

**Vestavia Hills
City Council Agenda
January 14, 2019
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – David Phillips, Vestavia Hills Chaplin
4. Pledge Of Allegiance
5. Proclamation – Alabama Bicentennial – 2019
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Turner, III, Finance Director
9. Approval of Minutes – December 10, 2018 (Regular Meeting), December 17, 2018 (Work Session) and December 17, 2018 (Regular Meeting)

Old Business

New Business

10. Resolution Number 5119 - A Resolution Approving An Alcohol License For Rayburn Hospitality Vestavia Hills LLC D/B/A Mugshots Grill And Bar Vestavia Hills For A 020-Restaurant Retail Liquor License; 1919 Kentucky Avenue, Suite 101; Derrick Clifton Rayburn, Executive (*public hearing*)
11. Ordinance Number 2825 – An Ordinance Adopting And Enacting Supplement III For The Vestavia Hills Code Of Ordinances, Republished 2013 Providing For The Repeal Of Certain Ordinances Not Included Therein And Providing For A Penalty For The Violation There; And Providing When Such Supplements And This Ordinance Shall Become Effective

New Business (Unanimous Consent Requested)

First Reading (No Action Taken At This Meeting)

12. Ordinance Number 2817 – Rezoning – 3791 Poe Drive; That Part Of Lot 1, Overton Village Resurvey Which Lies In The Vestavia Hills Corporate Limits; Rezone From Vestavia Hills B-2 (General Business District) To VH R-9 (Planned Residential District); Overton Condos, LLC, Mark Perlman, Owners (*public hearing*)

13. Ordinance Number 2818 – Rezoning – 3771 And 3783 Fairhaven Drive; Lots 24, 25, 31 And 32, Block 1, Glass Addition To New Merkle; Rezone From Vestavia Hills INST (Institutional District) To Vestavia Hills R-9 (Planned Residential District); Overton Investments, LLC, Owners (*public hearing*)
14. Ordinance Number 2819 – Annexation – 90-Day Final – 3421 Coventry Drive; Lot 6, Block 2, Coventry, 1st And 2nd Sector; Barbara French, Owner (*public hearing*)
15. Ordinance Number 2820 – Rezoning - 3421 Coventry Drive; Lot 6, Block 2, Coventry, 1st And 2nd Sector; Rezone From Jefferson County R-1 (Medium Density Residential District) To Vestavia Hills R-2 (Medium Density Residential District); Barbara French, Owner (*public hearing*)
16. Ordinance Number 2821 – Annexation – 90-Day Final – 3531 Valley Circle; Lot 6, Block 1, Dolly Ridge Estates, 2nd Add; Alan And Patricia Foster, Owners (*public hearing*)
17. Ordinance Number 2822 – Rezoning – 3531 Valley Circle; Lot 6, Block 1, Dolly Ridge Estates, 2nd Add; Rezone from Jefferson County R-1 (Medium Density Residential District) To Vestavia Hills R-2 (Medium Density Residential District); Alan And Patricia Foster, Owners (*public hearing*)
18. Ordinance Number 2823 – Annexation – 90-Day Final – 2532 Skyland Drive; Lot 8, Block 2, Dolly Ridge Estates, 2nd Add; Jason And Laura Sparks, Owners (*public hearing*)
19. Ordinance Number 2824 – Rezoning – 2532 Skyland Drive; Lot 8, Block 2, Dolly Ridge Estates, 2nd Add; Rezone from Jefferson County R-1 (Medium Density Residential District) To Vestavia Hills R-2 (Medium Density Residential District); Jason And Laura Sparks, Owners (*public hearing*)
20. Citizen Comments
21. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

DECEMBER 10, 2018

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

Mayor Ashley C. Curry
Rusty Weaver, Mayor Pro-Tem
Kimberly Cook, Councilor
Paul Head, Councilor
George Pierce, Councilor

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
George Sawaya, Asst. Finance Director
Dan Rary, Police Chief
Marvin Green, Fire Chief
Christopher Brady, City Engineer
Cinnamon McCulley, Communication Specialist

Steve Dedmon, Vestavia Hills Chaplin, led the invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- Mr. Pierce welcomed John Henley to the meeting representing the Vestavia Hills Chamber of Commerce Board.
- Mr. Pierce also congratulated Mr. Henley on his efforts toward the annual Breakfast with Santa which was held last weekend with the largest crowd ever.
- Mr. Head welcomed Park and Recreation Board members that were present at the meeting: Earl Lawson and Anne Smyth. He also thanked Mrs. Smyth for her time and effort on the Park Board. The Mayor echoed those sentiments.

PRESENTATION – EXCEPTIONAL FOUNDATION

Tricia Kirk thanked the Mayor and Council for continued support for their members, 60 of which are residents of Vestavia Hills. She stated that giving back to these individuals with special needs and their families are so special.

PROCLAMATION – HUMAN TRAFFICKING MONTH

The Mayor presented a proclamation designating January 2019 as “Human Trafficking Month.” Mr. Downes read the proclamation aloud and the Mayor presented it to Tachandra “Shun” Bell and Rebecca Hartsough.

The Mayor stated that he and the VHPD take human trafficking seriously. Ms. Hartsough thanked the Mayor and Council for the support as well as the proclamation. This helps to assist these victims who are often trafficked along the interstates. Ms. Bell stated that they work with UAB to help these young women to get tested and begin getting back to as normal life as possible.

CITY MANAGER’S REPORT

- Mr. Downes stated that the City will begin studying various intersections throughout the City with the adoption of a Resolution that’ll be presented at the next meeting. He explained that the City plans to submit an application for an APPLE grant to look at eleven different areas that are at the top of the list of complaints to deal with some of these repeated complaints. He stated the eleven areas include: (1) Dolly Ridge and Rocky Ridge Road; (2) Sicard Hollow Road and Blue Lake Drive; (3) Shades Crest, Rocky Ridge and Highway 280; (4) Highway 31 and Shades Crest Road; (5) Highway 31 and Columbiana Road; (6) Highway 31 and Old Creek Trail and Leona Way; (7) Columbiana Road, Shades Crest and Vestaview; (8) Pedestrian access across from City Hall at Sprouts; (9) Highway 31 and Pizitz Drive; (10) River Run Drive and River Run Trail; and (11) Jacobs Road and Massey Road. He stated that the Engineering Department has identified these problem area and this APPLE grant would set the stage for a course of improvements over time. He stated he will ask the Communication Specialist to post this on the website for information to the public. He stated this will be considered for action at the next meeting.

COUNCILOR REPORTS

- Mr. Pierce stated that the Chamber luncheon is tomorrow at Vestavia Country Club.
- The Mayor indicated that he noticed some paving work on Tyler. Mr. Downes stated that work has begun on the City’s annual paving projects and will move from Jacobs, to the Sunset area shortly which has been ravaged by utility cuts.

- Mr. Head stated that the Park and Recreation Board Work Session begins at 11:30 on Thursday in the Executive Conference Room at City Hall.
- Mr. Pierce asked about the status of the repairs on Massey Road. Mr. Brady explained that there are two projects underway for that roadway. He stated that the funding appropriated by the grant funding is in structural design and ALDOT review. Once completed it should be bid at that time.

APPROVAL OF MINUTES

The minutes of the following meeting was presented for approval: November 19, 2018 (Work Session), November 26, 2018 (Regular Meeting) and November 28, 2018 (Work Session).

MOTION Motion to dispense with the reading of the minutes of the November 19, 2018 (Work Session) and approve them as presented was by Mr. Weaver and second by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

MOTION Motion to dispense with the reading of the minutes of the November 26, 2018 (Regular Meeting) and approve them as presented was by Mr. Weaver and second by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

MOTION Motion to dispense with the reading of the minutes of the November 28, 2018 (Work Session) and approve them as presented was by Mr. Weaver and second by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 5112

Resolution Number 5112 – A Resolution Accepting A Bid For the Green Valley Sidewalk Addition Project (*public hearing*)

MOTION Motion to approve Resolution Number 5112 was by Mr. Pierce seconded by Mr. Weaver.

Mr. Downes stated that this is a budgeted sidewalk project which was recently sent out for bid along Green Valley Road. He showed a detail of the location and explained the proposed sidewalk project. This resolution will accept the lowest and most responsible bidder for this sidewalk project, Triple J Construction.

Mr. Pierce stated that there is quite a bit of difference among the bidders.

Mr. Brady stated that some of the difference was related to drainage piping and they feel confident that the bid is a good one.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

NEW BUSINESS

RESOLUTION NUMBER 5113

Resolution Number 5113 – A Resolution Of The City Council Of The City Of Vestavia Hills To Address Certain Cahaba Beach Road Extension Alternatives Being Considered By The Alabama Department Of Transportation

Mayor Curry read the proposed Resolution in its entirety. Mr. Downes presented ALDOT alternatives for Cahaba Beach Road to the audience.

MOTION Motion to approve Resolution Number 5112 was by Mrs. Cook seconded by Mr. Weaver.

Mrs. Cook made the following statement:

“I am glad that we are going to get to vote on this resolution tonight. I am concerned about potential environmental impacts and threats to public safety, as these options are predicted to put as many as 12,000 cars/day (an increase of about 8,000 cars/day) on Sicard Hollow Road, intersecting Sicard Hollow at a location that is very near two of our city schools. I have heard from more than 400 of my constituents and 94% of them disapprove of the project altogether. 90% of them, when asked which option they preferred, selected the No Build option. For these reasons, I support this resolution.”

The Mayor opened the floor for a public hearing.

The following individuals spoke in support of the Resolution and in opposition to ALDOT's proposed construction and realignment of Cahaba Beach Road:

- Patrick Dewees, 3048 Asbury Park Place;
- Sarah Stokes, Southern Environmental Law Center;
- Beth Stewart, Cahaba River Society, Cahaba River Society;
- Dave Butler, Cahaba River Keeper, Staff Attorney

Citizen feedback and suggestions included the following:

- Place a 15-year moratorium on development in the area.
- Increase investment in mass transit.
- Protect the sources of our drinking water.
- Environmental groups urged the Council to oppose all Cahaba Beach Road alternatives.
- ALDOT has indicated that this roadway will not solve the traffic problems along Highway 280.
- ALDOT has planned this roadway, providing little or no information to the general public.
- The conservation lands affected by the project were purchased with public money; if ALDOT is allowed to move forward with the project, it defeats the purpose of placing conservation protections on the land in the first place.

There being no one further to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

RESOLUTION NUMBER 5114

Resolution Number 5114 - A Resolution Appointing A Member To The Vestavia Hills Library Board

The Mayor passed the gavel to Mayor Pro-Tem Weaver so, as Liaison to the Library Board, he could speak to the motion.

Mayor Pro-Tem Weaver opened the floor for a motion of Resolution Number 5114.

MOTION Motion to approve Resolution Number 5114 was by Mrs. Cook seconded by Mr. Pierce.

The Mayor stated that several individuals were interviewed by the Council and there are two Library Board vacancies to fill. His first nominee is April Marie Jackson-MacLennan.

MOTION Motion to amend Resolution Number 5114 to add the name of April Marie Jackson-MacLennan as the appointment to the Vestavia Hills Library Board was made by Mayor Curry and second was by Mrs. Cook. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

There being no one to address the Council, the Mayor Pro-Tem called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mayor Curry – yes
Mr. Weaver – yes	Motion carried.

RESOLUTION NUMBER 5115

Resolution Number 5115 - A Resolution Appointing A Member To The Vestavia Hills Library Board

MOTION Motion to approve Resolution Number 5115 was by Mrs. Cook seconded by Mr. Pierce.

Mayor Curry stated that he nominates Gregory K. Laughlin to fill this second upcoming vacancy.

MOTION Motion to amend Resolution Number 5115 to add the name of Gregory K. Laughlin as the appointment to the Vestavia Hills Library Board was made by Mayor Curry and second was by Mrs. Cook. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

There being no one to address the Council, the Mayor Pro-Tem called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mayor Curry – yes
Mr. Weaver – yes	Motion carried.

The Mayor Pro-Tem returned the gavel to the Mayor.

The Mayor thanked the individuals who submitted applications to the Library Board. He stated that the choices were difficult but he feels both of these members will be welcome assets to the Board. He pointed out that both of these individuals have applied in previous years and were finally selected this year.

RESOLUTION NUMBER 5116

Resolution Number 5116 - A Resolution Appointing A Member To The Vestavia Hills Parks And Recreation Board

MOTION Motion to approve Resolution Number 5116 was by Mr. Weaver seconded by Mr. Head.

Mr. Head stated that he nominates Lyles Box to fill this new appointment on the Parks and Recreation Board.

MOTION Motion to amend Resolution Number 5116 to add the name of Lyles Box as the appointment to the Vestavia Hills Parks and Recreation Board was made by Mr. Head and second was by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – no	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

There being no one to address the Council, the Mayor called for the question.

Mrs. Cook – no	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

The Mayor stated that the next item required unanimous consent for the immediate consideration and action on the agenda. He opened the floor for a motion.

MOTION Motion for unanimous consent for immediate consideration and action on the Resolution Number 5118 was made by Mr. Weaver and second was by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

RESOLUTION NUMBER 5118

Resolution Number 5118 – A Resolution Declaring An Emergency And Authorizing The City Manager To Replace The Emergency Power Generator That Serves The Vestavia Hills James F. Wyatt Fire Station Number 5 And The Cahaba Heights Police Substation At A Cost Not To Exceed \$18,000 (*public hearing*)

MOTION Motion to approve Resolution Number 5118 was by Mr. Weaver seconded by Mrs. Cook.

Mr. Downes stated that this is a generator that caught fire and was destroyed located at Vestavia Hills James F. Wyatt Fire Station 5. He stated that this needs to be replaced as soon as possible and should be declared as an emergency situation in order to keep the fire station functional.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)

The Mayor stated that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on December 17, 2018, at 6:00 PM.

- Ordinance Number 2810 – Rezoning – 4517 Pine Tree Circle; Rezone From Vestavia Hills R-1 (Low Density Residential District) To VH O-1 (Office District); Mark Hancock, Hancock Construction, Owner (*public hearing*)
- Ordinance Number 2811 – Conditional Use Approval – 2301 Old Columbiana Road; Conditional Use Approval For Outdoor Recreation; The Property Is Currently Zoned Vestavia Hills B-2 (General Business District) With Restrictions; Richard Pennino, (*public hearing*)
- Ordinance Number 2812 – An Ordinance To Partner With The CoachSafely Foundation Pursuant To *The Coach Safety Act*, Also Known As Act Number 2018-496 As Adopted By The Alabama Legislature, 2018 Regular Session And Authorizing A Partnership Between The CoachSafely Foundation And The City Of Vestavia Hills Parks And Recreation Department (*public hearing*)
- Ordinance Number 2813 – An Ordinance To Rescind Ordinance Number 2627 And Article XI, Section 8-281 Thru 8-293 Of The Vestavia Hills Code Of Ordinances Relating To Licenses And Regulation Of Transportation Network Companies (“TNC”) (*public hearing*)
- Ordinance Number 2814 – An Ordinance To Adopt Regulations For Small Cell Technology Facilities In The City Of Vestavia Hills, Alabama (*public hearing*)
- An Ordinance To Establish A Fee Structure For Small Cell Technology Facilities In The City Of Vestavia Hills, Alabama As Established By Ordinance Number 2814 (*public hearing*)
- An Ordinance To Establish A Fee Structure For Small Cell Technology Facilities In The City Of Vestavia Hills, Alabama As Established By Ordinance Number 2814 (*public hearing*)
- Resolution Number 5117 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement For Services With The Regional Planning Commission Of Greater

Birmingham For An Apple Grant For “Vestavia Hills Traffic Operations Study Phase 1”
(public hearing)

CITIZEN COMMENTS

John Henley, 1823 Mission Road, thanked the Council for sponsoring the Breakfast with Santa again this year. He stated over 450 people were served during the event which made it the largest breakfast they’ve ever had. He thanked Brian Davis and Jason Burnett for their services to set up, cooking, etc. He also thanked the several volunteers that helped in the endeavor including Mr. Downes and his son, the Vestavia Hills Beautification Board, the Vestavia Central Rockettes, the Vestavia Belles and many others.

Mrs. Cook thanked Mr. Henley for his efforts in continuing the event.

Brian Moore, 913 Mountain Branch Drive, stated that his 14-month old daughter had a seizure and his wife had to perform CPR. He thanked the VHFD and VHPD for prompt response. He stated his daughter is doing well and he is thankful for the services that this City provides along with the heroic efforts of his wife in performing emergency CPR before they arrived.

At 6:31 PM, Mr. Weaver made a motion to adjourn. The meeting adjourned at 6:57 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

WORK SESSION

DECEMBER 17, 2018

The City Council of Vestavia Hills met in a regular work session on this date at 5:00 PM following posting/publication as required by Alabama law. The Mayor called the meeting to order and the roll with the following:

MEMBERS PRESENT:

Mayor Ashley C. Curry
Rusty Weaver, Mayor Pro-Tem
Kimberly Cook, Councilor
Paul J. Head, Councilor
George Pierce, Councilor

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick Boone, City Attorney
Dr. Todd Freeman, Vestavia Hills
Superintendent of Education
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Christopher Brady, City Engineer
Brian Davis, Public Services Director

The Mayor called the meeting to order.

UPDATE FROM BOARD OF EDUCATION

Dr. Freeman updated the Council on the proposed ordinance that will be considered later this evening at the meeting, to continue to allow the Board of Education to use a 3.15 mill property tax for operational purposes. He explained that the Board will be considering construction loans to finance needed renovations and additions at Dolly Ridge Elementary and the new Pizitz Middle School. He explained the needs that have been identified along with some that may be identified later.

