situated in the N.E. 1/4 of the N.W. 1/4 of Section 9, and the S.E. 1/4 of the S.W. 1/4 of Section 4, both in Township 18 South, Range 1 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 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.

No. 17518

PROFESSIONAL

LAND

BRE10

WALTER SCHOEL ENGINEERING COMPANY, INC.

Joseph F. Breighner, Jr., Ala. License No. 17518

LIBERTY PARK JOINT VENTURE, LLP A Limited Liability Partnership, Owner

By: Sam Lowrey Its Project Manager

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 therefore.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the \_\_\_\_\_day of \_\_\_\_\_

Notary Public My Commission Expires:\_\_\_\_\_



STATE OF ALABAMA JEFFERSON COUNTY

2016.

I,\_\_\_\_\_\_\_, as Notary Public in and for said County and State, do hereby certify that Sam Lowrey, whose name as Project Manager of Liberty Park Joint Venture, LLP, A Limited Liability Partnership, is signed to the foregoing certificate as Owner, 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 officer with full authority therefore. GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the \_\_\_\_\_\_ day of \_\_\_\_\_,

Notary Public My Commission Expires:\_\_\_\_\_

# **CITY OF VESTAVIA HILLS** SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

# Date: AUGUST 11, 2016

- <u>CASE</u>: P-0816-37
- **<u>REQUESTED ACTION</u>**: Final Plat Approval For Resurvey Of Lot 1A Added Sign Easement Patchwork Farms
- <u>ADDRESS/LOCATION</u>: Cahaba River Rd.
- <u>APPLICANT/OWNER</u>: Patchwork Retail Venture, LLC
- **<u>REPRESENTING AGENT</u>**: David M. Bearden
- <u>GENERAL DISCUSSION</u>: Plat is adding a sign easement to Lot 1A for an information sign for the Patchwork Farms PUD.
- <u>PATCHWORK FARMS PUD</u>: This request is consistent with the PUD for business.

# • <u>STAFF REVIEW AND RECOMMENDATION</u>:

**1. City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

- 2. City Engineer Review: No problems noted.
- 3. City Fire Marshal Review: No problems noted
- 4. Building Safety Review: No problems noted

DI A		TAVIA HILLS NING COMMISSION	
PLA		PPLICATION	
APPLICANT I	NFORMATION: (own	er of property)	
NAME:	Ity of Vest	wice Hills	
ADDRESS: _	1032 Mats	omery Huy	
	- 0		
MAILING ADI	DRESS (if different from a	bove)	1 3
PHONE NUME	ER: Home	Office	
VANIE OF REP	RESENTING ATTORN	EY OR OTHER AGENT:	
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Sawer /	UESTED	,	The property of
CTION REO	UESTED roval		
ACTION REQ	UESTED roval	Sign Easement	
ACTION REQ Final Plat Appr Explain reason f	UESTED roval For the request: Add	Sign Easement	To plat
ACTION REQ Final Plat Appr Explain reason f	UESTED roval For the request: Add Information is needed, ple	Sign Easement	To Plat
ACTION REQ ACTION REQ Final Plat App Explain reason f ** <i>if additional i</i>	UESTED roval For the request: Add Information is needed, ple ESCRIPTION: (add	Sign Easement ase attached full description of r dress, legal description, etc.)	To Plat equest**
ACTION REQ ACTION REQ Final Plat App Explain reason f **if additional i PROPERTY D NE 14	UESTED roval For the request: Add <i>nformation is needed, ple</i> ESCRIPTION: (add of NW 1/4 5	Sign Easement	To Plat equest** 122-w

