

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

SEPTEMBER 8, 2016

6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: August 11, 2016

Final Plats

(1) **Consent Agenda:**

- A. **P-0916-40** Pamela Drake Barefield Is Requesting **Final Plat Approval** For **Barefield's Addition To Old Overton River Estates First Sector**. The Purpose For This Request Is To Combine Lots. The Property Is Owned By the Barefield's And Is Zoned Vestavia Hills PR-1.

Rezoning/Conditional Use Recommendations:

- (2) **P-0816-34** June Pryor Is Requesting **Rezoning** for **3111 Pine Tree Dr.** from **Vestavia Hills R-1 and Vestavia Hills O-1** For The Purpose Of Office Development.
- (3) **P-0916-39** Joseph & Jacques Abou-Jaudé, Doug Allen, Faye Bragg, Phillip Michael, James T. Purcell, and Sharon Snyder Are Requesting **Rezoning** for **4109, 4101, 4105, 4113, 4117 Crosshaven Dr. & 3200 Ridgely Dr.** from **Vestavia Hills R-4** to **Vestavia Hills B-1.2** For The Purpose Of Commercial Development.

Amendments to Ordinance 2331-B:

- (4) Amendments to Ordinance 2331-B §4.5 "Fences".

Time of Adjournment.

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

MINUTES

AUGUST 2, 2016

5:00 P.M.

The Planning and Zoning Commission met in a public work session in the North Conference Room at City Hall.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Bill Visintainer

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Lori Beth Kearly, Assistant City Engineer

The Commission met to review cases on the August agenda. No action was taken.

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

MINUTES

AUGUST 11, 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
Jim Brooks
Blaine House

MEMBERS ABSENT:

Bill Visintainer

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Christopher Brady, City Engineer

APPROVAL OF MINUTES

Mr. Larson stated that the minutes of the meeting of July 15, 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
Mr. Brooks – yes
Motion carried.
Mr. Burrell – yes
Mr. Sharp – yes
Mr. House – yes
Mr. Larson – yes

Consent Agenda/Final Plats:

- 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.

MOTION Mr. Gilchrist made a motion to recommend approval of items A & B. Second was by Mr. House. Motion was carried on a roll call; vote as follows:

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

Chairman Larson opened the floor for a public hearing on item C.

Jean Palmer, Peggy Gargus, and Greg Miller were all concerned about drainage. Mr. Brady stated at all city procedures would be followed.

Chairman Larson closed the public hearing.

MOTION Mr. Gilchrist made a motion to recommend approval of item C. Second was by Mr. House. Motion was carried on a roll call; vote as follows:

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

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.

Mr. Garrison explained the background and location of the request and stated a list of conditions staff would like to see attached.

Mr. McLeod stated he wants to raise chickens as a hobby

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

MOTION Mr. Gilchrist made a motion to recommend conditional use approval for two chickens at 724 Paden Dr. with 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.

Second was by Mr. Goodwin. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Burrell – yes
Mr. Gilchrist – yes	Mr. Sharp – yes
Mr. Wolfe – yes	Mr. House – yes
Mr. Brooks – yes	Mr. Larson – yes

Motion carried.

- (3) **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.

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

Scott Carlisle, of Christopher Architects, went over the plan with the Commission. He explained how the buildings will address the street and the parking situation.

Mr. Larson opened the floor for a public hearing.

Peggy Gargus was concerned about drainage. Mr. Brady stated that all city procedures will be followed.

Robert De Buys spoke in support of the project.

Mr. Larson closed the public hearing and opened the floor for motions.

MOTION Mr. Wolfe made a motion to recommend rezoning approval of 3017 Cahaba Heights Rd. from Vestavia Hills O-1 and Vestavia Hills B-3 to Vestavia Hills B-1.2 with the condition that the two lots be resurveyed into one lot.
Second was by Mr. Sharp. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Gilchrist – yes
Mr. Wolfe – yes
Mr. Brooks – yes
Motion carried.

Mr. Burrell – yes
Mr. Sharp – yes
Mr. House – 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: SEPTEMBER 8, 2016

- **CASE:** P-0916-40
- **REQUESTED ACTION:** Final Plat Approval For Barefield's Addition To Old Overton River Estates First Sector
- **ADDRESS/LOCATION:** 7435, 7431, 7427 Ridgecrest Court Rd.
- **APPLICANT/OWNER:** Pamela Drake Barefield
- **GENERAL DISCUSSION:** Plat is combining Lot 405-A & Lot 404 of Old Overton River Estates in Liberty Park. Lots will maintain their recorded setback and meet all requirements of the PUD.
- **LIBERTY PARK PUD:** This request is consistent with the PUD 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 recommendation
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted
 4. **Building Safety Review:** No problems noted

P0916-40//27-5-1-3-9, 10 & 11
7427, 7431 Ridgecrest Ct. Rd.
Combine Lots 405-A & 404
Pamela Barefield PUD-
PR-1

P&Z Application
Page 3

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

II. APPLICANT INFORMATION: (owner of property)

NAME: PAMELA DRAKE BAREFIELD

ADDRESS: 7306 WAKEFIELD ROAD

VESTAVIA HILLS, ALABAMA 35242

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205 972 9174 Office 205 567 9102

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Husband - FRANK BAREFIELD - cell 205 567 9101

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: To combine Lot 405-A, and Lot 404

into one lot.

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

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

7435, 7431, 7427 Ridgecrest Court Rd

Vestavia, AL 35242

Property size: 896' feet X 605' feet. Acres: 11.99

VI. ZONING/REZONING:

The above described property is presently zoned: PUD-PR-1

2016 AUG 17 P 2:25

P0916-40//27-5-1-3-9, 10 & 11
7427,7431 Ridgecrest Ct. Rd.
Combine Lots 405-A & 404
Pamela Barefield PUD-
PR-1

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
this 8th day of August, 2016.


Notary Public



My commission expires 28th
day of February, 2020.

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

Date: SEPTEMBER 08, 2016

- **CASE: P-0816-34**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-1 Vestavia Hills O-1
- **ADDRESS/LOCATION:** 3111 Pine Tree Dr.
- **APPLICANT/OWNER:** June Pryor
- **REPRESENTING AGENT:** Todd Thompson
- **GENERAL DISCUSSION:** Property is on the corner of Pine Tree Cir. and Pine Tree Dr. Applicant is seeking rezoning to build a two story medical office building (8,225 sq. ft. +/-). The proposed building meets all requirements of an O-1 zoning, including parking and buffering. Currently, the project sits on two lots, however, the lots would be recombined after rezoning is approved. A proposed site plan and tree save plan is attached. A creek runs through the center portion of the property and is proposed to be untouched.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for limited mixed use/open space. Additionally, the property directly across Pine Tree Cir. is already zoned O-1
- **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: Rezoning conditioned on resurvey approval/recordation and that the building is constructed in a residential style.
 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.

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: June Pryor

ADDRESS: 3118 Pinetree Drive
Vestavia, AL. 35243

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-960-8979 Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

2011 JUL - 8 PM 12:00 PM

P0816-34//28-27-4-2-8
3111 Pine Drive
Rezone from R-1 to O-1
June Pryor R-1

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: RESIDENTIAL R-1

To: 0-1 FOR OFFICE BUILDING

For the intended purpose of: MEDICAL / OFFICE BUILDING

(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.)

LOT 38 AND 39 OF 3111 PINE DRIVE SURVEY ATTACHED

Property size: +/- 140.00 feet X +/- 95.00 feet. Acres: +/- 0.50 ACRES EACH

V. INFORMATION ATTACHED:



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.

June Pryor

Owner Signature/Date

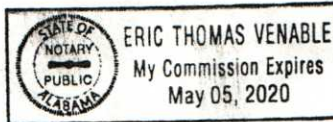
Representing Agent (if any)/date

Given under my hand and seal
this 7th day of June, 2016.

Eric Thomas Venable

Notary Public

My commission expires 5th
day of May, 2020.






