

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

JANUARY 10, 2019

6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: December 13, 2018

Final Plats

Consent Agenda

- (1) **P-1218-57** Suzanne Mosley Is Requesting **Final Plat Approval For Resurvey of Lot 76 of Nicholls Canyon Subdivision on Woodlane Circle**. The Purpose for This Request Is to Subdivide Lot Into four Lots. The Property Is Owned By Suzanne Mosley and Is Zoned Vestavia Hills R-2.
- (2) **P-1218-60** Wedgworth Reality, Inc. Is Requesting **Final Plat Approval For Resurveying of Walnut Hill Subdivision**. The Purpose for This Request Is to Resurvey Lot at 1644 Shades Crest Road Into Thirteen Single Family Residential Lots. The Property Is Owned By Wedgworth Reality, Inc. and Is Zoned Vestavia Hills R-2.

Rezoning/Conditional Use Recommendations

- (3) **P-1218-55** Mary Teresa Yates Is Requesting **Conditional Use Approval for A Home Occupation** Located At **727 Hampden Place Circle**. The Property Is Owned By Mary Teresa Yates and Is Zoned Vestavia Hills PR-1.
- (4) **P-0119-02** Village Gardens, LLC Is Requesting **Rezoning for 3945 Crosshaven Dr., 3955 & 3959 Wall St. from Vestavia Hills R-4 to Vestavia Hills B-2** For The Purpose Of New Commercial Development.

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

MINUTES

DECEMBER 13, 2018

6:00 P.M.

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

MEMBERS PRESENT:

Erica Barnes, Chair
Blaine House, Vice-Chair
Fred Goodwin
Cheryl Cobb
Johnathan Romeo
Greg Gilchrist

MEMBERS ABSENT:

Rusty Weaver
Lyle Larson
Hasting Sykes

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Christopher Brady, City Engineer

APPROVAL OF MINUTES

Mr. Larson stated that the minutes of the meeting November 8, 2018 are presented for approval.

MOTION Motion to approve minutes as amended was by Mr. Gilchrist and second was by Mr. Romeo. Voice vote as follows:

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

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

Final Plats

Consent Agenda

P-1218-58 City of Vestavia Hills Is Requesting **Final Plat Approval** For **Resurvey of Lot at 1290 Montgomery Hwy.** The Purpose for This Request Is to Resurvey Existing Lots. The Property Is Owned By the City of Vestavia and Is Zoned Vestavia Hills B-2.

P-1218-59 Overton Village Condos, LLC Is Requesting **Final Plat Approval** For **Resurvey Of Lot 1 of Overton Village.** The Purpose for This Request Is to Subdivide Lot 1 Into two Lots. The Property Is Owned By Overton Village Condos, LLC and Is Zoned Vestavia Hills B-2.

MOTION Mr. Gilchrist made a motion to approve P-1218-58 & P-1218-59. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Gilchrist – yes
Mr. Romeo – yes	Ms. Cobb – yes
Mr. House – yes	Mrs. Barnes – yes
Motion carried.	

Rezoning/Conditional Use Recommendations:

Annexations

P-1218-50 Barbara French Is Requesting **Rezoning** for **3421 Coventry Drive** from **Jefferson County R-1 to Vestavia Hills R-2** For The Purpose Of Annexation

P-1218-51 Alan & Patricia Foster Are Requesting **Rezoning** for **3531 Valley Circle** from **Jefferson County R-1 to Vestavia Hills R-2** For The Purpose Of Annexation

P-1218-52 Jason Sparks Is Requesting **Rezoning** for **2532 Skyland Drive** from **Jefferson County R-1 to Vestavia Hills R-2** For The Purpose Of Annexation

Mr. Garrison explained the background and location of the requests and stated the City was obligated to approve these rezonings.

Mrs. Barnes opened the floor for a public hearing. There being no one to address the Commission concerning this request, Mrs. Barnes closed the public hearing and opened the floor for motions.

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

Motion carried.

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

Motion carried.

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

Motion carried.

P-1218-53 Overton Investments, LLC Is Requesting **Rezoning** for **3771 Fairhaven Drive & for 3783 Fairhaven Drive** from **Vestavia Hills INST to Vestavia Hills R-9**. For The Purpose Of New, Custom Townhomes.

P-1218-55 Marc Perlman Overton Condos, LLC Is Requesting **Rezoning** for **3791 Poe Drive** from **Vestavia Hills B-2 to Vestavia Hills R-9**. For The Purpose Of a Townhouse Development.

Mr. Garrison explained the background of the request and stated since both projects are adjacent and somewhat similar.

Charles Kessler, the applicant for Fairhaven Dr. spoke first. He stated that there would be seven townhomes split between the two lots. He stated he developed much of the surrounding property and feels that this project would be complimentary. Additionally, the lots have a senior living center in-between and not compatible for single family development.

Marc Pearlman, applicant for Poe Dr. stated this townhome project would tie-in to an adjacent condo project in Mountain Brook and would allow for greater connectivity between Poe Dr. and Fairhaven Dr.

Ms. Barnes opened the floor for a public hearing.

Karl & Sophia Moor, 316 Overton Cove, spoke in opposition due to construction concerns and road conditions.

Jon Hinds, 3794 Poe Dr., spoke and was concerned about traffic.

Brad Livingston, 3776 Fairhaven Dr., was concerned about traffic.

Chandiwala Hafiz, 3787 Poe Dr., was concerned about traffic and density.

Craig Huger, 3774 Fairhaven Dr., spoke in support.

Brad Livingston, 3776 Fairhaven Dr., was concerned about traffic.

Ben Bradley, 3760 Crosshaven Dr., was concerned about run-off

Julie McDonald, 3794 Fairhaven Dr., asked why single family home could not be constructed.

Ms. Barnes closed the public hearing.

Mr. Kessler stated that property costs are too great to build single family housing.

Mr. Pearlman stated the traffic study showed no negative effects from his proposed development.

Mr. Brady gave an update on road improvements and stated the City generally not make improvements until construction has been completed.

Mr. Gilchrist stated that this was a good example of transitional development and zoning.

Mr. House stated that this has been the best plan presented for the neighborhood and will be an overall improvement.

Mrs. Barnes closed the public hearing and opened the floor for motions

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

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. Romeo – yes

Mr. House – yes

Motion carried.

Mr. Gilchrist – yes

Ms. Cobb – yes

Mrs. Barnes – yes

Conrad Garrison, City Planner

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

Date: **DECEMBER 13, 2018**

- **CASE:** P-1218-57
- **REQUESTED ACTION:** Final Plat Approval For Resurvey Of Lots 76 of Nicholls Canyon Subdivision.
- **ADDRESS/LOCATION:** Woodlane Circle
- **APPLICANT/OWNER:** Suzanne Moseley
- **REPRESENTING AGENT:** Mike Moseley
- **GENERAL DISCUSSION:** Plat is to resurvey lot 76 into four lots (Lots 1, 2, 3, & 4). Lots will be accessed by a 40' private street. Lot 2 & Lot 4 will have new fire line easements for turnarounds, while, all existing easements will remain. The existing house on Lot 3 will remain. Covenants for the private street are attached.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted
 4. **Building Safety Review:** No problems noted

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

II. APPLICANT INFORMATION: (owner of property)

NAME: Suzanne R. Mosley as Trustee of the Linda M. Nicholls Management Trust FBO Suzanne R. Moseley

ADDRESS: 2709 Woodlane Circle, Vestavia Hills, AL, 35216

MAILING ADDRESS (if different from above) 2553 Mountain Woods Drive, Vestavia Hills, AL 35216

PHONE NUMBER: Home 205. 213. 4280 Office Same

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Ralph C. Moseley (Mike)

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Acquire approval for the subdivision of the existing 3.5 ac property into four lots
if additional information is needed, please attached full description of request

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

2709 Woodlane Circle, Vestavia Hills, AL 35216

Lot 76, Vestavia Forest, 3rd sector, Map book 43, Pg. 73

Property size: 394 feet X 367 feet. Acres: 3.5 ac.