# VI. ZONING/REZONING:

The above described property is presently zoned: \_\_\_\_\_

P&Z Application Page 4

#### VI. OWNER AFFIDAVIT:

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

signature/Date

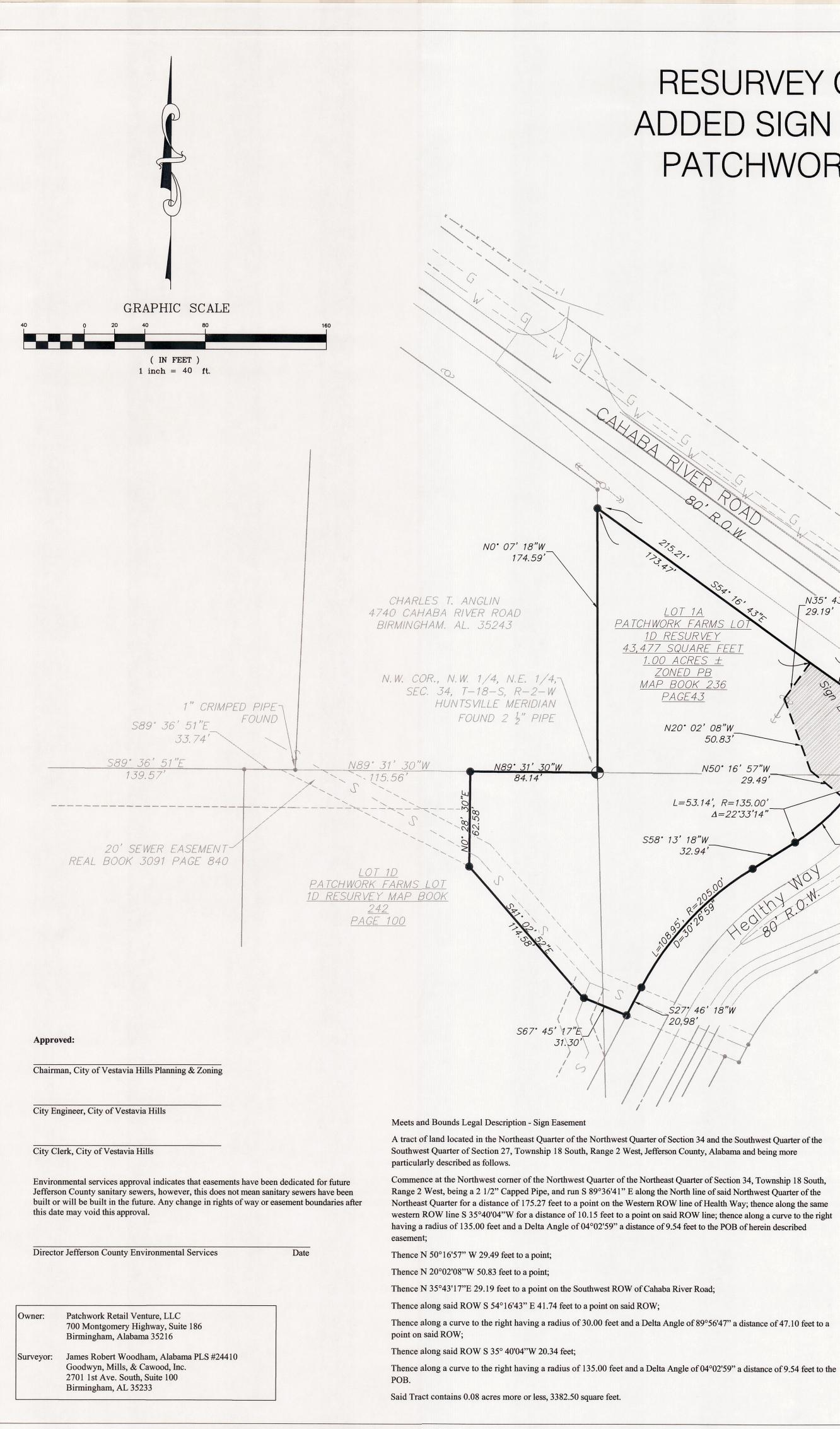
Representing Agent (if any)/date

Given under my hand and seal this <u>2</u> day of <u>August</u>, 20<u>16</u>.

-n. Higy

Notary Public

My commission expires 14H day of October, 2017



# **RESURVEY OF LOT1A** ADDED SIGN EASEMENT PATCHWORK FARMS

N35° 43' 17"E

S54° 16' 43"E

L = 47.10',

S35' 40' 04"W

µ=9.54', R=135.00'

Δ=4°02'59"

L=43.60', R=135.00'

∆=18°30'15"

∆=89°56'47

R=30.00'

41.74'

29.19'

#### State of Alabama **Jefferson County**

The undersigned, James Robert Woodham, Professional Land Surveyor and Patchwork Retail Venture, LLC, a Alabama limited liability company as 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 map of lands shown therein and known or to be known as Patchwork Farm Retail Venture Resurvey of Lot 1D Patchwork Farms, showing the subdivision into which it is proposed join said lands, giving the length and bearings of the boundaries of each lot and its number, showing the street, 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 Government Survey, 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 owner also certifies that it is the owner of said lands and that the same are not subject to a mortgage. Said owner dedicate streets, alleys and public grounds as shown by said plat or map. Said owner agrees that the City of Vestavia Hills may at any time change the natural or existing grade of any street, alley or public grounds, or any part thereof, from the natural or existing grade to the permanent grade without the payment of compensation or damages to the abutting owner; and this agreement shall be a covenant running with the lands. The undersigned certify that they have full authority to execute this instrument and map.

# **REQUIRED ALABAMA SURVEYOR'S STATEMENT:**

I 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.

James Robert Woodham, Al. PLS #24410 Date Goodwyn, Mills, & Cawood 2701 1st Avenue South Suite 100 Birmingham Alabama 35233

City of Vestavia Hills

State of Alabama Jefferson County

therefore.

50.83'

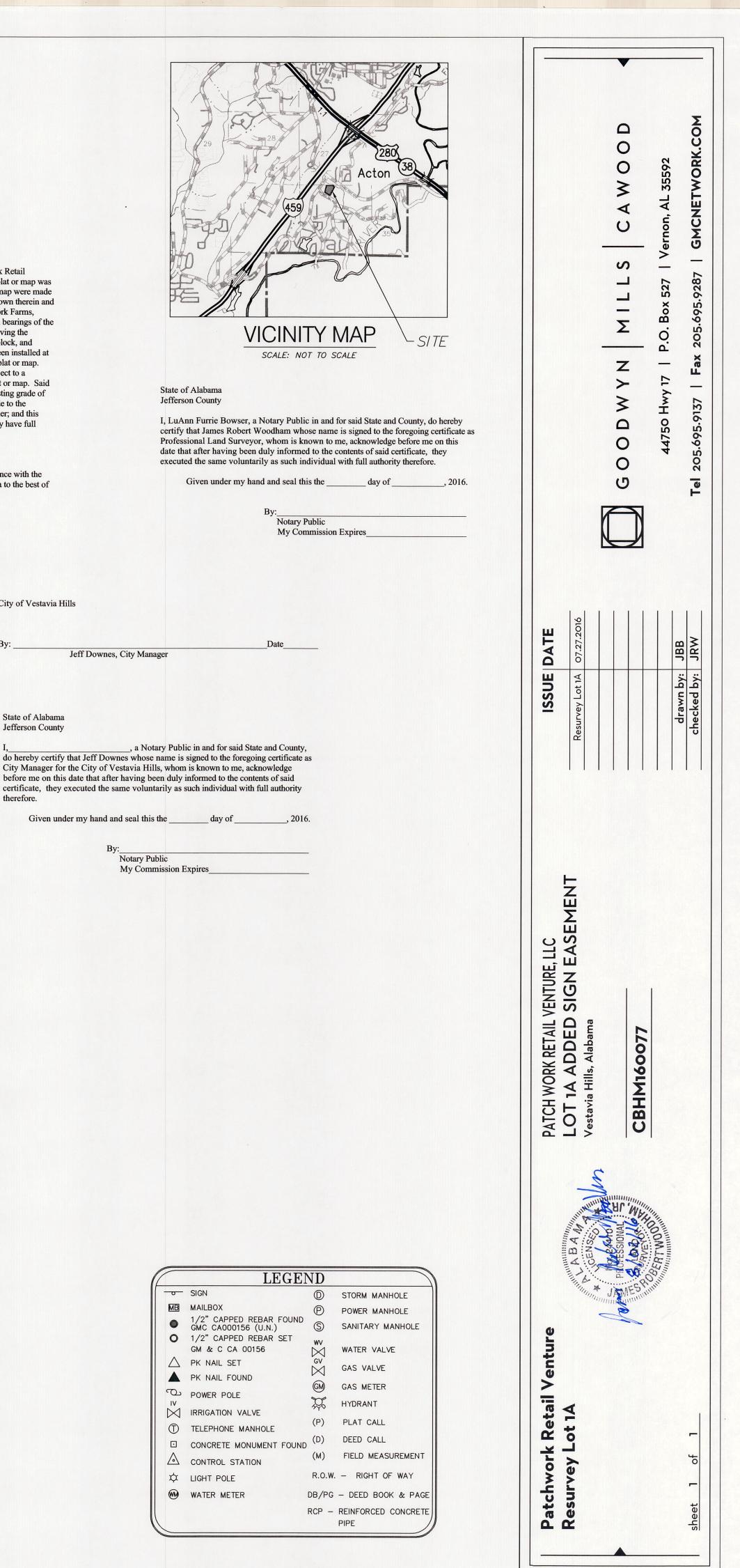
N50° 16' 57"W

∆=22°33'14"

29.49'