(2 of 2)

**Vestavia_Hills_Zoning:
2800274002008000**

PARCELID	2800274002008000
DISTRICT	020
ESN_NUM	62
PROPADD	3111 PINE DR
TAX_TOWNSH	28
SECTION	27
QSECTION	4
BLOCK	002
PARCEL	008000
VH_ZONING	R-1
ZNG_ORD	1981
ZNG_ORD_DT	03/21/2003

[Zoom to](#)

Future Land Use

- | | | |
|--|---|--|
|  Low-Density Residential |  Retail/Mixed Use |  Institutional |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High-Density Residential |  Planned Mixed Use | |
|  Birmingham |  Jefferson County |  Mountain Brook |

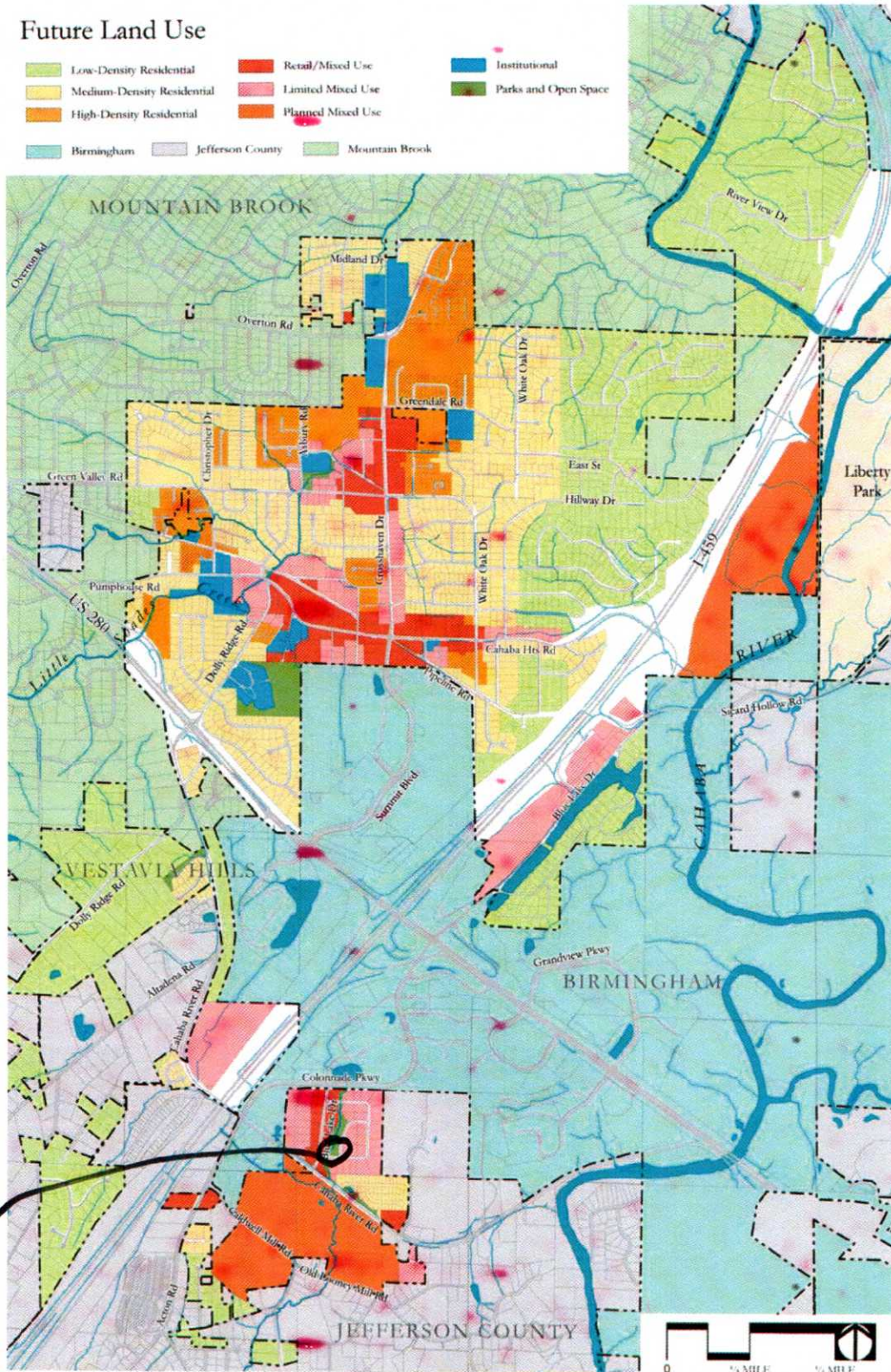
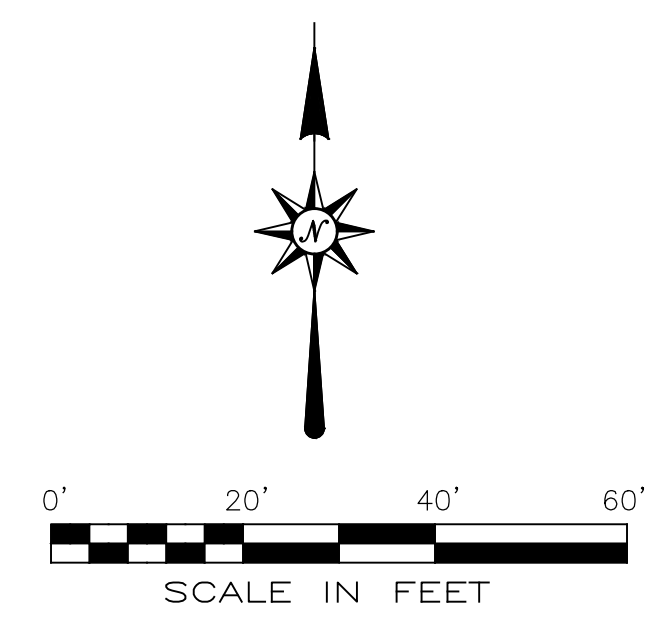
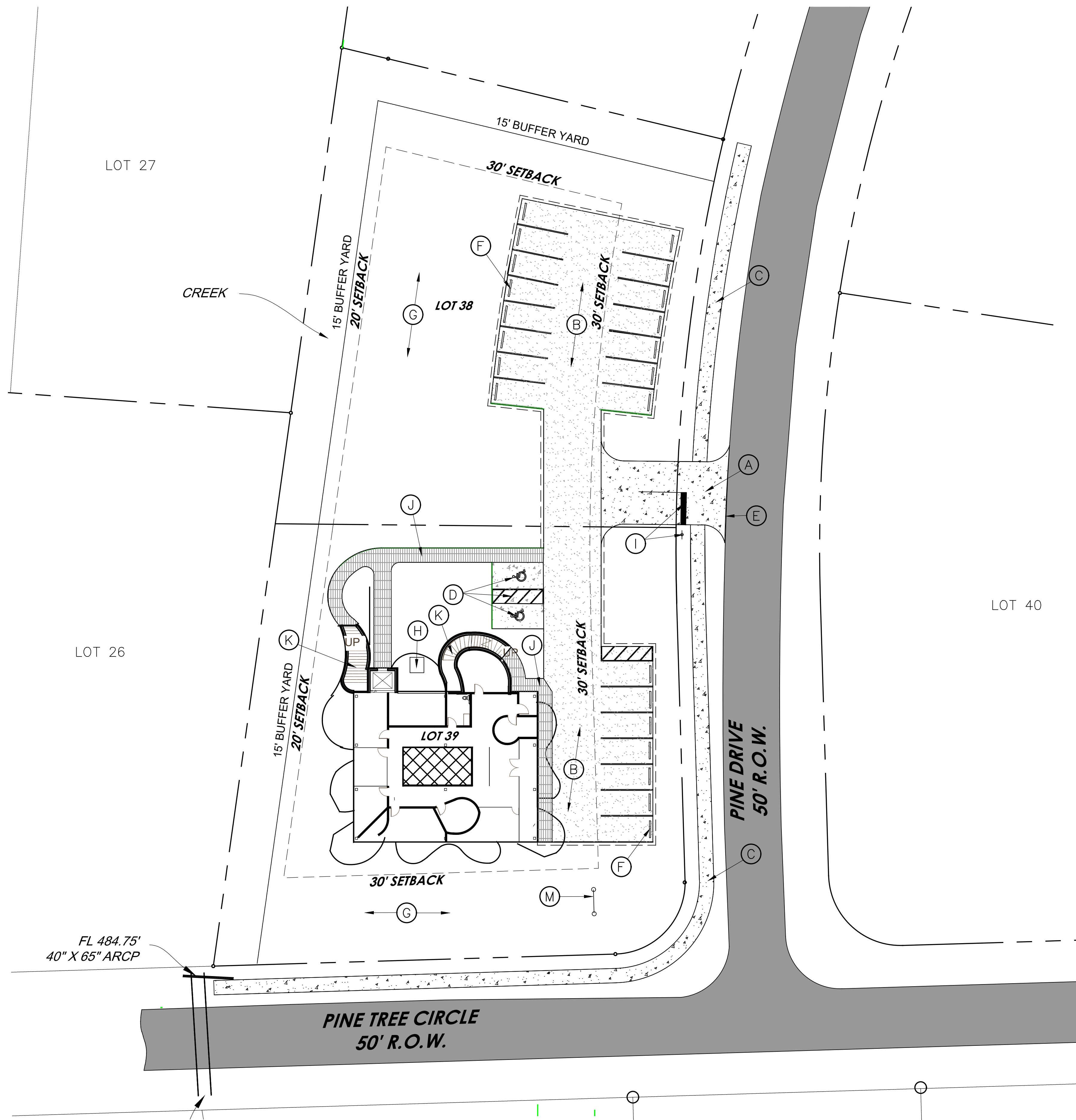