VI. ZONING/REZONING:

The above described property is presently zoned: R2

* We will maintain the current zoning

2018 NOV 28 P 3: 01

VI. OWNER AFFIDAVIT:

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

Suzanne Moxley 11-28-18
Owner Signature/Date

Ralph Bradley 11-28-18
Representing Agent (if any)/date

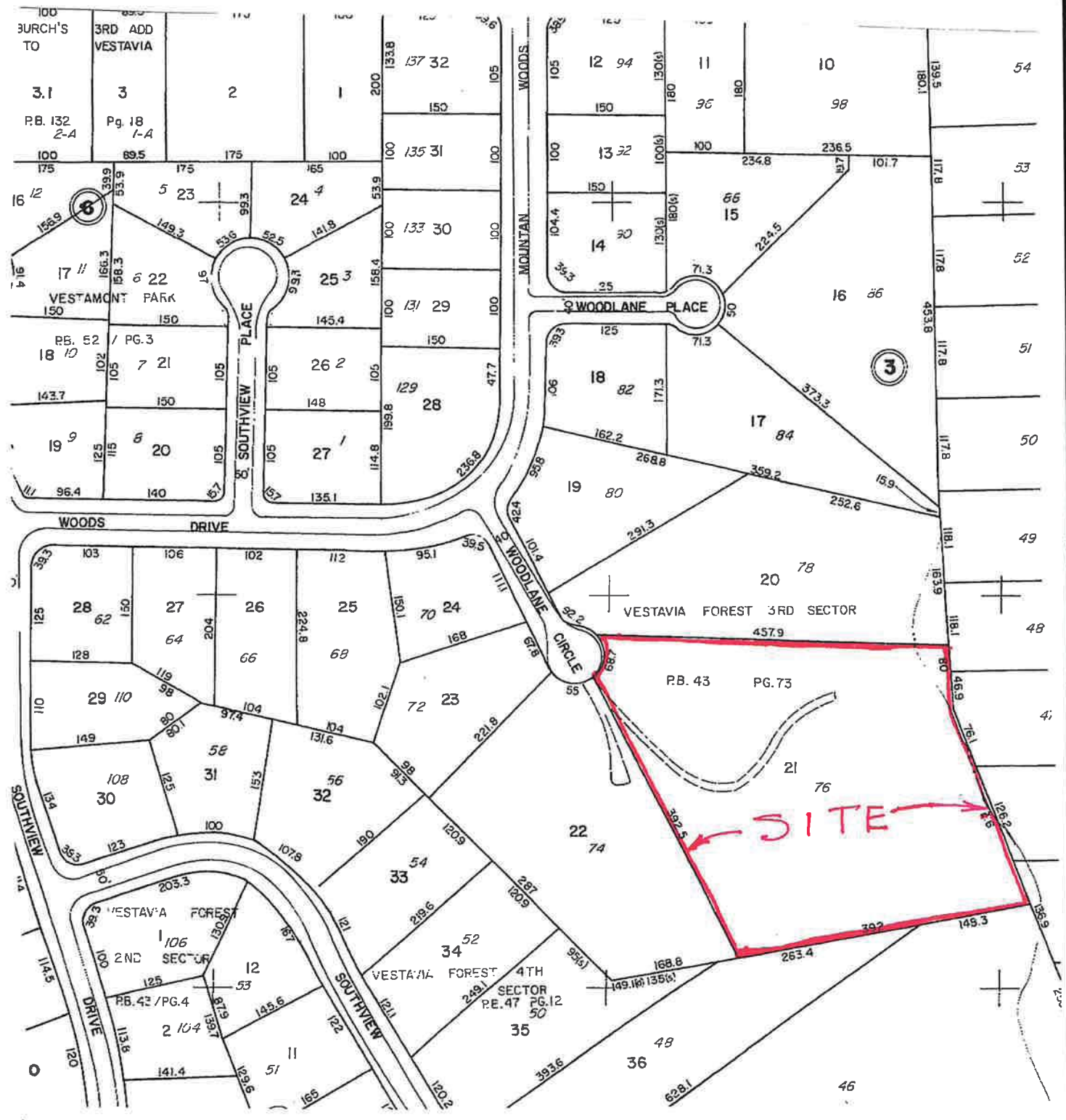
Given under my hand and seal
this 28th day of Nov., 20 18.

Sandra H. Duggan
Notary Public



My commission expires 3rd
day of Mar, 20 20.

I:\Subdivisions\Brian Langston\Woodhoven Rd\dwg\ACAD-Zoning\plan1u.dwg, 11/28/2018 9:44:45 AM, HPC61DD5 (HP PageWide Pro 577 MFP)



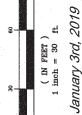
Nicholls Canyon Subdivision

Being a Resurvey of Lot 76, VESTAVIA FOREST THIRD SECTOR,
 recorded in Map Book 43, Page 73 in the Office of the Judge of Probate,
 Jefferson County, Alabama

JOSEPH A. MILLER, III
 PE/LS 17054
 M T M
 ENGINEERS, INC.
 2217 10th Ct. So.
 Bham, Al. 35205

1" = 200'
 November 27th, 2018

Nicholls Canyon Subdivision
 Being a Resurvey of Lot 76, VESTAVIA FOREST THIRD SECTOR,
 recorded in Map Book 43, Page 73 in the Office of the Judge of Probate,
 Jefferson County, Alabama



January 31st, 2019

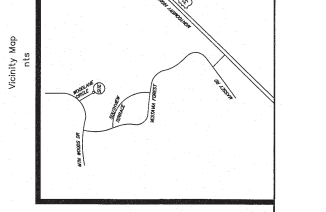
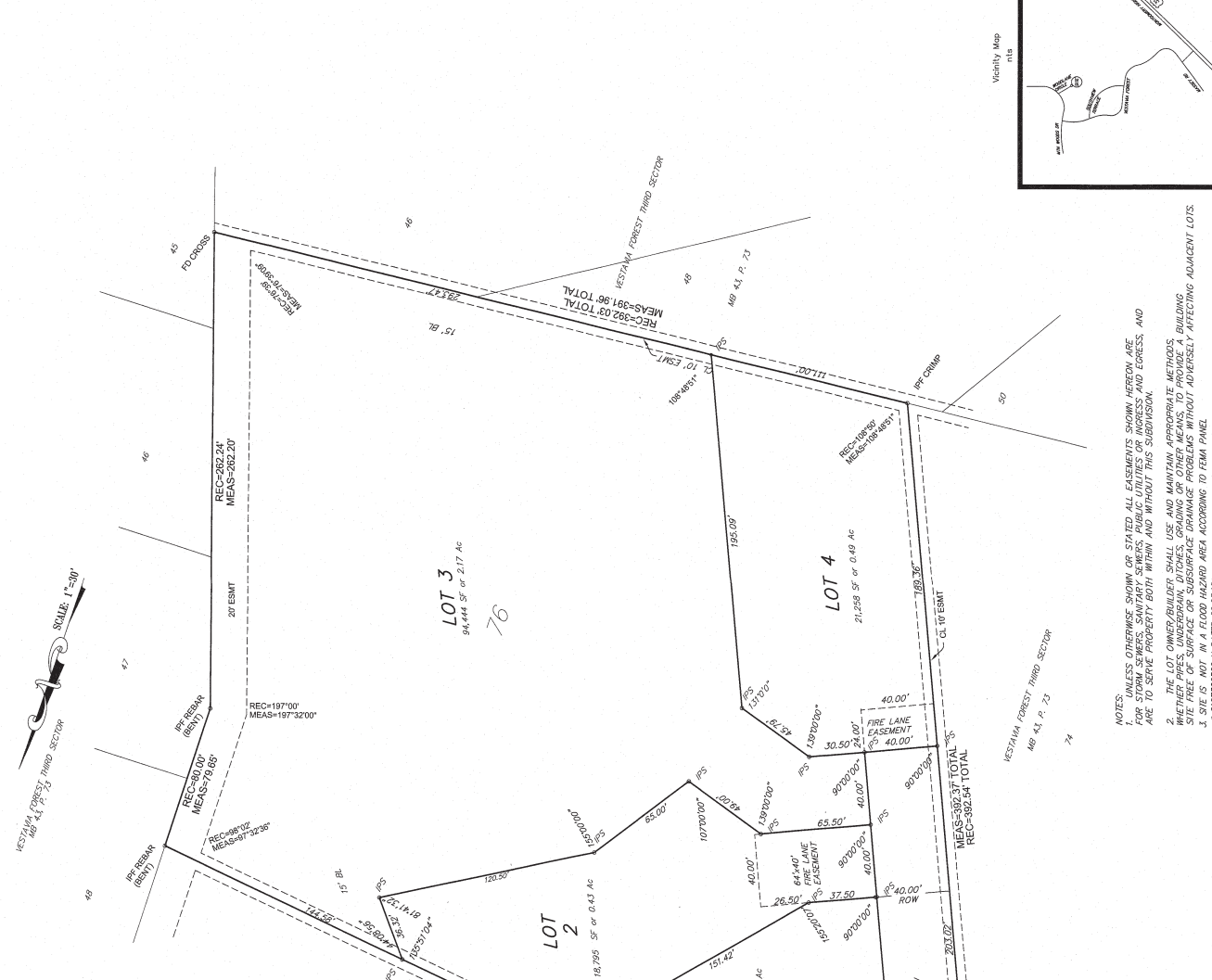
STATE OF ALABAMA
 JEFFERSON COUNTY

THE UNDERSIGNED, JOSEPH A. MILLER, III, A REGISTERED PROFESSIONAL ENGINEER/LAND SURVEYOR, STATE OF ALABAMA,
 Suzanne R. Mosley, as Trustee of the Linda M. Nicholls Management Trust (Mrs. Suzanne R. Mosley),
 as Trustee of the Linda M. Nicholls Management Trust (Mrs. Suzanne R. Mosley),
 AS NICHOLLS CANYON SUBDIVISION INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS, GIVING THE LENGTH AND THE ANGLES OF THE BOUNDARIES
 AS NICHOLLS CANYON SUBDIVISION SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, GIVING THE LENGTH, WIDTH AND NAME OF EACH STREET, AS WELL AS THE
 NUMBER
 OF EACH LOT AND BLOCK, AND SHOWING THE RELATIONS OF THE LANDS TO THE VESTAVIA FOREST THIRD SECTOR RECORDED IN MAP BOOK 43, PAGE 73, IN THE OFFICE
 OF THE JUDGE OF PROBATE, IN AND FOR SAID COUNTY, IN THE PRESENCE OF TWO QUALIFIED WITNESSES, AND BEING ADVISED THAT THE SAME ARE NOT
 SUBJECT TO ANY MORTGAGE,
 PROCEED FOR SUBDIVISION IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