Discussion ensued as to the construction loan duration of ten years, needs of the new Pizitz Middle School campus, traffic concerns along Dolly Ridge Road and Rocky Ridge Road and operational needs of the Board both present and future.

Mr. Boone gave an historical background of the City's 3.15 mill ad valorem tax.

SMALL CELL TECHNOLOGY

Mr. Downes gave a brief background on the development of the small cell technology ordinance that will be presented tonight for a vote by the Council. He explained a late response he received from AT&T and noted that they will be present to advise the Council of their concerns.

There being no further business, the meeting adjourned at 5:35 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

DECEMBER 17, 2018

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

Mayor Ashley C. Curry
Rusty Weaver, Mayor Pro-Tem
Kimberly Cook, Councilor
Paul Head, Councilor
George Pierce, Councilor

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
George Sawaya, Asst. Finance Director
Dan Rary, Police Chief
Marvin Green, Fire Chief
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Cinnamon McCulley, Communications Specialist

Jim Cartledge, Vestavia Hills Chaplin, Vestavia Hills Chaplin, led the invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- Mrs. Cook announced the Safe Walk to School Committee will have another meeting on January 15, at noon, in the Executive Conference Room at City Hall.
- Mr. Pierce stated that the Chamber Board meeting starts at 7:30 AM at the Chamber of Commerce office.
- Mr. Weaver announced that the Planning and Zoning Commission met last Thursday and recommended some items that will move forward to Council soon.

CITY MANAGER'S REPORT

- None.

COUNCILOR REPORTS

- Mrs. The Safe Walks to School Committee will have another meeting on January 15 at noon in the Executive Conference Room at City Hall.
- Mr. Pierce stated that the Chamber Board meeting starts at 7:30 at the Chamber.
- Mr. Weaver announced that the Planning and Zoning Commission met last Thursday and recommended some items that will move forward to Council soon.

FINANCIAL REPORTS

George Sawaya gave the financial reports for month ending October 2018.

APPROVAL OF MINUTES

None.

OLD BUSINESS

ORDINANCE NUMBER 2810

Ordinance Number 2810 – Rezoning – 4517 Pine Tree Circle; Rezone From Vestavia Hills R-1 (Low Density Residential District) To VH O-1 (Office District); Mark Hancock, Hancock Construction, Owner (*public hearing*)

MOTION Motion to approve Ordinance Number 2810 was by Mr. Weaver seconded by Mr. Mrs. Cook.

Mr. Weaver gave the report from the Planning and Zoning meeting. The request was discussed by the Commission and unanimously recommended for approval with a continuation of the transition of this area to commercial.

Justin Collier was present representing the owner. He indicated they hope to start construction on the new building within 6 months if the use is approved.

Mr. Pierce asked about the proposed building.

Mr. Collier stated it will be professional office.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

ORDINANCE NUMBER 2811

Ordinance Number 2811 – Conditional Use Approval – 2301 Old Columbiana Road; Conditional Use Approval For Outdoor Recreation; The Property Is Currently Zoned Vestavia Hills B-2 (General Business District) With Restrictions; Richard Pennino, (*public hearing*)

MOTION Motion to approve Ordinance Number 2811 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor indicated that he has gotten calls and emails and there appears to be some confusion about the zoning and use of this property over the past several years. He asked Mr. Boone to explain.

Mr. Boone gave a brief overview of the history of the property, which included the rezoning from Vestavia Hills R-2 zoning with a requested variance to build 30 homes on 60' wide lots by way of a use variance. When the BZA denied the request, the Jefferson County Circuit Court heard the case and authorized the owner to construct 32 homes, with certain requirements, including a 30' buffer on all sides, except Columbiana Road, and a 7' privacy fence. For whatever reason, the property was never developed by the owner and was later sold to Over the Mountain Community Church. The Church requested and obtained a rezoning of the property to Institutional. He read the permissible uses allowed under the current zoning classification. Later, Russell Polhemus purchased the property and operated a rehabilitation sports facility under Institutional zoning, which was listed as a permissible use under that zoning classification. In 2010, the City adopted a new zoning code that eliminated the operation of sports facilities from Institutional use. This year, Mr. Rich Pennino approached the City, wanting to relocate his fitness facility to the property. At the time, he was advised a rezoning to B-2 would be required. He requested the rezoning and was approved in February 2018. When the property was rezoned, there were restrictive covenants that applied to the property and those were recorded. In October of this year, Mr. Pennino requested a conditional use variance and the Planning and Zoning Commission recommended approval, with stipulations. This request is now before the City Council for consideration.

Mr. Weaver gave the Planning and Zoning Commission report, which recommends approval, with the some stipulations that are detailed in the Resolution. The Commission listened to public comments for about one and a half hours, with a lot of points of interest being covered, including noise, privacy, outdoor lighting and more. He stated that a full public hearing was held. The Commission's recommendation stipulations were no unreasonable noise before 8 AM or after 9 PM, Monday through Friday, or before 9 AM or after 5 PM on Saturdays; outdoor batting cages prohibited on premise; no amplified music outside of the building; any changes to outdoor lighting to be approved through Design Review Board.

Mr. Rich Pennino, owner, explained his request. He stated that this is a family-owned business. He stated he is passionate about changing lives through fitness and some of his clients are in the audience tonight. He explained the various groups that work out at his facility. He stated his clients would like to have the ability to train outdoors--most of which would be running outside. He stated that his facility was voted one of the best cross-fit gyms in the State of Alabama. He showed photos of the way the building looked before he bought the building and after. When he requested the rezoning, he wasn't aware that outdoor recreation was prohibited. There were already two running tracks on the property. He showed the location of lighting that was already installed when he purchased the property. He stated that he recently updated this lighting to LED. He showed the location of the running track where he placed a 6' privacy fence to replace the 4' fence that he was approved by the Design Review Board. He stated they seek approval to do running around the building any time of day or night. He stated that he is currently leasing the fields next door to the property and controls the fields there. He stated that the Commission recommended to not have any batting cages, but he has considered that recommendation from the Commission and asks that the City Council amend the Resolution to allow the batting cages.

Mrs. Cook asked about the adjacent fields. She asked him to explain outdoor sports that are currently played there.

Mr. Pennino stated that they already have the outdoor use of the fields under the Institutional zoning and explained some of the activities taking place there.

Mr. Pierce asked about the track at the adjacent fields he is renting. Mr. Pennino stated they use those, but prefer to use all the tracks, including those on this property.

Mr. Pierce asked about special events. Mr. Pennino stated that he conducted a fundraiser at their facility to raise money for an outreach organization and experienced more traffic than anticipated. He stated that he learned from that event and, when the grand opening occurred, he followed the rules and there were no issues or complaints. He stated that other entities were also using the fields during the weekend of the fundraiser, which compounded the negative aspects of the event. At that time, he didn't have leased control of the adjacent fields.

Mr. Pierce stated he did get complaints about the fundraiser.

Mr. Weaver stated that this is not about whether cross-fit training is good or bad or the condition of the property. He stated this is a great neighborhood and he asked everyone to make an effort to strive for better communications and get along with each other.

The Mayor opened the floor for a public hearing.

The following individuals spoke in opposition to the request:

- Jeff Martinez, 2240 Jacobs Road;
- David Cutchen, 2315 Old Columbiana Road;

The following individuals spoke in favor of the request:

- Brent Keith, 4221 Paxton Place;
- John Henley, 1823 Mission Road, and owner of a business on Columbiana Road located adjacent the former location of Forge Fitness;
- French McMillan, 2208 Jacobs Road.

Issues discussed included past actions of the building owner, altering of the detention pond, constructing running tracks and outdoor facilities without first obtaining the necessary approvals, replacement of previous light bulbs with LED, several unsuccessful attempts to redevelop the property and drainage issues.

Mr. Weaver stated there appeared to be no support among the Council to allow batting cages in the conditional use approval.

Comments included the need for this type of facility, use of the outdoors in any of these facilities, respectfulness of the members of the gym, uses and noises on other similar properties.

Mr. Brady explained about the corrections made in and around the detention pond. He stated that the pond previously was not operating, because it had not been maintained by previous owners. When Mr. Pennino purchased and rezoned the property, one of the stipulations was that the pond be made operational again, to the City's approval, and Mr. Pennino has fulfilled that requirement.

The Mayor asked about the lighting. Mr. Brady stated that he was not aware of any lighting change.

Mr. Weaver asked whether, since this is a conditional use and there have been concerns about Mr. Pennino not following these stipulations, what happens if the owner violates this Ordinance and can the Ordinance be rescinded. Mr. Boone stated that the Council can rescind the Ordinance.

The Mayor stated that if the Council approved an amendment to allow the batting cages, it would delay action on this item for another month.

Mr. Weaver read the stipulations within the Ordinance presented.

Matt Abbott, 1801 Glendmere Drive, asked what would be the procedure if the owner were to violate the Ordinance. Mr. Boone explained. **Mr. Boone reduced to writing clarifying remedies to violation of the Ordinance, in a letter dated December 18, 2018, a copy of which is marked as Exhibit A and attached to these minutes.**

There being no one else to address the Council, the Mayor closed the public hearing.

Mrs. Cook asked about the conditions of the noise ordinance and how they compare to the stipulations of this Ordinance. Mr. Downes gave the parameters of the Noise Ordinance. Discussion ensued.

Mr. Pierce stated that it is always difficult to locate a business adjacent to residential. He stated the zoning ordinances are designed to protect residents and businesses. He asked the business owner to respect the residents and asked the residents to respect the business. He requested that they work together and respect each other.

Mrs. Cook asked if there have been any prior noise violations or calls to the VHPD. Chief Rary stated he would have to check the records to know this.

There being no further business, the Mayor called for the question.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

Brian DeMarco, 2313 Old Columbiana Road, expressed a concern of traffic along Old Columbiana Road. He asked about following up on a requested traffic study. Mr. Brady explained they do have a new process and have been flooded with requests and are working on each one.

ORDINANCE NUMBER 2812

Ordinance Number 2812 – An Ordinance To Partner With The Coach Safely Foundation Pursuant To *The Coach Safety Act*, Also Known As Act Number 2018-496 As Adopted By The Alabama Legislature, 2018 Regular Session And Authorizing A Partnership Between The Coach Safely Foundation And The City Of Vestavia Hills Parks And Recreation Department (public hearing)

MOTION Motion to approve Ordinance Number 2812 was by Mr. Weaver seconded by Mr. Pierce.

Brian Davis, Public Services Director, explained the previous program, which the City has had for several years through Alabama State University. He explained that this program lost funding so, during this period, the City sent coaches to an alternative program through the Centers for Disease Control. The Coach Safely program allows the Park Board to partner with the Coach Safely Foundation so recreational leaders can have formal training. He stated that the Park Board recommends the Council approve this program.

The Mayor commended the program.

Drew Ferguson, Coach Safely Foundation, stated that they are excited about this program and that state law mandates this training in every municipality having organized youth sports age

14 and under. He stated that this is a public health issue and their program maintains a registry of individuals who have had the course. He commended the City for instituting an emergency action plan and beginning this new program. He stated the program will educate parents regarding what is recommended, medically, when incidents occur in training and competition.

Mr. Weaver gave the following statements:

“I’m proud to be a part of a community that values safety education for the coaches and other people involved in our youth sports programs. Youth coaches should have participant safety, particularly injury prevention and recognition, as their top priority.

The emotional, financial and time commitment parents make to allow their kids to be involved in youth sports is significant. Sometimes the slightest deterrent can lead to a “no” when it comes to the decision on participation. If we, as city leaders and youth coaches, allow misinformation or lack of education of coaches to be that deterrent, then we have failed the kids of our community and their families.

The Coach Safely Training Course will be the nationwide norm one day and Vestavia Hills will have been at the forefront of taking a proactive approach to not only preserving the Your Sports experience but enhancing it.”

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

ORDINANCE NUMBER 2813

Ordinance Number 2813 – An Ordinance To Rescind Ordinance Number 2627 And Article XI, Section 8-281 Thru 8-293 Of The Vestavia Hills Code Of Ordinances Relating To Licenses And Regulation Of Transportation Network Companies (“TNC”) (public hearing)

MOTION Motion to approve Ordinance Number 2813 was by Mr. Weaver seconded by Mr. Head.

Mr. Downes stated that the City passed this Ordinance regulating TNC companies such as Uber and Lyft. Since then, the State of Alabama enacted legislation that took that control away from municipalities to regulate TNCs, so the Ordinance should be rescinded because it is no longer in effect.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

ORDINANCE NUMBER 2814

Ordinance Number 2814 – An Ordinance To Adopt Regulations For Small Cell Technology Facilities In The City Of Vestavia Hills, Alabama (public hearing)

MOTION Motion to approve Ordinance Number 2814 was by Mr. Weaver seconded by Mr. Head.

Mr. Downes stated this goes hand-in-hand with Ordinance Number 2815. He explained the new small cell technology allows utilities to piggyback on existing utility poles instead of erecting giant cell towers. He stated this Ordinance would regulate these small cell utilities independently of the larger cell towers, which are regulated by the zoning code. He stated the City has had a few requests made from utilities to install small cell technology on existing poles and regulations for this already exist in Mountain Brook, Hoover and Homewood. He stated this Ordinance is a hybrid of ordinances passed by all three of these cities and has been recommended for approval by both Mr. Boone and the City's outside counsel.

Terri Williams, representing AT&T Alabama, thanks the City and staff for the diligence of developing this draft Ordinance to allow implementation of the new technology. She explained that this will eventually open the pathway for 5G deployment, but there is a lot that needs to be done before that happens. She stated that they have discussed the Ordinance with City representatives. She stated that federal regulations are being developed to regulate how cities will handle this type of activity and that, in January, those federal rates and standards will go into effect. Some of the rates in the proposed Ordinance are outside of the proposed federal standards. She asked that the verbiage be added to this Ordinance that the City will abide by any future regulations from the federal level.

The Mayor opened the floor for a public hearing.

Matt Hartley, 3775 River Hollow Run, Peachtree Corners, Georgia, representing Verizon Wireless, stated that Verizon Wireless needed time to further review the Ordinance to see how this would affect them, so he would provide his input at a later time.

There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

ORDINANCE NUMBER 2815

Ordinance Number 2815 – An Ordinance To Establish A Fee Structure For Small Cell Technology Facilities In The City Of Vestavia Hills, Alabama As Established By Ordinance Number 2814 (public hearing)

MOTION Motion to approve Ordinance Number 2815 was by Mr. Weaver seconded by Mrs. Cook.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

RESOLUTION NUMBER 5117

Resolution Number 5117 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement For Services With The Regional Planning Commission Of Greater Birmingham For An Apple Grant For “Vestavia Hills Traffic Operations Study Phase 1” (public hearing)

MOTION Motion to approve Resolution Number 5117 was by Mrs. Cook seconded by Mr. Head.

Mr. Downes stated he has reviewed this Resolution to obtain a grant to study various intersections in the City, in depth, with the Council at previous meetings.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

NEW BUSINESS

ORDINANCE NUMBER 2816

Ordinance Number 2816 – An Ordinance Confirming And Ratifying The Levy Of The 3.15 Mill Ad Valorem Tax In The City For Public School Purposes Pursuant To Amendment No. 352 To The Constitution Of Alabama Of 1901 And A Special Election Held In The City On January 13, 1976

MOTION Motion to approve Ordinance Number 2816 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes stated that this Resolution ratifies a 3.15 mill property tax, previously dedicated to the Board of Education, for operational use. This is not a new tax, but an existing tax already dedicated to school board operations.

The Mayor opened the floor for a public hearing. There being no further business, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)

The Mayor stated that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on January 14, 2019, at 6:00 PM.

- None.

CITIZEN COMMENTS

Donald Harwell, 1853 Willoughby Road, gave an update of what happened at the meeting, today, at the BJCTA meeting. He explained the Director stepped down and that the BJCTA Board hired Frankie Martin to fill the Director's job for a period of 6 months. He stated that Mr. Martin comes with a great resume. He stated they are in the process of looking for a permanent director.

At 7:56 PM, Mr. Weaver made a motion to adjourn. The meeting adjourned at 7:57 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

E-Mail: patrickboone@bellsouth.net

December 18, 2018

By Electronic Mail

City Clerk Rebecca Leavings
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Ordinance Number 2811 Approving a Conditional Use

Dear Mrs. Leavings:

On Monday, December 17, 2018, a lengthy public hearing preceded the approval and adoption of Ordinance Number 2811 which granted conditional use approval to Richard Pennino (Forge Fitness) to allow the property located at 2301 Old Columbiana Road to be used for outdoor recreational and fitness activities, including, but not limited to, jogging, running, obstacle training subject to five specific conditions.

During the public hearing, City Councilman Rusty Weaver asked me if the City had the authority to revoke the conditional use approval if the applicant fails to comply with the conditions imposed in the ordinance. I replied, "Yes" (because Section 13.3.4(2) of Zoning Code Ordinance Number 2331 specifically authorizes revocation) and the public hearing continued.

Attorney Matt Abbott asked me later during the public hearing how the City would revoke the conditional use if the owner of the property violated Ordinance Number 2811. I explained that municipalities in Alabama have the authority to abate public nuisances. The public hearing continued.