Figure 4: Future Land Use Map



- SITE LEGEND**
- (A) CONCRETE PAVING REQ'D. - TYPICAL
 - (B) GRAVEL SURFACE TREATMENT REQ'D. - TYPICAL. STRIPING ON GRAVEL SHOWN ONLY AS A GUIDE FOR DIMENSIONING PURPOSES.
 - (C) RIGHT OF WAY SIDEWALK REQ'D.
 - (D) ACCESSIBLE PARKING SPACE, SIGN, SYMBOL, AND ACCESS AISLE REQ'D.
 - (E) TIE TO EXISTING ASPHALT. CONTRACTOR SHALL ASSURE SMOOTH TRANSITION AND POSITIVE DRAINAGE.
 - (F) WHEEL STOP - TYPICAL.
 - (G) SELECT EXISTING HARDWOOD TREES TO REMAIN.
 - (H) PROPOSED LOCATION FOR PAD MOUNTED POWER TRANSFORMER.
 - (I) R1-1 STOP SIGN AND STOP BAR REQ'D.
 - (J) ARCHITECTURAL PAVERS - TYPICAL
 - (K) STAIRS AND HANDRAIL REQ'D. SEE ARCHITECTURAL PLANS.
 - (L) RAILROAD TIES TO BE INSTALLED AROUND PERIMETER OF AGGREGATE SURFACING.
 - (M) PRIMARY IDENTIFICATION SIGN

LEGEND	
	EXISTING STORM SEWER
	EXISTING BUILDING LINE
	PROPOSED BUILDING LINE
	EXISTING IMPROVEMENTS
	EXISTING CURB AND GUTTER
	PROPOSED CURB AND GUTTER
	PROPERTY LINE
	EXISTING PAINT STRIPING
	PROPOSED IMPROVEMENTS
	FENCE
	EASEMENT LINE
	SETBACK LINE
	EXISTING FLOW
	EXISTING CONTOURS
	PROPOSED CONTOURS
	PROPOSED FLOW
	PROPOSED STORM SEWER
	PROPOSED SANITARY SEWER
	PROPOSED TELEPHONE
	PROPOSED POWER
	PROPOSED WATER
	PROPOSED GAS LINE
	EXISTING SANITARY SEWER
	EXISTING TELEPHONE
	EXISTING POWER
	EXISTING WATER
	EXISTING GAS LINE
	EXISTING ELEVATION
	PROPOSED ELEVATION
	SANITARY SEWER CLEANOUT
	WATER METER
	WATER VALVE
	WATER FACET
	FIRE HYDRANT
	POWER POLE
	LIGHT POLE

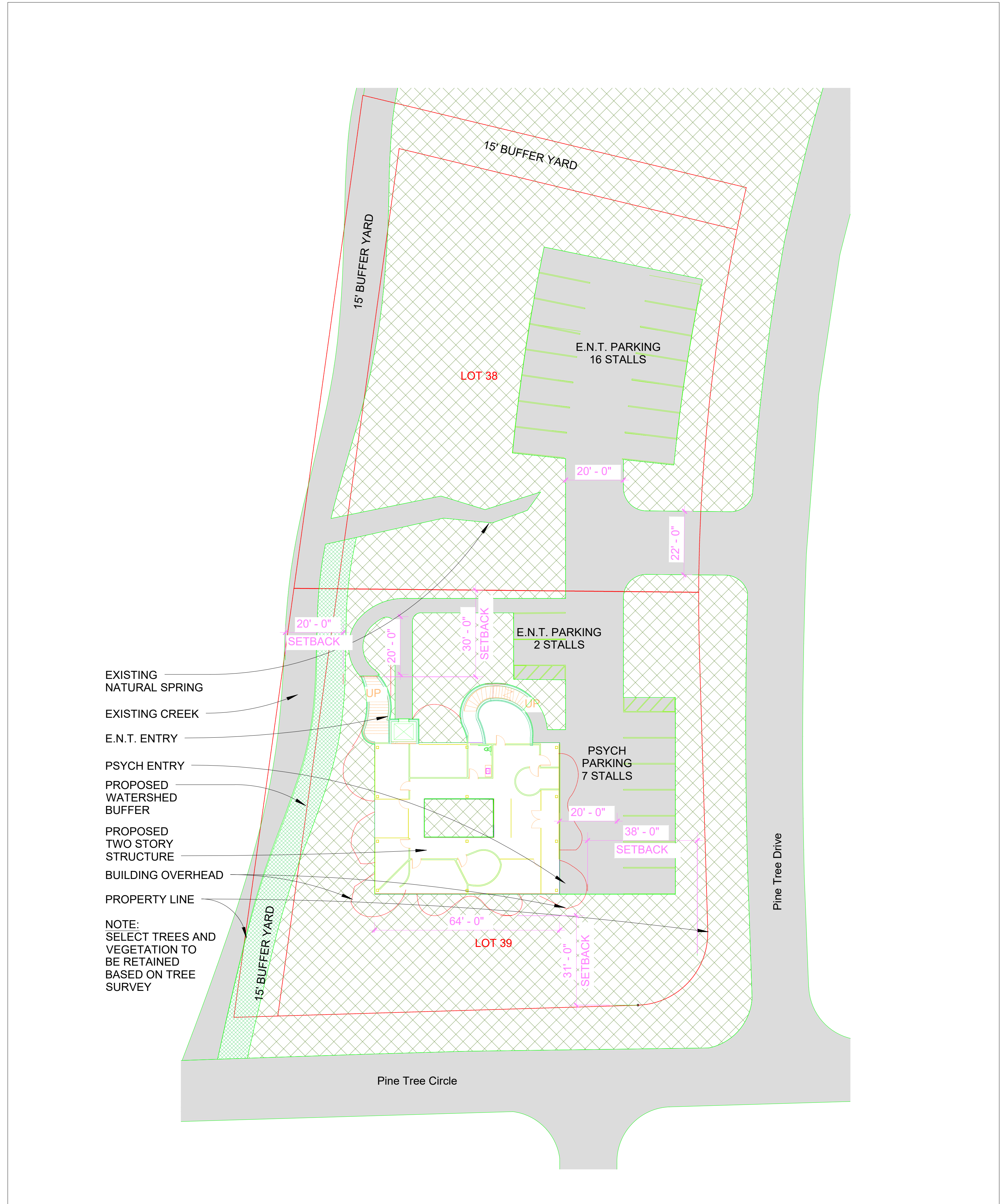
NO.	REVISIONS DESCRIPTION	DATE

TITLE		RE-ZONING EXHIBIT	
H2 CLINIC		3111 PINE DRIVE	
VED FOR		AWH ARCHITECTS	
DWN. BY	CKD. BY	SCALE	LAST FIELD SURVEY DATE
TZ	TZ	1"=20'	
CREW CHIEF	FIELD BOOK/PAGE	DWG. NAME	COORDINATE FILE

