

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

**AGENDA**

**MARCH 14, 2019**

**6:00 P.M.**

Roll Call.

Pledge of Allegiance

Approval of Minutes: February 14, 2019

**Final Plats**

**Consent Agenda**

- (1) **P-0319-12** Audrey D. Day, III Is Requesting **Final Plat Approval For Resurvey Of Lot 3 And The North ½ Of Lot 4, Block 10 Biltmore Estates**. The Purpose for This Request Is to Resurvey 1.5 Lots. The Property Is Owned By Audrey D. Day, III and Is Zoned Vestavia Hills R-2.
  
- (2) **P-0319-13** Village Gardens, LLC Is Requesting **Final Plat Approval For Village Gardens**. The Purpose for This Request Is to Resurvey Five Lots Into One. The Property Is Owned By Village Gardens, LLC and Is Zoned Vestavia Hills B-2.
  
- (3) **P-0319-14** Jim McLane Is Requesting **Final Plat Approval For McLane's Resurvey**. The Purpose for This Request Is to Amend A Lot Line. The Property Is Owned By Jim McLane and Is Zoned Vestavia Hills R-1.

**Rezoning/Conditional Use Recommendations**

- (4) **P-1011-22** Anthony F. & Margaret Serra Is Requesting **Conditional Use Approval For Automotive Sales, Automotive Services-Major And Minor, Including Mechanical And Collision Repair** for The Property Located At **1476 Montgomery Hwy**. The Property Is Owned By Anthony F. & Margaret Serra and Is Zoned Vestavia Hills B-2.

- (5) **P-0319-07** St. Stephen's Episcopal Church Is Requesting **Conditional Use Approval** For **Four Beehives** for The Property Located At **3788 Crosshaven Dr.** The Property Is Owned By St. Stephen's Episcopal Church and Is Zoned Vestavia Hills R-4.
- (6) **P-0319-08** Jonathan B. Culver Is Requesting **Rezoning** for **3784 Poe Dr.** from **Vestavia Hills R-4 to Vestavia Hills R-9** For The Purpose Of New Residential Development.
- (7) **P-0319-09** Tucker And Company, LLC Is Requesting **Rezoning** for **3785 Glass Dr.** from **Vestavia Hills R-4 to Vestavia Hills R-9** For The Purpose Of New Residential Development.
- (8) **P-0319-10** Arthur Powell Is Requesting **Rezoning** for **3984 & 3988 Natchez Dr.** from **Vestavia Hills R-4 to Vestavia Hills R-9** For The Purpose Of New Residential Development.
- (9) **P-0319-11** Lamar Advertising Is Requesting **Conditional Use Approval** For A **Digital Buildboard** for The Property Located At **1506 Montgomery Hwy.** The Property Is Owned By Royal Automotive and Is Zoned Vestavia Hills B-3.

**CITY OF VESTAVIA HILLS**  
**PLANNING AND ZONING COMMISSION**  
**MINUTES**  
**FEBRUARY 14, 2019**  
**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  
Fred Goodwin  
Johnathan Romeo  
Rusty Weaver  
Lyle Larson  
Cheryl Cobb  
Hasting Sykes

**MEMBERS ABSENT:** Blaine House, Vice-Chair  
Greg Gilchrist

**OTHER OFFICIALS PRESENT:** Conrad Garrison, City Planner  
Christopher Brady, City Engineer

**APPROVAL OF MINUTES**

Mrs. Barnes stated that the minutes of the meeting January 10, 2019 are presented for approval.

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

|                   |                      |
|-------------------|----------------------|
| Mr. Goodwin – yes | Mr. Sykes – yes      |
| Mr. Romeo – yes   | Mr. Larson – yes     |
| Mr. Weaver– yes   | Ms. Cobb – abstained |
| Mrs. Barnes – yes |                      |
| Motion carried.   |                      |

**Final Plats**

**Consent Agenda**

- (1) **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.
  
- (2) **P-0219-05** Cathryn Pryor & Joel Abbott Are Requesting **Final Plat Approval For Resurvey Of Lots 7 And 8 Rosement Subdivison**. The Purpose for This Request Is to Adjust A Common Lot Line. The Property Is Owned By Cathryn Pryor & Joel Abbott and Is Zoned Vestavia Hills R-2.
  
- (3) **P-0219-06** Overton Investments, LLC Is Requesting **Final Plat Approval For Overton Investments, LLC – Resurvey Of A Part Of Block 1 New Merkle As Recorded In Map 29, Page 35**. The Purpose for This Request Is to Subdivide Lots. The Property Is Owned By Overton Investments, LLC and Is Zoned Vestavia Hills R-9.

