

**CITY OF VESTAVIA HILLS**  
**PLANNING AND ZONING COMMISSION**

**AGENDA**

**FEBRUARY 8, 2018**

**6:00 P.M.**

Roll Call.

Pledge of Allegiance

Approval of Minutes: January 11, 2018

**Preliminary Plats**

- (1) **P-0218-04** Liberty Park Joint Venture, LLP Is Requesting **Preliminary Plat Approval For Readjustment of Land Use Boundaries At Liberty Park.** The Purpose For This Request Is To Amend Land Use Boundaries. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PNC.

**Rezoning/Conditional Use Recommendations:**

- (2) **P-0218-03** Mike Swack Is Requesting **Conditional Use Approval** for Five Unrelated Adults Residing In a Single Family Dwelling Located At **220 Erwin Circle.** The Property Is Owned By Mike Swack And Is Zoned Vestavia Hills R-2.

Time of Adjournment.

**CITY OF VESTAVIA HILLS**  
**PLANNING AND ZONING COMMISSION**

**MINUTES**

**JANUARY 11, 2018**

**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  
Cheryl Cobb  
Erica Williamson Barnes  
Blaine House  
Fred Goodwin, Arrived at 6:02  
Rusty Weaver  
Jim Brooks

**MEMBERS ABSENT:**

Greg Gilchrist  
Deloye Burrell

**OTHER OFFICIALS PRESENT:**

Conrad Garrison, City Planner  
Christopher Brady, City Engineer

**APPROVAL OF MINUTES**

Mr. Larson stated that the minutes of the meeting of November 9, 2017 are presented for approval.

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

Mrs. Barnes – yes  
Mr. Weaver – yes  
Mrs. Cobb – yes  
Motion Carried

Mr. Brooks – yes  
Mr. House – yes  
Mr. Larson – yes

**Consent Agenda/Final Plats:**

A. **P-0118-02** Core Realty Group Is Requesting **Final Plat Approval** For **Ridgely Drive Resurvey**. The Purpose For This Request Is To Resurvey Two Lots Into Three. The Property Is Owned By Core Realty Group and Is Zoned Vestavia Hills R-4.

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

Mr. Goodwin – yes	Mrs. Barnes – yes
Mr. Brooks – yes	Mr. Weaver – yes
Mr. House – yes	Mrs. Cobb – yes
Mr. Larson – yes	Motion carried

**Rezoning/Conditional Use Recommendations:**

**P-0118-01** Jason & Kathleen Lawrence Are Requesting **Rezoning** for **3533 Squire Ln.** from **Jefferson County E-2 to Vestavia Hills R-1** For The Purpose Of Annexation

Mr. Garrison explained the background and location of the request.

Mr. Larson opened the floor for a public hearing. There being no one to address the Commission concerning this request, Mr. Larson closed the public hearing and opened the floor for a motion.

**MOTION** Mrs. Cobb made a motion to recommend rezoning approval for 3533 Squire Ln. from Jefferson County E-2 to Vestavia Hills R-1. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mrs. Barnes – yes
Mr. Brooks – yes	Mr. Weaver – yes
Mr. House – yes	Mrs. Cobb – yes
Mr. Larson – yes	Motion carried

Conrad Garrison, City Planner

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

Date: **FEBRUARY 8, 2018**

- **CASE:** P-0218-04
- **REQUESTED ACTION:** Preliminary Plat Approval For Readjustment of Land Use Boundaries At Liberty Park
- **ADDRESS/LOCATION:** Liberty Pkwy. & South Liberty Rd.
- **APPLICANT/OWNER:** Liberty Park Joint Venture, LLP
- **REPRESENTING AGENT:** Schoel Engineering
- **GENERAL DISCUSSION:** Preliminary plat is to change land use for 1.81 acres from PNC to PR-1 for residential development. The change is part of the new phase of Liberty Park
- **LIBERTY PARK MASTER PLAN:** This request is consistent with the plan for Phase II.
- **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

P0218-04//Liberty Park  
Lot 4 Town Village Com Sub 2  
Prelim Map to Adjust land  
boundaries  
LPJV