GONZALEZ - STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
 2176 PARKWAY LAKE DRIVE
 HOOVER, ALABAMA 35244
 PHONE: (205) 942-2486
 FAX: (205) 942-3033
 www.Gonzalez-Strength.com
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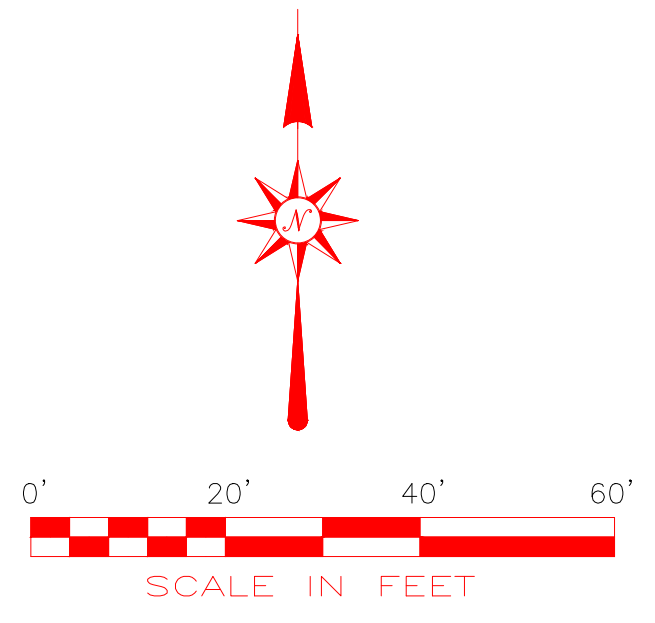
DWG. NO.	EXH-1
PROJECT	16AWH01

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- EXISTING NATURAL SPRING
- EXISTING CREEK
- E.N.T. ENTRY
- PSYCH ENTRY
- PROPOSED WATERSHED BUFFER
- PROPOSED TWO STORY STRUCTURE
- BUILDING OVERHEAD
- PROPERTY LINE

NOTE:
SELECT TREES AND
VEGETATION TO
BE RETAINED
BASED ON TREE
SURVEY



REVISIONS	DESCRIPTION	DATE

QUARTER - SECTION
NORTH ONE-HALF

TOWNSHIP 19 SOUTH RANGE 3 WEST

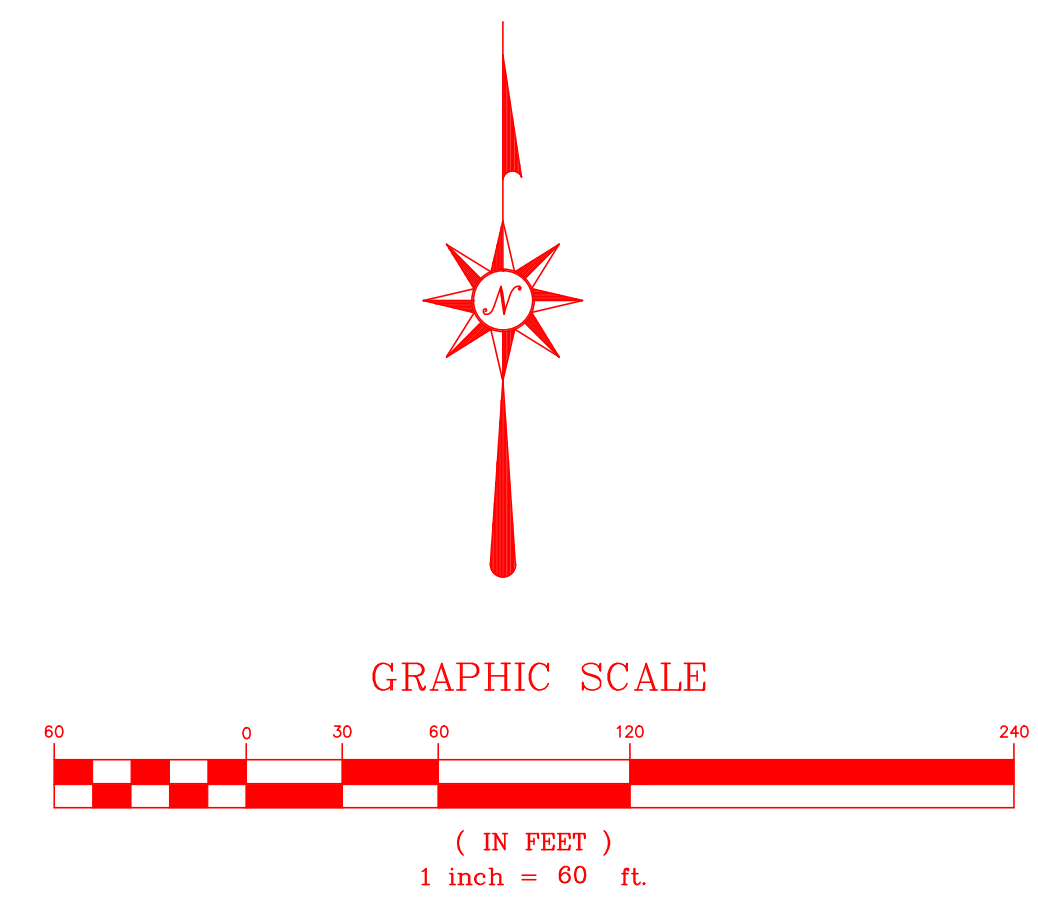
RE-ZONING EXHIBIT		H2 CLINIC		3111 PINE DRIVE VESTAVIA, AL	
FOR		AWH ARCHITECTS		LAST FIELD SURVEY DATE	
DWN. BY	SCALE	FIELD BOOK/PAGE	DWG. NAME	COORDINATE FILE	
CREW CHIEF					

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NOT VALID UNLESS SIGNED AND SEALED BY ENGINEER

DWG. NO.
C1-RO
PROJECT
14LYN01



-  HARDWOOD
-  PINE
-  TREE TO BE REMOVED

DRAWING FOR ILLUSTRATION PURPOSE ONLY.
TREE LOCATIONS ARE APPROXIMATE.
SELECTIVE PRUNING, DEAD TREE REMOVAL
AND UNDERSTORY CLEARING REQUIRED.

NO.	REVISIONS DESCRIPTION	DATE
1		
2		

SECTION TOWNSHIP RANGE

QUARTER - SECTION

TITLE TREE SAVE EXHIBIT			
311 PINE DRIVE			
FOR ALEX HECKER			
DWN BY TZ	CKD BY	SCALE	LAST FIELD SURVEY DATE
CREW CHIEF	FIELD BOOK/PAGE	DWG. NAME	COORDINATE FILE



GONZALEZ - STRENGTH & ASSOCIATES, INC.
CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
SUITE 407 - 117 GEMINI CIRCLE
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DWG. NO. EXH-1
PROJECT 16AWH01

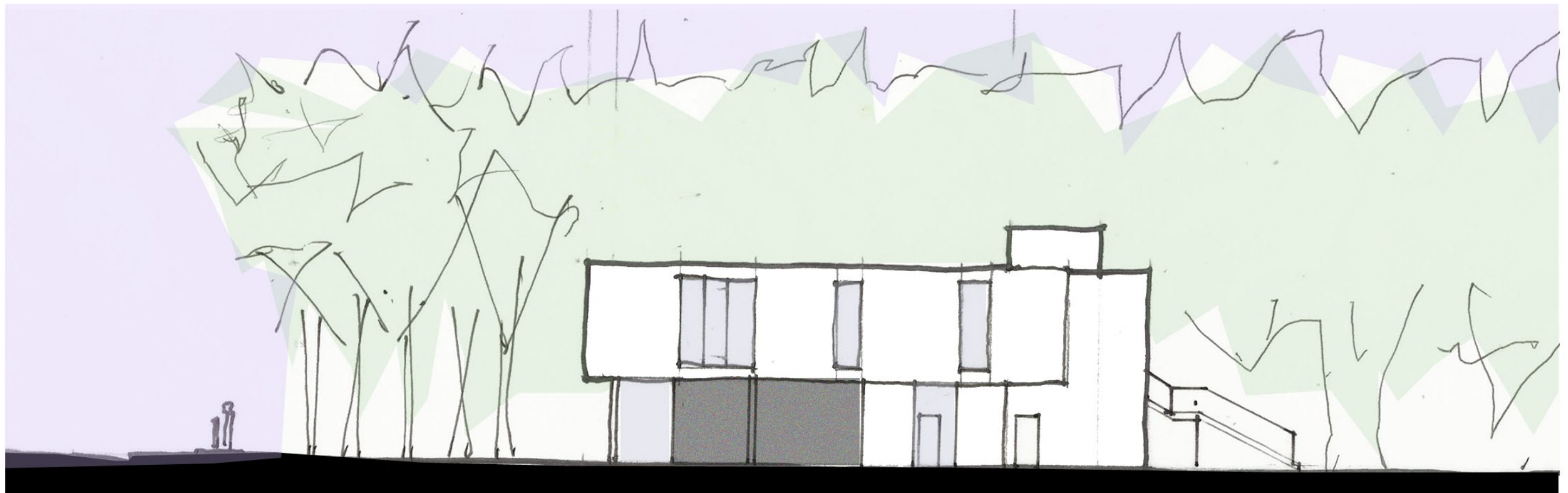
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NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

ELEVATIONS

N.T.S.