**MOTION** Mr. Romeo made a motion to approve items 1-3. Second was by Mr. Goodwin. Motion was carried on a roll call; vote as follows:

|                   |                  |
|-------------------|------------------|
| Mr. Goodwin – yes | Mr. Sykes – yes  |
| Mr. Romeo – yes   | Mr. Larson – yes |
| Mr. Weaver– yes   | Ms. Cobb – yes   |
| Mrs. Barnes – yes |                  |
| Motion carried.   |                  |

**Rezoning/Conditional Use Recommendations:**

**P-0219-03** Seed Corn, LLC Is Requesting A **Site Plan Amendment** for **4557 Pine Tree Cir.** The Property Is Owned By Seed Corn, LLC and Is Zoned Vestavia Hills B-1.

Mr. Garrison explained the background of the request. He noted that since the original rezoning was contingent on the site plan, thus, requiring the applicant to seek approval from the Planning and Zoning Commission and City Council. The new site plan would instead hold a hair salon.

Wes Cline was present to answer any questions.

Mrs. Barnes opened the public hearing.

Jack Roe, 4561 Pine Tree Cir., was concerned about the buffer facing his property. The Commission and Mr. Cline agreed an appropriate buffer could be maintained.

Mrs. Barnes closed the public hearing.

**MOTION** Mr. Weaver made a motion to recommend a site plan amendment for 4557 Pine Tree Circle with the following conditions:

1. Approval based on site plan presented;
2. Building height limited to two (2) stories;
3. Buildings to be developed in a residential style;
4. Developers to construct a sidewalk along frontage of lots or contribute to the City's Sidewalk Fund in an amount to be determined by the City Engineer based upon linear frontage and the cost of said sidewalk;
5. Private clubs, convenience stores, and fast food restaurants are prohibited;
6. Opaque landscaping must be installed along the western property line.

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

Mr. Goodwin – yes  
Mr. Romeo – yes  
Mr. Weaver – yes  
Mrs. Barnes – yes  
Motion carried.

Mr. Sykes – yes  
Mr. Larson – yes  
Ms. Cobb – yes

Conrad Garrison, City Planner

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

Date: MARCH 14, 2019

- **CASE:** P-0319-12
- **REQUESTED ACTION:** Final Plat Approval To Resurvey Lot 3 and 1/2 Of Lot 4 Of Biltmore Estates.
- **ADDRESS/LOCATION:** 304 Granada Drive
- **APPLICANT/OWNER:** Aubrey D. Day III
- **REPRESENTING AGENT:** Josh Henderson
- **GENERAL DISCUSSION:** Plat is to resurvey two lots in the Biltmore Estates community. The applicant is seeking to merge Lot 3 and the North half of Lot 4. The applicant intends to remodel the home at this address and must have these lots officially merged and recorded in order to pull a building permit. Combined lot does not meet lot size and width and will receive a variance on 3/21. Map can be signed after. The lots are currently zoned R-2.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for low density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  

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

2019 FEB 19 P 1: 26

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

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

NAME: Aubrey D. Day III

ADDRESS: 2012 Chestnut Road

Vestavia Hills, AL 35216

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

\_\_\_\_\_

PHONE NUMBER: Home 205 792-2372 Office \_\_\_\_\_

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

Josh Henderson

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**III. ACTION REQUESTED**

**Final Plat Approval**

Explain reason for the request: Owner is remodeling the home at this address and must have these lots officially merged and recorded in order to pull a building permit.

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

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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. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

[Signature]  
Owner Signature/Date

[Signature]  
Representing Agent (if any)/date

Given under my hand and seal  
this 18 day of February, 2019.

[Signature]  
7/5/2022

[Signature]  
Notary Public

My commission expires SM  
day of July, 2022.



# RESURVEY OF LOT 3 AND THE NORTH 1/2 OF LOT 4, BLOCK 10 BILTMORE ESTATES

Map Book 17 Pages 59 & 60  
Jefferson County, Alabama  
Situated in the NW 1/4 of the SE 1/4 of  
Section 19 T. 18 S. R. 2 W.

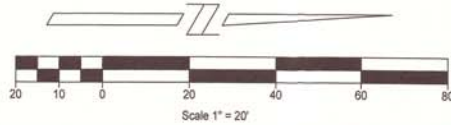
Lot 4  
First Addition to Beacon Hill  
Map Book 31 Page 61

5/8" rebar 10373



**Granada Drive**

40' R.O.W.