After Ordinance Number 2811 was unanimously approved by the City Council, I provided further information regarding revocation of the conditional use approval upon violation of Ordinance Number 2811. I advised the City Council that it could also prosecute in the City of Vestavia Hills Municipal Court and revoke the business license if Ordinance Number 2811 was violated. Since my comments were made from time to time during a lengthy public hearing, I wanted to take this opportunity to summarize them and the remedies available to the City Council should there be a violation of Ordinance Number 2811. They are as follows:

December 18, 2018

Page 2

1. **REVOCATION OF CONDITIONAL USE:** Section 13.3.4(2) of Zoning Ordinance Number 2331 provides as follows:

“Conditional Use approval shall be revoked when the applicant fails to comply with the conditions imposed by the Council.”

2. **PROSECUTION IN MUNICIPAL COURT:** Section 13.7 of Zoning Ordinance Number 2331 provides that a person, firm or corporation may be prosecuted in Municipal Court for violation of a zoning ordinance. Each and every day during which illegal use continues shall be deemed a separate offense. No fine shall exceed \$500.00 and no sentence of imprisonment or hand labor shall exceed six months.

3. **BUSINESS LICENSE MAY BE REVOKED:** Section 19 of Business License Code Ordinance Number 2202 provides:

“(a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance **or of any ordinance** (*emphasis added*) of the municipality, or any statute of the State of Alabama relating to the business for which such license is issued;

4. **ABATEMENT OF PUBLIC NUISANCE:** In Alabama, a “nuisance” is anything that works hurt, inconvenience or damage to another. The fact that the act done may otherwise be lawful does not keep it from being a nuisance. (Title 6-5-120, *Code of Alabama, 1975*). A public nuisance is one which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals (Title 6-5-121, *Code of Alabama, 1975*).

Municipalities in Alabama have the legal authority to abate public nuisances.

- (a) Title 11-47-117, *Code of Alabama, 1975*.
- (b) Title 11-47-118, *Code of Alabama, 1975*.
- (c) Title 6-5-122, *Code of Alabama, 1975*.

Since my comments were scattered over approximately 45 minutes, I thought it might be helpful to you to have something more concise as you prepare the minutes of the meeting. Please call me if you have any questions regarding this matter.

Very truly yours,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

cc: City Manager Jeffrey D. Downes (by e-mail)
City Planner Conrad Garrison (by e-mail)

RESOLUTION NUMBER 5119

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR RAYBURN HOSPITALITY VESTAVIA HILLS
LLC D/B/A MUGSHOTS GRILL AND BAR
VESTAVIA HILLS; DERRICK CLIFTON RAYBURN,
EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Rayburn Hospitality Vestavia Hills LLC d/b/a Mugshots Grill and Bar Vestavia Hills, located at 1919 Kentucky Avenue, Suite 101, Vestavia Hills, Alabama, for the On-Premise sale of 020 - Restaurant Retail Liquor; Derrick Clifton Rayburn, executive.

APPROVED and ADOPTED this the 14th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

INTEROFFICE MEMORANDUM

DATE: January 9, 2019

TO: Dan Rary, Police Chief

FROM: Rebecca Leavings, City Clerk


RE: Alcohol License Request – 020 - Restaurant Retail Liquor

Please find attached information submitted by Derrick Clifton Rayburn who request an alcohol license to sell 020 - Restaurant Retail Liquor at the Rayburn Hospitality Vestavia Hills LLC d/b/a Mugshots Grill and Bar Vestavia Hills, 1919 Kentucky Avenue, Suite 101, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 14th day of January, 2019 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

I have reviewed the available background information on the above referenced applicant and submit the following to the City Council:

	<i>Application cleared by P.D. This indicates that there are NO convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>
	<i>Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests</i>
	<i>Does not recommend. This indicates that the Police Chief has found records of convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>

Reviewed: 



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION**



Confirmation Number: 20190108101829010

Type License: 020 - RESTAURANT RETAIL LIQUOR **State:** **County:**
Type License: **State:** **County:**
Trade Name: MUGSHOTS GRILL AND BAR VESTAVIA HILLS **Filing Fee:**
Applicant: RAYBURN HOSPITALITY VESTAVIA HILLS LLC **Transfer Fee:** \$50.00
Location Address: 1919 KENTUCKY AVE ; SUITE 101 VESTAVIA HILLS, AL 35216
Mailing Address: 5470 ALEXANDER AVE TUSCALOOSA , AL 35406
County: JEFFERSON **Tobacco sales:** NO **Tobacco Vending Machines:**
Type Ownership: LLC

Book, Page, or Document info: 2018 13758
Date Incorporated: 03/29/2018 **State incorporated:** AL **County Incorporated:** TUSCALOOSA
Date of Authority: 03/29/2018 **Alabama State Sales Tax ID:** R010029922
Federal Tax ID: 82-4503813

Name:	Title:	Date and Place of Birth:	Residence Address:
DERRICK CLIFTON RAYBURN 8407277 - AL	MEMBER	01/16/1984 HATTIESBURG, MS	5470 ALEXANDER AVENUE TUSCALOOSA , AL 35406

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
 Does ABC have any actions pending against the current licensee? NO
 Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
 Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
 Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
 Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: DERRICK C RAYBURN **Home Phone:** 601-408-5551
Business Phone: 205-824-9030 **Cell Phone:** 601-408-5551
Fax: **E-mail:** DCRAYBURN@GMAIL.COM

PREVIOUS LICENSE INFORMATION: Previous License Number(s)
 Trade Name: MUGSHOTS GRILL AND BAR License 1: 002053337
 Applicant: ALG VESTAVIA HILLS LLC License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190108101829010

If applicant is leasing the property, is a copy of the lease agreement attached? YES

Name of Property owner/lessor and phone number: VESTAVIA MZL LLC 603-472-1415

What is lessors primary business? PROPERTY OWNER

Is lessor involved in any way with the alcoholic beverage business? NO

Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES

Is the business used to habitually and principally provide food to the public? YES

Does the establishment have restroom facilities? YES

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO

Building Dimensions Square Footage: 3500 Display Square Footage:

Building seating capacity: 150 Does Licensed premises include a patio area? YES

License Structure: SHOPPING CENTER License covers: OTHER

Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name: Violation & Date: Arresting Agency: Disposition:

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20190108101829010



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
ALG VESTAVIA HILLS LLC
Address: 1919 KENTUCKY AVE
VESTAVIA HILLS, AL 35216
Telephone: 601-270-7410

NEW APPLICANT:
RAYBURN HOSPITALITY VESTAVIA HILLS LLC
Address: 5470 ALEXANDER AVE
TUSCALOOSA, AL 35406
Telephone: 205-824-9030

Current License No: 002053337

LICENSED PREMISES ADDRESS: 1919 KENTUCKY AVE VESTAVIA HILLS, AL 35216

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 8th day of January, 2019.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Print Name: DERRICK C. RAYBURN
Title: POWER OF ATTORNEY

Print Name: DERRICK C. RAYBURN
Title: MEMBER

WITNESS: (By ABC Enforcement)
Revised 9/08

Handwritten signature of Derrick C. Rayburn

ORDINANCE NUMBER 2825

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENT III FOR THE VESTAVIA HILLS CODE OF ORDINANCES, REPUBLISHED 2013 PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN SUCH SUPPLEMENTS AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. Supplement No. 3 to the Code entitled "Vestavia Hills Code of Ordinances, Republished 2013," is adopted.

Section 2. All Ordinances of a general and permanent nature enacted on or before June 11, 2018, and in conflict with the Ordinances included in the supplement or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any Ordinance or part thereof that has been repealed by a subsequent Ordinance that is repealed by this Ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Supplement or any Ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not less than \$1.00 nor more than \$500.00 or by imprisonment at hard labor for not exceeding six months or by both such fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. In addition to the penalty prescribed

above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. The Ordinances included in this Supplement shall be deemed to be incorporated in the Code, so that reference to the Code includes such Ordinances.

Section 6. Ordinances adopted after June 11, 2018 that amend or refer to Ordinances that have been included in the supplement shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall become effective upon adoption, approval and publication as required by law.

ADOPTED and APPROVED this 14th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2825 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 14th day of January, 2019 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills Civic Center and Vestavia Hills New Merkel Houser this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2817

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY VESTAVIA HILLS B-2 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills B-2 (general business district) to Vestavia Hills R-9 (planned residential district):

3791 Poe Drive;
That Part of Lot 1, Overton Village Resurvey
which lies in Vestavia Hills Corporate Limits;
Overton Condos, LLC, Marc Perlman, Owner(s)

APPROVED and ADOPTED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

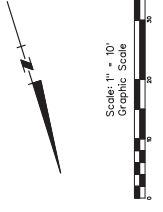
CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2817 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 28th day of January, 2019, as same appears in the official records of said City.

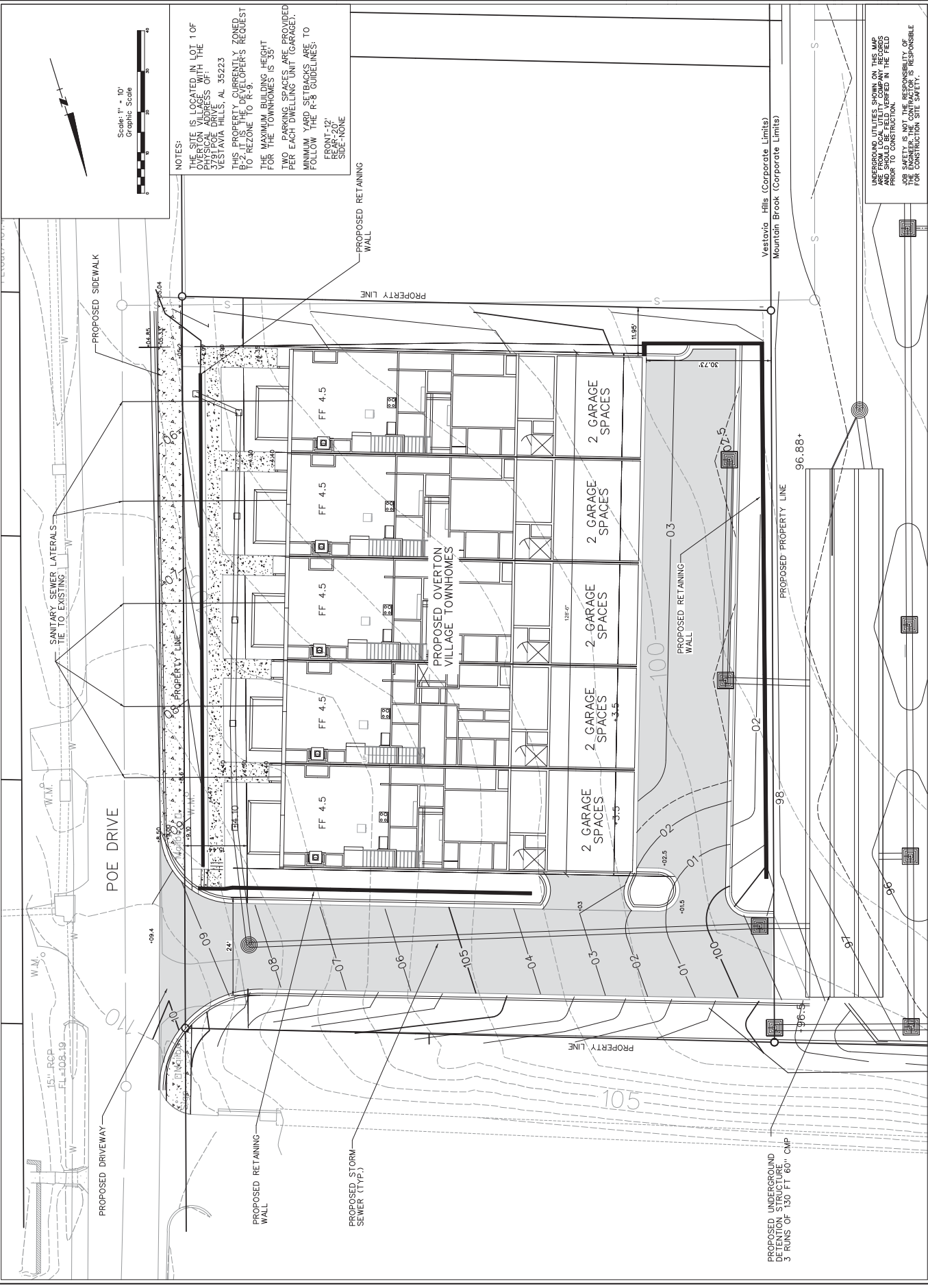
Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk





NOTES:
THIS PROJECT IS LOCATED IN LOT 1 OF
OVERTON VILLAGE WITHIN THE
PHYSICAL ADDRESS OF:
VESTAVIA HILLS, AL 35223
THIS PROPERTY, CURRENTLY ZONED
B-2, IS THE DEVELOPER'S REQUEST
TO REZONE TO R-9.
THE MAXIMUM BUILDING HEIGHT
PER EACH DWELLING UNIT (GARAGE),
TWO PARKING SPACES ARE PROVIDED
MINIMUM YARD SETBACKS ARE TO
FOLLOW THE R-9 GUIDELINES:
FRONT - 12'
SIDE - NONE



UNDERGROUND UTILITIES SHOWN ON THIS MAP
AND SHOULD BE FIELD VERIFIED IN THE FIELD
PRIOR TO CONSTRUCTION.
THE ENGINEER'S AND CONTRACTOR IS RESPONSIBLE
FOR CONSTRUCTION SITE SAFETY.

Vestavia Hills (Corporate Limits)
Mountain Brook (Corporate Limits)



- ANNUAL PLANTINGS
I.E. SEASONAL COLOR
- ACCENT SHRUB
I.E. BOXWOOD
- NEW PUBLIC SIDEWALK
- TOWNHOME SIDEWALK,
WITH PAVEMENT BANIS
- EVERGREEN GROUND COVER
I.E. DW. MONDO GRASS
- FLOWERING SHRUB
I.E. FRENCH HYDRANGEA
- LARGE SHADE TREE
I.E. NUTTALL OAK
- DECORATIVE PAVING AT
TOWNHOME ENTRANCE
- SCREEN PLANTING
I.E. EMERALD ARBORVITAE
- SCREEN PLANTING
I.E. MARY NELL HOLLY
- 6' HT. BUFFER FENCE WITH
WOOD COLUMNS AT #50' O.C.

- TYPE 'A' 10 BUFFER WITH FENCE
- 13 - UNDERSTORY TREES REQUIRED
- 17 - UNDERSTORY TREE PROVIDED
- 22 - REQUIRED SHRUBS
- 22 - PROVIDED SHRUBS
- SCREEN PLANTING
I.E. CLAUDIA W. MAGNOLIA

- MED. ORNAMENTAL TREE
I.E. CHINESE PISTACHE
- LOW WALL
- SMALL ACCENT TREE
I.E. DISSECTUM JAPANESE MAPLE
- SODDED SHOULDER
- MED. EVERGREEN TREE
I.E. EMERALD ARBORVITAE
- RETAINING WALL
- FLOWERING SHRUB
I.E. LIMELIGHT HYDRANGEA
- LOW EVERGREEN HEDGE
I.E. DW. YAUPON HOLLY
- MED. EVERGREEN HEDGE
I.E. NEEDLEPOINT HOLLY
- MED. FLOWERING TREE
SARAH'S FAVORITE GRAPE MYRTLE

- LARGE SHADE TREE
I.E. NUTTALL OAK
- RETAINING WALL
- SCREEN PLANTING
I.E. EMERALD ARBORVITAE
- SCREEN PLANTING
I.E. MARY NELL HOLLY

NEW TOWNHOMES FOR OVERTON VILLAGE: SCHEMATIC LANDSCAPE PLAN

Poe Drive, Vestavia Hills, Alabama

11/8/2018 Scale: 1" = 10'

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

Date: DECEMBER 13, 2018

- **CASE:** P-1218-55
- **REQUESTED ACTION:** Rezoning Vestavia Hills B-2 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3791 Poe Drive
- **APPLICANT/OWNER:** Marc Perlman with Overton Condos, LLC
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3791 Poe Drive from B-2 to R-9. The applicant would like to construct a townhouse development, building 5 townhomes on the property as a companion piece to a Mountain Brook Condo project to the rear. Both projects would share a drive, allowing access to both Poe and Fairhaven Drives. Proposed setbacks are Front- 12', rear- 20', Sides- 0'. There is an 11.95' separation between townhomes and adjacent property to the south. All current easements will remain.
- **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:** 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.

MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 3791 Poe Drive from Vestavia Hills B-2 to Vestavia Hills R-9. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Gilchrist – yes

Mr. Romeo – yes
Mr. House – yes
Motion carried.