09/02/2016

H2 CLINIC SCHEMATIC DESIGN
3111 PINE TREE DRIVE, VESTAVIA HILLS, AL



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

Date: SEPTEMBER 8, 2016

- **CASE: P-0916-39**
- **REQUESTED ACTION:** Rezoning from Vestavia Hills R-4 to Vestavia Hills B-1.2
- **ADDRESS/LOCATION:** 4109, 4101, 4105, 4113, 4117 Crosshaven Dr. & 3200 Ridgely Dr.
- **APPLICANT/OWNER:** Joseph & Jacques Abou-Jaudé, Doug Allen, Faye Bragg, Phillip Michael, James T. Purcell, and Sharon Snyder
- **REPRESENTING AGENT:** Jamie Purcell
- **GENERAL DISCUSSION:** Properties in question are on Crosshaven Dr., between Valley Park Dr. and Ridgely Dr. Applicant is seeking rezoning to build a nursery, a restaurant, and a bagel shop. The building would be approx. 6,000 sq. ft. The site plan takes into account ROW acquisition by Jeffco for the Crosshaven Dr. project. As required by the B-1.2 zoning 8' sidewalks will be constructed along Crosshaven Dr.

The bagel shop would be approx. 1,500 SF and have a front setback of 35' at Crosshaven Dr., a front setback of 95' at Ridgely Dr. and a rear setback of 105'. The nursery would be approx. 3,800 SF and have a front setback of 35' at Crosshaven Dr. and a rear setback of 80'. The restaurant would be approx. 4,000 SF. and have a front setback of 40' at Crosshaven Dr., 70' front setback at Valley Park Dr. and a rear setback of 90'.

There are 101 parking spaces required for the project and the project meets that amount. A landscape plan and project examples are attached. The office has received a few letters of opposition due to traffic concerns.

- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for limited mixed use.
- **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:** Currently reviewing plans.
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

P0916-39//28-22-1-9-14
3200 Ridgely Dr., 4101
Crosshaven Drive
Rezone from R-4 to B-1.2
Leaf and Petal R-4
CITY OF VESTAVIA HILLS

P&Z Application
Page 4

2016 AUG - 14
P
4

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.
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- (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: Joseph And Jacques Abou-Jaoude'

ADDRESS: 4109 Crosshaven Dr
Vestavia Hills, AL

MAILING ADDRESS (if different from above) 4129 River View Cv
B. ham AL 35243

PHONE NUMBER: Home 205-969-0770 Office 205-870-1876

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Jamie Purcell (205) 337-1764

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: RESIDENTIAL R-4

To: COMMERCIAL B-1.2

For the intended purpose of: GARDEN CENTER/RESTAURANT

(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.)

Single home one Level Located AT
4109 Crosshaven Drive, Vestavia Hill.

Property size: 200 feet X 75 feet. Acres: ≈ 1/3

V. INFORMATION ATTACHED:

 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.

Joseph Houjeaud
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 1st day of August, 20 16.

Carol M. Lowry
Notary Public

My commission expires 5/5/19
day of _____, 2019.

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.
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- (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: Doug Allen

ADDRESS: 4101 Crosshaven Dr
B'ham AL 35243

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-967-2753 Office 205-492-9828

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Jamie Purcell - (205) 337-1764

AUG-11 10:17

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Residential R-4

To: Business B-1.2

For the intended purpose of: Garden Center / RESTAURANT

(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.)

4101 Crosshawn Dr.

Vestavia, AL 35243

Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:

_____ 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.

Doug Allen
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 29 day of July, 2016.

William E. Shepard
Notary Public
My commission expires ~~09/09/2019~~ ^{9TH}
day of September, 2019.



CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

2016 AUG - 1 P 7

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly ~~at~~ 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.
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- (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: Faye Bragg
ADDRESS: 4105 Crosshaven Dr.
Birmingham, AL. 35243
MAILING ADDRESS (if different from above) 1106 Gables Dr.
Attorney Sandra Boddie Hoover, AL. 35244
(daughter)
PHONE NUMBER: Home 585-0169 Office _____
NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Jamie Pursell - Developer (205) 337-1764 cell
Sandra Boddie - Attorney

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Residential R-4

To: Business B-1.2

For the intended purpose of: Garden Center - Res.

(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.)

4105 Crosshollow Dr.
Veranda, AL 35243

Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:

_____ 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.

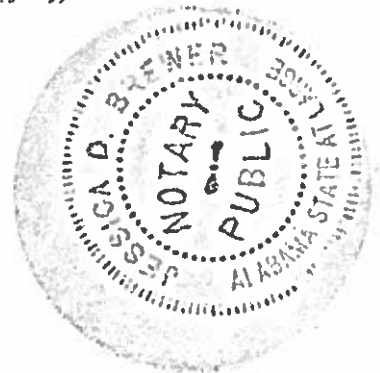
Landra Boddie 7-28-16
Owner Signature/Date

_____ Representing Agent (if any)/date

Given under my hand and seal
this 28 day of July, 2016.

Jessie D. Brown
Notary Public

My commission expires _____ My Commission Expires 1/7/2018
day of _____, 20_____.



P0916-39//28-22-1-9-14
3200 Ridgely Dr., 4101
Crosshaven Drive
Rezone from R-4 to B-1.2
Leaf and Petal R-4
CITY OF VESTAVIA HILLS

P&Z Application

Page 4

2016 AUG - 4 P 4:17

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

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- (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:

Phillip Michael

ADDRESS:

4113 Crosshaven Drive
Vestavia, AL 35243

MAILING ADDRESS (if different from above)

3301 Overton Trail

Birmingham, AL 35243

PHONE NUMBER: Home

967-9817

Call Office

205-243-2111

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

Jamie Pursell

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Residential R-4

To: Business B-1.2

For the intended purpose of: Garden Center

(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.)

4113 Crosshaver Dr.

Vestavia, AL 35243

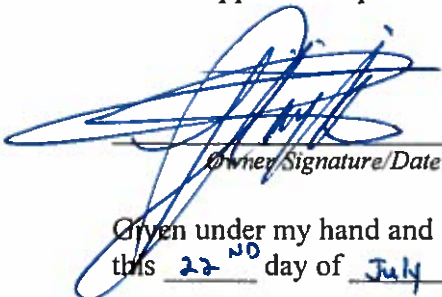
Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:

_____ 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

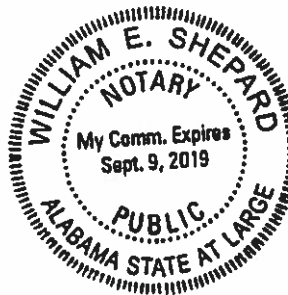
7/22/2016

Representing Agent (if any)/date

Given under my hand and seal
this 22ND day of July, 2016.

William E. Shepard
Notary Public

My commission expires 9TH
day of September, 2019.



P0916-39//28-22-1-9-14
3200 Ridgely Dr., 4101
Crosshaven Drive
Rezone from R-4 to B-1.2
Leaf and Petal R-4

CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

2016 AUG - 11
P
4

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.
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- (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: James T. Pursell III (sole member of Crosshaven 6, LLC)

ADDRESS: _____

MAILING ADDRESS (if different from above) 3100 Starview Circle
Vestavia, AZ 35243

PHONE NUMBER: Home (205) 337-1764 Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Residential B-4

To: Business B-1.2

For the intended purpose of: Retail Garden Center & Restaurants

(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.)

3200 Ridgely Dr.
Vestavia, AL 35243

Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:

_____ 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.

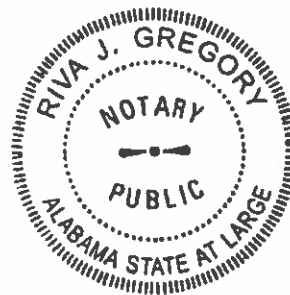
James T. Puleo III
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 26 day of July, 2016.