BY: JOSEPH A. MILLER, III, PERALS _____ DATE: _____
 AL REG. NO. 17094
 OWNER: _____
 BY: Suzanne R. Mosley, as Trustee of the Linda M. Nicholls Management Trust (Mrs. Suzanne R. Mosley) _____ DATE: _____
 APPROVED IN FORMAT ONLY: _____ DATE: _____
 Jefferson County Department of Health

CHAIRMAN, VESTAVIA HILLS PLANNING COMMISSION _____ DATE _____
 CITY CLERK, CITY OF VESTAVIA HILLS _____ DATE _____
 CITY ENGINEER, CITY OF VESTAVIA HILLS _____ DATE _____
 ACRES: _____
 1. UNLESS OTHERWISE SHOWN OR STATED ALL EASEMENTS SHOWN HEREON ARE FOR STORM SEWERS,
 AND WITHOUT THIS SUBDIVISION, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE
 DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
 STATE OF ALABAMA
 JEFFERSON COUNTY
 I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT
 JOSEPH A. MILLER, III, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, AND
 SUZANNE R. MOSELY, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS TRUSTEE,
 CONVEYORS OF SAID CERTIFICATE, HAVE EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION
 GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
 STATE OF ALABAMA
 JEFFERSON COUNTY
 I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY
 CERTIFY THAT SUZANNE R. MOSELY, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE
 AS TRUSTEE, HAS BEEN AUTHORIZED TO SIGN SAID CERTIFICATE, AND THAT SHE HAS EXECUTED THE SAME VOLUNTARILY,
 FOR AND AS THE ACT OF SAID CORPORATION.
 GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2019.
 NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____



M T M
 ENGINEERS, INC.
 CONSULTING ENGINEERS - LAND SURVEYORS
 2217 10th COURT SOUTH, BIRMINGHAM, AL 35205
 TELEPHONE (205) 320-0114



Nicholls Canyon Subdivision
 Being a Resurvey of Lot 76, VESTAVIA FOREST THIRD SECTOR,
 recorded in Map Book 43, Page 73 in the Office of the Judge of Probate,
 Jefferson County, Alabama

PROJECT

DATE	REVISION

FILE NAME: SAAL PLOTS
 VESTAVIA FOREST 3rd SEC
 DATE: 1/29/19
 DRAWN BY: JAM III
 CHECKED BY: JAM III
 SCALE: 1" = 30.00'
 SHEET: 1

NOTES:
 1. UNLESS OTHERWISE SHOWN OR STATED ALL EASEMENTS SHOWN HEREON ARE FOR STORM SEWERS,
 DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE
 DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
 2. THE LOT OWNER/BUILDER SHALL USE AND MAINTAIN APPROPRIATE METHODS,
 WHETHER PIPES, UNDERDRAIN, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING
 SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
 3. SITE IS NOT IN A FLOOD HAZARD AREA ACCORDING TO FEMA PANEL # 080530666H DATED 06/01/06.
 SURVEY FILE #: 112718

Nicholls Canyon Subdivision
 Being a Resurvey of Lot 76, VESTAVIA FOREST THIRD SECTOR,
 recorded in Map Book 43, Page 73 in the Office of the Judge of Probate,
 Jefferson County, Alabama

GRAPHIC SCALE
 1 inch = 50 ft.
 January 3rd, 2019

STATE OF ALABAMA
 JEFFERSON COUNTY

THE UNDERSIGNED, JOSEPH A. MILLER, III, A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR, STATE OF ALABAMA, HEREBY CERTIFY THAT THIS PLAN OR MAP HAS BEEN MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAN OR MAP ARE ACCURATE IN ALL PARTICULARS AND THAT THE SAME HAVE BEEN MADE FROM MEASUREMENTS MADE BY SAID SURVEYOR AND THAT THE SAME ARE IN ACCORDANCE WITH THE STANDARDS OF THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF ALABAMA. THE LOTS SHOWN ON THIS PLAN OR MAP ARE THE SAME AS SHOWN ON THE PLAN OR MAP OF THE VESTAVIA FOREST THIRD SECTOR, ALA. AND THAT THE LOTS SHOWN ON THIS PLAN OR MAP ARE THE SAME AS SHOWN ON THE PLAN OR MAP OF THE VESTAVIA FOREST THIRD SECTOR, ALA. AND THAT THE LOTS SHOWN ON THIS PLAN OR MAP ARE THE SAME AS SHOWN ON THE PLAN OR MAP OF THE VESTAVIA FOREST THIRD SECTOR, ALA. AND THAT THE LOTS SHOWN ON THIS PLAN OR MAP ARE THE SAME AS SHOWN ON THE PLAN OR MAP OF THE VESTAVIA FOREST THIRD SECTOR, ALA.

BY: JOSEPH A. MILLER, III, REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR
 ALA REG. NO. 17034
 DATE: _____
 APPROVED BY: _____ DATE: _____
 APPROVED IN FORM: _____

Jefferson County Department of Health
 DATE: _____

CHAIRMAN, VESTAVIA HILLS PLANNING COMMISSION
 DATE: _____

CITY CLERK, CITY OF VESTAVIA HILLS
 DATE: _____

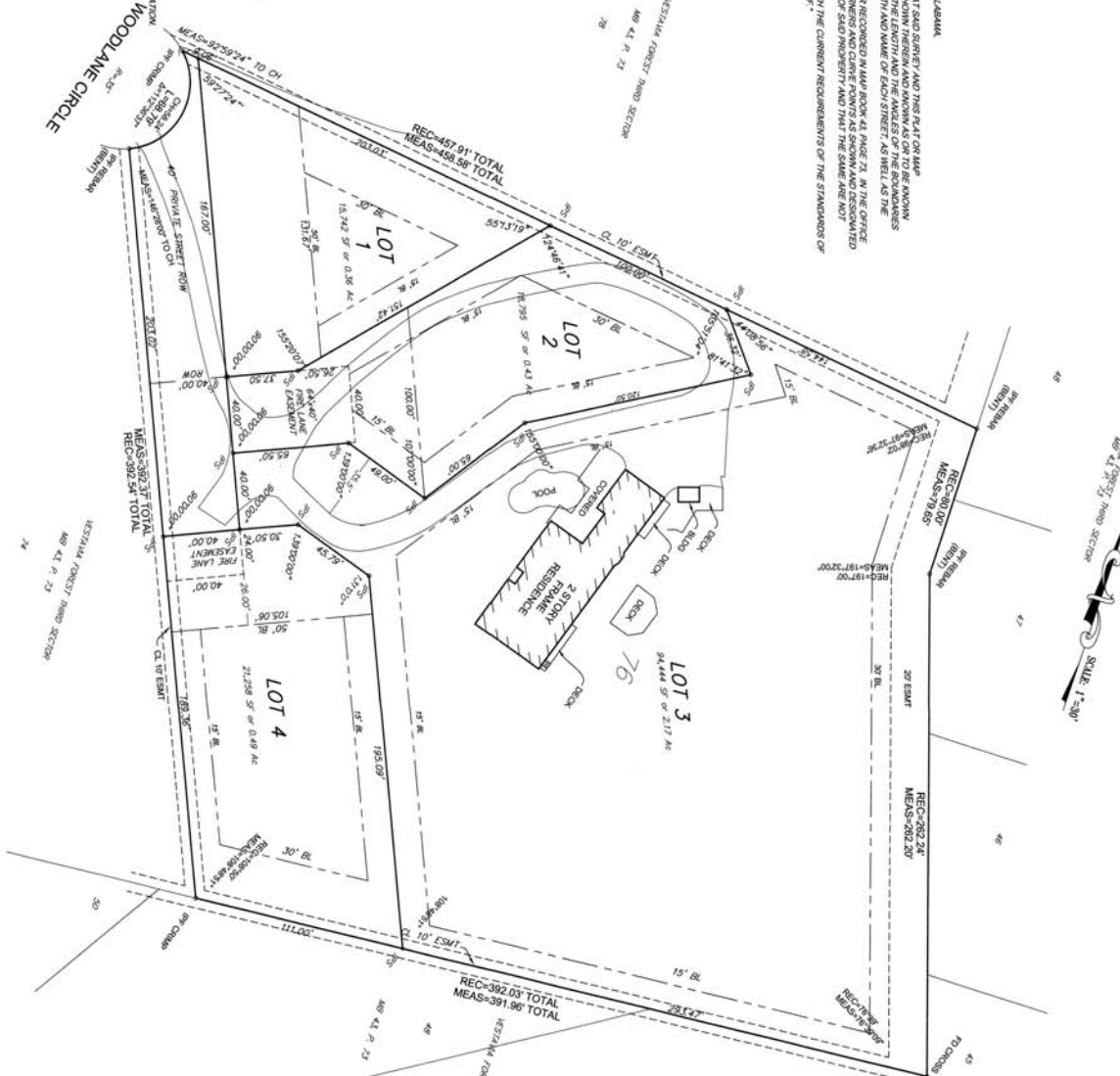
CITY ENGINEER, CITY OF VESTAVIA HILLS
 DATE: _____

NOTES:
 1. UNLESS OTHERWISE SHOWN OR STATED, ALL DIMENSIONS SHOWN HEREON ARE FOR STORM SEWER, SANITARY SEWER, PUBLIC UTILITIES OR WATERSHED AND ARE TO SERVE PROPERTIES BOTH WITHIN AND WITHOUT THIS SUBDIVISION.
 2. THE LOT OWNER/BUILDER SHALL USE AND MAINTAIN APPROPRIATE METHODS, MATERIALS, UNIFORM PANS, UNDERDRAIN, DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.