### General Notes:

- 1. Underground utilities & encroachments: There was no attempt made to determine the location or extent of a possible encroachment beneath the surface. Underground structures and facilities that are shown were located from surface markings or graphically from drawings furnished by the utility. No excavation of underground utilities, underground mines or subsurface building foundations was made as a part of this survey.
- 2. Date of survey: June 23rd, 2016 is the date of field survey and the last day the surveyor gathered data for the survey.
- 3. Source of information used: Boundary survey by Goodwyn, Mills and Cawood(Previous Survey Plat Lot 1D Resurvey Map Book 236 Page 43).
- 4. Horizontal control and bearings: Bearings are based upon a recorded plat as shown.
- 5. Signature and seal: This survey and drawing is not valid without the signature and seal by an Alabama Professional Land Surveyor.
- 6. Property lies in Flood Zone "X "as per community F.I.R.M. Panel # 01073C0586G, effective date, September 29, 2006.
- 7. Type of survey: This is a survey for adding a sign easement to the plat.
- 8. All lots Zoned PB-CU.



# **CITY OF VESTAVIA HILLS** SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

# Date: AUGUST 11, 2016

- <u>CASE</u>: P-0816-38
- **<u>REQUESTED ACTION</u>**: Final Plat Approval For Resurvey of Lot 2 Palmer's Estate
- ADDRESS/LOCATION: 4508 Old Brook Trl.
- <u>APPLICANT/OWNER</u>: Benjamin Strout
- <u>REPRESENTING AGENT</u>:
- <u>GENERAL DISCUSSION</u>: Applicant is seeking to subdivide one lot into 2. Lots meet the minimum lot area of 1 acre and minimum lot width of 150'. Both lots will have frontage on Old Brook Trail.
- <u>CAHABA HEIGHTS COMMUNITY PLAN</u>: This request is consistent with the Plan for low-density residential.

# • **STAFF REVIEW AND RECOMMENDATION:**

**1. City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

- 2. City Engineer Review: No problems noted.
- 3. City Fire Marshal Review: No problems noted
- 4. Building Safety Review: No problems noted

P0816-38//28-28-1-14508 Old Brook TrailFinal Map for 2 lot subdivisionBenjamin StroutE-2

P&Z Application Page 3

# CITY OF VESTAVIA HILLS PLANNING AND ZONING COMMISSION FINAL MAP APPLICATION

<u>II.</u>	APPLICANT INFORMATION: (owner of property)			
	NAME: BENJAMIN O. STRONT			
	ADDRESS: 4508 OLD BROOK TRAIL VESTAVIA HILL 35243			
	MAILING ADDRESS (if different from above) 1730 4th AVE South			
	IRONDALE 35210			
	PHONE NUMBER: Home 205 569 8774 Office			
	NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:			
TTT	ACTION DEGLIESTED			
III.	ACTION REQUESTED			
	Explain reason for the request: 2 LOT SUB PIVISION			
	**if additional information is needed, please attached full description of request**			
IV.	PROPERTY DESCRIPTION: (address, legal description, etc.)			
	4508 OLD BROOK TRAIL 35243-4052			
	PARCEC #: 28 00 28/000 001,000			
	Property size: feet X feet. Acres:			
VI	ZONING/REZONING:			

The above described property is presently zoned:  $\underline{E2}$ 

P0816-38//28-28-1-14508 Old Brook TrailFinal Map for 2 lot subdivisionBenjamin StroutE-2

P&Z Application Page 4

#### VI. OWNER AFFIDAVIT:

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

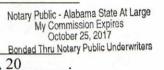
**Owner Signature/Date** 

Representing Agent (if any)/date

Given under my hand and seal ,20/6. this day of

Public otar

My commission expires \_ day of \_\_\_\_\_





STATE OF ALABAMA)

JEFFERSON COUNTY)

WE, THE UNDERSIGNED, RAY WEYGAND, REGISTERED LAND SURVEYOR, STATE OF ALABAMA, AND BENJAMIN STROUT, OWNER, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT MAP OR PLAT OF RESURVEY OF LOT 2 PALMERIS ESTATES SHOWING THE NUMBER AND DIMENSIONS OF EACH LOT AND ITS ANGLES WITH THE WIDTH OF EACH STREET, AVENUE AND OTHER PUBLIC WAYS AND SHOWING THE RELATION OF THE LAND TO THE GOVERNMENT SURVEY, AND THAT IRON PINS HAVE BEEN SET AT EACH CORNER OF ALL LOTS, AND THAT SAME IS NOT SUBJECT TO ANY MORTGAGE. I, RAY 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.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS, THIS 27TH DAY OF JULY, 2016.

WEYGAND REG. L.S. #24973

BENJAMIN STROUT - OWNER

STATE OF ALABAMA) JEFFERSON COUNTY)

Jamie J. Nee NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT RAY WEYGAND, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS LAND SURVEYOR, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME, ON THIS DATE, THAT BEING INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED SAME VOLUNTARILY AND WITH FULL AUTHORITY THEREFOR.

GIVEN UNDER MY HAND AND SEAL THIS 27th DAY OF \_\_\_\_\_\_ JULY\_\_\_\_\_, 2016.

NOTARY PUBLIC - MY COMMISSION EXPIRES: 7-7-18

STATE OF ALABAMA)