Riva J. Gregory
Notary Public

My commission expires Oct 22, 2016
day of October, 2016.



P0916-39//28-22-1-9-14
3200 Ridgely Dr., 4101
Crosshaven Drive
Rezone from R-4 to B-1.2
Leaf and Petal R-4
CITY OF VESTAVIA HILLS

2016 AUG - 11
P

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

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- (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: Sharon Snyder

ADDRESS: 4117 Crosshaven Dr.
Vestavia, AL 35243

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-969-6121 Office 205-243-2668

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Jamie Purcell-developer

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Residential R-4

To: Business B-1.2

For the intended purpose of: Storage Center / warehouse

(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.)

4117 Crosshaven Dr.
Vestavia, AL 35243

Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:

_____ 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.

Mark S. Sledge 8-1-16
Owner Signature/Date

Representing Agent (if any)/date

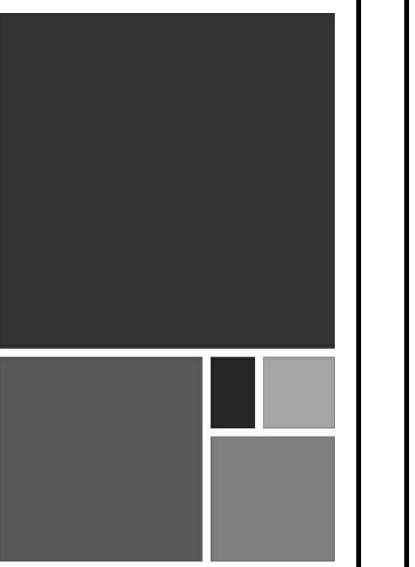
Given under my hand and seal
this 1st day of August, 2016.

Jessica L. Robinson
Notary Public

My commission expires 18
day of June, 2019.



NOT FOR CONSTRUCTION



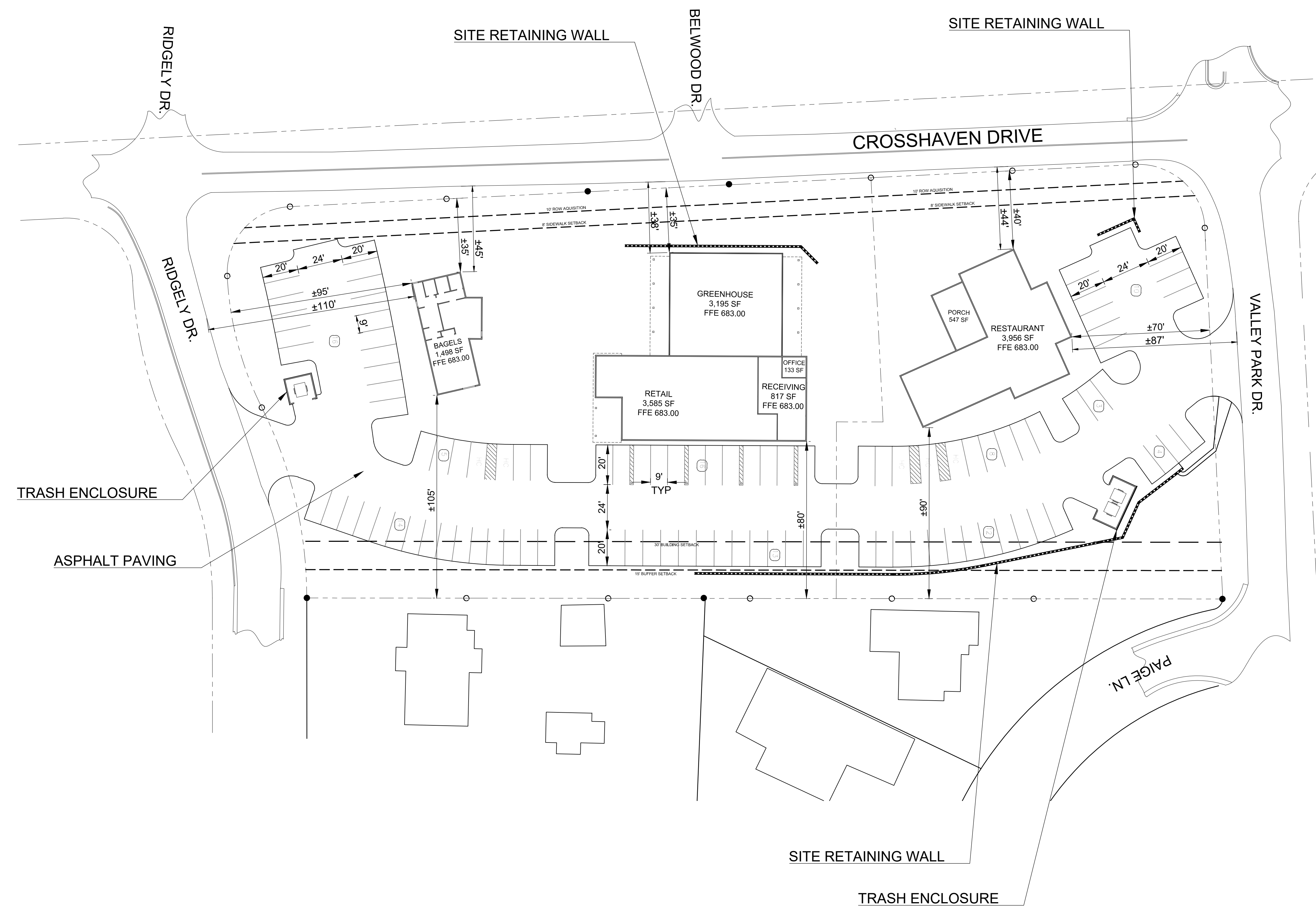
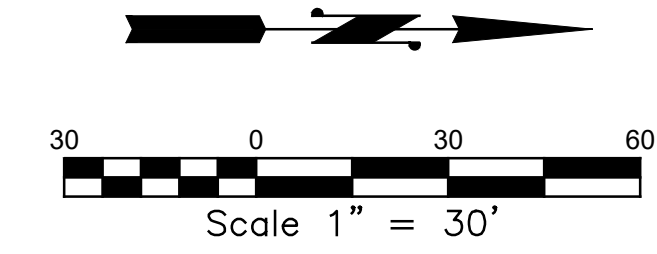
ARCHITECTURE WORKS

130 NINETEENTH STREET SOUTH
BIRMINGHAM, ALABAMA 35233
TELEPHONE: 205.320.0880
www.architectureworks.com

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LEAF + PETAL

Vestavia Hills, AL



DATE	
REVISION	
NO.	
DATE	




JOB	2523.000 16ARW03
PROJECT STATUS	REZONING APPLICATION
DATE	August 26, 2016
SET	
SHEET NAME	CONCEPTUAL LAYOUT PLAN
SHEET NO.	

C1

GSA
GONZALEZ - STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
 2176 PARKWAY LAKE DRIVE
 HOOPER, ALABAMA 35044
 PHONE: (205) 945-2486
 FAX: (205) 945-3023
 www.Gonzalez-Strength.com © Copyright 2016



Future Land Use

- | | | |
|--|---|--|
|  Low-Density Residential |  Rural Mixed Use |  Institutional |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High-Density Residential |  Planned Mixed Use | |
|  Birmingham |  Jefferson County |  Mountain Brook |