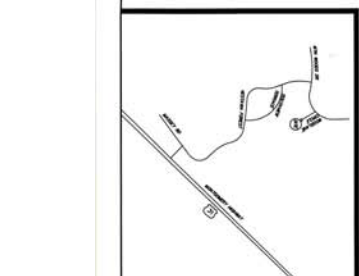
STATE OF ALABAMA
 JEFFERSON COUNTY
 I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JOSEPH A. MILLER, III, HAS BEEN DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE IS DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE IS DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE IS DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA.

NOTARY PUBLIC
 STATE OF ALABAMA
 JEFFERSON COUNTY
 I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JOSEPH A. MILLER, III, HAS BEEN DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE IS DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE IS DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA.

NOTARY PUBLIC
 STATE OF ALABAMA
 JEFFERSON COUNTY
 I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JOSEPH A. MILLER, III, HAS BEEN DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE IS DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE IS DULY QUALIFIED AS A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA.



NOTES:
 1. UNLESS OTHERWISE SHOWN OR STATED, ALL DIMENSIONS SHOWN HEREON ARE FOR STORM SEWER, SANITARY SEWER, PUBLIC UTILITIES OR WATERSHED AND ARE TO SERVE PROPERTIES BOTH WITHIN AND WITHOUT THIS SUBDIVISION.
 2. THE LOT OWNER/BUILDER SHALL USE AND MAINTAIN APPROPRIATE METHODS, MATERIALS, UNIFORM PANS, UNDERDRAIN, DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
 3. THE LOT OWNER/BUILDER SHALL MAINTAIN A ROAD WIDENING AREA ACCORDING TO FEMA PANEL 4.02.05.08C IN VARIOUS AREAS SHOWN ON THIS PLAN.
 SIMVERT FILE # 112718



<table border="1"> <tr><th>NO.</th><th>DATE</th><th>REVISION</th></tr> <tr><td>1</td><td></td><td></td></tr> </table> <p>FILE NUMBER: TMS PLAT NUMBER: 43-73 DATE: JAN 3, 2019 SCALE: AS SHOWN SHEET: 1</p>	NO.	DATE	REVISION	1			<p>PROJECT: Nicholls Canyon Subdivision</p> <p>Being a Resurvey of Lot 76, VESTAVIA FOREST THIRD SECTOR, recorded in Map Book 43, Page 73 in the Office of the Judge of Probate, Jefferson County, Alabama</p>	<p>M T M ENGINEERS, INC. CONSULTING ENGINEERS-LAND SURVEYORS 2217 10th COURT SOUTH, BIRMINGHAM, AL 35205 TELEPHONE (205) 320-0114</p>
NO.	DATE	REVISION						
1								

STATE OF ALABAMA
JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS, O. L. STEPHENSON PROPERTIES, INC., a corporation, is the owner of the following described lots and parcels of land lying and being in Jefferson County, Alabama:

Lots 54, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, Lots 129, 131, 133, 135, 137 in the Survey of VESTAVIA FOREST, Third Sector, located in Section 36, Township 18 South, Range 3 West. Map of which is recorded in Map Book 43, Page 73 in the Probate Office of Jefferson County, Alabama.

WHEREAS, the said corporation is desirous of establishing certain building restrictions and limitations applicable to all lots in said survey;

NOW THEREFORE, the undersigned does hereby adopt the following building restrictions and limitations which shall be applicable to all lots in said Survey of Vestavia Forest, Second Sector; which building restrictions and limitations are as follows:

LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

ARCHITECTURAL CONTROL. No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. The Committee shall have the power to alter setback lines on corner lots and other irregularly shaped lots when in its judgment such exception would not adversely affect the value of adjoining property or conflict with Zoning Regulations. Approval shall be as provided in Section entitled "Architectural Control Committee."

DWELLING COST, QUALITY AND SIZE. No dwelling shall be permitted on any lot at a cost of less than \$16,000 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1600 square feet for a one-story dwelling, nor less than 1200 square feet for a dwelling of more than one story.

BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 50 feet to the front lot line, or nearer than 50 feet to any side street line, except that the Architectural Control Committee may make certain exceptions as provided in Section entitled "Architectural Control." No building shall be located nearer than 15% of the width of the lot to an interior lot line, except that a 5-foot minimum side yard shall be permitted for a garage to other permitted accessory building located 50 feet or more from the minimum building setback line. No dwelling shall be located on any interior lot so that the rear yard would contain not less than 30% of the total lot area. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.

LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 80 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 15,000 square feet.

EASEMENTS. Easements to each individual lot for installation and maintenance of utilities and drainage facilities are reserved on the rear eight feet of the lot and as shown on the recorded plat, plus an adjacent twelve foot strip three feet wide on

each side lot line where overhead guys are necessary. The granting of this easement or right of access shall not prevent the use of the area by the owner for any permitted purpose except for buildings. A right of pedestrian access by way of a driveway or open lawn area shall also be granted on each lot, from the front lot line to the rear lot line, to any utility company having an installation in the easement.

NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

SEWAGE DISPOSAL. No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of both state and local public health authorities. Approval of such system as installed shall be obtained from such authority.

SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

LAND NEAR PARKS AND WATER COURSES. No building shall be placed nor shall any material or refuse be placed or stored on any lot within 20 feet of the property line of any park or edge of any open water course, except that clean fill may be placed near or provided that the natural water course is not altered or blocked by such fill.

ARCHITECTURAL CONTROL COMMITTEE:

The architectural control committee is composed of the following:

Jack P. Stephenson, John G. Dearborn, John O. Russell,
411 North 21st Street, Birmingham, Alabama.

A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor.

ARCHITECTURAL CONTROL COMMITTEE - (Continued)

DEED 5445P578

Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

PROCEDURE. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

GENERAL PROVISIONS

TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the said O. L. Stephenson Properties, Inc., a corporation, by Jack P. Stephenson, its President, who is duly authorized to execute this instrument, has hereto set its signature and corporate seal, this the 30th Day of September, 1955.

O. L. STEPHENSON PROPERTIES, INC.

By: Jack P. Stephenson
President

ATTEST:

Lida S. Mason, Sec'y

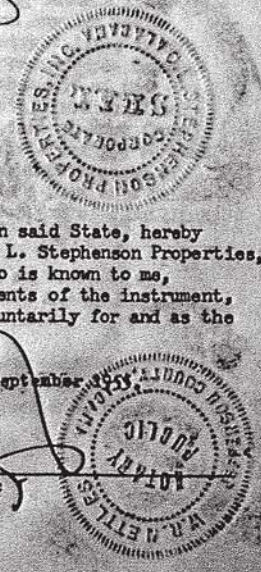
STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned Notary Public in and for said County in said State, hereby certify that Jack P. Stephenson, whose name as President of the O. L. Stephenson Properties, Inc., a corporation, is signed to the foregoing instrument, and who is known to me, acknowledge before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 30th day of September 1955

STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON
DEED 5445P576
NOV 7 10 31 AM '55
RECORDED & INDEXED
& S. DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.
Lida S. Mason
JUDGE OF PROBATE

W. H. Nettles
Notary Public
My Commission Expires June 9, 1957



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

Date: **DECEMBER 13, 2018**

- **CASE:** P-1218-60
- **REQUESTED ACTION:** Final Plat Approval For Resurveying of Walnut Hill Subdivision.
- **ADDRESS/LOCATION:** 1644 Shades Crest Road
- **APPLICANT/OWNER:** Wedgworth Reality, Inc
- **REPRESENTING AGENT:** Michael W. Wedgworth
- **GENERAL DISCUSSION:** Plat is finalizing Walnut Hill rezoning/subdivision.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted
 4. **Building Safety Review:** No problems noted

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

II. APPLICANT INFORMATION: (owner of property)

NAME: Wedgworth Realty, In

ADDRESS: 4154 Crosshaven Drive

Birmingham, Alabama 35216

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205 365-4344 Office 205 379-6051

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Michael W. Wedgworth

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Final Record Map Approval

"Walnut Hill"

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

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

1644 Shades Crest Road

Property size: See Plat feet X _____ feet. Acres: 5.02 Acres

VI. ZONING/REZONING:

The above described property is presently zoned: R-2

VI. OWNER AFFIDAVIT:

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

Michael W Wedgworth

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 20th day of November, 2018.

Kelly G. Ingua

Notary Public

My commission expires 10
day of October, 2021.