P & Z Application  
Preliminary Plat  
Page 3

**CITY OF VESTAVIA HILLS  
PLANNING AND ZONING COMMISSION  
PRELIMINARY MAP APPLICATION**

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

NAME: Liberty Park Joint Venture, LLP

ADDRESS: 1000 Urban Center Drive, Suite 235

Vestavia, AL 35242

MAILING ADDRESS (if different from above) \_\_\_\_\_

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

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: \_\_\_\_\_

Walter Schoel Engineering Company

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**III. ACTION REQUESTED**

**Preliminary Plat Approval**

Explain reason for the request: Adjustment in land use boundaries

1.81 acres currently PNC to change to PR-1

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

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

Lot 4, Liberty Park Town Village Commercial Subdivision No. 2

Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: \_\_\_\_\_

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**VI. ZONING/REZONING:**

The above described property is presently zoned: PUD/PNC

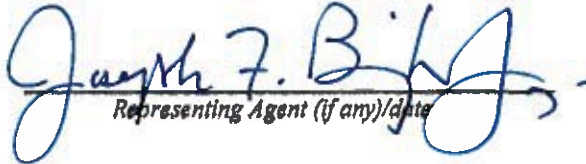
P0218-04//Liberty Park  
Lot 4 TownVillageComSub2  
Prelim Map to Adjust land  
boundaries  
LPJV

P & Z Application  
Preliminary Plat  
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.