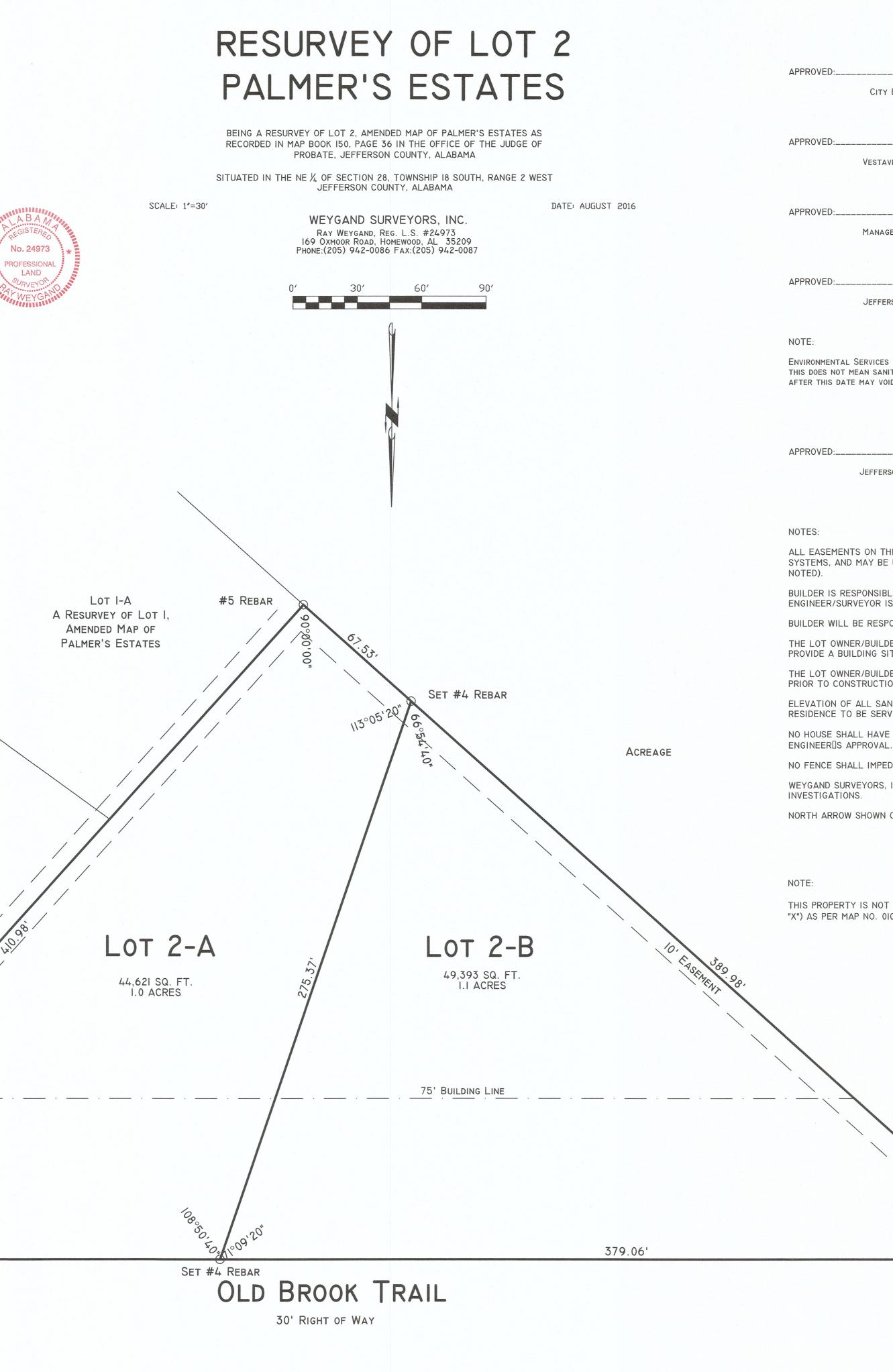
JEFFERSON COUNTY)

Jamie J. Nely, a Notary Public in and FOR Said County and State, do HEREBY CERTIFY THAT BENJAMIN STROUT, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS OWNER, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME, ON THIS DATE, THAT BEING INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED SAME VOLUNTARILY AND WITH FULL AUTHORITY THEREFOR.

GIVEN UNDER MY HAND AND SEAL THIS 27th DAY OF JUN , 2016.

BY: <u>Jawy</u> Mussion Expires: 7-7-18

LEGEND			/
SQ. FTSQUARE FEET ACACRES +/MORE OR LESS △DELTA ANGLE dDEFLECTION ANGLE TTANGENT RRADIUS CHCHORD LLENGTH ESMTEASEMENT EXEXISTING M.BMAP BOOK PGPAGE FNDFOUND ROWRIGHT-OF-WAY OREBAR SET MINMINIMUM QCENTERLINE D.BDEED BOOK NOT TO SCALE		LOT I-B A RESURVEY OF LOT I, AMENDED MAP OF PALMER'S ESTATES	Settern Lino.98
	I" CRIMP IRON	48.04.00	235.94'
	27 22	NE CORNER OF THE NE ½ OF 28, TOWNSHIP I8 SOUTH, R WEST JEFFERSON COUNTY, 28 21	SECTION ANGE 2



	DATE:
CITY ENGINEER	
	DATE:
Vestavia Hills Planning & Zoning Commiss	ION
	DATE:
MANAGER AND CITY CLERK	
	DATE:
JEFFERSON COUNTY DEPARTMENT OF HEALTH	

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:
JEFFERSON COUNTY ENVIRONMENTAL SERVICES	

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

BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING AND FOR SOIL CONDITIONS. THIS ENGINEER/SURVEYOR IS NOT RESPONSIBLE FOR EITHER. 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, UNDERDRAINS, 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

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

NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

ERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE MAP NO. 01073C0578H, DATED SEPTEMBER 3, 2010.	CHAR PUER DOUT ROOF TRAIL DOUT DOOF TRAIL
47056'00" I" CRIMP IRON	۷

# **CITY OF VESTAVIA HILLS** SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

# Date: AUGUST 11, 2016

- <u>CASE</u>: P-0816-33
- **<u>REQUESTED ACTION</u>**: Conditional Use Approval for Two Chickens
- ADDRESS/LOCATION: 724 Paden Dr.
- <u>APPLICANT/OWNER</u>: Malcolm S. McLeod
- **GENERAL DISCUSSION:** Applicant is seeking Conditional Use approval for two chickens on his lot. Lot is two acres with the coop adjacent to an existing shed, 20' from property line. A fence would surround the coop and existing trees would hide the coop from adjacent properties and the street. Applicant states that are no restrictive covenants prohibiting fowl.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium density residential.

# • <u>STAFF REVIEW AND RECOMMENDATION</u>:

**1. City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

**City Planner Recommendation:** I recommend the Commission add the following conditions:

- A. No more than two (2) hens may be allowed;
- B. Coop must be permanent and fenced;
- C. No roosters may be kept;
- D. Hens or eggs may not be used for commercial purposes.
- 2. City Engineer Review: I have reviewed the application and I have no issues with this request.
- 3. City Fire Marshal Review: I have reviewed the application and I have no issues with this request

4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

P0816-33//39-2-1-2-6 724 Paden Drive Keeping 2 chickens Malcolm McLeod

**R**2

P&Z Application Page 4

# **CITY OF VESTAVIA HILLS**

#### APPLICATION

# PLANNING AND ZONING COMMISSION

#### I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than 25 working days prior to the scheduled meeting at which it shall be considered. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. \*\*No permits will be issued until all fees have been paid.
- (5) Appropriate plats and maps with proper legal description shall accompany this application. Please refer to attached checklist.

NAME:	Malcolm S. McLeod	
ADDRESS:	724 Paden Drive	ŝ
	Vestavia Hills, AL 35226	-
MAILING AD	DRESS (if different from above) (same)	
MAILING AD	La ·	
	La ·	-930-177

P0816-33//39-2-1-2-6 724 Paden Drive Keeping 2 chickens Malcolm McLeod

P&Z Application Page 5

R2

#### **ACTION REQUESTED** III.

Request that the above described property be approved conditional use approval pursuant to Section \_\_\_\_\_\_ of the Vestavia Hills Zoning Code.