Ms. Cobb – yes
Mrs. Barnes – yes

- 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*
- B-1
- B-3*
- Inst-1*
- B-2*
- O-1*



Future Land Use

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

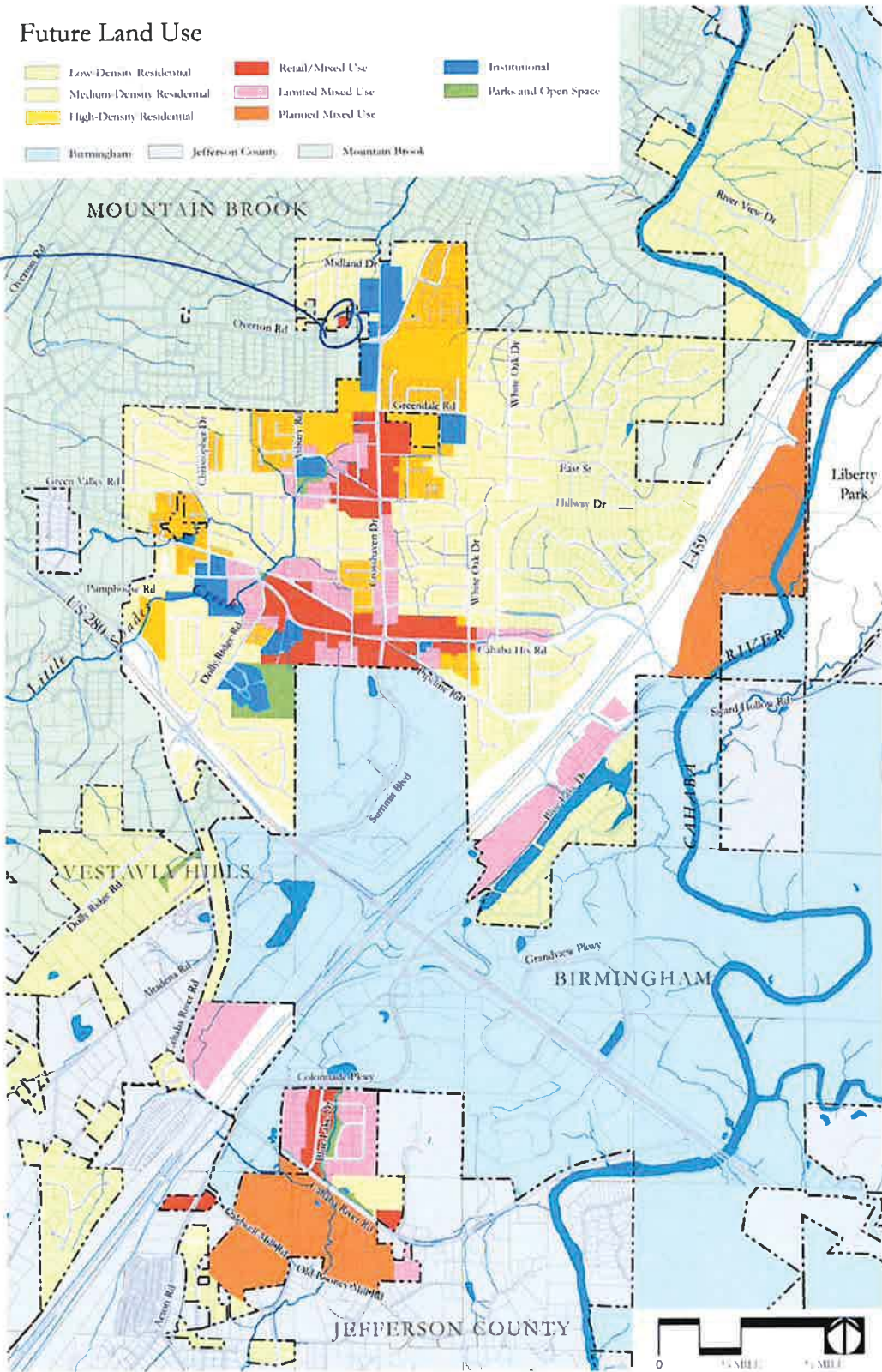


Figure 4: Future Land Use Map

ORDINANCE NUMBER 2818

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY VESTAVIA HILLS INST TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills INST (institutional district) to Vestavia Hills R-9 (planned residential district):

3771 and 3783 Fairhaven Drive
Lots 24, 25, 31 and 32, Block 1, Glass Addition to New Merkle
Overton Investments, LLC, Owner(s)

APPROVED and ADOPTED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2818 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 28th day of January, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk





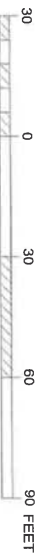
Carril & Matt Crane
3787 Fairhaven Drive
Birmingham, AL 35223
Zone: R-6

Mary Louise Moody
3768 Crosshaven Drive
Vestavia, AL 35223
Zone: R-6

Margaret L Benton
3788 Crosshaven Drive
Vestavia, AL 35223
Zone: R-6

Joy & Gregory Dill
3770 Crosshaven Drive
Vestavia, AL 35223
Zone: R-6

Columbia Cottage Mm.
Brook, LLC
3776 Crosshaven Drive
Vestavia, AL 35223
Zone: Institutional



SCALE: 1"=30'



KADCO HOMES, OWNER
3771 FAIRHAVEN DRIVE

CURRENT ZONING: Institutional

PROPOSED ZONING: R-9

LEGAL DESC: LOT 24 & 25, BLK 1, (MB 29, PG 35)

PROPOSED USE: LUXURY TOWN HOMES

PROPOSED SETBACKS:

- FRONT: 30'-0"
- REAR: 25'-0"
- SIDE: 5'-0"



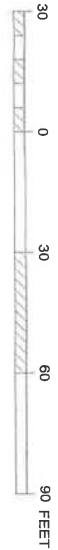
AREA MAP

HagerCo-LLC

keithbhager@icloud.com
Keith L. Hager, PE
1201 Gregorysinn Drive
Birmingham, AL 35216
Direct: 205.829.1738



Know what's below,
Call before you dig.



SCALE: 1"=30'

KADCO HOMES, OWNER
3783 FAIRHAVEN DRIVE



CURRENT ZONING: Institutional

PROPOSED ZONING: R-9

LEGAL DESC: LOT 31 & 32, BLK 1, (MB 29, PG 35)

PROPOSED USE: LUXURY TOWN HOMES

PROPOSED SETBACKS:
 FRONT: 30'-0"
 REAR: 25'-0"
 SIDE: 5'-0"



AREA MAP

HagerCo-LLC

keithhager@icloud.com
 Keith L. Hager, PE
 1201 Greylyn Drive
 Birmingham, AL 35216
 Direct: 205.229.1738

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

Date: **DECEMBER 13, 2018**

- **CASE:** P-1218-53
- **REQUESTED ACTION:** Rezoning Vestavia Hills INST to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3771 & 3783 Fairhaven Drive
- **APPLICANT/OWNER:** Overton Investments, LLC
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3771 and 3783 Fairhaven Drive from INST to R-9. The applicant would like to build 3 new townhomes on 3771 Fairhaven Drive and also build 4 luxury townhomes on 3783 Fairhaven Drive. The setbacks for both properties would be 30' in the front, 25' in the rear and 5' on the sides. All current easements will remain and the property would be re-platted at the conclusion of zoning.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The Community Plan call for Institutional Uses for these two sites, however, this was written when the assisted care facility owned the lots.
- **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:** 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.

MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 3771 & 3783 Fairhaven Drive from Vestavia Hills INST to Vestavia Hills R-9. Second was by Mr. House. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Romeo – yes
Mr. House – yes
Motion carried.

Mr. Gilchrist – yes
Ms. Cobb – yes
Mrs. Barnes – yes

KADCO Homes
3505 Bent River Road
Birmingham, AL 35216

P1218-53//2800151010015.001&2
3771 & 3783 Fairhaven Drive
Rezone to R-9
Overton Investments
Inst. VH

Re: 3771 and 3783 Fairhaven Drive rezoning request
11/8/2018

To whom it may concern,

We are hereby requesting to rezone the subject properties from Institutional to R9 to build luxury townhomes on both properties. It is our belief that the proposed zoning and finished product is a much more suitable fit for the surrounding area. Institutional zoning allows for possibilities such as hospitals, churches, and rehabilitation centers with building heights of 45 feet allowed and an abundance of parking/traffic. Given that everything surrounding this property is residential outside of the nursing home, we feel our proposal is a very good fit not only to add to the aesthetic of the neighborhood but also ensure building heights and traffic are minimized.

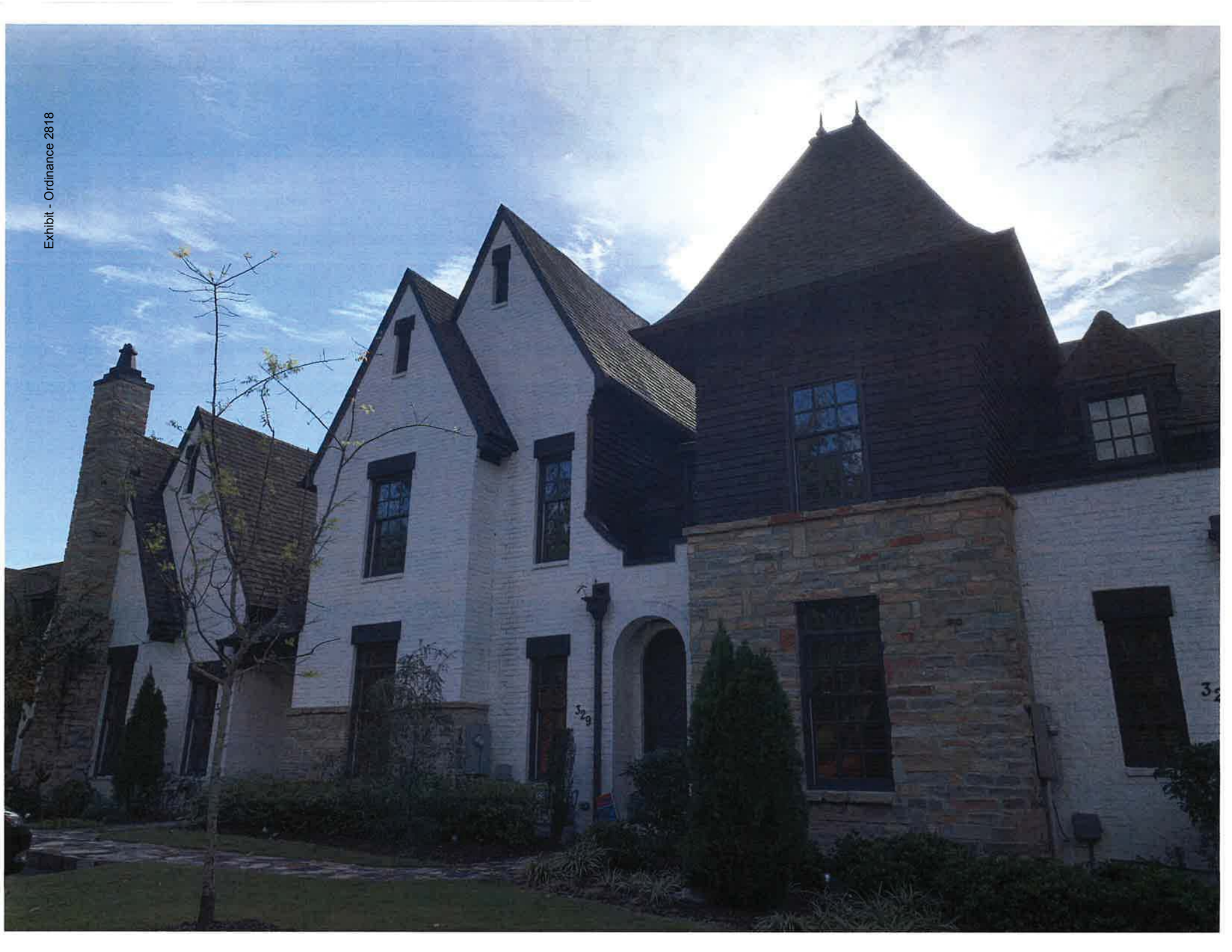
Regarding 3783 Fairhaven Drive, we are asking for R9 zoning in order to build 4 luxury townhomes. We feel this proposed product and density is more than suitable for this specific property due to the surrounding properties being multi-family condominium to the South and West, St. Stephens Church to the East, and Institutional nursing home to the North.

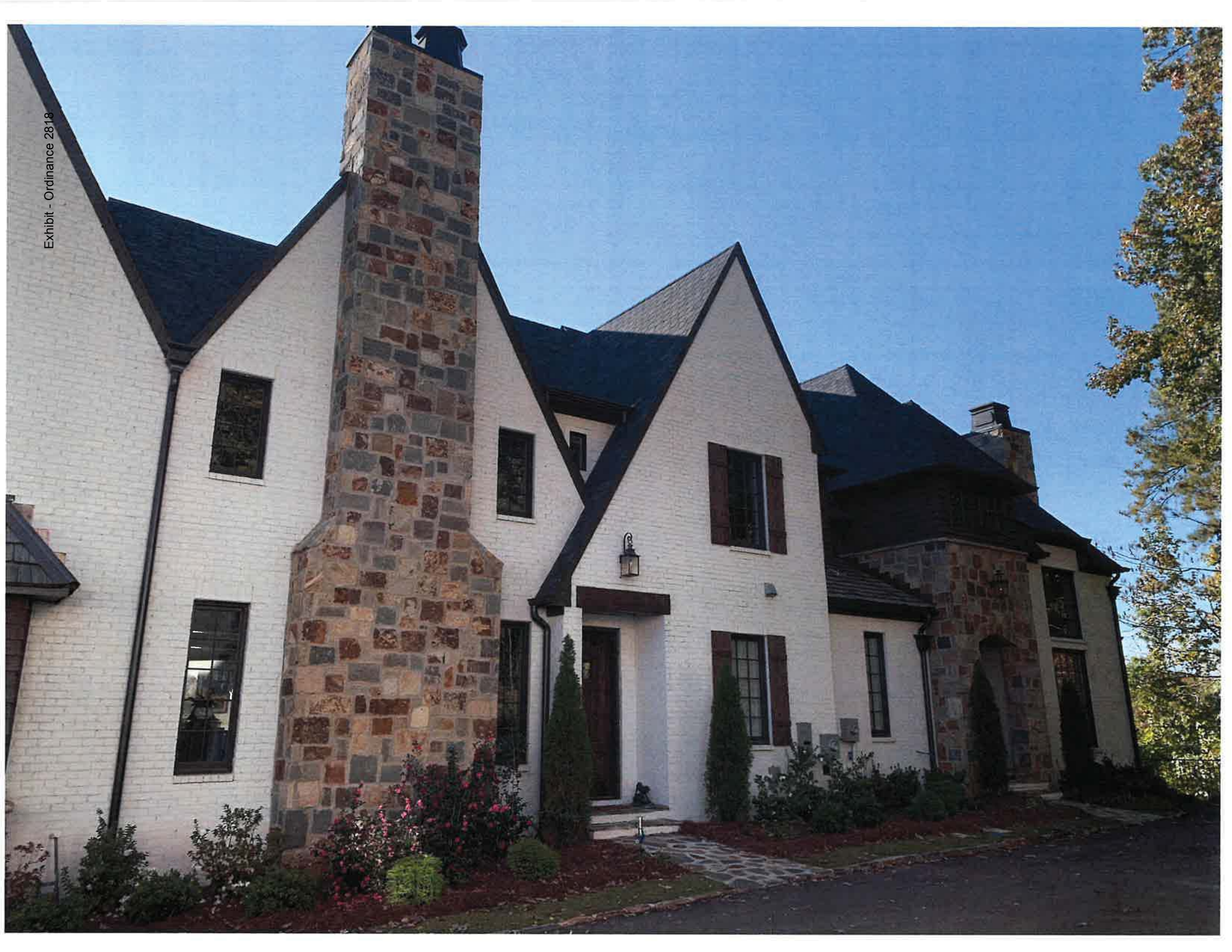
As for 3771 Fairhaven Drive, while we have Institutional nursing home to the South, we have single family residential in the other directions so we propose reducing the density from 4 townhomes to 3 on this property. Again, given that most of the zoning around us is single family residential, we feel luxury townhome is a much more suitable zoning than the current Institutional designation.

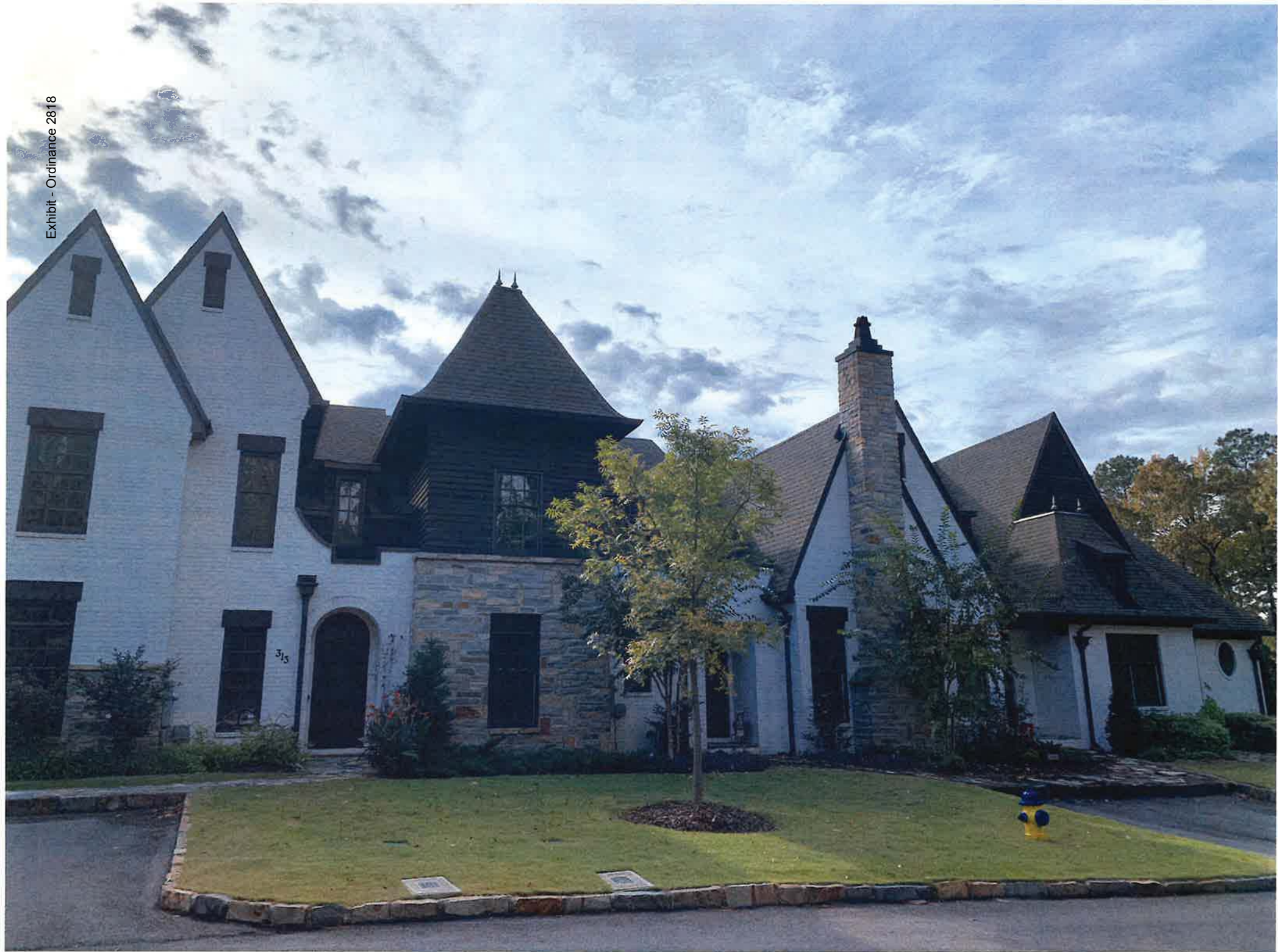
Enclosed are the application, \$100 application fee, site plan with vicinity sketch, and some examples of previous luxury townhomes our company has built recently to give an idea of what we are proposing for this property. If you should need any more information, please do not hesitate to call me at 205-369-5187. Thank you.