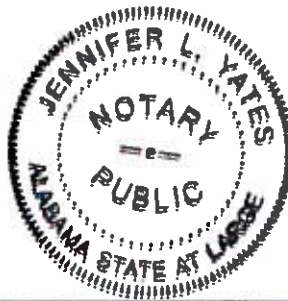
  
\_\_\_\_\_  
Owner Signature/Date

  
\_\_\_\_\_  
Representing Agent (if any)/date

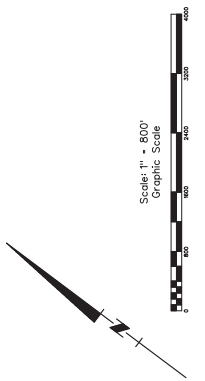
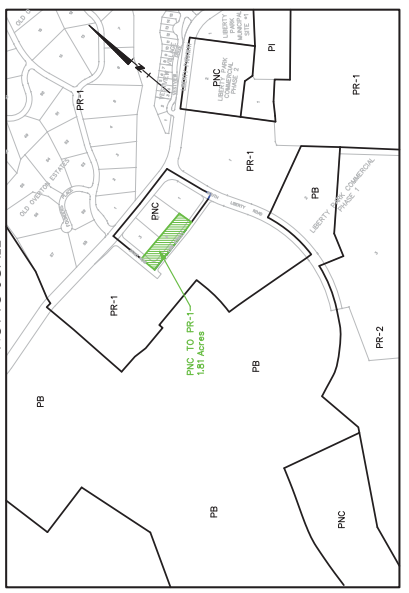
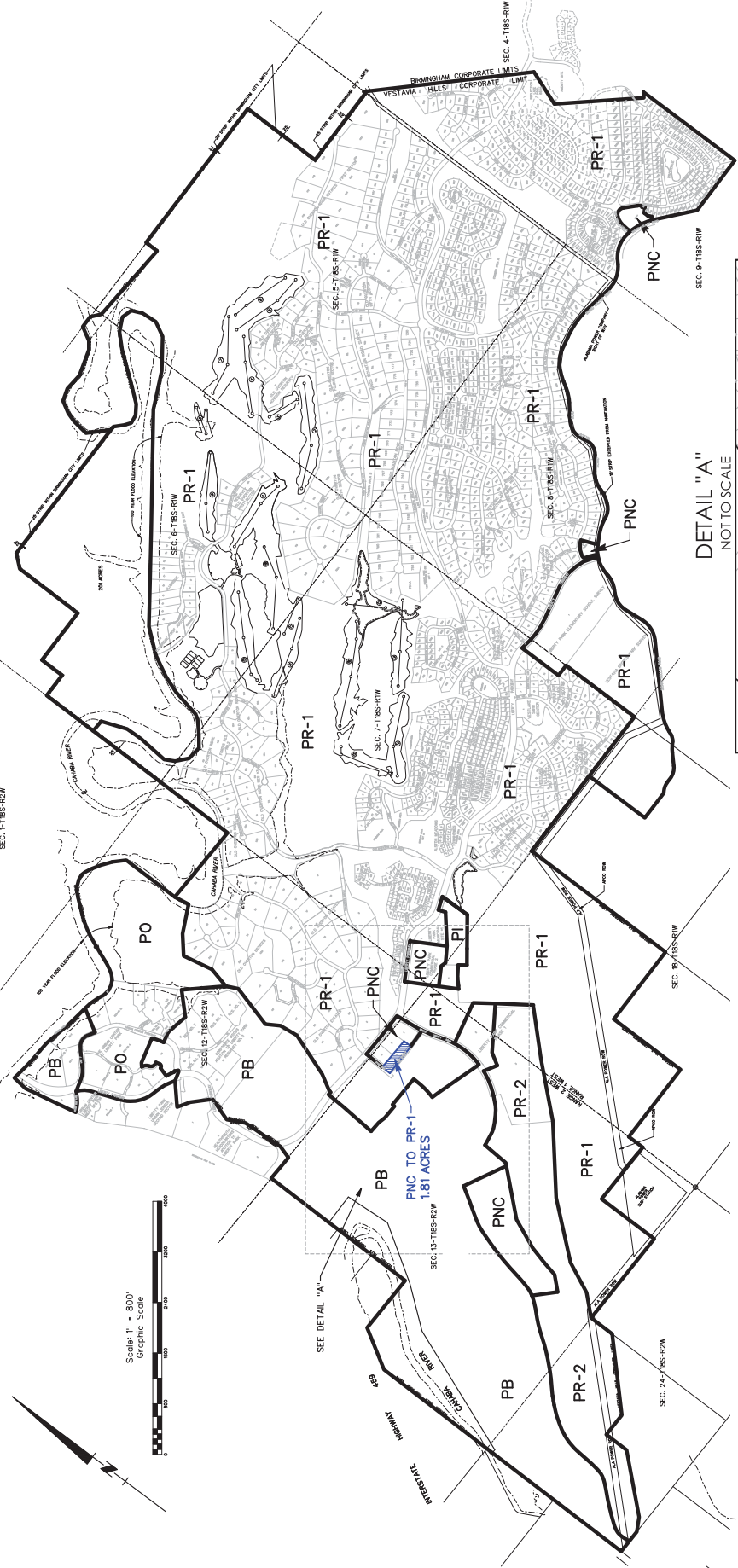
Given under my hand and seal  
this 19th day of January, 2018.

  
\_\_\_\_\_  
Notary Public

My commission expires 9th  
day of May, 2020.