Current Zoning of Property:	Residential	R-2	-	·
Requested Conditional use For th	e intended purpose of:	Having	(2)	chickens

(Example: From "VH R-1" to "VH O-1" for office building)

\*\*if additional information is needed, please attached full description of request\*\*

#### PROPERTY DESCRIPTION: (address, legal, etc.) IV.

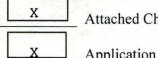
Requested Conditional use For the intended purpose of:

724 Paden Drive

Vestavia Hills, AL 35226

Property size: feet X feet. Acres: 2 acres

#### **INFORMATION ATTACHED:** V.



Attached Checklist complete with all required information.

Application fees submitted.

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

Owner Signature/Date

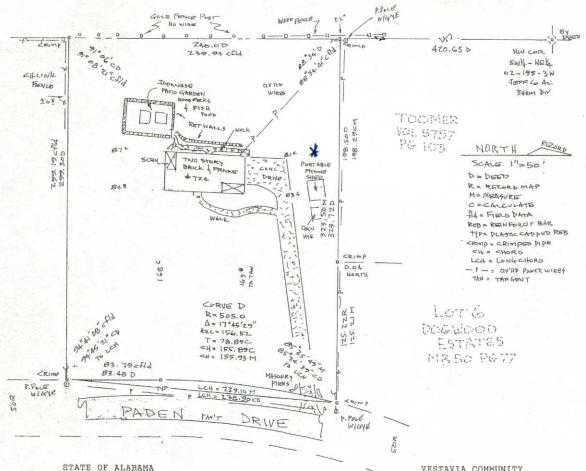
Given under my hand and seal this 5th day of , 20

N/A

Representing Agent (if any)/date

Notary Public My commission expires day of 20

My Commission Expires March 8th, 2018



JEFFERSON COUNTY

VESTAVIA COMMUNITY BIRMINGHAM DIVISION

Legal Description: A tract of land in the SW% of the NE% of Section 2, Township 19 South, Range 3 West, more particularly described as follows: Begin at the NW corner of the SW4 of the NE4 of Section 2, Township 19 South, Range 3 West; thence South along the West line of the SW4 of the NE4 a distance of 420.65 feet to the point of beginning, thence 88 degrees 34' to the left in an easterly direction along the South line of the property of Fred S. and Elizabeth Toomer as recorded in Vol. 5757, Page 103 and the South line of lot 6, according to the survey of Dogwood Estates recorded in Map Book 50, Page 77, in the Office of the Probate Judge of Jefferson County, Alabama, a distance of 323.72 feet to a point on the Westerly line of Paden Drive; thence 106 degrees 19'29" to the right (angle measured from the tangent of a curve) in a southerly direction along said westerly line of Paden Drive in a curve to left having a radius of along said westering file of Fadem brive in a curve to left having a fadem of 505.0 ft. and a central angle of 17 degrees 45'29" a distance of 156.52 feet to the P.T. (point of tangent of said curve), thence in the tangent to said curve and parallel to the West line of the SWA of the NEA a distance of 83.48 ft. to a point, thence 91 degrees 06' (a measured angle of 04') to the right in a westerly direction a distance of 299.30 ft. (a measured distance of 299.61 ft.) to a point on the westerly line of the  $SW_3^{i}$  of the  $NE_3^{i}$ , thence 88 degrees 54' (a measured angle of 56') to the right in a northerly direction along said westerly line of the Sw2 of the NE% a distance of 240.0 ft. to the point of beginning.

> 724 Paden Drive Address: Vestavia Hills, Al 35226

All structures are within the boundary of the same with no encroachment of adjacent properties, electric or telephone wires, poles, or gyes, other than those serving the premises, except as shown above. I have consulted the available USGS Maps Of Flood Prone Areas and found the above described tract is not located in a Flood Prone Area.

June 5, 2015

June 7, 2015

field

drawing

"I 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 by knowledge, information, and belief."



alden G Willetters Olden G Webb III LS reg #11847 POB 62, Hayden, Al 35079-0062 1-205-780-5688

# Malcolm McLeod

P0816-33//39-2-1-2-6 724 Paden Drive Keeping 2 chickens Malcolm McLeod

R2

- Approximately two (2) acre lot -
- Proposed Chickens to be approximately 20' feet from Shed to Property Line -
- Home completely wooded & obstructed from sight on three propety boundaries -
- · Chickens out of siight from street -

#### P0816-33//39-2-1-2-6 724 Paden Drive Keeping 2 chickens Malcolm McLeod

#### STATE OF ALABAMA ) COUNTY OF JEFFERSON )

R2

#### **AFFIDAVIT OF MALCOLM S. MCLEOD**

I, Malcolm S. McLeod, being first duly sworn, do depose and state that I am over the age of nineteen (19) years, of sound mind, and I have personal knowledge of the facts which are herein set forth:

- 1. My name is Malcolm S. McLeod;
- 2. My present address is 724 Paden Drive, Vestavia Hills, AL 35226;
- 3. I have resided at said address since 1995;
- 4. There is no restriction, covenant, directive, et al., to my knowledge, in existence, concerning limitation on my home and the possession, dominion, control, et al, of chickens, whatsoever.

Respectfully submitted this the 5 day of July, 2016 MALCOLM S. MCLEOD

I, <u>SunOra L. Gannew</u>, a Notary Public in and for said County in said state, hereby certify that Malcolm S. McLeod, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Affidavit, he executed the same voluntarily on the date the same bears date.

Given under my hand and official seal of office this the 5 day of July, 2016.

aunacite

My Commission Expires:

My Commission Expires March 8th, 2018





**Ров16-33//39-2-1-2-6** 724 Радеп Drive Кеерілg 2 сһіскела Маlcolm МсLeod



P0816-33//39-2-1-2-6 724 Paden Drive Keeping 2 chickens Malcolm McLeod

R2



# **CITY OF VESTAVIA HILLS** SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

# Date: AUGUST 11, 2016

- <u>CASE</u>: P-0816-35
- <u>**REQUESTED ACTION:**</u> from Vestavia Hills O-1 and Vestavia Hills B-3 to Vestavia Hills B-1.2 For The Purpose Of Commercial Development
- ADDRESS/LOCATION: 3017 Cahaba Heights Rd.
- <u>APPLICANT/OWNER</u>: Cahaba Heights Corner, LLC & Bob Armstrong
- **<u>REPRESNTING AGENT:</u>** Christopher Architects
- **GENERAL DISCUSSION:** Property is on the corner of Cahaba Heights Rd. and Dolly Ridge Rd. and is more commonly known as the Armstrong garage and the vacant property to the west. Applicant is seeking rezoning to build a restaurant building to potentially hold two establishments. The building would be approx. 6,000 sq. ft. The building would be as close as 5.5' at the intersection of Cahaba Heights Rd. and Dolly Ridge Rd. 76 parking spaces would be spread out among 2 separate lots. The creek running through the middle of the site will remain and be used as a feature for the restaurant. A proposed site plan, landscaping plan, and rendering is enclosed. Lots would be combined after rezoning.
- <u>CAHABA HEIGHTS COMMUNITY PLAN</u>: The request is consistent with the Cahaba Heights Community Plan for retail/mixed use.