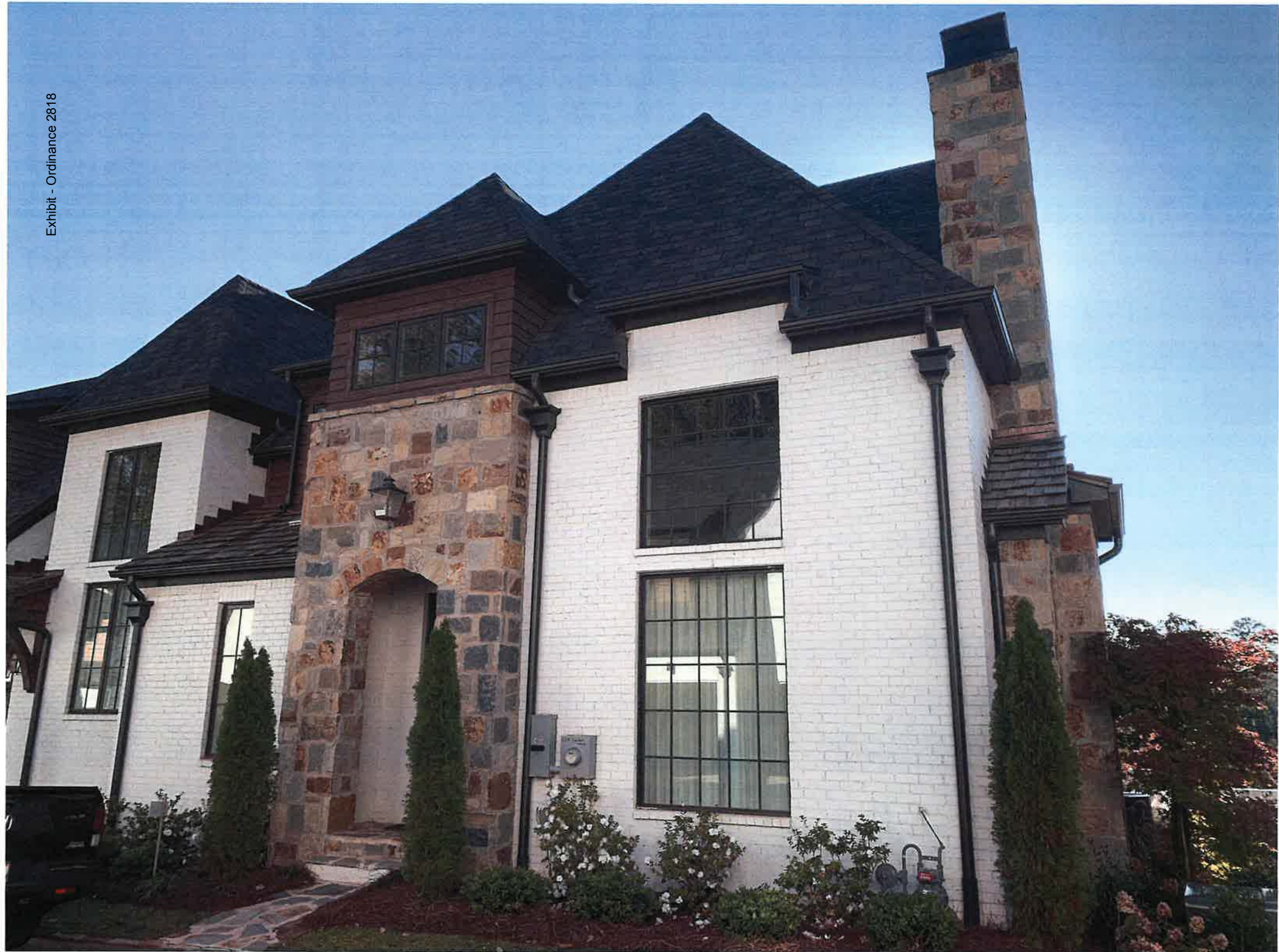
Jason Kessler















Zoning

PARCELID	2800151010015000
DISTRICT	020
ESN_NUM	62
PROPADD	3771 FAIRHAVEN DR
VH_ZONING	Inst-1
ZNG_ORD	1994
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

ZoomIt



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 |

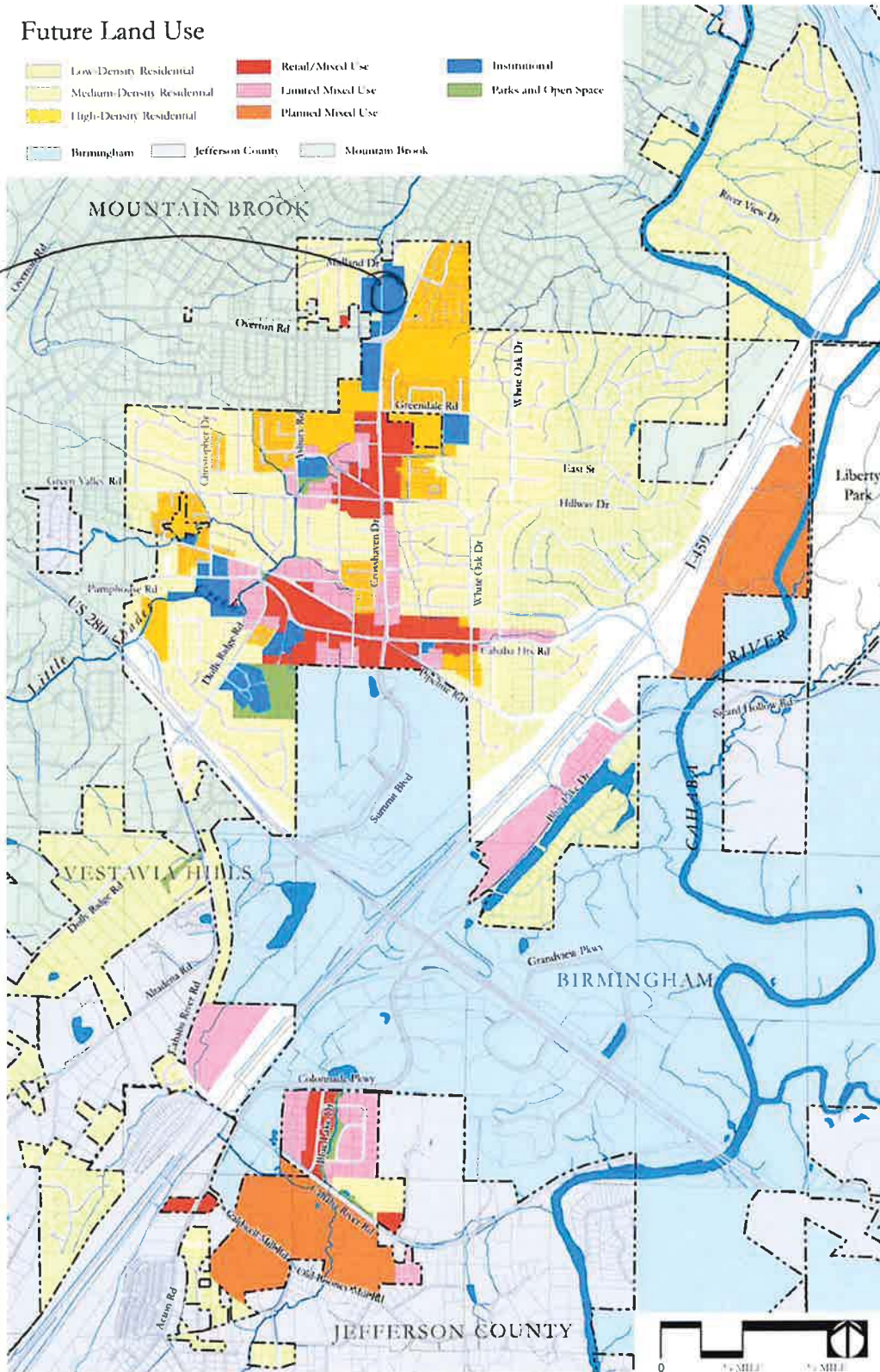


Figure 4: Future Land Use Map

ORDINANCE NUMBER 2819

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF VESTAVIA
HILLS, ALABAMA.**

WHEREAS, on the 8th day of October, 2018, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

3421 Coventry Drive,
Lot 6, Block 2, Coventry 1st and 2nd Sector
Barbara French, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2819 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 28th day of January, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: **3421 Coventry Drive**

Owners: **Barbara French**

Date: **8.29.18**

1. The property in question is contiguous to the city limits.
 Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
 Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
 Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
 Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of **\$360,000**. Meets city criteria: Yes No
 Comment: _____
6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes **18** Number in city **16**
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
 Agreed to by petitioner: Yes No Comment _____

Property: **3421 Coventry Drive**

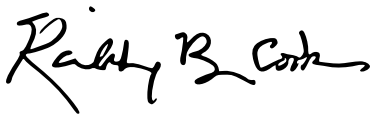
8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$_____ will be paid to offset costs associated with the annexation. Yes No _____ Comment _____

9. Property is free and clear of hazardous waste, debris and materials. Yes No _____ Comment _____

10. Are there any concerns from city departments? Yes _____ No Comments: _____

11. Information on children: Number in family **0 children**; Plan to enroll in VH schools Yes _____ No _____ Comments: **not applicable**

Other Comments: _____



~~George Pierce~~
~~Chairman~~

Kimberly B. Cook
Acting Chair

EXHIBIT "C"

CITY OF VESTAVIA HILLS
Department Review of Proposed Annexation
(To Be completed by City Staff)

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 3421 Coventry Drive

Engineering: Date: 8/15/18 Initials: CB

3421 Coventry Drive -- no concerns noted; roadway asphalt is fair condition, meets City subdivision standards, and is already within our maintenance area.

Board of Education: Date: 8/17/18 Initials: SBendall

Comments: N/P

Police Department: Date: 08/17/18 Initials: cpw

Comments: VH/PD would welcome this addition because we already recently patrol the street now.

Fire Department: Date: 8/15/2018 Initials: SK

Comments: No problems noted.

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 3/15/2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

Barbara French
fay3421@aol.com
205-967-4059

Molly French
mofrench@gmail.com
303-908-3832

EXHIBIT "A"

LOT: Country 1st & 2nd Sector PLOT: 6

BLOCK: P BLK: 25 LOT: 05

SURVEY: _____

RECORDED IN MAP BOOK 81, PAGE 31 IN THE

PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>Barbara C. French</u>	Lot <u>6</u> Block <u>2 S</u> Survey _____
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY
Barbara C. French

being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Barbara C. French
Signature of Certifier

Subscribed and sworn before me this the 15th day of March, 2018.

James H. [Signature]
Notary Public

My commission expires: 7/13/19

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____

Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

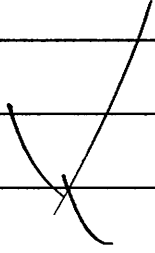
Name(s) of Homeowner(s): Barbara C. Daniel

Address: 3421 Coventry Dr.

City: B'ham State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.					
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

ORDINANCE NUMBER 2820

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY R-1 TO VESTAVIA HILLS R-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County R-1 (medium density residential district) to Vestavia Hills R-2 (medium density residential district):

3421 Coventry Drive
Lot 6, Block 2, Coventry 1st and 2nd Sector;
Barbara French, Owner(s)

APPROVED and ADOPTED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2820 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 28th day of January, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



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

Date: **DECEMBER 13, 2018**

- **CASE:** P-1218-50
- **REQUESTED ACTION:** Rezoning Jefferson County R-1 to Vestavia Hills R-2
- **ADDRESS/LOCATION:** 3421 Coventry Drive
- **APPLICANT/OWNER:** Barbara C. French
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 10/8/18 with the passage of Ordinance 2797. Applicant is requesting the compatible rezoning.
- **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:** 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.

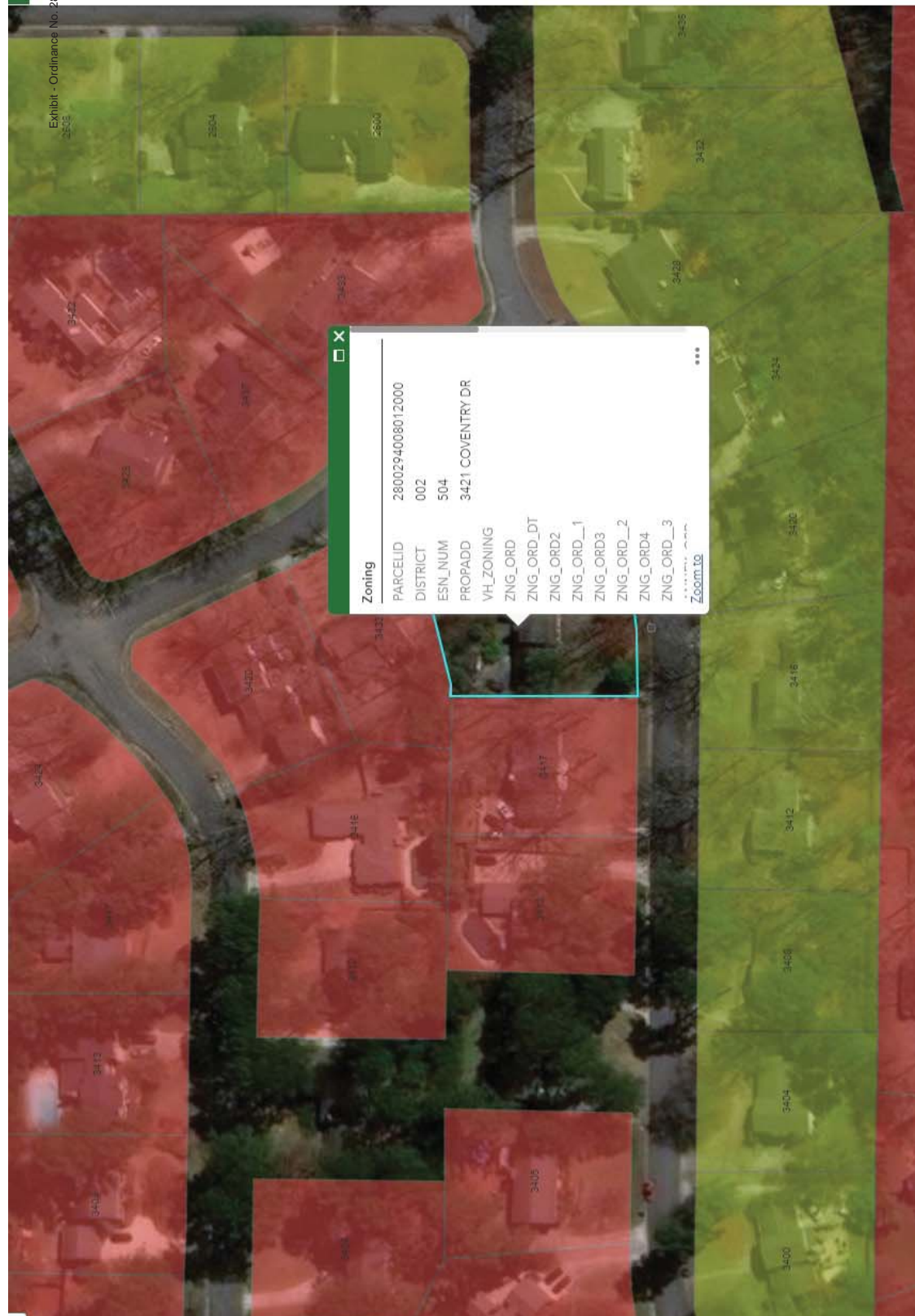
MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 3421 Coventry Drive from Jefferson County R-1 to Vestavia Hills R-2. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Romeo – yes
Mr. House – yes
Motion carried.