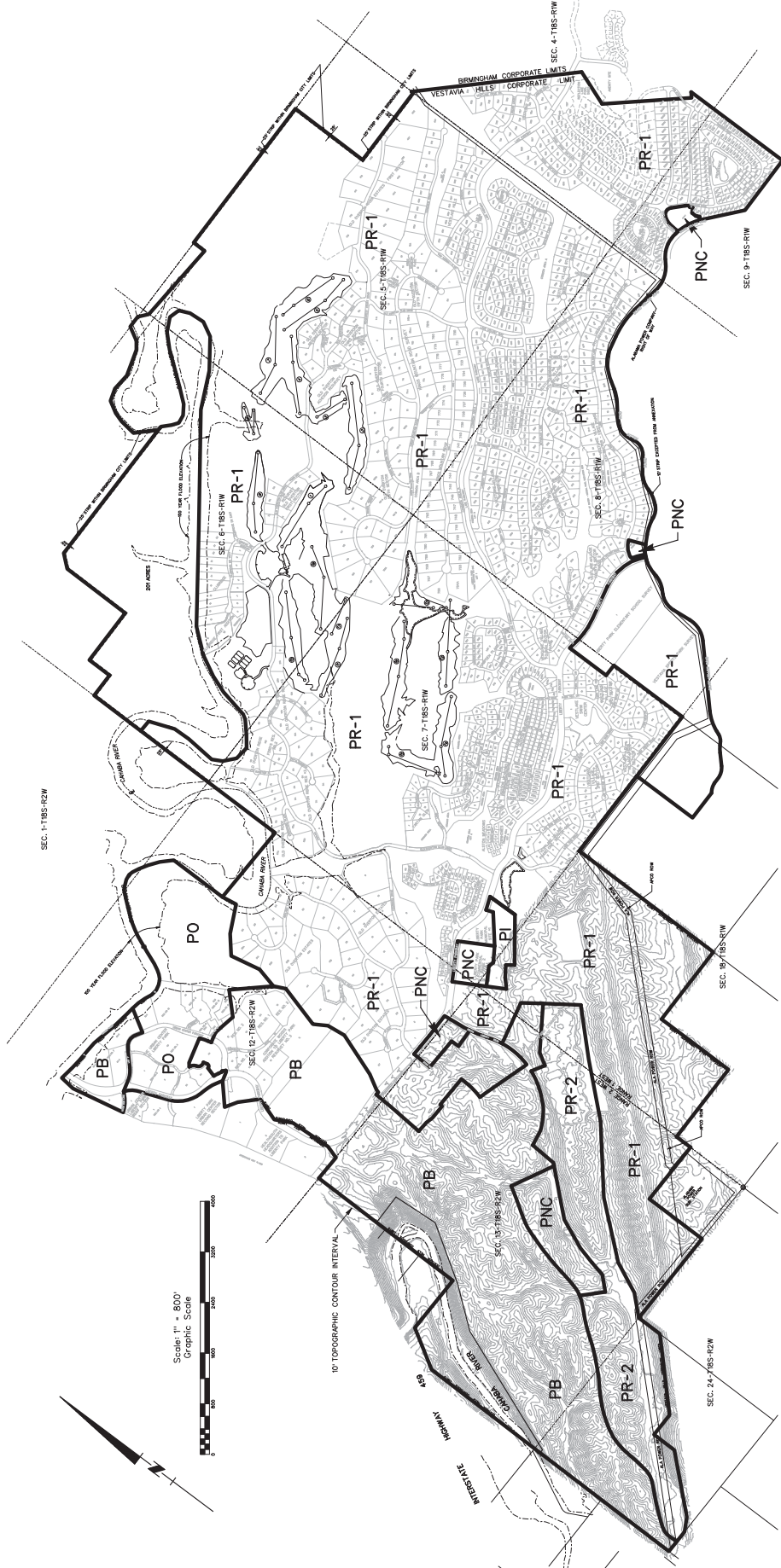


PROPOSED FEBRUARY 2018 ADJUSTMENTS



LAND USE AREAS AFTER FEBRUARY 2018 READJUSTMENT

PLD LAND USE DISTRICT	ACREAGE	% OF TOTAL	CHANGE IN ACREAGE	% OF CHANGE	NEW ACREAGE TOTAL	NEW % OF TOTAL
PR-1 (PLANNED SINGLE FAMILY RESIDENTIAL)	2554.8	71.6%	1.81	0.07%	2556.6	71.6%
PR-2 (PLANNED MULTI FAMILY RESIDENTIAL)	145.0	4.1%	0.00	0.00%	145.0	4.1%
PO (PLANNED OFFICE)	120.0	3.4%	0.00	0.00%	120.0	3.4%
PNC (PLANNED NEIGHBORHOOD COMMERCIAL)	53.2	1.5%	-1.81	-2.73%	51.4	1.5%
PB (PLANNED BUSINESS)	483.8	13.5%	0.00	0.00%	483.8	13.5%
PI (PLANNED LIGHT INDUSTRIAL)	11.2	0.3%	0.00	0.00%	11.2	0.3%
UNDESIGNATED	201.0	5.6%	0.00	0.00%	201.0	5.6%
TOTAL	3569.0	100.0%			3569.0	100.0%