STATE OF ALABAMA  
JEFFERSON COUNTY

The undersigned, Steven H. Gilbert, a registered Land surveyor in the State of Alabama, and Smith Day Properties, LLC as owner hereby certify that this is plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map was made at the instance of said Owner; that this plat or map is a true and correct map of lands shown herein and known, or to be known as a RESURVEY OF LOT 3 AND THE NORTH 1/2 OF LOT 4, BLOCK 10 BILTMORE ESTATES, showing the subdivisions into which it is proposed to divide said lands, giving the lengths and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearings, width, and name of each street, as well as the number of each lot and block, and showing the relation to the lands so platted to Biltmore Estates as recorded in Map Book 17, Pages 59 & 60 in the office of the Probate Judge of Jefferson County, Alabama, and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said Owner also certifies that they are the owner of said lands and that the same is not subject to any mortgage.

I hereby certify that this survey and map were prepared in accordance with current requirements of the Standards for Practice of Land Surveying in the State of Alabama, to the best of my knowledge, information, and belief. According to my survey of February 11, 2018.

Steven H. Gilbert PLS 17507      Aubrey Day  
5160 Scenic View Drive      Smith Day Properties LLC Owner  
Birmingham AL 35210  
205-956-7125

STATE OF ALABAMA  
JEFFERSON COUNTY



I, \_\_\_\_\_ as Notary Public in and for said County and State, do hereby certify that Steven H. Gilbert, whose name is signed to the forgoing certificate as Surveyor, who is known to me, on this date, that after having been duly informed of the contents of said certificate, he executed same voluntarily as such individuals (or in any other capacities) with full authority therefore.

Given under my hand and seal this \_\_\_\_ day of March, 2019.

Notary Public

My commission expires \_\_\_\_\_

STATE OF ALABAMA  
JEFFERSON COUNTY

I, \_\_\_\_\_ as Notary Public in and for said County and State, do hereby certify that Aubrey Day of Smith Day Properties, LLC, whose name is signed to the forgoing certificate as Owner, who is known to me, on this date, that after having been duly informed of the contents of said certificate, he executed same voluntarily as such an individual (or in any other capacities) with full authority therefore.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public

My commission expires \_\_\_\_\_

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
                    Vestavia Hills Planning & Zoning Commission

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
                    City Engineer

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
                    Vestavia Hills City Clerk

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
                    Jefferson County Department of Health/ Environmental Health

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
                    Director of Environmental Services

Environmental Services Department approval indicates that this document has been reviewed for provision of future or existing sanitary sewers; however this does not mean sanitary sewers have been built or will be built in the future. Any change in the Right-of-Way or Easement boundaries after this date may void this approval.

F.I.R.M. Map No. 01073 C 0556 H dated September 3, 2010 indicates this property lies outside of a flood hazard area.

This survey was performed with conventional equipment and techniques. Horizontal and vertical control was established by GPS observations using NAVD 1983 datum and bearings are based on Alabama State Plane Coordinates, West Zone. Corrections were obtained from the ALDOT CORS network.

SOUTHEASTERN SURVEYORS, INC.  
Steven H. Gilbert, P.L.S.  
Alabama Reg. Land Surveyor No. 17507  
5160 Scenic View Drive  
Birmingham, Alabama 35210  
(205) 956-7125

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

Date: MARCH 14, 2019

- **CASE:** P-0319-13
- **REQUESTED ACTION:** Final Plat Approval To Resurvey 5 Separate Parcels To Combine Into One Parcel.
- **ADDRESS/LOCATION:** 3949 Crosshaven Drive
- **APPLICANT/OWNER:** Village Gardens, LLC
- **REPRESENTING AGENT:** Kristen Ferretti
- **GENERAL DISCUSSION:** Plat is to resurvey five lots on Crosshaven Drive and Wall St/ into one lot. This is the final step in the rezoning process for Chick-fil-a. Plat restricts access to Wall St.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for general business.
- **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: Village Gardens, LLC

ADDRESS: 2817 Cahaba Road

Mountain Brook, AL 35223

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

\_\_\_\_\_

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

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

Kristen Ferretti, Corporate Property Services, Inc. at (954) 426-5144

**III. ACTION REQUESTED**

**Final Plat Approval**

Explain reason for the request: To combine 5 separate parcels into one parcel, in

order to construct a new Chick-fil-A restaurant.