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

Date: JANUARY 10, 2019

- **CASE: P-0417-15**
- **REQUESTED ACTION:** Conditional Use Approval for a home based business
- **ADDRESS/LOCATION:** 727 Hampden Place Circle
- **APPLICANT/OWNER:** Mary Teresa Yates
- **GENERAL DISCUSSION:** The applicant wishes to conduct a home based business in Liberty Park. As required by the Liberty Park PUD a conditional use permit is required for a home based business. A description of the applicants business, as well as an approval letter from Liberty Park is attached. The property is zoned PR-1.
- **LIBERTY PARK MASTER PLAN:** This request is consistent with the procedures of the Liberty Park PUD.
- **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: I recommend the Commission recommend approval with the following conditions:

1. Home occupations shall be conducted only in the principal dwelling. No more than twenty-five (25) percent, up to 500 sq. ft., of the dwelling may be used for a home occupation.
2. There shall be no outdoor display or storage associated with the home occupation and no commodities shall be sold on the premises other than by phone, mail or internet. No goods shall be delivered to a purchaser on the premises.
3. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
4. No home occupation shall be permitted if it creates noise, odors, vibrations or traffic congestion, which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.

5. In order to be a permitted home occupation, the use must be one which is habitually, customarily, and commonly established as a reasonable incidental, accessory, subordinate and secondary use. The existing dwelling shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.

6. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle.

7. No persons other than members of the family residing on the premises shall be employed by the home occupation.

8. Home occupations shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

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.

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: Mary Teresa Yates dba All About Advertising, LLC

ADDRESS: 727 Hampden Place Circle

Vestavia, AL 35242

MAILING ADDRESS (if different from above) SAME

PHONE NUMBER: Home 205-563-1750 Office 205-563-1750

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: N/A

III. ACTION REQUESTED

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

Current Zoning of Property: _____

Requested Conditional use For the intended purpose of: _____

(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.)

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

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

Application fees submitted.

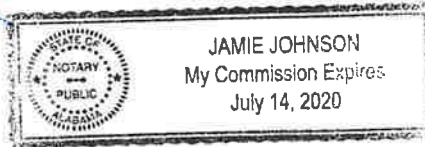
VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

M. [Signature] 11-20-18
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 12th day of November, 2018.

[Signature]
Notary Public
My commission expires _____
day of _____, 20____.





November 12, 2018

Rebecca Leavings, City Clerk
City of Vestavia Hills
Vestavia Hills City Hall
Vestavia Hills, Alabama 35216

Re: M. Teresa Yates
727 Hampden Place Circle
Vestavia Hills, AL 35242

Dear Ms. Leavings:

We are writing in connection with the above matter. We understand Teresa Yates is in the process of applying for a conditional use within the PR-1 (Planned Single-Family Residential) classification of the Liberty Park PUD to allow him to conduct a home occupation as a consultant in his residence.

We have no objection to the granting of the conditional use to allow a home occupation in this case, provided such use is made subject to the following restrictions:

1. There shall be no customer, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
2. There shall be no pick ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick ups and deliveries by overnight courier services and pick ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

The foregoing restrictions are in keeping with the intent and spirit of the Liberty Park PUD and with the overall plan of development for Liberty Park as addressed in the Covenants, Conditions and Restrictions that are applicable to the subject property.

Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

If you have questions or comments regarding this matter, or if we can assist in any other way, please call me at 205-945-6459.

Very truly yours,

LIBERTY PARK JOINT VENTURE, LLP

By: _____

Shawn Arterburn
Vice President
an Authorized Representative

CITY OF VESTAVIA HILLS, ALABAMA BUSINESS APPLICATION 978-0179
The City Does Not Impose the Business License Tax in its Police Jurisdiction

(CONFIDENTIAL)

Complete and Mail/Fax/Email To:

CITY OF VESTAVIA HILLS
1032 Montgomery Highway
Vestavia Hills, AL 35216

(205) 978-0100 Fax (205) 978-0132
*Contractors License:
(205) 978-0125 Fax (205) 978-0213

Send Shannon
Acct. #

Applicant Complete This Box
FEIN 26-346 7295
ST of ALA TAX # R00 6058415
FORM OF OWNERSHIP (Check One)
Sole Prop. Partnership
Corp. Prof Assoc
LLC X Other

Please Print or Type
SEE REVERSE SIDE FOR INSTRUCTIONS AND FURTHER
INFORMATION

Application Type: New X Owner Change Name Change Location Change

Legal Business Name: All About Advertising LLC

Trade Name: (If different from above)

Type of Business: Promotional Products & Apparel

Business Activities: (Brief description- Retail clothing sales, contractor, specialty trade contractor, rental of industrial equip., computer consulting, etc) Sell promo/apparel items per customer order

Physical Address: 727 Hampden Place Circle, Vestavia AL 35242

Mailing Address: 727 Hampden Place Circle, Vestavia AL 35242

Telephone: 205-563-1750 205-563-1750 205-563-1750

Name & Phone # for Contact Person (owner) M. Teresa Yates (205) 563-1750

Email address for contact: tyates@allaboutadvertisingllc.com

List Following for Owner(s), Partners, or Officers (Attach separate sheet if necessary)

Table with columns: Name, Residence Address, SSN (if not publicly traded co.), Title. Row: M. Teresa Yates, 727 Hampden Place Circle, Vestavia AL 35242, 418-90-6049, Owner

Date Business Activity Initiated or Proposed in Vestavia Hills: 11-1-18 # of Employees in Vestavia Hills: self

This application has been examined by me and is, to the best of my knowledge, a true and complete representation of the above named entity, and person(s) listed.

Date 10-31-18 Signature M. Teresa Yates Title Owner

THIS AREA FOR MUNICIPAL USE ONLY

NAICS # # # # License Clerk:
PHYSICAL LOCATION: CITY POLICE JURISDICTION OUTSIDE CORP LIMITS & PJ
Tax Types: Sales/Seller's Use Consumer Use Rental Lodgings Alcohol
Occupational Tobacco Gas/Motor Fuel Business License
Tax Filing Frequency: Monthly Quarterly Annual Other
Business Type: Retail Wholesale Building Contractor Service Professional
Manufacturer Rental Other

Pam Eaton

Liberty Park: Sales office 945-6401, 945-6458

OCCUPANCY RELEASE

To be completed by Owner:

Business Name: All About Advertising, LLC

Business Address: 727 Hampden Place Circle

Vestavia AL 35242
City State Zip

Type of Business: Promotional Products & Apparel

*****Home Occupations, Please Complete Page 4 of Application if located in City Limits*****

To be completed by the City Clerk's Office:

Current Zoning _____

Approved: _____ Disapproved: _____

City Clerk/Zoning Inspector: _____

Comments: _____

To be completed by Building/Fire Department:

- | | | | | |
|--------------------------------------|--|------------------------------------|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> Business | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Office | <input type="checkbox"/> Storage | <input type="checkbox"/> Assembly |
| <input type="checkbox"/> Residential | <input type="checkbox"/> Institutional | <input type="checkbox"/> Education | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Building Construction: Type: 1 _____ 2 _____ 3 _____ 4 _____ 5 _____

Construction Required: Type: 1 _____ 2 _____ 3 _____ 4 _____ 5 _____

Approved: _____ Disapproved: _____

Building Official: _____

Fire Official: _____

Improvements Required: _____

HOME OCCUPATION INFORMATION

To be completed by owner:

Are you the primary resident in the home in which you will be conducting business: *Yes*

Are there any employees in your business? *NO*

If yes, do the employees come to/go from your home? *N/A*

Do Customers come to/go from your home? *NO*

Do you have inventory to be stored on-premise? *YES (only self promo items)*

Do you have frequent and/or large deliveries to your home? *NO*

Do you do any type of repair from your home? *NO*

Does your business require any outdoor or large machinery (i.e. lawn mowers, etc)? *NO*

If yes, where is this machinery stored when not in use? *N/A*

***** Please note, this home occupation questionnaire DOES NOT apply to residents of LIBERTY PARK. Home occupations in the residential areas of Liberty Park can only be approved by the Vestavia Hills City Council by Conditional Use Approval. For Details on Conditional Use Approval, please contact the Vestavia Hills City Clerk, 205-978-0131.**

Signed: 
Owner of Business

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

Date: JANUARY 19, 2019

- **CASE:** P-0119-02
- **REQUESTED ACTION:** Rezoning From Vestavia Hills R-4 to Vestavia Hills B-2
- **ADDRESS/LOCATION:** 3945 Crosshaven Dr. & 3955 Wall St.
- **APPLICANT/OWNER:** Village Gardens, LLC
- **REPRESENTING AGENT:** Todd Rogers
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3945 Crosshaven Dr. & 3955 Wall St. from Vestavia Hills R-4 to Vestavia Hills B-2 for a Chick-fil-A restaurant. A portion of the land of the land required is already zoned B-2 and is exempt from the request. The proposed request meets all the requirements for the B-2 zoning, including parking.

The project takes into account the expansion improvements on Crosshaven Dr. Additionally; CFA will be responsible for a left turn lane into the site as required by a traffic study. On the frontage facing Wall St., fencing and landscaping will buffer the edge with no access granted. Access to the Rite-Aid has been stubbed but will not be used at this time.

- **CAHABA HEIGHTS COMMUNITY PLAN:** The plan calls for Retail/Mixed Use for the frontage along Crosshaven Dr. and for High Density Residential along Wall St. The request is less intense than what the plan call for along Wall St. since there will be no access granted.
- **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.