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

Date: **FEBRUARY 8, 2018**

- **CASE: P-0218-03**
- **REQUESTED ACTION:** Conditional Use Approval for Unrelated Adults Residing In a Single Family Dwelling
- **ADDRESS/LOCATION:** 220 Erwin Circle
- **APPLICANT/OWNER:** Mike Swack
- **REPRESENTING AGENT:** Nick Goudreau
- **GENERAL DISCUSSION:** The applicant is currently renting a 3/2 house to five unrelated Samford Students. Code enforcement became aware of the situation due to complaints over parking at the residence. R-2 is single family zoning that establishes that all inhabitants of the house are either related by blood or marriage. The applicant is asking for conditional use approval until the end of the rental term on 7/31/18.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is not consistent with the plan for single family 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 problems noted.
  2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
  3. **City Fire Marshal Review:** Violates fire code
  4. **Building Safety Review:** Violates building code.



# 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 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.**

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

NAME: Mikel Swack

ADDRESS: 220 Erwin Cir.  
Vestavia Hills, AL 35216

MAILING ADDRESS (if different from above) 1701 Oxmoor Rd  
Birmingham, AL 35209

PHONE NUMBER: Home \_\_\_\_\_ Office 205-440-9702

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: \_\_\_\_\_  
Nick Goudreau with gkhouses

220 Erwin Circle  
Conditional Use  
Mikel Swack

R-2

**III. ACTION REQUESTED**

Request that the above described property be approved conditional use approval pursuant to Section 5.3 of the Vestavia Hills Zoning Code.

Current Zoning of Property: R-2

Requested Conditional use For the intended purpose of: 5 unrelated adults to reside in dwelling through end of current lease agreement (7/31/18) see attached.  
~~R-2 to R-5~~  
(Example: From "VH R-1" to "VH O-1" for office building)

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

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

220 Erwin Circle; Lot 7, Erwin Circle (MB 44 MP 59):  
Vestavia Hills, 35216

Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: \_\_\_\_\_

**V. INFORMATION ATTACHED:**

Attached Checklist complete with all required information.

Application fees submitted.

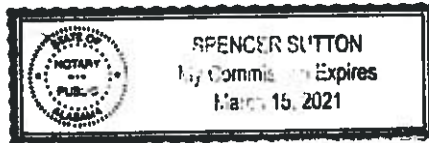
MS I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

Mikel Swack 12/18/2017  
Owner Signature/Date

[Signature]  
Representing Agent (if any)/date

Given under my hand and seal  
this 18 day of December, 2017.

[Signature]  
Notary Public  
My commission expires 15th  
day of March, 2021.



P0218-03//29-25-2-9-15  
220 Erwin Circle  
Conditional Use  
Mikel Swack

R-2



1/12/18

To whom it may concern,

Golden Key, LLC dba gkhouses, is requesting, on behalf of the owner Mikel & Liz Swack, a conditional use request to allow the current tenants at 220 Erwin Circle to remain in the home through the end of their lease period. At this time, there are 5 unrelated residents living in the home and would like to remain through the end of their lease, which is 7/31/2018.

The residents are utilizing all of the parking the home has by parking 3 cars in the driveway at all times and parking 2 cars in the cul-de-sac. One of the cars in the cul-de-sac is parked in front of 220 Erwin Circle and the other car is parked in front of the neighbors house. The neighbor has given the residents permission to park the car in front of their home as the home is currently vacant.