# • **<u>STAFF REVIEW AND RECOMMENDATION</u>**:

**1. City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

# City Planner Recommendation: No recommendation

- 2. City Engineer Review: Approval needed on creek and drainage.
- 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.

4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

 F P0816-35//28-22-2-11-3 & 1

 3 3017 & 3029 Cahaba Heights Rd.

 R Rezone from 0-1 & B-3 to B 1.2

 E Bob Armstrong/Cahaba Heights

 C Corner
 01 & B3

P&Z Application Page 4

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#### APPLICATION

# PLANNING AND ZONING COMMISSION -

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- (5) Appropriate plats and maps with proper legal description shall accompany this application. Please refer to attached checklist.

II.	APPLICAN	<b><b>TINFORMATION:</b> (owner of property)</b>
	NAME:	CAHABA HEIGHTS CORNER LLC
	ADDRESS:	3017 CAHABA HEIGHTS ROAD
	1. J	VESTAVIA HIUS, AV 35 243
	MAILING A	DDRESS (if different from above) 3755 CORPORATE WOOPS OR.
	VESTAN	ITA HILLS, AL 35242
	PHONE NUM	ABER: Home         Office         679-326
	NAME OF R	EPRESENTING ATTORNEY OR OTHER AGENT:
	Scot	CAPLISUE CHRIST OPHER ARCHITECTURE & INTERIORS

#### III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: O-1To: B-1.2 For the intended purpose of: <u>RETAIL RESTAURANT</u> (Example: From "VH R-1" to "VH O-1" for office building) \*\*if additional information is needed, please attached full description of request\*\* PROPERTY DESCRIPTION: (address, legal, etc.) IV. 7017 GAHAMA HEIGHTS ROAD, VESTAVIA HILLES, 35243 S.E. 14 OF N.E. 4 OF SECTION 22, TOWN 941P 18 S., 12AN 67E 22 KI. Property size: 208 feet X 207 feet. Acres: 0.67 **INFORMATION ATTACHED:** V. Attached Checklist complete with all required information. Application fees submitted. VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. ature/Date Representing Agent (if any)/date Own Given under my hand and seal this 7 day of July , 2016. Notary Public Notari Public My commission expires day of March ina State

P0816-35//28-22-2-11-3 & 1 3017 & 3029 Cahaba Heights Rd. Rezone from 0-1 & B-3 to B 1.2 Bob Armstrong/Cahaba Heights Corner 01 & B3

P&Z Application Page 4

#### APPLICATION

# PLANNING AND ZONING COMMISSION

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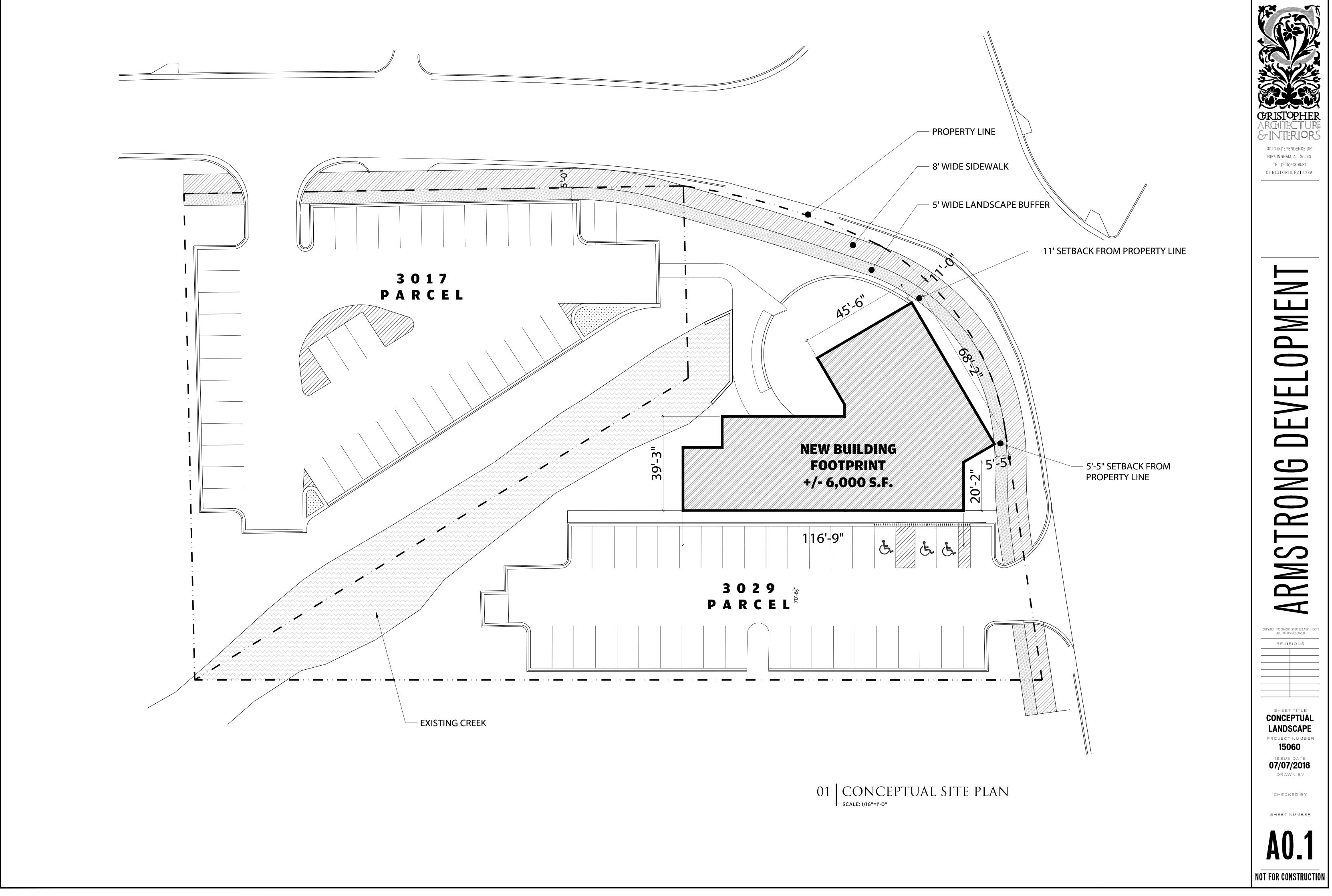
<u>II.</u>	APPLICANT	INFORMATION: (owner of property)
	NAME:	BOB ATEMSTRONG
	ADDRESS:	3029 CAHAT3A HEIGHTS BOAD
		VESTAVIA HIUS, AL 35243
	MAILING AI	DRESS (if different from above) 3/20 BUE LAKE M
	BITANCO	NGHAM, AL 35243
		IBER: Home
	NAME OF RI	EPRESENTING ATTORNEY OR OTHER AGENT:
	9cott o	ARTIGUE / CHRIST APHON ANCHOTECTIME & INTERIORS