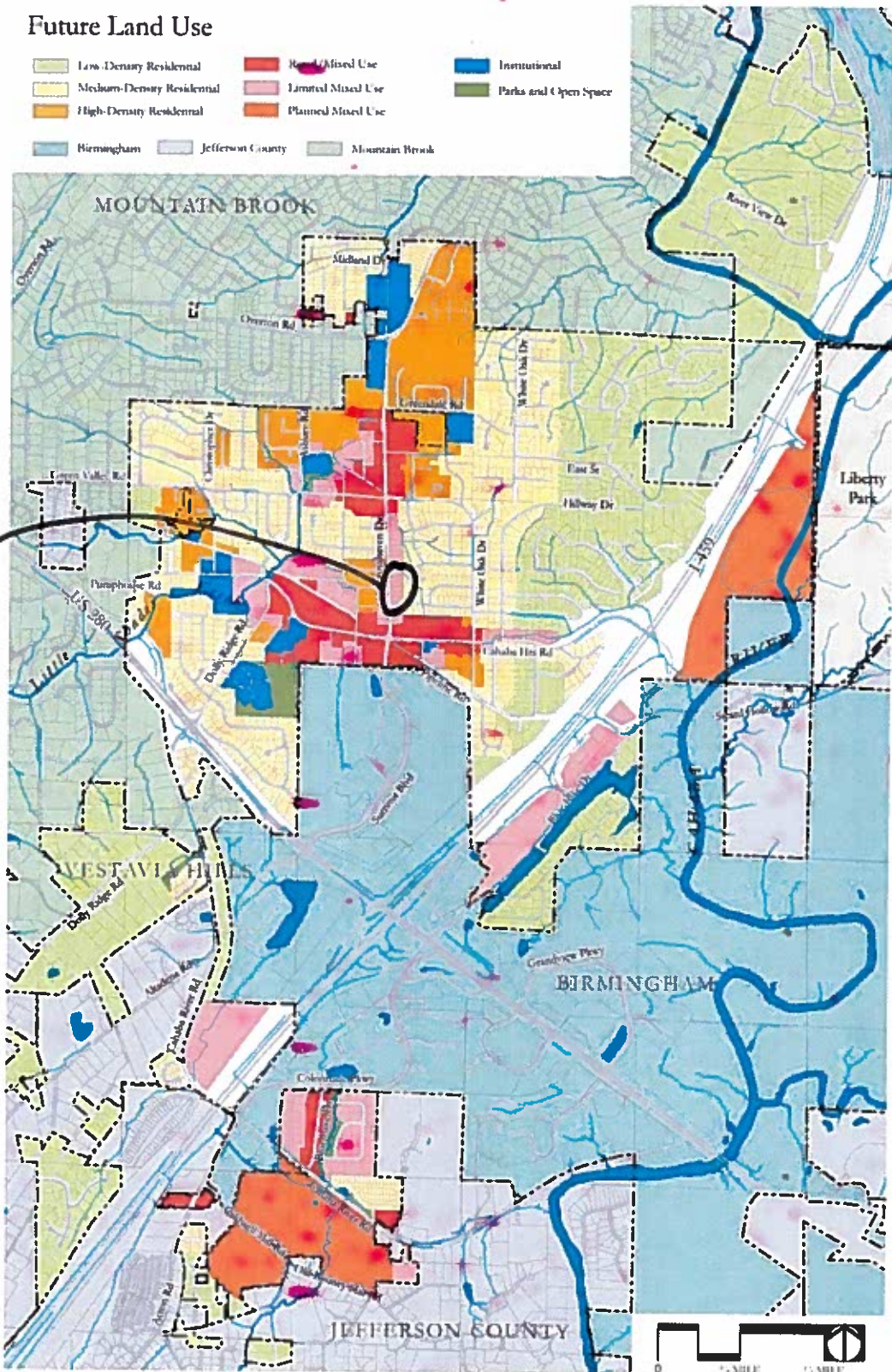


Figure 4: Future Land Use Map

B.B., LLC

**500 SOUTHLAND DRIVE, SUITE 212
BIRMINGHAM, ALABAMA 35226
Telephone 205-823-7130 Fax 205-823-7486**

August 19, 2016

City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

Re: Protest of Rezoning Lots 1-6 Holiday's 1st Addition to Cahaba Heights

We would like to protest the Rezoning of these properties from R-4 to B-1.2. Crosshaven Drive has more traffic than it can handle and is difficult to navigate on a normal day. The increase in traffic from a restaurant and garden center would make the existing problems worse and would be detrimental to our property value.

Sincerely,



B.B., LLC

By Rudy James, Operating Manager

August 25, 2016

To the City of Vestavia Hills,

The proposed commercial development on Crosshaven Drive between Ridgely Drive and Valley Park Drive (addresses of 3200 Ridgely Drive, 4117, 4104, 4109, 4105, and 4101 Crosshaven Drive, Vestavia, AL 35243) is in the center of houses. The development would tear down houses to build restaurants and shops. There are many other locations in Cahaba Heights that are already zoned as commercial lots and are for sale as well as empty commercial buildings around the area. The proposed businesses that want to raze houses could go to any of the other empty commercial properties instead. I want to keep the houses on Crosshaven Drive and not allow any commercial development on those lots. If the businesses are allowed to build on those properties, there are the issues of added traffic on an already congested and dangerous road and surrounding neighborhood streets, noise from customers, delivery trucks, and garbage trucks, and parking lot lighting that would be shining into surrounding homes. We need to keep these properties as residential only. I do not want you to rezone the properties from R-4 to B-1.2. Please keep them as is. There is no reason to add businesses in the middle of houses, especially when there are so many other businesses that were built and are now standing empty. Those locations are eyesores, not the homes that would be bulldozed. Instead of taking over a large portion of a neighborhood, the city should start buying those empty properties and using those for the businesses. It would be a shame that all of Cahaba Heights would become nothing but a cash cow by rezoning residential properties to more and more commercial properties and slowly pushing the citizens out. Then where is the village life that everyone is striving for?

Sincerely,

A handwritten signature in blue ink, appearing to read "Gerhard Tueckmantel Dorothy Tueckmantel". The signature is written in a cursive style and spans across two lines.

Gerhard Tueckmantel and Dorothy Tueckmantel
4108 Crosshaven Lane
Vestavia, AL 35243

August 25, 2016

To the City of Vestavia Hills,

The proposed commercial development on Crosshaven Drive between Ridgely Drive and Valley Park Drive (addresses of 3200 Ridgely Drive, 4117, 4104, 4109, 4105, and 4101 Crosshaven Drive, Vestavia, AL 35243) is in the center of houses. The development would tear down houses to build restaurants and shops. There are many other locations in Cahaba Heights that are already zoned as commercial lots and are for sale as well as empty commercial buildings around the area. The proposed businesses that want to raze houses could go to any of the other empty commercial properties instead. I want to keep the houses on Crosshaven Drive and not allow any commercial development on those lots. If the businesses are allowed to build on those properties, there are the issues of added traffic on an already congested and dangerous road and surrounding neighborhood streets, noise from customers, delivery trucks, and garbage trucks, and parking lot lighting that would be shining into surrounding homes. We need to keep these properties as residential only. I do not want you to rezone the properties from R-4 to B-1.2. Please keep them as is. There is no reason to add businesses in the middle of houses, especially when there are so many other businesses that were built and are now standing empty. Those locations are eyesores, not the homes that would be bulldozed. Instead of taking over a large portion of a neighborhood, the city should start buying those empty properties and using those for the businesses. It would be a shame that all of Cahaba Heights would become nothing but a cash cow by rezoning residential properties to more and more commercial properties and slowly pushing the citizens out. Then where is the village life that everyone is striving for?

Sincerely,

A handwritten signature in blue ink that reads "Pat Smith" followed by the date "8/27/16". The signature is written in a cursive style.

Pat Smith

August 28, 2016

Conrad Garrison, City Planner
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

Re: Public Hearing to be held September 8th, 2016

Dear Mr. Garrison,

This letter, signed by the residents living within close proximity, is to say we are absolutely opposed to the rezoning from R-4 to B-1.2 for Lots 1-6 Holiday's 1st addition to Cahaba Heights.

The threat to the safety of residents in the area due to an increase in traffic is a major concern. We already experience overflow from Pump House Road as many people use Ridgely Drive as a cut through. Crosshaven Drive is already overburdened with traffic and cannot think of a worse stretch of it to rezone for B-1.2 with the blind hill this property in question sits on.

There are several properties within a one mile radius of this area that are already zoned for commercial which a garden center or restaurant or combination of both could be acquired and used without destruction to a residential neighborhood. A retail garden center and restaurant would compound an already overburdened traffic flow. This is a residential neighborhood with many small children.

Other questions should be addressed: Would a restaurant have time restrictions, ie: cannot operate after 6:00 PM? What about overflow parking? Would minimum twenty foot barriers of shrubs/trees be planted around the whole property? Would the only entrance be off Crosshaven to keep traffic off Ridgely and Valley Park? Would lighting be such that it would not shine into the surrounding neighbors? What about commercial garbage pickup in the early hours and the attraction of rodents?

Retail SHOULD NOT be allowed in a residential area. When the residents of Cahaba Heights voted to be merged into and with Vestavia Hills a big part of the allure was to keep what is being proposed from happening and to preserve our residential neighborhoods.