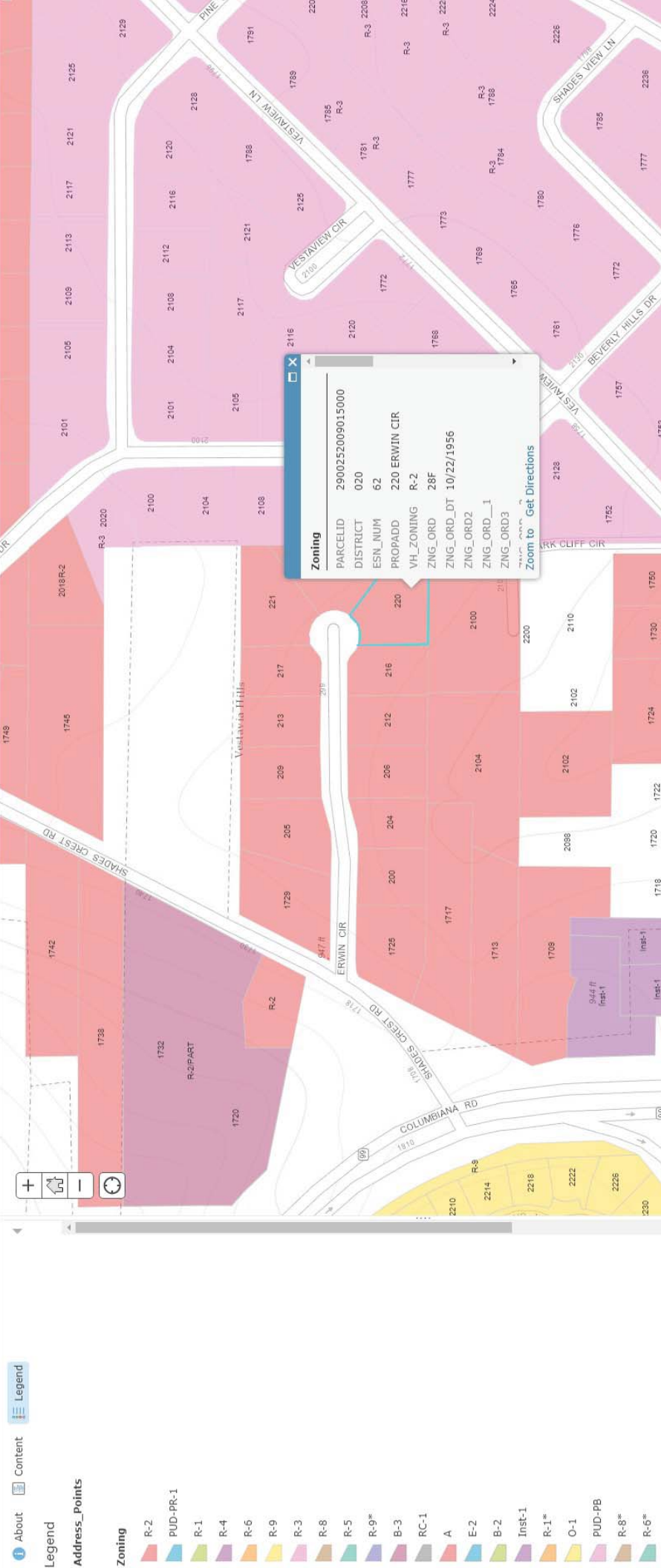
If permitted to stay, the tenants will vacate upon lease completion and the house will go back on the rental market. At this point, gkhouses will put restrictions on who can rent the home to prevent this in the future.

We appreciate your consideration and look forward to working with you.

Thank you,

A handwritten signature in black ink, appearing to read "Nick Goudreau", is written over the typed name.

Nick Goudreau



**Zoning**

PARCELID	2900252009015000
DISTRICT	020
ESN_NUM	62
PROPADD	220 ERWIN CIR
VH_ZONING	R-2
ZNG_ORD	28F
ZNG_ORD_DT	10/22/1956
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	

[Zoom to](#) [Get Directions](#)

- Zoning**
- R-2
  - PUD-PR-1
  - R-1
  - R-4
  - R-6
  - R-9
  - R-3
  - R-8
  - R-5
  - R-9\*
  - B-3
  - RC-1
  - A
  - E-2
  - B-2
  - Inst-1
  - R-1\*
  - O-1
  - PUD-PB
  - R-8\*
  - R-6\*