Mr. Gilchrist – yes
Ms. Cobb – yes
Mrs. Barnes – yes

3421 Coventry Dr, Birmingham, AL

Show search results for 3421 Coventry...



Zoning	
PARCELID	2800294008012000
DISTRICT	002
ESN_NUM	504
PROPADD	3421 COVENTRY DR
VH_ZONING	
ZNG_ORD	
ZNG_ORD_DT	
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	
ZoomIt	

ORDINANCE NUMBER 2821

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF VESTAVIA
HILLS, ALABAMA.**

WHEREAS, on the 8th day of October, 2018, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

3531 Valley Circle
Lot 6, Block 1, Dolly Ridge Estates, 2nd Add
Alan and Patricia Foster, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

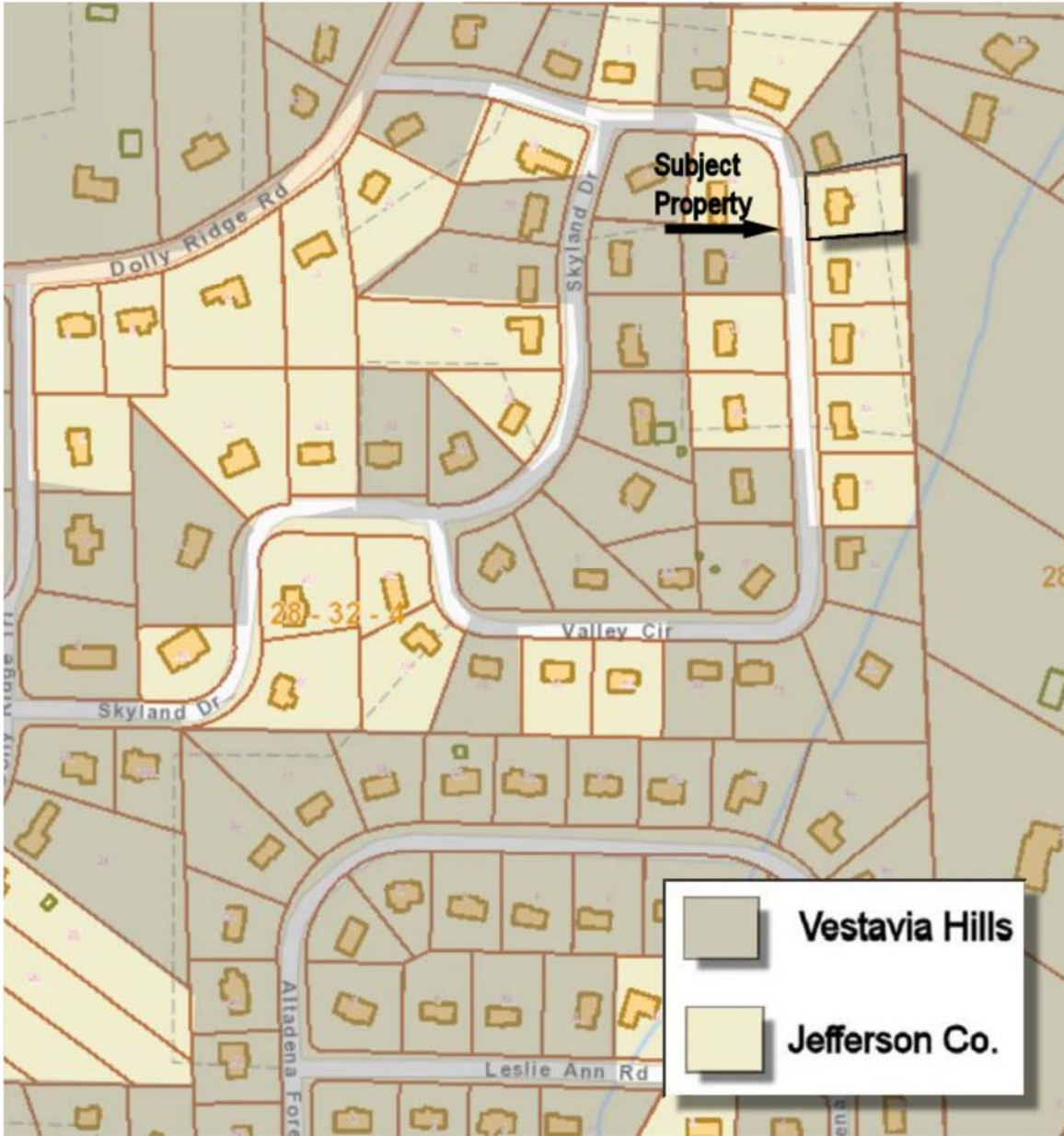
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2821 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 28th day of January, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 3531 Valley Circle

Owners: Alan and Patricia Foster

Date: 8.29.18

1. The property in question is contiguous to the city limits.
 Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
 Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
 Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
 Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of **\$205,700**. Meets city criteria: Yes No
 Comment: _____
6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes _____ Number in city _____
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
 Agreed to by petitioner: Yes No Comment _____

Property: 3531 Valley Circle

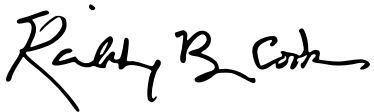
8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$_____ will be paid to offset costs associated with the annexation. Yes No _____ Comment _____

9. Property is free and clear of hazardous waste, debris and materials. Yes No _____ Comment _____

10. Are there any concerns from city departments? Yes _____ No Comments: Nothing significant

11. Information on children: Number in family 0 children; Plan to enroll in VH schools Yes _____ No _____ Comments: not applicable

Other Comments: _____


~~George Pierce~~ **Kimberly B. Cook**
~~Chairman~~ **Acting Chair**

PARCEL #: 28 00 32 4 001 007.000
OWNER: COMO JERRY W
ADDRESS: 2651 DENYSE DR BIRMINGHAM AL 35243
LOCATION: 3531 VALLEY CIR BHAM AL 35243

[111-C0] Baths: 2.0 H/C Sqft: 1,689
 18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 74,700 Imp: 131,000 Total: 205,700
 Acres: 0.000 Sales Info: \$0

<< Prev Next >> [1 / 0 Records] Processing...

Tax Year : 2018

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 2
 EXEMPT CODE:
 MUN CODE: 02 COUNTY
 SCHOOL DIST:
 OVR ASD VALUE: \$0.00
 OVER 65 CODE:
 DISABILITY CODE:
 HS YEAR: 0
 EXM OVERRIDE AMT: \$0.00
 TOTAL MILLAGE: 50.1

VALUE

LAND VALUE 10% \$0
 LAND VALUE 20% \$74,690
 CURRENT USE VALUE [DEACTIVATED] \$0
CLASS 2
 BLDG 001 111 \$131,000
CLASS 3

CLASS USE:
 FOREST ACRES: 0
 PREV YEAR VALUE: \$199,000.00
 TAX SALE:
 BOE VALUE: 0

TOTAL MARKET VALUE [APPR. VALUE: \$205,700]: \$205,690
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	2	\$41,140	\$267.41	\$0	\$0.00	\$267.41
COUNTY	2	2	\$41,140	\$555.39	\$0	\$0.00	\$555.39
SCHOOL	2	2	\$41,140	\$337.35	\$0	\$0.00	\$337.35
DIST SCHOOL	2	2	\$41,140	\$0.00	\$0	\$0.00	\$0.00
CITY	2	2	\$41,140	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	2	\$41,140	\$209.81	\$0	\$0.00	\$209.81
SPC SCHOOL2	2	2	\$41,140	\$691.15	\$0	\$0.00	\$691.15

ASSD. VALUE: \$41,140.00

\$2,061.11

GRAND TOTAL: \$2,061.11

FULLY PAID

DEEDS

INSTRUMENT NUMBER

[2018037041](#)
[200912-16789](#)
[316-854](#)

PAYMENT INFO

DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
3/30/2018	4/5/2018	2017	COMO JERRY W	\$2,510.84
12/18/2009	3/20/2017	2016	JERRY COMO	\$2,349.09
04/06/1967	3/22/2016	2015	JERRY COMO	\$2,768.22
		2014		\$0.00
		2013		\$0.00
	5/20/2013	2012	JERRY COMO	\$1,985.85
	20111231	2011	***	\$1,875.71
	20101212	2010	***	\$1,962.89

EXHIBIT "C"

CITY OF VESTAVIA HILLS
Department Review of Proposed Annexation
(To Be completed by City Staff)

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 3531 Valley Circle

Engineering: Date: 8/15/18 Initials: CB

3531 Valley Circle -- no significant concerns noted; roadway asphalt is in fair condition; the roadway width is more narrow than typical City standards and has little to no shoulders; a few neighboring properties will remain in unincorporated Jefferson County, so we anticipate roadway maintenance will remain a shared responsibility with the County.

Board of Education: Date: 8/17/18 Initials: S Bendall

Comments: NIP

Police Department: Date: 08/17/18 Initials: CHW

Comments: VHPD has no problem with this address and already patrols the street.

Fire Department: Date: 8/15/2018 Initials: SO

Comments: No problems noted.

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: April 4, 2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

altriciafoster@gmail.com

al fester 807-3904 - cell

Tricia fester 807-7872 - cell

EXHIBIT "A"

LOT: 6

BLOCK: 1

SURVEY: Amended map of Dolly Ridge Estates 2nd. Addition

RECORDED IN MAP BOOK 76, PAGE 82 IN THE

PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: JCR1

COMPATIBLE CITY ZONING: VHR2

LEGAL DESCRIPTION (METES AND BOUNDS):

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway
Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Alan + Patricia Jester
Address: 3531 Valley Circle
City: Birmingham State: Al Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.	<i>See attached</i>				
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". _____

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

<u>Alan N. Foster</u>	Lot <u>6</u> Block <u>1</u> Survey <u>(Amended Map of Dolly Ridge Estate 2nd Addition)</u>
<u>Patricia C. Foster</u>	Lot <u>6</u> Block <u>1</u> Survey <u>same</u>
_____	Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

Alan Foster being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Alan N. Foster

Signature of Certifier

Subscribed and sworn before me this the 4th day of April, 20 18.

[Signature]

Notary Public

My commission expires: 3/1/22



April 4, 2018

Honorable Mayor and City Council of the City of Vestavia Hills,

We are the new owners of 3531 Valley Circle in Dolly Ridge Estates. The property is currently rented. Our plan is to remodel the home, open up the kitchen to the den, new floors, new kitchen, paint inside and out, update the baths, and improve the yard. We paid \$177,500 for the house. Our Realtor says it will be worth at least \$329,000 when we finish, if in Vestavia Hills. We have successfully fixed up and sold 13 houses, most of which were in Vestavia Hills. We would like to have the house annexed into Vestavia Hills.

Sincerely, Al and Tricia Foster

ORDINANCE NUMBER 2822

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY R-1 TO VESTAVIA HILLS R-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County R-1 (medium density residential district) to Vestavia Hills R-2 (medium density residential district):

3531 Valley Circle
Lot 6, Block 1, Dolly Ridge Estates, 2nd Add;
Alan and Patricia Foster, Owner(s)

APPROVED and ADOPTED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

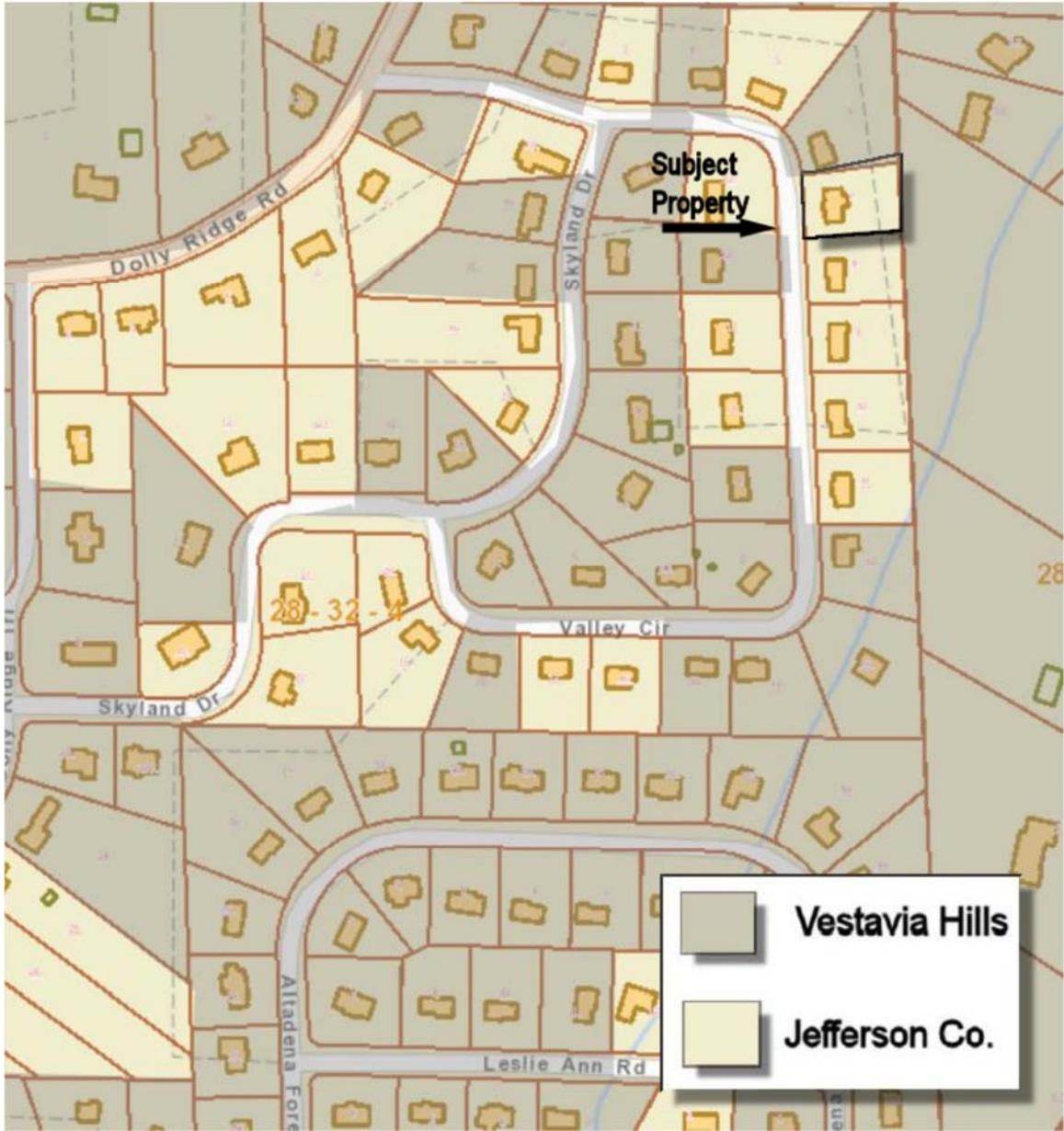
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2822 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 28th day of January, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



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

Date: **DECEMBER 13, 2018**

- **CASE:** P-1218-51
- **REQUESTED ACTION:** Rezoning Jefferson County R-1 to Vestavia Hills R-2
- **ADDRESS/LOCATION:** 3531 Valley Circle
- **APPLICANT/OWNER:** Alan & Patricia Foster
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 10/8/18 with the passage of Ordinance 2798. Applicant is requesting the compatible rezoning.
- **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:** 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.

MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 3531 Valley Circle from Jefferson County R-1 to Vestavia Hills R-2. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Romeo – yes
Mr. House – yes
Motion carried.