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

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

3949 Crosshaven Drive

Please see attached plat for full legal description of the overall site.

248.74' along Crosshaven Drive, then 90.26' east from the northwest corner site, then 82.37' south, then 296.14' east, then 164.66' south, then 372.64' west to southwest corner of site.

Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: 1.60

**VI. ZONING/REZONING:**

The above described property is presently zoned: All 5 parcels are zoned B-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.

*Tim Slopan*

Owner Signature/Date

*[Signature]*

Representing Agent (if any)/date

Given under my hand and seal  
this 27<sup>th</sup> day of February, 20 19.

*April J. Pytlarz*  
Notary Public

My commission expires 17<sup>th</sup>  
day of Oct, 20 22



APRIL J. PYTLARZ  
Commission # GG 268689  
Expires October 17, 2022  
Bonded Thru Budget Notary Services





**Proposed Chick-fil-A at 3949 Crosshaven Drive in Vestavia Hills, AL**

**P0319-13//2800154013003.000**

**3945 Crosshaven Drive**

Final Map to combine 5 lots

Village Gardens, LLC

B2



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

Date: **MARCH 14, 2019**

- **CASE:** P-0319-14
- **REQUESTED ACTION:** Final Plat Approval To Resurvey Two Lots On Rocky Ridge Road.
- **ADDRESS/LOCATION:** 2752 & 2756 Rocky Ridge Road
- **APPLICANT/OWNER:** Jim McLane
- **REPRESENTING AGENT:** Dave Arrington
- **GENERAL DISCUSSION:** Plat is to amend the common lot line between lots C1 & C2. All easements and recorded setbacks will remain. All lots meet the minimum requirements for the R-1 zoning.
- **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

APPLICATION

2019 FEB 27 P 3: 13

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 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 other than for zoning/rezoning must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which is shall 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 a basic fee of \$100.00 along with \$\_\_\_\_\_ per property owner to be notified for Commission meeting. Fees 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. *Preliminary plats shall include 3 complete & rolled construction sets along with fifteen (15) lot line drawings; (Folded to 8 " x 11"). Final plats shall include fifteen (15) prints. (Please include one 8 " x 11" for preliminary lot line drawings and final plats).*

**II. APPLICANT INFORMATION:** Owner of Property (This Section Must Be

Completed)

Name: Jim McLane

Address: 2752 Rocky Ridge Rd,  
Vestavia Hills, AL 35243

Phone #: 205-229-5434 Office #: 205-985-9315

E-Mail: dave@arringtonengineering.com

Representing Attorney/Other Agent

Name: ARRINGTON ENGINEERING ATTN: DAVE ARRINGTON

Address: 2032 C VALLEYDALE ROAD



BIRMINGHAM ALABAMA

Phone #: 205-229-5434 Office #: 205-985-9315

E-Mail: dave@arringtonengineering.com

**III. ACTION REQUESTED:**

Preliminary Plat Approval  Re-zoning

Final Plat Approval  Other

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

LOTS 2B:313 ACCORDING TO THE 1ST AMENDMENT  
TO THE RESURVEY OF THE HIGHLANDS OF ROCKY RIDGE  
AS RECORDED IN MAP BOOK 226 PAGE 33

**VI. ZONING/REZONING:**

Request that the above described property be rezoned

From: \_\_\_\_\_

To: \_\_\_\_\_

For the intended purpose of: \_\_\_\_\_

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

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

**VI. INFORMATION ATTACHED:**

\_\_\_\_\_ Application fees submitted.

\_\_\_\_\_ Plat approvals: Copy of all pertinent drawings, etc. Preliminary plats shall include 3 complete rolled sets along with fifteen (15) lot line drawings; (Folded to 8" x 11" size). Final plats shall include fifteen (15) prints. (One 8" x 11" must be included for preliminary lot line drawings and final plats).

**VII. NOTARIZED SIGNATURE OF PROPERTY OWNER'S REPRESENTATIVE**

*is REPRESENTATIVE*

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

  
Signature of Property Owner

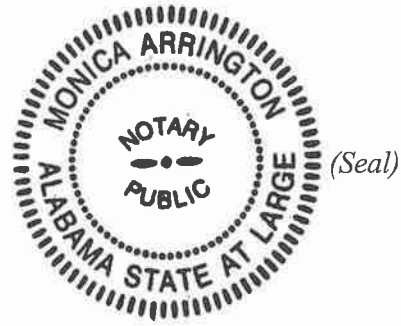
1-31-2019  
Date

P0319-14//2800204002023&024  
2752 & 2756 Rocky Ridge Rd.  
Final Map to adjust lot line  
Jim McLane

P&Z Application  
Page 3

Given under my hand and seal this  
31<sup>st</sup> day of January, 20 19.