Subject Parcel

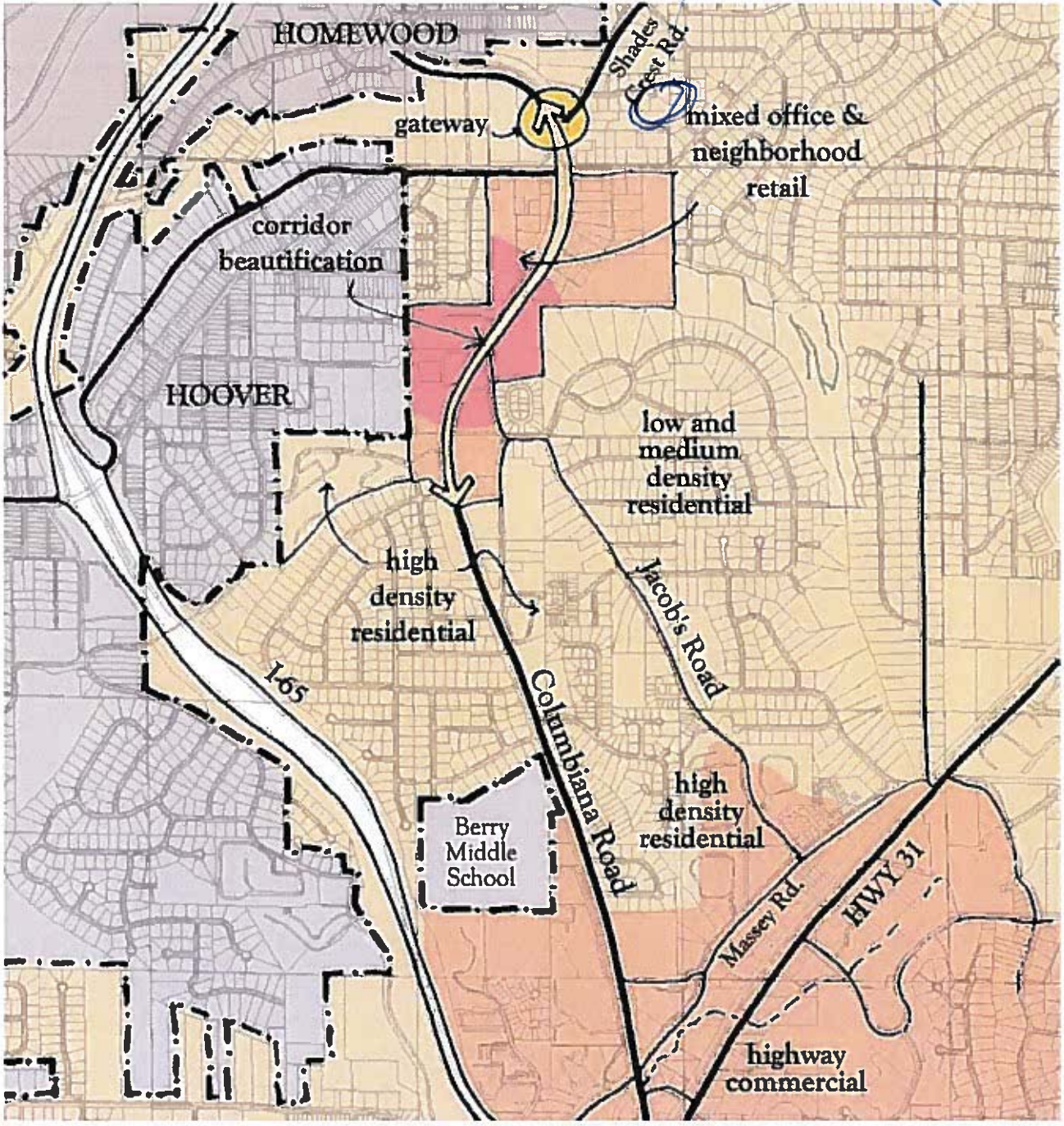


Figure 20: Columbiana Road  
Land Use Analysis

- Neighborhood - primarily low / medium density single-family residential areas with higher densities near village centers. Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.
- Professional Offices - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and they include passive recreational uses.
- Trailheads - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- Schools - School facilities administered by the Vestavia Hills School System.