Mr. Gilchrist – yes
Ms. Cobb – yes
Mrs. Barnes – yes

3531 Valley Circle, Birmingham, AL

Show search results for 3531 Valley Circle



Zoning	
PARCELID	2800324001007000
DISTRICT	002
ESN_NUM	504
PROPADD	3531 VALLEY CIR
VH_ZONING	
ZNG_ORD	
ZNG_ORD_DT	
ZNG_ORD2	
ZNG_ORD__1	
ZNG_ORD3	
ZNG_ORD__2	
ZNG_ORD4	
ZNG_ORD__3	
Zoom In	
Zoom Out	

Legenda

- 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*
 - B-1
 - B-3*
 - Inst*
 - B-2*
 - O-1

ORDINANCE NUMBER 2823

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF VESTAVIA
HILLS, ALABAMA.**

WHEREAS, on the 8th day of October, 2018, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

2532 Skyland Drive
Lot 8, Block 2, Dolly Ridge Estates, 2nd Add
Jason and Laura Sparks, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

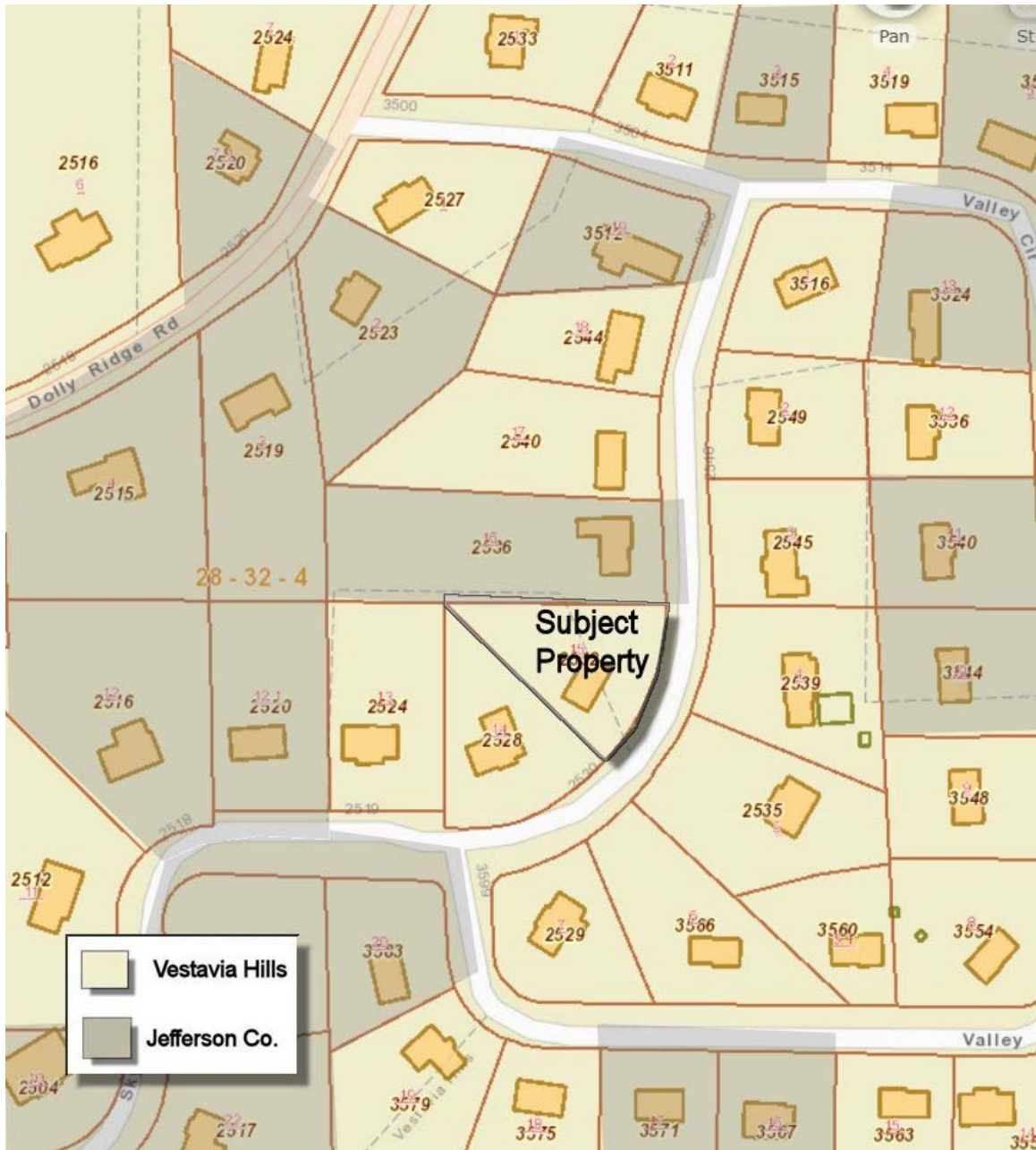
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2823 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 28th day of January, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 2532 Skyland Drive

Owners: Jason Sparks

Date: 8.29.18

1. The property in question is contiguous to the city limits.
 Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
 Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
 Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
 Yes No Comments See Engineering Report.

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of ~~\$204,000~~ \$211,100. Meets city criteria: Yes No
 Comment: Though this property falls short of the City's median property value, similar, adjacent properties have sold recently in the median range.
6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes 13 Number in city 5
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
 Agreed to by petitioner: Yes No Comment _____

Property: 2532 Skyland Drive

8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ _____ will be paid to offset costs associated with the annexation. Yes No _____ Comment _____

See Engineering department report of concerns regarding storm drain pipe. City Engineer stated Jefferson County is willing to partner with the City to replace the public pipe. Property owner acknowledged he was aware the private pipe would need to be repaired at the same time as the public pipe repair. The City Engineer said this is not currently causing a problem, but would need to be fixed. Committee recommends the pipe repair would be a contingency of the annexation.

9. Property is free and clear of hazardous waste, debris and materials. Yes No _____ Comment _____

10. Are there any concerns from city departments? Yes No _____ Comments: _____

11. Information on children: Number in family 1 child; Plan to enroll in VH schools Yes No _____ Comments: _____

Other Comments: _____



~~George Pierce~~
~~Chairman~~
Kimberly Cook, Acting Chairman

PARCEL #: 28 00 32 4 005 015.000
OWNER: SPARKS JASON M & LAURA
ADDRESS: 2532 SKYLAND DR VESTAVIA AL 35243-4605
LOCATION: 2532 SKYLAND DR BHAM AL 35243

[111-C0] Baths: 2.5 H/C Sqft: 1,609
 18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 82,400 Imp: 128,700 Total: 211,100
 Acres: 0.000 Sales Info: 08/01/2006
\$216,000

<< Prev Next >> [1 / 0 Records] Processing...

Tax Year : 2018

[SUMMARY](#) [LAND](#) [BUILDINGS](#) [SALES](#) [PHOTOGRAPHS](#) [MAPS](#)

SUMMARY

ASSESSMENT		VALUE	
PROPERTY CLASS:	3 OVER 65 CODE:	LAND VALUE 10%	\$82,390
EXEMPT CODE:	2-2 DISABILITY CODE:	LAND VALUE 20%	\$0
MUN CODE:	02 COUNTY HS YEAR: 0	CURRENT USE VALUE [DEACTIVATED]	\$0
SCHOOL DIST:	EXM OVERRIDE AMT: \$0.00	<u>CLASS 2</u>	
OVR ASD VALUE:	\$0.00 TOTAL MILLAGE: 50.1	<u>CLASS 3</u>	
		BLDG 001	111 \$128,700
CLASS USE:		TOTAL MARKET VALUE [APPR. VALUE: \$211,100]:	\$211,090
FOREST ACRES: 0	TAX SALE:	Assesment Override:	
PREV YEAR VALUE:	\$204,600.00 BOE VALUE: 0	MARKET VALUE:	
		CU VALUE:	
		PENALTY:	
		ASSESSED VALUE:	

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$21,120	\$137.28	\$4,000	\$26.00	\$111.28
COUNTY	3	2	\$21,120	\$285.12	\$2,000	\$27.00	\$258.12
SCHOOL	3	2	\$21,120	\$173.18	\$0	\$0.00	\$173.18
DIST SCHOOL	3	2	\$21,120	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$21,120	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$21,120	\$107.71	\$0	\$0.00	\$107.71
SPC SCHOOL2	3	2	\$21,120	\$354.82	\$0	\$0.00	\$354.82

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$21,120.00 **\$1,058.11** **GRAND TOTAL: \$1,010.11**
FULLY PAID

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201108-9911	10/11/2011	10/15/2018	2018	JASON SPARKS	\$1,010.11
200903-28281	03/27/2009	12/27/2017	2017	JASON SPARKS	\$977.05
200614-17638	08/21/2006	11/9/2016	2016	JASON SPARKS	\$907.91
200208-2941	06/04/2002	10/5/2015	2015	JASON SPARKS	\$907.91
		10/3/2014	2014	JASON SPARKS	\$896.89
		10/20/2013	2013	JASON SPARKS	\$896.89
		11/13/2012	2012	JASON SPARKS	\$896.89

EXHIBIT "C"

CITY OF VESTAVIA HILLS
Department Review of Proposed Annexation
(To Be completed by City Staff)

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 2532 Skyland Drive

Engineering:

Date: 8/15/18 Initials: C. Breda

2532 Skyland Drive -- concern noted related to a deteriorated stormwater drainage pipe within the roadway right of way and across this private property; roadway asphalt is in fair condition; the roadway width is more narrow than typical City standards and has little to no shoulders; a few neighboring properties will remain in unincorporated Jefferson County, so we anticipate roadway maintenance will remain a shared responsibility with the County.

Board of Education:

Date: 8/17/18 Initials: S Bendall

Comments: OK

Police Department:

Date: 08/17/18 Initials: cdw

Comments: VHPD has no problems with this addition at this time

Fire Department:

Date: 8/15/2018 Initials: (SR)

Comments: No problems noted.

Rebecca Leavings

From: Christopher Brady
Sent: Thursday, August 23, 2018 12:08 PM
To: Rebecca Leavings; George Pierce
Cc: Jeff Downes
Subject: RE: Annexation Committee Agenda
Attachments: 2532 Skyland Drive_survey markup.pdf; skyland_pics.pdf

Fyi

I wanted to provide an update on 2532 Skyland...

I met Wed, 8/22, with Mr. Sparks to discuss drainage pipe concerns on his property and within the roadway at the front of this property. I have also initiated discussions with Jefferson County, but have not yet received input from their review.

The attached sketch and pictures provide an overview of the rusted drainage pipe. There is approximately 100 LF of 30" pipe on his property that has substantially deteriorated; the bottom of the pipe is mostly rusted away. The pipe within the roadway right-of-way, approximately 60 LF of 30" pipe, and another 35 LF of 15", has little to no bottom remaining.

There are no surface concerns evident yet; no sinkholes or subsidence in the roadway. Mr. Sparks' driveway has settling and cracking, but no visible hazard or immediate concerns.

The property across the street, as well as numerous neighboring properties, are already within the City, so there is pre-existing City maintenance in this area. However, this was not a previously identified pipe replacement project.

Mr.Sparks' family has owned the property for 10+ years and claims to have not noted any issues in past. His mom also met with us on site and provided additional background on the property and noting improvements they have done to the property since owning.

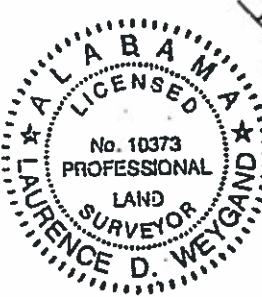
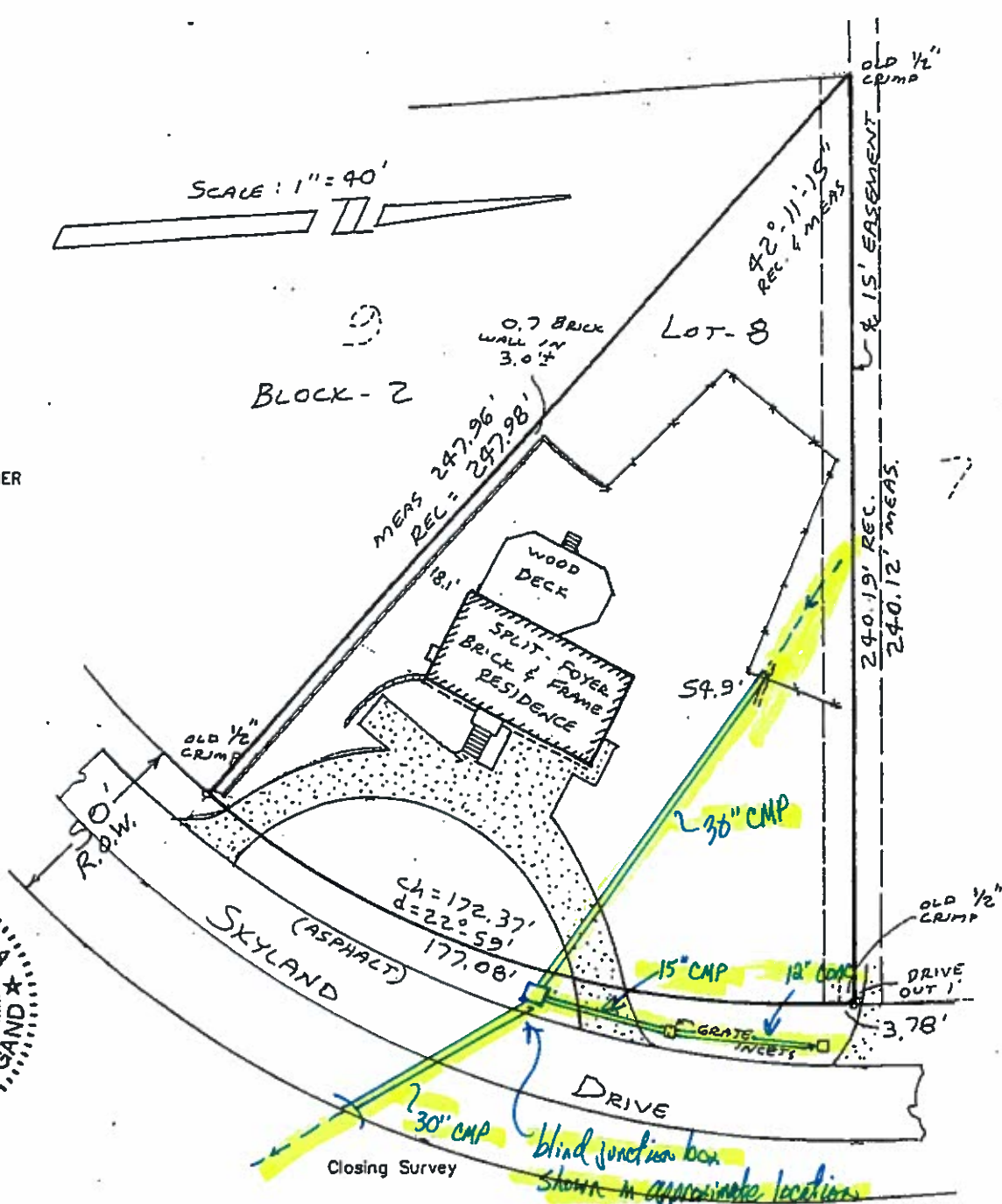
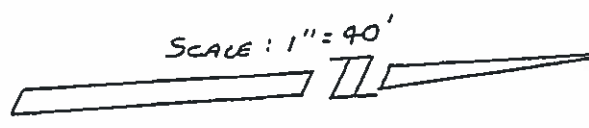
Mr. Sparks stated a willingness to consider investing in improvements, and is awaiting additional guidance from the City and/or County. He intends to attend the Committee meeting on 29th and address this concern in any discussion as needed.



Christopher Brady, City Engineer
Department of Public Services
P 205 978 0150 | vhal.org
City of Vestavia Hills

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR
- x- FENCE
- POWER LINE
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL



STATE OF ALABAMA
JEFFERSON COUNTY)

I, Laurence D. Weygand, a registered Engineer—Land Surveyor, or Roy Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 8, Block 2, AMENDED MAP OF DOLLY RIDGE ESTATES - SECOND ADDITION, as recorded in Map Volume Page in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said lot except as shown and that improvements are located as shown above. 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; according to my survey of AUGUST 15, 2006

Survey invalid if not sealed in red.
Order No.: 10458
Purchaser: SPARKS
Address: # 2532 SKYLAND DRIVE
Flood Zone: X Map Number: 01073C 0492E

Laurence D. Weygand
Laurence D. Weygand, Reg. P.E.—L.S. #10373
Roy Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map.

** drainage sketch added to show approximate location, size, material, etc. of drainage infrastructure.*



PARCEL #: 28 00 32 4 005 015.000
OWNER: SPARKS JASON M & LAURA
ADDRESS: 2532 SKYLAND DR VESTAVIA AL 35243-4605
LOCATION: 2532 SKYLAND DR BHAM AL 35243

[111-C0] Baths: 2.5 H/C Sqft: 1,609
 18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 82,400 Imp: 122,200 Total: 204,600
 Acres: 0.000 Sales Info: 08/01/2006
 \$216,000

<< Prev Next >> [1 / 0 Records] Processing...

Tax Year : 2017

[SUMMARY](#) [LAND](#) [BUILDINGS](#) [SALES](#) [PHOTOGRAPHS](#) [MAPS](#)

LAND COMPUTATION

	Code	Acerage	Square Foot	Market Value	CU. Value
LOTS 3	111 HOUSEHOLD UNITS	0	0	\$82,390.00	

ROLLBACK/HOMESITE/MISCELLANEOUS

LEGAL DESCRIPTION

SUB DIVISON1: DOLLY RIDGE EST 2ND ADD MAP BOOK: 76 PAGE: 82
 SUB DIVISON2: MAP BOOK: 0 PAGE: 0

PRIMARY BLOCK: 2 SECONDARY BLOCK: 0
 PRIMARY LOT: 8 SECONDARY LOT: 0

METES AND BOUNDS: LOT 8 BLK 2 DOLLY RIDGE ESTS 2ND ADD EXC N 10 FT SD LOT

SALES INFORMATION

8/1/2006	\$216,000.00	1	BOOK: 200614 PAGE: 017638	Land & Building
6/1/2002	\$174,967.00	1	BOOK: 200208 PAGE: 002941	Land & Building
12/1/2001	\$145,000.00	1	BOOK: 200116 PAGE: 001350	Land & Building
4/1/2001	\$75,000.00	5	BOOK: 200105 PAGE: 006304	Land & Building

**Jason M. Sparks & Laura Sparks
2532 Skyland Drive
Vestavia, AL 35243**

April 9, 2018

To: Members, Vestavia Hills Annexation Committee and City Council

My name is Jason Sparks. I reside at 2532 Skyland Drive with my wife, Laura Sparks, and our son Mitchell. Both my wife and I have grown up in the Vestavia Hills community and attended the Vestavia schools from elementary school through high school graduation. Both of our families still live in Vestavia as well. (Mr. and Mrs. Mike Cobb; Dr. and Mrs. Jimmy Sparks). I represent BB&T Bank in the Vestavia Hills Chamber of Commerce and am also a member of the Vestavia Hills Sunrise Rotary Club that meets weekly at the City Hall.

Having enjoyed such long personal and professional ties to the Vestavia Hills community, I am now hoping that you will favorably consider my petition for annexation. You will notice from the application that we are largely surrounded by Vestavia Hills. We would very much like to participate in the interests of the community we are proud of, sharing its benefits and promoting the betterment of our neighborhood and of Vestavia Hills. I would add for your consideration that we have made substantial improvements to our home and property over the last few years, as have many of our neighbors. I believe that this trend is enhanced when all of us share a commitment to the interests of the community in common. I hope you will find that these considerations, along with my location relative to my Vestavia neighbors, makes this annexation logical and mutually beneficial.