2010 NOV 30 A 10:12

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.**

2010 DEC - 6 2:59 PM

II. APPLICANT INFORMATION: (owner of property)

NAME: Village Gardens, LLC

ADDRESS: 2817 Cahaba Road, Mountain Brook, AL 35223

MAILING ADDRESS (if different from above) Corporate Property Services, Inc.

1239 E. Newport Center Drive, Suite 113, Deerfield Beach, FL 33442

PHONE NUMBER: Home _____ Office 954-426-5144

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Kristen Ferretti, CPS Planning Manager (As Chick-fil-A, Inc./Lessee's Agent)

P0119-02//2800154013003.000
3945 Crosshaven Dr. & 3955 &
3959 Wall St.
Rezone to B2
Village Gardens

VH R4

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: R-4 (Medium Density Residential)

To: B-2 (General Business)

For the intended purpose of: Construct a fast food restaurant with drive-thru

(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.)

3949 Crosshaven Drive, Vestavia Hills, AL 35243

Property size: _____ feet X _____ feet. Acres: 1.60

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.

Tompson
Owner Signature/Date

Taylor Pursell of Village Gardens, LLC
Given under my hand and seal
this 5 day of December, 2018.

[Signature]
Representing Agent (if any)/date

[Signature]
Notary Public

My commission expires Jan
day of 23, 2019.



PLANT LIST

Qty	Botanical Name	Common Name	Scheduled Size	Remarks
Trees				
3	Acer rubrum 'October Glory'	October Glory Red Maple	Min. 3" Cal.; 12' Hgt.	B & B; Single Straight Leader
6	Cercis canadensis	Eastern Redbud	2" Cal.	B & B
14	Ilex x 'Nellie R. Stevens'	Nellie Stevens Holly	Min. 7' Hgt.	B & B; Full to Ground
11	Lagerstroemia indica 'Catawba'	Catawba Crepe Myrtle	Min. 8' Hgt.	B & B; Multi-trunked
1	Ligustrum japonicum 'Tree Form'	Tree Form Waxleaf Ligustrum	Min. 8' Hgt.	B & B
4	Quercus phellos	Willow Oak	Min. 3" Cal.; 12' Hgt.	B & B; Single Straight Leader
5	Thuja occidentalis 'Techny'	Mission Arborvitae	Min. 7' Hgt.	B & B
8	Thuja x plicata 'Green Giant'	Green Giant Arborvitae	Min. 7' Hgt.	B & B
10	Ulmus parvifolia 'Bosque'	Bosque Elm	Min. 3" Cal.; 12' Hgt.	B & B; Single Straight Leader
Shrubs				
23	Buxus x 'Green Mountain'	Green Mountain Boxwood	3 Gal.; Min. 12" Hgt.	
173	Distylium 'Vintage Jade'	Vintage Jade Distylium	3 Gal.; Min. 12" Hgt.	
19	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	3 Gal.; Min. 18" Hgt.	
149	Ilex cornuta 'Needlepoint'	Needlepoint Holly	3 Gal.; Min. 30" Hgt.	
70	Illicium anisatum	Japanese Anise	3 Gal.; Min. 18" Hgt.	
3	Juniperus virginiana 'Blue Arrow'	Blue Arrow Juniper	5'-6" Hgt.	
102	Ligustrum sinense 'Sunshine'	Sunshine Ligustrum	3 Gal.; Min. 18" Hgt.	
65	Miscanthus sinensis 'Adagio'	Adagio Grass	3 Gal.; Min. 18" Hgt.	
55	Rosa 'Meijococ'	Pink Drift Rose	3 Gal.; Min. 12" Hgt.	
60	Spiraea japonica 'Little Tracy'	Double Play Big Bang Spirea	3 Gal.; Min. 12" Hgt.	
Groundcovers				
26	Hemerocallis 'Stella De Oro'	Stella De Oro Daylily	1 Gal.	
660	Liriope muscari 'Big Blue'	Big Blue Liriope	1 Gal.	Plant 18" O.C.
7133	Cynodon dactylon	Hybrid Bermuda Grass	SF; Sod	
178	Color Bed	Annual Color Bed	SF; Prep & Plant	
#	Rock Mulch	Rock Mulch	SF	

LANDSCAPE REQUIREMENTS

A. STREET FRONTAGE LANDSCAPING

REQUIRED

- Provide an 8' wide landscape strip along the length of parking and vehicular circulation areas that extend within 25' of the front lot lines. (West- Crosshaven Dr; East- Wall Street)
- 1 Canopy tree per 50 LF or 1 understory tree per 40 LF
West: 197 LF / 50 = 4 Canopy Trees or 197 LF / 40 = 5 Understory Trees
East: 164 LF / 50 = 3 Canopy Trees or 164 LF / 40 = 4 Understory Trees

PROVIDED

- 8' Wide landscape strip provided
- West: 4 Willow Oak
East: 3 Maple
- West: 42 Needlepoint Holly, 34 Sunshine Ligustrum (75 Shrubs)
East: 37 Needlepoint Holly, 35 Miscanthus (72 Shrubs)

B. PERIMETER LANDSCAPING

REQUIRED

- 5' wide landscape strip along the length of parking and vehicular circulation areas not adjacent to roadways.
- 1 Canopy tree per 50 LF or 1 understory tree per 40 LF
North: 285 LF/50= 6 Canopy Trees or 285/40= 7 Understory Trees
South: 224/50= 5 Canopy Trees or 224/40= 6 Understory Trees
N. East: 82 LF/50 = 2 Canopy Trees or 82LF/40 = 2 Understory Trees

PROVIDED

- Min. 5' wide landscape strip provided along vehicular circulation areas not adjacent to roadways
- North: 2 Bosque Elm, 3 Crepe Myrtle, 2 Redbud
South: 5 Crepe Myrtle, 1 Redbud
N. East: 3 Crepe Myrtle
- North: 30 Anise, 12 Sunshine Ligustrum, 24 Adagio, 15 Hydrangea, 14 Distylium (95 Shrubs)
South: 34 Anise, 19 Sunshine Ligustrum, 23 Distylium (76 Shrubs)
N. East: 22 Needlepoint, 8 Distylium (30 Shrubs)

C. INTERIOR LANDSCAPING

REQUIRED

- There shall be at least 20 SF of interior landscaping per parking space.
69 spaces x 20= 1380 SF of interior landscape area
- Every planting area containing a required tree shall be at least 75 SF and 7' in width
- There shall be a canopy tree within 80' or an understory tree within 60' of every parking space.

PROVIDED

- 6382 SF of interior landscape area
- Interior landscape areas with a tree have a min. width of 7' and 75 SF
- Every parking space is within 80' of a canopy tree or 60' of an understory tree (see tree circles)

D. BUILDING LANDSCAPING

REQUIRED

- Building landscaping shall be incorporated along building elevations, which are 35' or greater in length
- Building landscaping may be aggregated into one or more locations along the elevations to allow for pedestrian/vehicular access and loading areas along the building elevation.
- Building landscape to have a min. depth of 6'
- Building landscape to include 10 hedge plant or shrubs per 50 LF
Building landscape to include 1 canopy tree per 50 LF or 1 understory per 35 LF
North: 123 LF/35 = 3 Understory Trees; 123 LF/50 = 24 Shrubs
South: 123 LF/35 = 3 Understory Trees; 123 LF/50 = 24 Shrubs
East: 40 LF/35 = 1 Understory Tree; 40 LF/50 = 8 Shrubs
West: 40 LF/35 = 1 Understory Tree; 40 LF/50 = 8 Shrubs
Total: 8 Understory Trees and 64 Shrubs

PROVIDED

- Building landscaping incorporated along all four sides of the building.
 - Majority of the trees are located on the east side of the building.
 - Average planting areas is 6' wide
 - Trees
North: (0) trees
South: (1) 1 Jap. Maple
East: (9) 3 Redbud, 5 Arborvitae
West: 1 TF Ligustrum
 - Shrubs
(17) 14 Distylium, 3 Boxwood
(17) 6 Anise, 8 Boxwood, 3 Blue Arrow
(32) 21 Distylium, 11 Rose
(32) 12 Sunshine Ligustrum, 6 Adagio Grass, 14 Rose
- Total: 9 Understory Trees 98 Shrubs**