This is an unreasonable, unsafe and totally unacceptable proposal.

*Michele Hemstreet
is Trustee of
3005 Paige Lane Residence
Owned by M P Hemstreet Trust*

August 28, 2016

Conrad Garrison, City Planner
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

Re: Public Hearing to be held September 8th, 2016

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Retail SHOULD NOT be allowed in a residential area. When the residents of Cahaba Heights voted to be merged into and with Vestavia Hills a big part of the allure was to keep what is being proposed from happening and to preserve our residential neighborhoods.

This is an unreasonable, unsafe and totally unacceptable proposal.

Nancy M. Delong
3221 Ridgely Dr.
Vestavia, AL. 35243

August 28, 2016

Conrad Garrison, City Planner
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

Re: Public Hearing to be held September 8th, 2016

Dear Mr. Garrison,

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Other questions should be addressed: Would a restaurant have time restrictions, ie: cannot operate after 6:00 PM? What about overflow parking? Would minimum twenty foot barriers of shrubs/trees be planted around the whole property? Would the only entrance be off Crosshaven to keep traffic off Ridgely and Valley Park? Would lighting be such that it would not shine into the surrounding neighbors? What about commercial garbage pickup in the early hours and the attraction of rodents?

Retail SHOULD NOT be allowed in a residential area. When the residents of Cahaba Heights voted to be merged into and with Vestavia Hills a big part of the allure was to keep what is being proposed from happening and to preserve our residential neighborhoods.

This is an unreasonable, unsafe and totally unacceptable proposal.

Sore Rames
4101 Autumn Lane

August 28, 2016

Conrad Garrison, City Planner
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

Re: Public Hearing to be held September 8th, 2016

Dear Mr. Garrison,

This letter, signed by the residents living within close proximity, is to say we are absolutely opposed to the rezoning from R-4 to B-1.2 for Lots 1-6 Holiday's 1st addition to Cahaba Heights.

The threat to the safety of residents in the area due to an increase in traffic is a major concern. We already experience overflow from Pump House Road as many people use Ridgely Drive as a cut through. Crosshaven Drive is already overburdened with traffic and cannot think of a worse stretch of it to rezone for B-1.2 with the blind hill this property in question sits on.

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Retail SHOULD NOT be allowed in a residential area. When the residents of Cahaba Heights voted to be merged into and with Vestavia Hills a big part of the allure was to keep what is being proposed from happening and to preserve our residential neighborhoods.

This is an unreasonable, unsafe and totally unacceptable proposal.

Leigh Ann Ansley 3171 Bellwood Ln 35242

August 28, 2016

Conrad Garrison, City Planner
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

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Peggy D Bailey
3220 Ridgely Dr.

August 28, 2016

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City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

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Mary Moody
3172 Bellewood Dr
35243

August 28, 2016

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City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

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Pat Smith
4116 Crosshaven Dr.
B'ham, Al. 35243 *8/27/16*

August 28, 2016

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1032 Montgomery Highway
Vestavia Hills, Al. 35216

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Dorothy Fay Sneedman
Gail Dinkster
4108 Crosshaven Lane
Vestavia, Al. 35243

August 28, 2016

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City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

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Michele A. Hensley
3201 Raige Lane

August 28, 2016

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City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Al. 35216

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Mrs. Joseph C. Sculleri
3209 Raige Lane

August 28, 2016

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City of Vestavia Hills
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Vestavia Hills, Al. 35216

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Elaine Jabosiew
3213 Paige Lane
35243

August 28, 2016

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Eddie Mae McDonald
3217 Paige Lane
B'ham, Al. 35243

ORDINANCE NUMBER 2331-B

AN ORDINANCE AMENDING ORDINANCE NUMBER 2331-A, TO AMEND §4.5 ENTITLED FENCES

WHEREAS, the City Council of the City of Vestavia Hills, Alabama adopted and approved Ordinance Number 2331, also known as the “Vestavia Hills Zoning Code” (“Code”); and

WHEREAS, the Vestavia Hills Planning and Zoning Commission, following a public hearing on September 8, 2016, recommended approval of an amendment of §4.5 “Fences” of said Code; and

WHEREAS,

WHEREAS, the City Council feels it is in the best public interest to amend §4.5 “Fences” of said Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. §4.5 “Fences” of Ordinance Number 2331, the Vestavia Hills Zoning Code, is hereby amended in its entirety to read as follows:
 - “§4.5 Fences.**
 - 4.5.1 Visibility. No fence or wall shall be permitted between the building line and the front lot line except as provided in §4.5.3 below. Fences shall not be placed within the clear sight triangle as determined by the City Engineer.
 - 4.5.2 No fence shall be erected, installed, constructed or otherwise structurally altered in the City except in strict compliance with the terms and provisions of this ordinance.
 - 4.5.3 Any person, firm, corporation, partnerships or other entity desiring to build a fence on any property located within the City shall follow the procedure and comply with the following requirements:
 1. Unless it has been approved as part of a valid Building Permit, no fence shall be erected, installed, constructed or otherwise structurally altered on any property until a fence permit is issued by the City.
 2. No approval for the issuance of a permit shall be made until such time as the Building Official and Fire Marshal have approved the plans and specifications for the erection,

installation, construction or structural alteration of said wall or fence and certifies that the same meet the requirement of paragraphs 3 and 4 below.

3. The person, firm, corporation, partnership or other entity applying for a permit shall submit plans and specifications for the erection, installation, construction or structural alteration of the fence. The plans and specifications shall include the following:
 - a. A map or survey of the lot upon which the fence will be located.
 - b. The location of the fence on the property.
 - c. The dimensions of the fence, including the height, width and length.
 - d. Estimated cost.
 - e. List and description of materials to be used.
4. No fence shall be erected, installed, constructed, or otherwise structurally altered unless the material utilized therefore is such that the grade and quality of said material is the same on all sides, including the front and back. [Materials are limited to chain link, masonry, vinyl, composite, or wood.](#)
5. [In all residential zoning districts, fences, regardless of material, shall be no higher than six feet measured from the ground. Any fence exceeding 6' in height shall require a Conditional Use Approval pursuant to Section 13.3. If Conditional Use Approval is requested, drawings indicating the requested fencing, location, height and materials will be required.](#)
6. In all residential zoning districts, fences, regardless of height, shall be set back behind the front building line or behind the minimum front yard setback of an abutting residential property, whichever is greater except as provided in Sections [7](#) and [8](#) below.
7. In all residential zoning districts, fences may be located between the front building line

and the front setback line provided said fences are open, ornamental in style, finished on both sides and excluding any chain link or privacy wood fencing.

8. For security purposes, in all residential zoning districts, fences may be located between the front building setback and the front lot line providing that all of the following criteria are met:
 - a. The residential property must be a lot of record recorded in the Office of the Judge of Probate; and
 - b. The recorded lot must consist of a minimum one (1) acre of property; and
 - c. The primary residential unit constructed upon the property must be located a minimum 100' from the front lot line; and
 - d. The fence and gate shall be constructed so as to be open, ornamental and decorative in style and constructed of finished stone, masonry and/or metal. Said fencing located within the front yard setback shall exclude wood and/or chain link fencing; and
 - e. Said fencing shall be located a minimum of 2' inside the front lot line or a minimum of 5' from any public improvements, within the right-of-way, whichever is greater. Said location shall be approved by the City Planner and/or City Engineer in order to mitigate adverse effects to the subject or adjacent properties. NOTE: All public improvements, including utilities, shall be designated on required drawings in the form of a survey and certified by an Engineer and/or Surveyor licensed by the State of Alabama; and
 - f. Said security gate shall be set back minimum 40' from the edge of pavement or at least 2' inside of the

private property line, whichever is greater; and

- g. A Knox switch/switches shall be installed and gate shall be at proper width in order to allow access for emergency vehicles and shall be approved by Fire Marshall prior to permitting.”

- 2. Severability: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance, which is not in and of itself invalid or unconstitutional.
- 3. Effective Date: This Ordinance shall become effective immediately upon its approval, adoption and publication as required by law.

APPROVED and ADOPTED this the _____ day of _____, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2331 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, 2012, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, and Vestavia Hills Recreational Center and Vestavia Hills Library in the Forest this the _____ day of _____, 2012.

Rebecca Leavings
City Clerk