My contact information is as follows if any additional information is needed:

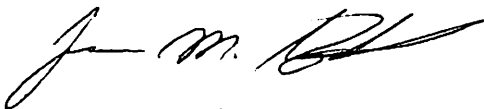
Cell # - (205)907-6030

Office # - (205)445-2346

Email – jsparks@bbandt.com

Thank you for your time in reviewing this request.

Sincerely,



Jason M. Sparks

(205)9076030

jsparks@bbandt.com

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: April 9, 2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

Jason M. Sparks

(205) 907-6030 - cell #

(205) 445-2346 - work #

~~sparks@bbandt.com~~

jsparks@bbandt.com - email

EXHIBIT "A"

LOT: 8

BLOCK: 2

SURVEY: _____

RECORDED IN MAP BOOK 76, PAGE 82 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

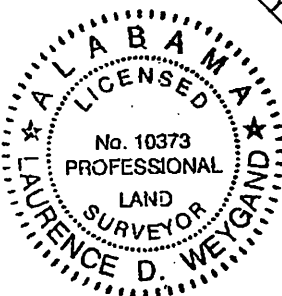
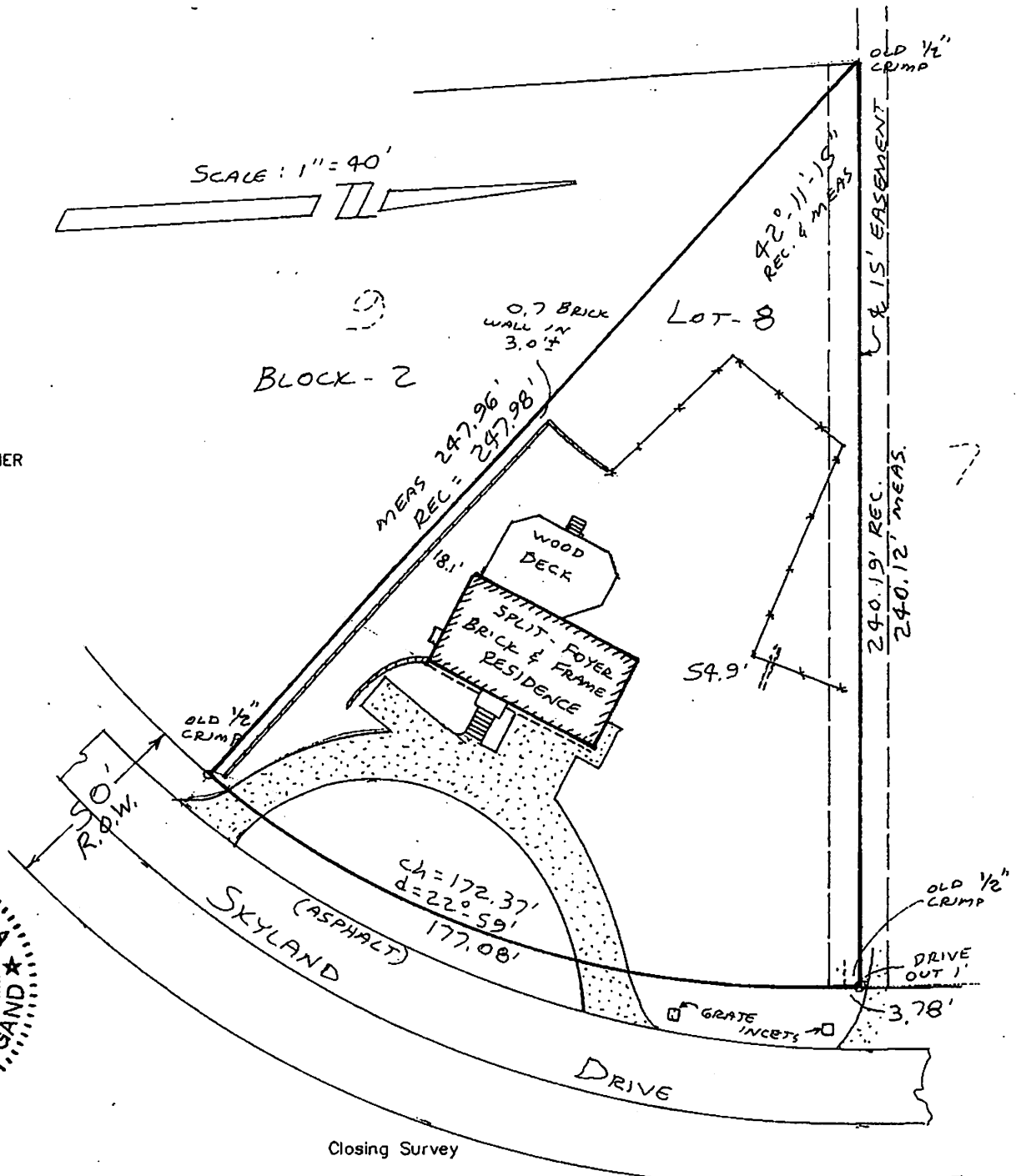
COUNTY ZONING: Class: 3 Mun Code: 2
COMPATIBLE CITY ZONING: Class: 3 Mun Code: 2

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 8, Block 2, According to the amended map of Dolly
Ridge Estates, Second Addition as recorded in Map
Book 76, Page 82, in the probate office of Jefferson
County, Alabama, Birmingham Partition.
Less and except the north 10 feet of subject property
See Attached Exhibit A
Parcel # 28-00-32-4-005-015.000

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR
- X- FENCE
- V- POWER LINE
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL



STATE OF ALABAMA)
JEFFERSON COUNTY)

Closing Survey

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, or Ray Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 8, Block 2, AMENDED MAP OF DOLLY RIDGE ESTATES - SECOND ADDITION, as recorded in Map Volume _____ Page _____ in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said lot except as shown and that improvements are located as shown above. 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; according to my survey of AUGUST 15, 2006
Survey invalid if not sealed in red.

Order No.: 10458
Purchaser: SPARKS
Address: #2532 SKYLAND DRIVE
Flood Zone: X Map Number: 01073C 0492E

Laurence D. Weygand
Laurence D. Weygand, Reg. P.E.-L.S. #10373
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>Jason M. Sparks / Larrea Sparks</u>	Lot <u>8</u> Block <u>2</u> Survey _____
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

Jason M. Sparks being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Jason M. Sparks
Signature of Certifier

Subscribed and sworn before me this the 9th day of April, 2018.

Renee Nelson Brown
Notary Public

My Commission Expires July 23, 2019.

My commission expires: _____

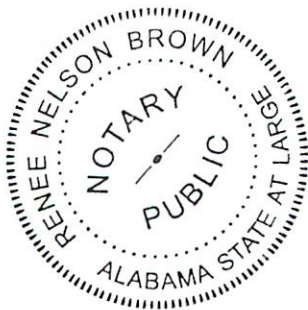


EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway
Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Jason + Laura Sparks

Address: 2532 Skyland Drive

City: Vestavia State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.	Mitchell D. Sparks	2	—	✓	
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": 2020-2021

Jason M. Sparks : Car Tag: IBL9576
Laura C. Sparks : Car Tag: IBL9577

ORDINANCE NUMBER 2824

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY R-1 TO VESTAVIA HILLS R-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County R-1 (medium density residential district) to Vestavia Hills R-2 (medium density residential district):

2532 Skyland Drive
Lot 8, Block 2, Dolly Ridge Estates, 2nd Add;
Jason and Laura Sparks, Owner(s)

APPROVED and ADOPTED this the 28th day of January, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

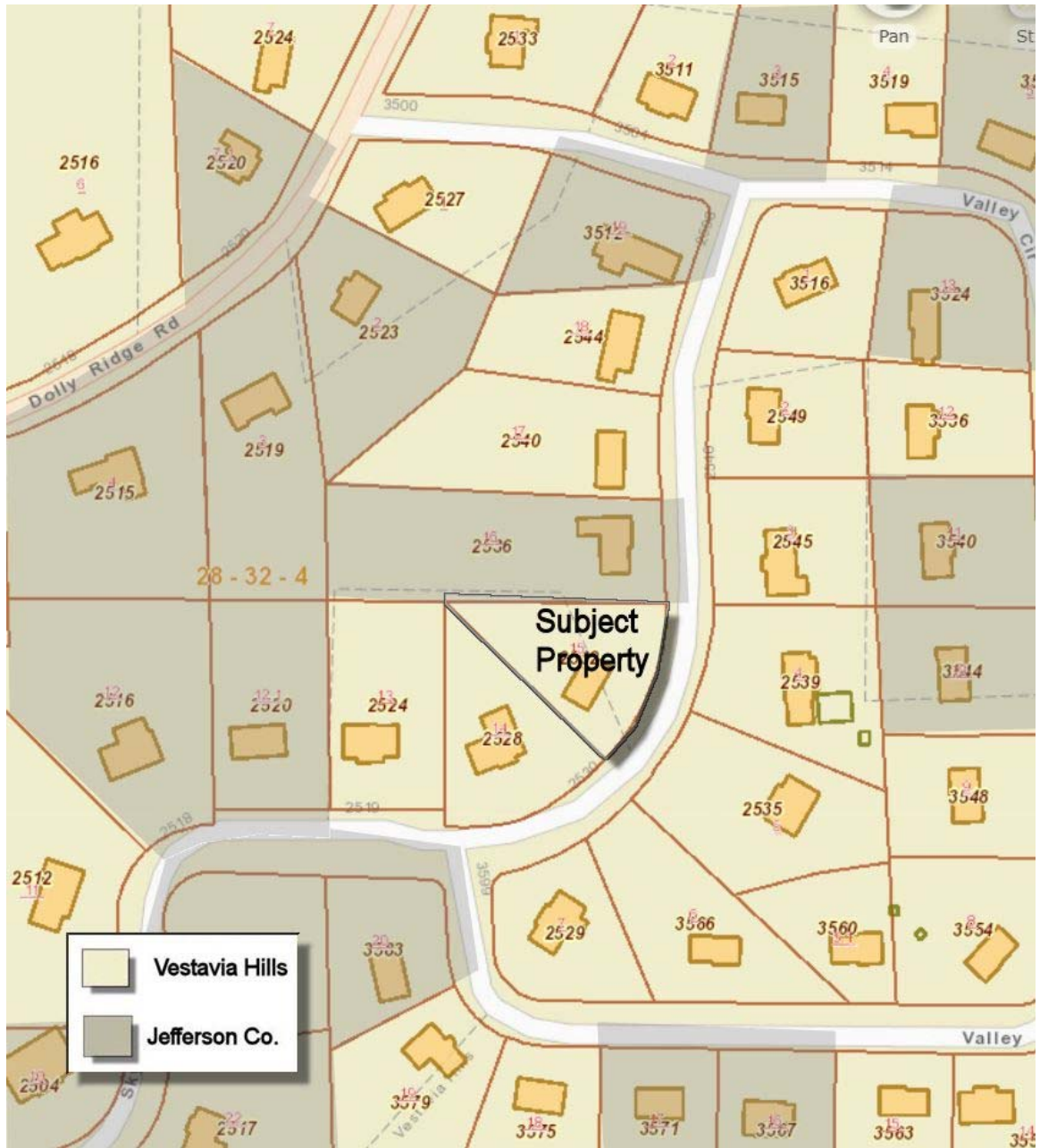
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2824 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 28th day of January, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



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

Date: **DECEMBER 13, 2018**

- **CASE:** P-1218-52
- **REQUESTED ACTION:** Rezoning Jefferson County R-1 to Vestavia Hills R-2
- **ADDRESS/LOCATION:** 2532 Skyland Drive
- **APPLICANT/OWNER:** Jason Sparks
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 10/8/18 with the passage of Ordinance 2799. Applicant is requesting the compatible rezoning.
- **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:** 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.

MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 2532 Skyland Drive from Jefferson County R-1 to Vestavia Hills R-2. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Romeo – yes
Mr. House – yes
Motion carried.

Mr. Gilchrist – yes
Ms. Cobb – yes
Mrs. Barnes – yes

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: Jason Sparks

ADDRESS: 2532 Skyland Dr.
Vestavia, AL 35243

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-907-6030 Office 205-445-2346

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

2018 OCT -9 AM 10:01

P1218-52//2800324005015.000

2532 Skyland Drive

Rezone to VH R-2

Jason & Laura Sparks

R1

JC

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: JC R-1

To: VH R-2

For the intended purpose of: annexation into Vestavia Hills

(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 8 Blk 2 Dolly Ridge Ests 2nd Add

Exc N 10 Ft SD Lot Parcel# 28 00 32 4 005 015.000

Property size: _____ feet X _____ feet. Acres: 0.64

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.

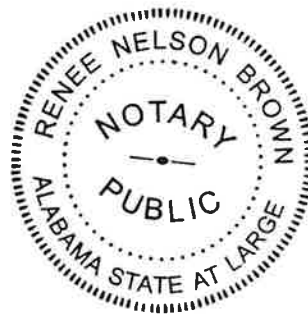
[Signature] 10/9/18
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 9 day of October, 2018.

Renee Nelson Brown
Notary Public

My commission expires 7-23-2019
day of 9th October, 2018.



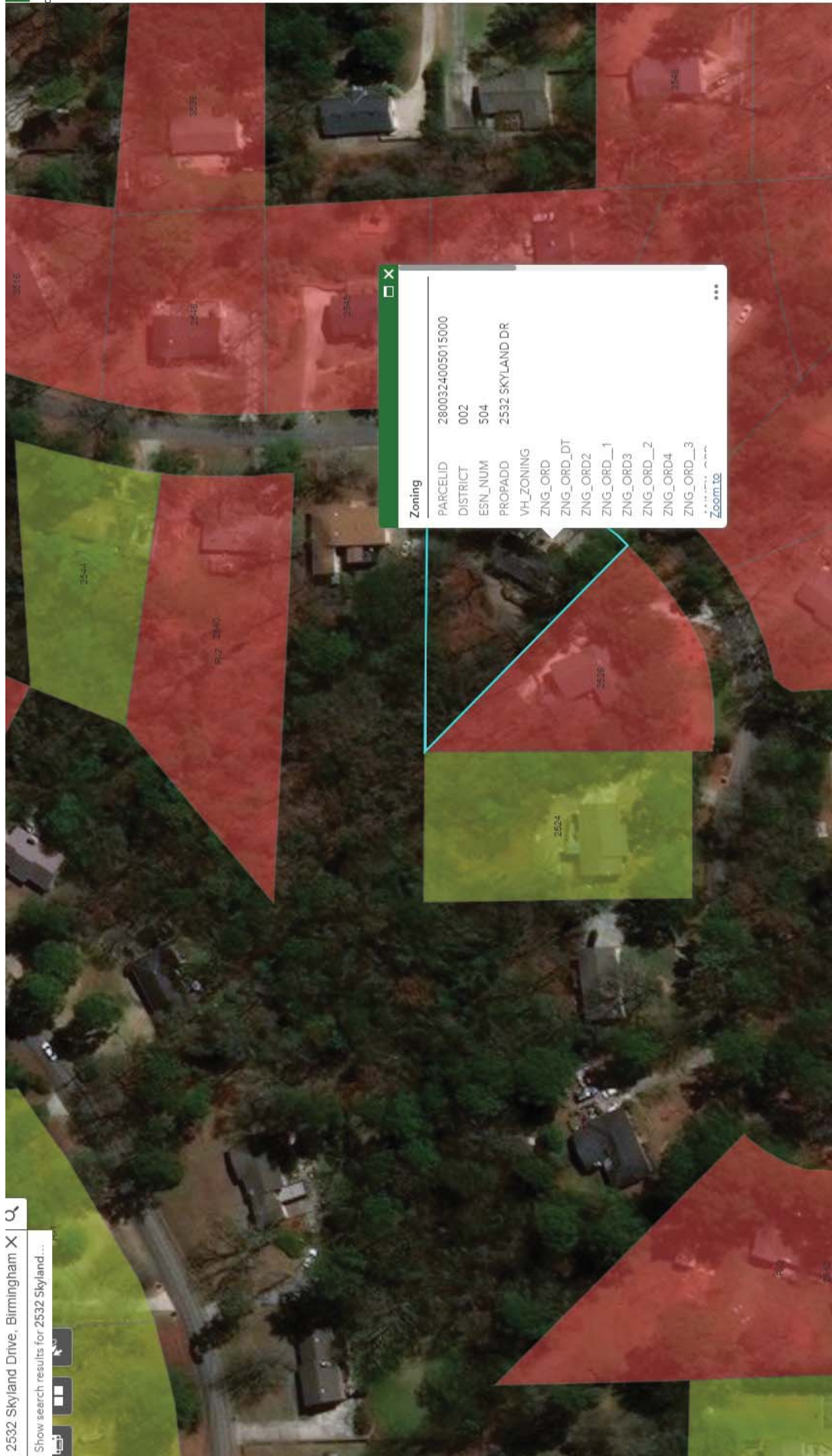
2532 Skyland Drive, Birmingham X

Show search results for 2532 Skyland...

Legend

Map No. 2824
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*
- B-1
- B-3*
- Inst-1*
- B-2*
- O-1*



Zoning

PARCELID	2800324005015000
DISTRICT	002
ESN_NUM	504
PROPADD	2532 SKYLAND DR
VHL_ZONING	
ZNG_ORD	
ZNG_ORD_DT	
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

Zoom to