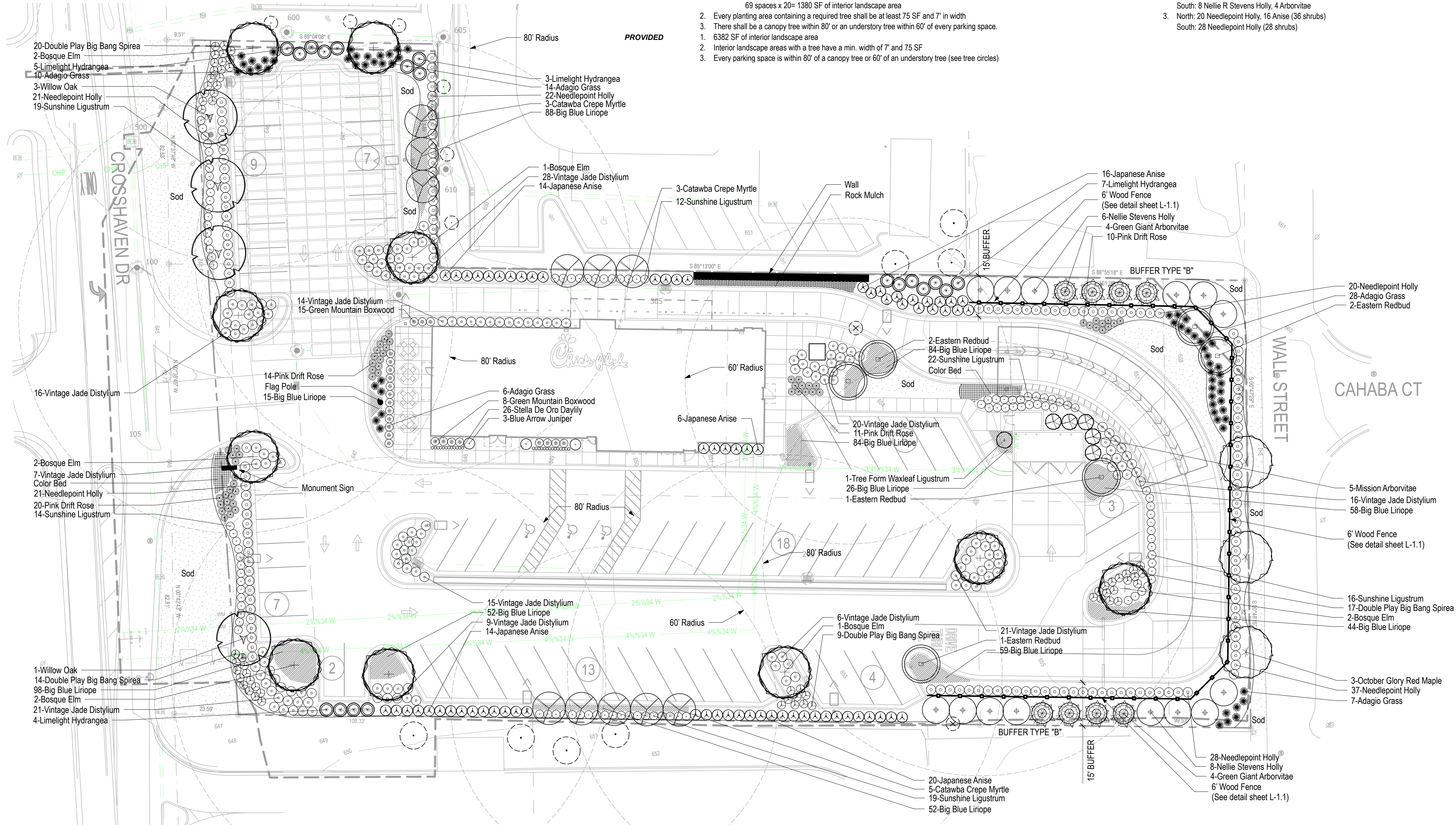
E. BUFFERS

REQUIRED

- Class "B" buffer shall be provided along the North and South property lines, where abuts R-4 Residential 15' wide buffer strip if a fence or wall is used, or 20' wide with no fence or wall.
- 10 Understory trees in a single row per 100 LF
North: 101 LF/100 = 1.01 x 10 = 10 Understory Trees
South: 118 LF/100 = 1.18 x 10 = 12 Understory Trees
- 20 shrubs in a single row per 100 LF. Shrubs shall be evergreen and 30" hgt min. at planting
North: 101 LF/100 = 1.01 x 20 = 20 Shrubs
South: 118 LF/100 = 1.18 x 20 = 24 Shrubs

PROVIDED

- 15' wide buffer provided with 6' fence.
- North: 6 Nellie R Stevens Holly, 4 Arborvitae
South: 8 Nellie R Stevens Holly, 4 Arborvitae
- North: 20 Needlepoint Holly, 16 Anise (36 shrubs)
South: 28 Needlepoint Holly (28 shrubs)



Revisions:

Mark	Date	By
△		
△		
△		

Seal

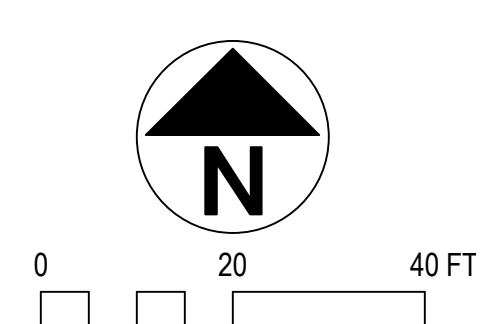
manley
LAND DESIGN
Landscape Architecture
770.442.8171 tel
770.442.1123 fax
Manley Land Design, Inc.
51 Old Canton Street
Alpharetta, Georgia 30009
manleylanddesign.com

STORE
Cahaba Heights
3949 Crosshaven Drive
Vestavia Hills, AL 35243

SHEET TITLE
Landscape Plan

VERSION:
ISSUE DATE:
Job No. : 2018216
Store : 3948
Date : 1.4.19
Drawn By : ADN
Checked By: SLM

Sheet
L-1.0



Revisions:	Mark	Date	By

Seal

STORE
Cuhaba Heights

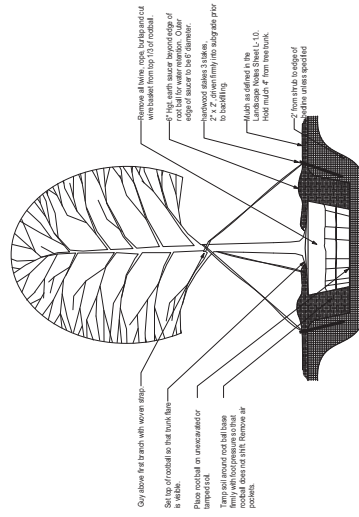
3800 Cushman Drive
 Vestavia Hills, AL 35243

SHEET TITLE
Landscape Details

VERSION:
 ISSUE DATE:

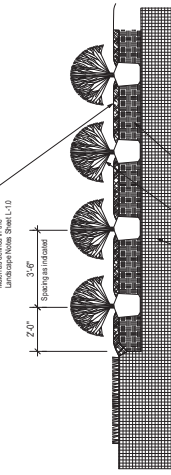
Job No. : 20181216
 Store : 3848
 Date : 11.16.
 Drawn By : ADM.
 Checked By : SLM.
 Sheet

L-1.1

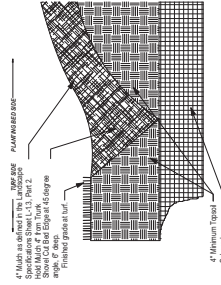


NOTE
 1. Do not stake to the soil on either side.
 2. Do not stake to the trunk line.
 3. Do not stake to the trunk line.
 4. Do not stake to the trunk line.