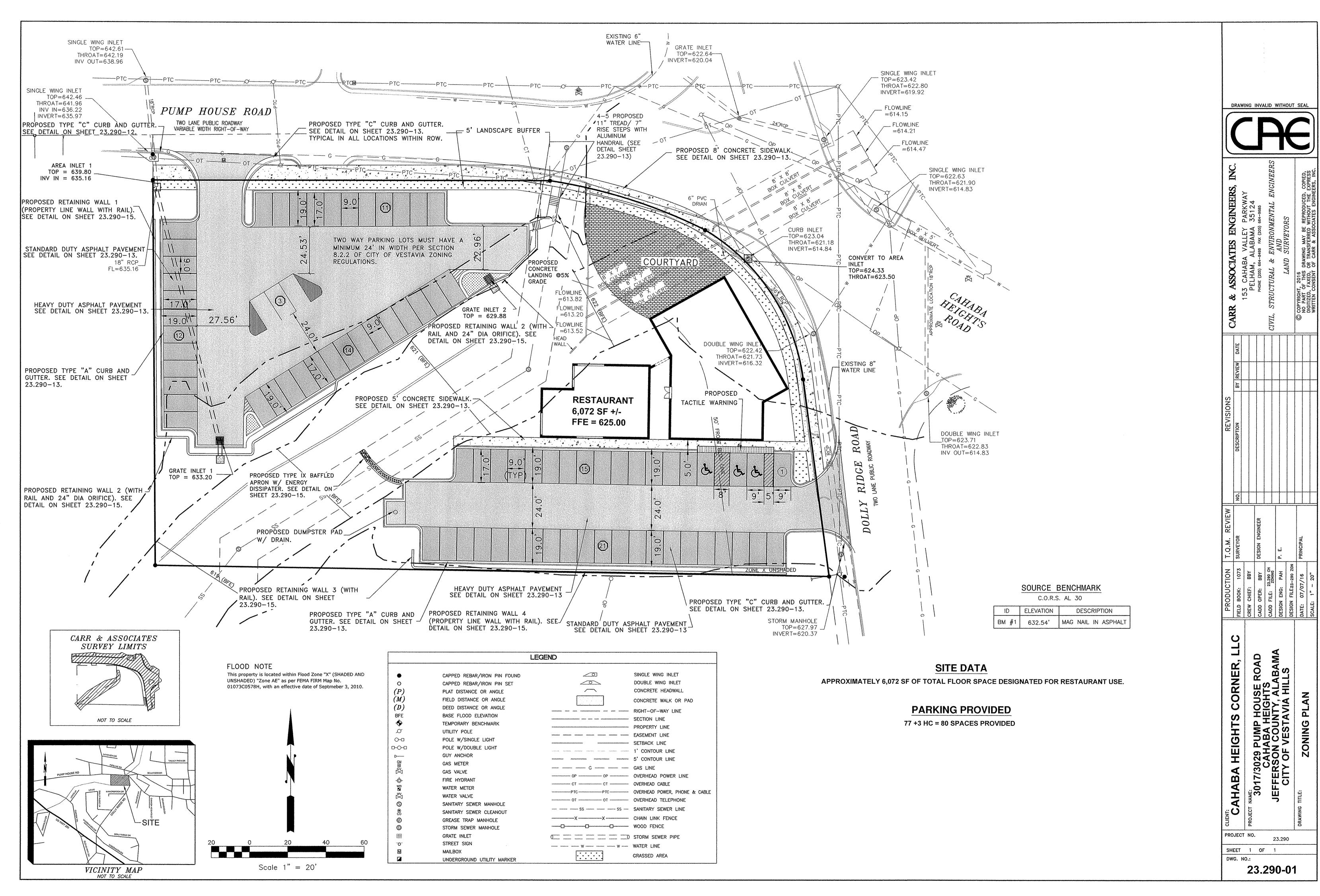
#### **III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: B-3 B-1.2 To: For the intended purpose of: RETAIL RESTAUZANT (Example: From "VH R-1" to "VH O-1" for office building) \*\*if additional information is needed, please attached full description of request\*\* USECH PROPERTY DESCRIPTION: (address, legal, etc.) IV. 3029 CAHARA HEIGHTS Property size: feet X feet. Acres: **INFORMATION ATTACHED:** V. Attached Checklist complete with all required information. Application fees submitted. I do hereby declare the above statements are true and that I, the owner, and/or my duly VI. appointed representative will be at the scheduled hearing. V Annalnoig Owner Signature/Date Representing Agent (if any)/date Given under my hand and seal this \_7\_ day of \_July\_\_, 20\_16. otary Public Notary Pub My commission expires 5 day of March 20 20