Monica Arrington  
Notary Public  
My commission expires 11<sup>th</sup>  
day of May, 20 22.



# MCLANE'S RESURVEY

BENCA RESURVEY OF LOTS 2B AND 3B, ACCORDING TO THE SURVEY OF THE ROCK RIDGE SUBDIVISION, MAP NO. 200-00-20-4-022-018,003, HIGHLANDS OF ROCKY HILLS, AS RECORDED IN MAP BOOK 206, PAGE 33, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

SITUATION: IN THE SOUTH 1/4 OF THE SECTION 14, SECTION 20, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.

## STATE OF ALABAMA COUNTY OF JEFFERSON

THE UNDERSIGNED, JEFF D. ARRINGTON, A REGISTERED LAND SURVEYOR, STATE OF ALABAMA, AND JIM MCLANE, OWNER, HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE AND CORRECT MAP OF LANDS SHOWN THEREIN AND KNOWN AS "MCLANE'S RESURVEY" OR MAP WERE MADE AT THE INSTANCE OF SAID OWNER, THAT THIS PLAT OR MAP IS TRUE AND CORRECT AND ACCURATE AND THAT THE LENGTH, WIDTH, AND ANGLES OF EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, GIVING THE LENGTH, WIDTH AND NAME OF EACH LOT, AND THE BEARINGS AND DISTANCES OF EACH CORNER AND POINT, AND THE RELATIONS OF THE LANDS TO THE GOVERNMENT SURVEY AND THAT IRON PINS HAVE BEEN PLACED AT EACH CORNER OF SAID LOTS AND THAT THE PLAT OR MAP WAS MADE BY SAID SMALL OPERATOR(S) ON SAID PLAT OR MAP. SAID OWNER ALSO CERTIFIES THAT IT IS THE OWNER OF SAID LANDS AND THAT THE SAME ARE NOT SUBJECT TO ANY MORTGAGE.

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALABAMA SURVEYING ACT AND THAT THE SURVEYOR HAS TAKEN THE BEST OF HIS KNOWLEDGE, INFORMATION AND BELIEF.

DATE: \_\_\_\_\_ OWNER: \_\_\_\_\_  
 SURVEYOR: JEFF D. ARRINGTON ALABAMA LICENSE #19864 BY: JIM MCLANE

## STATE OF ALABAMA COUNTY OF SHELBY

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JEFF D. ARRINGTON, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE, IS A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA AND THAT HE HAS EXECUTED THE SAME VOLUNTARILY AND AS THE ACT OF SAID CORPORATION.