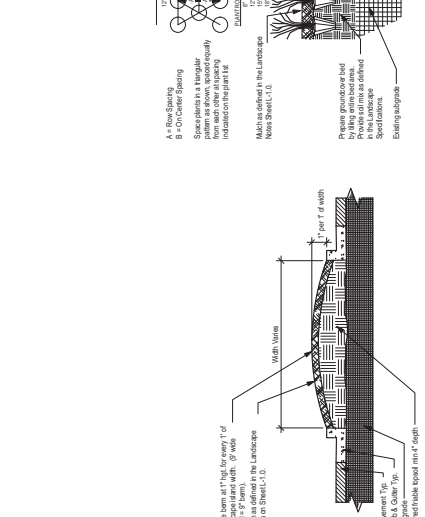
1 TREE PLANTING & STAKING
 SCALE: NTS



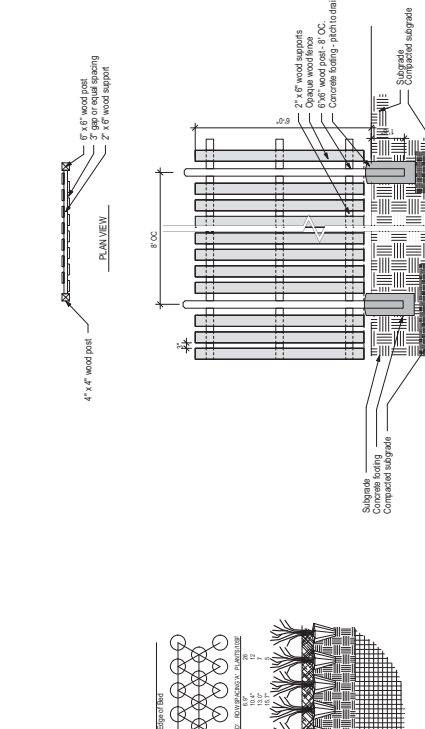
2 SHRUB BED PLANTING DETAIL
 SCALE: NTS



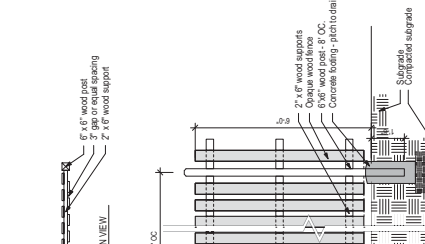
3 V-TRENCH BED EDGING
 SCALE: NTS



4 PARKING ISLAND DETAIL
 SCALE: NTS



5 GROUND COVER PLANTING DETAIL
 SCALE: NTS



6 WOOD FENCE DETAIL
 SCALE: NTS

LANDSCAPE NOTES

- Contractor responsible for boring and protecting all underground utilities prior to digging.
- All shrub beds, planting and new to be mulched with a 3.00 minimum layer of double mulched hardwood mulch.
- All mulch and perennial beds to be filled to a minimum depth of 12 inches and amended with 4 inches of organic material.
- Planting beds to be edge minimum of 1/2 inch of the size of the root ball of both shrub and tree. Back to be a mix of plants to equal 1 part organic material in 1 part topsoil or Ph.M.M. (Bottle and lamp bottom of hole prior to planting).
- Existing grass in proposed planting areas to be killed and removed and areas to be hand raked to remove all rocks and debris.
- Any existing grass, dead standing or weeds to be fully removed, graded and replaced. All tree marks and notations to be replaced.
- Soils to be salvaged from site and replaced with the same soil as that removed. All soils to be tested thoroughly immediately after planting. Edge of soil to be "V-trenched".
- All landscaping shall be installed in accordance with ANSI Z60.1 The American Standard for Nursery Stock, as the accepted standards of the American Association of Nurserymen.
- Plants shall be alive and fit to transplant at the time of growth at the end of the guarantee period. The Landscape Contractor shall not be responsible for loss of plant or vandalism.
- Ground cover to be installed in accordance with the Landscape Contractor's specifications for ground cover characteristics.
- Ground cover to be installed in accordance with the Landscape Contractor's specifications for ground cover characteristics.
- Prior to beginning work, the Landscape Contractor shall inspect the substrate, general site conditions, verify elevations, utility locations, irrigation, signage layout provided by Owner, Contractor and determine the site conditions under which the work shall be performed.
- Contractor shall be responsible for obtaining all necessary permits, licenses, and approvals for the work.
- Water thorough twice in the 24 hour and apply mulch immediately.
- Soils to be 100% irrigated in all planting beds and grass areas by an automatic underground irrigation system. See irrigation system details for further information.
- All tree protection devices to be produced and installed prior to the start of construction.
- Contractor shall be responsible for the protection of all existing trees and structures on site.
- No parking, storage or other construction activities are to occur within tree protection areas.

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 |

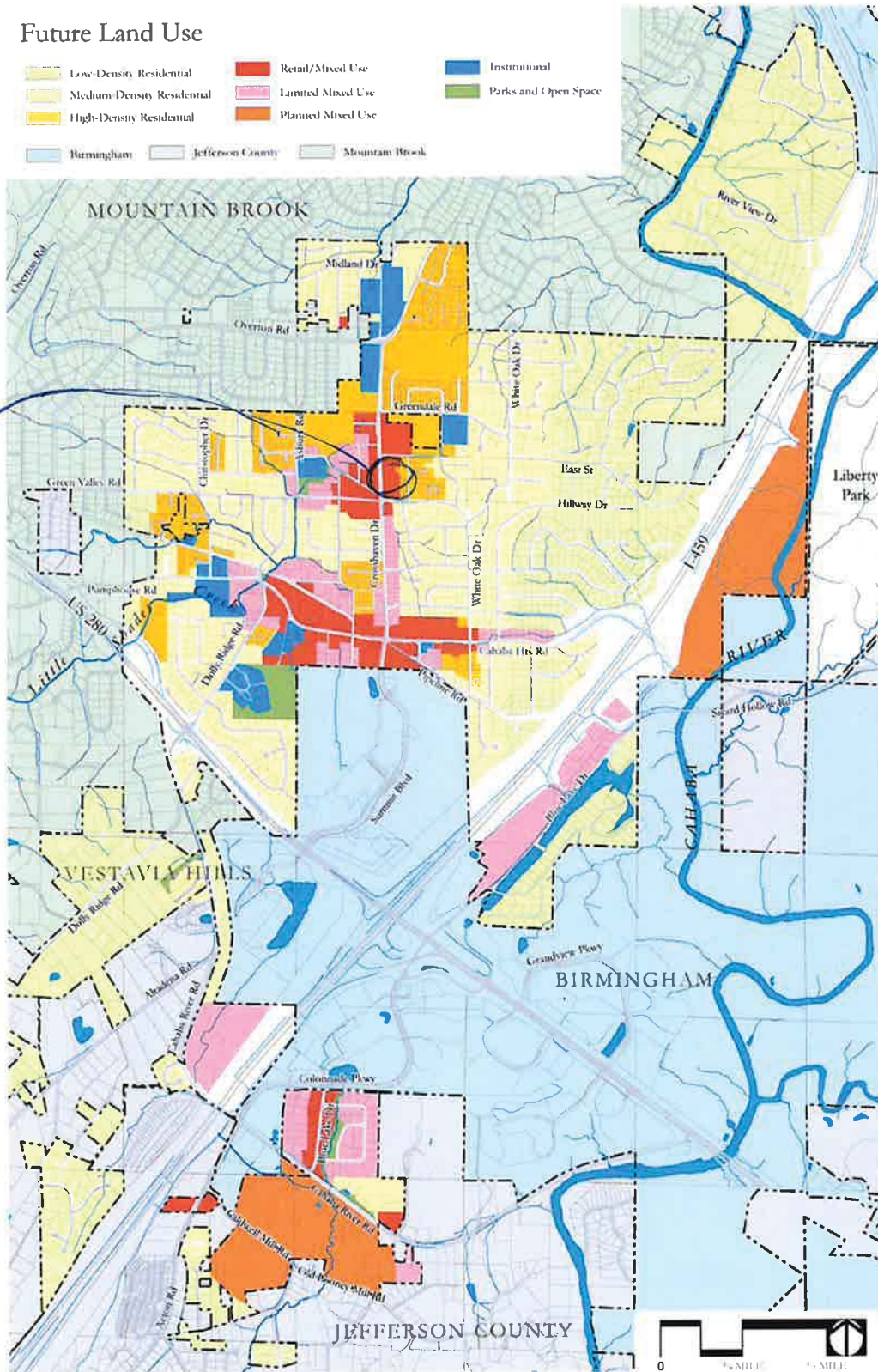


Figure 4: Future Land Use Map



Zoning

PARCELID	2800154013014000
DISTRICT	020
ESN_NUM	62
PROPADD	3955 WALL ST
VH_ZONING	R-4
ZNG_ORD	1983
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

Zoom to

From: [Joan Kendall](#)
To: [Conrad Garrison](#)
Subject: Letter to Planning and Zoning Commission
Date: Thursday, January 03, 2019 12:29:40 PM

Mr. Garrison, we understand that you will pass along the following email to each commission member prior to the meeting on January 10:

Dear commission members,

We urge you not to rezone Wall Street on January 10, 2019.

A decision by the Planning and Zoning Commission to rezone Wall Street from residential to commercial would be a significant step with detrimental consequences for our neighborhood. We trust you will consider the following concerns:

1. Our hope was and remains that in due time—with your patience and vision—a builder will purchase the entire side of Wall Street at issue and build lovely homes as they're now doing throughout Cahaba Heights! We were encouraged by such prospects when one dilapidated home on Wall Street was recently demolished. Rezoning, therefore, would eliminate any chance of residential developers enhancing our neighborhood and attracting others to reside in Cahaba Heights.
2. We appreciate your position and financial concerns but are confident that the City of Vestavia Hills can obtain comparable revenue on commercially zoned Crosshaven Drive (which runs parallel to Wall Street) in accordance with the Cahaba Heights Master Plan and without encroaching our valuable property. Five homes in our gated community of Westminster Lane back up to Wall Street. We, too, have financial concerns and have invested in the hope that Wall Street would always remain residential.
3. Neighbors were taken aback and saddened to learn when Zaxby's was allowed to build on Crosshaven that "drive thru" fast food restaurants were acceptable to the commission. Many of us moved to Cahaba Heights from Mt. Brook and had believed it would one day resemble Crestline Village or Mt. Brook Village rather than Green Springs Highway.

Thank you for your consideration.

Joan and Henry Kendall
3931 Westminster Lane
(205) 968-6697

From: [Rebecca Leavings](#)
To: [Conrad Garrison](#)
Cc: susanjlester@gmail.com
Subject: Fwd: January 10, 2019 rezoning hearing
Date: Thursday, January 03, 2019 7:36:44 AM

Conrad please print for file and advise
P&Z

Thanks

Sent from my iPhone

Begin forwarded message:

From: Lester Susan <susanjlester@yahoo.com>
Date: January 2, 2019 at 6:35:53 PM CST
To: rleavings@vhal.org
Subject: **January 10, 2019 rezoning hearing**

Ms. Leavings,

My name is Susan Lester and I am a resident of 2813 Cahaba Circle Vestavia Alabama, 35243. I received a certified mail notice in my mail box last week regarding the rezoning of property between Cross Haven and Wall Street from residential to commercial. I am absolutely opposed to this rezoning. It does not fall in line with the 2008 development plan for Cahaba Heights, where Crosshaven is described as an image corridor. I don't think anyone ever envisioned a series of drive-through window restaurants on Crosshaven. I don't want it to become Green Springs Highway. Equally important is the traffic issue. If you've been to the Chick-fil-A on Highway 31 you would know that it can barely handle the traffic there, much less on a "widened" Crosshaven. It is especially important to protect Wall Street, which has residential areas on both sides.

Once again, I object to the rezoning. Thank you for your time.

Susan Lester

[Sent from Yahoo Mail for iPad](#)