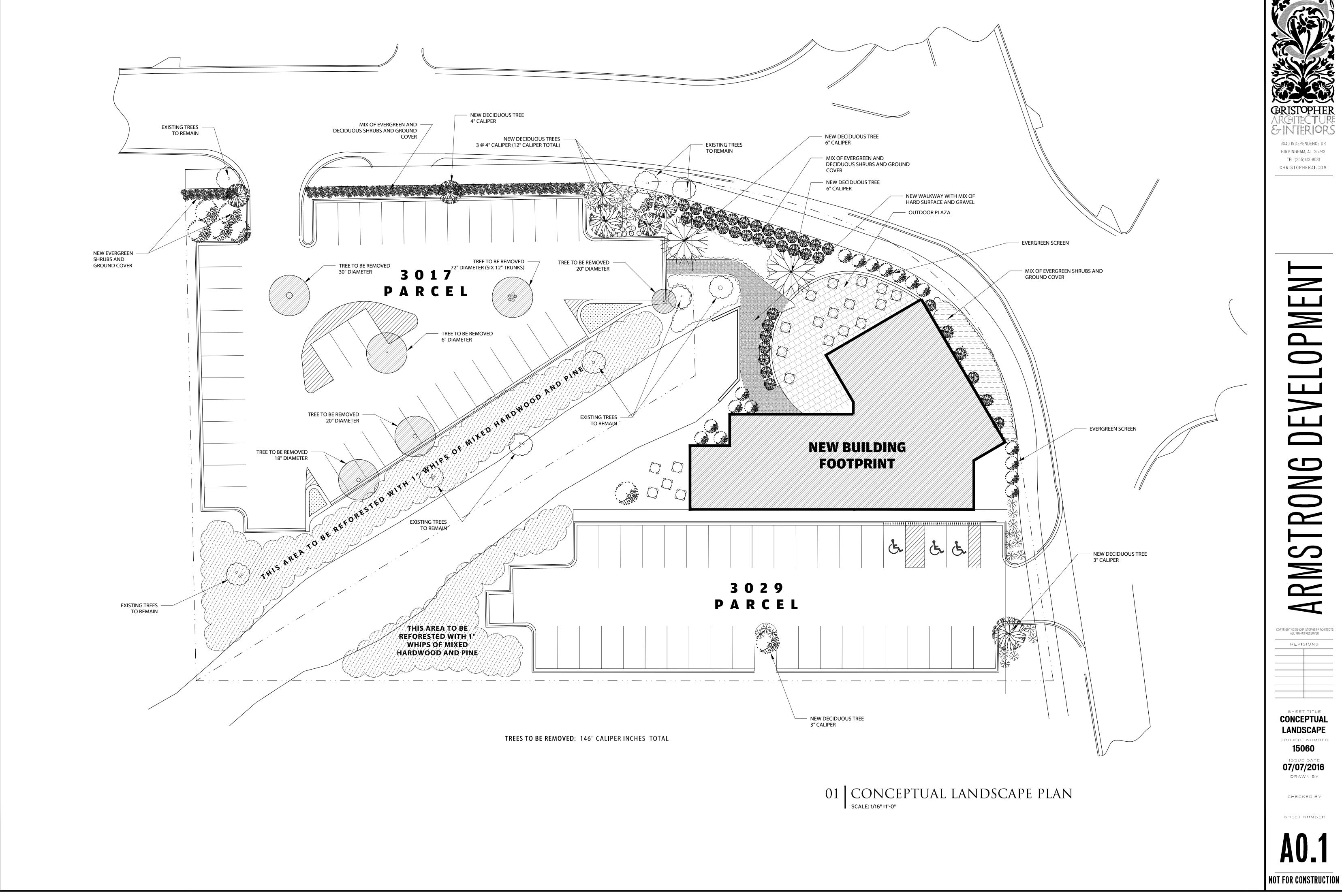


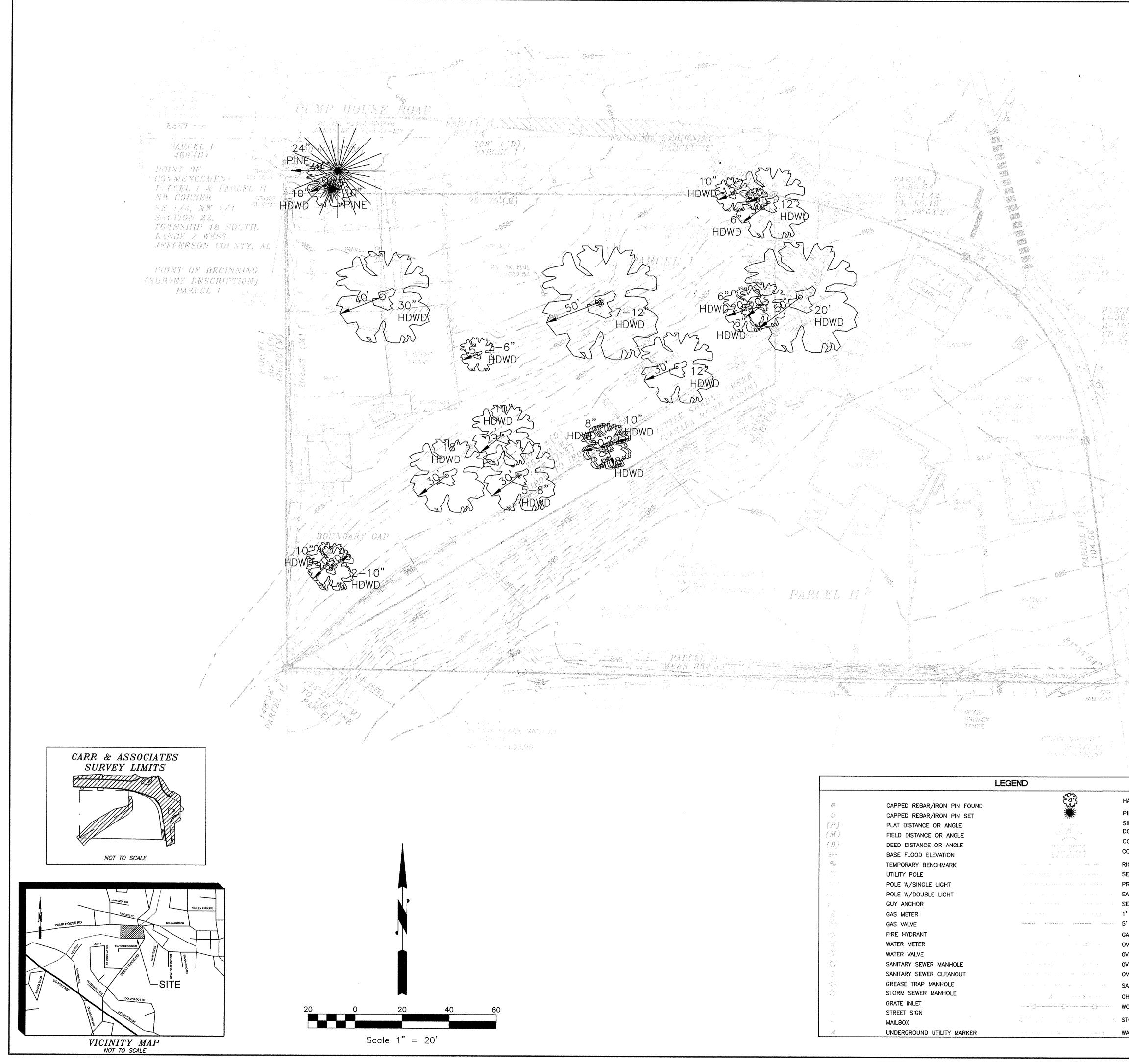




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