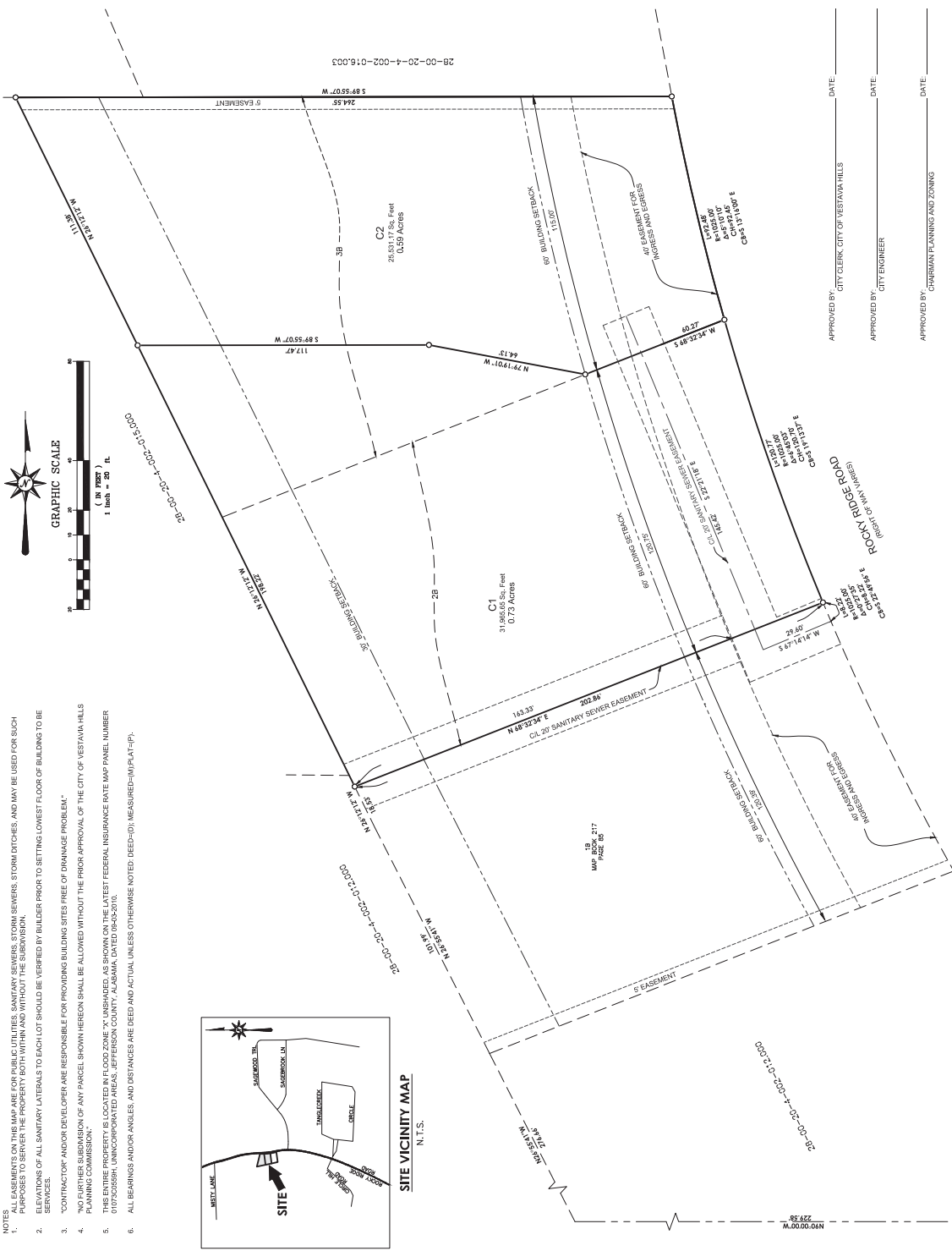
GIVEN UNDER MY HAND AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC: MY COMMISSION EXPIRES \_\_\_\_\_  
 STATE OF ALABAMA  
 COUNTY OF \_\_\_\_\_

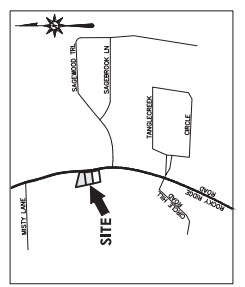
I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JIM MCLANE, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SAID OWNER, IS THE OWNER OF SAID LANDS AND THAT HE HAS EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC: MY COMMISSION EXPIRES \_\_\_\_\_



- NOTES:**
1. ALL EASEMENTS ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, STORM DITCHES, AND MAY BE USED FOR SUCH PURPOSES TO SERVE THE PROPERTY BOTH WITHIN AND WITHOUT THE SUBDIVISION.
  2. ELEVATIONS OF ALL SANITARY LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF BUILDING TO BE SERVED.
  3. "CONTRACTOR" AND/OR DEVELOPER ARE RESPONSIBLE FOR PROVIDING BUILDING SITES FREE OF DRAINAGE PROBLEMS.
  4. "NO FURTHER SUBDIVISION OF ANY PARCEL SHOWN HEREON SHALL BE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE CITY OF KESTAWA HILLS PLANNING COMMISSION."
  5. THE ENTIRE PROPERTY IS LOCATED IN FLOOD ZONE "X", UNSHADED, AS SHOWN ON THE LATEST FEDERAL INSURANCE RATE MAP PANEL NUMBER 01702059H, UNINCORPORATED AREAS, JEFFERSON COUNTY, ALABAMA, DATED 09-04-2010.
  6. ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED. DEED=DR, MEASURED=MI(PLAT TP).



APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY ENGINEER

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY ENGINEER

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CHAIRMAN PLANNING AND ZONING

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 DIRECTOR OF ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES DEPARTMENT INDICATES THAT THIS DOCUMENT HAS BEEN REVIEWED AND APPROVED FOR THE CITY OF KESTAWA HILLS. ANY CHANGE IN THE RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

THE PURPOSE OF THIS SURVEY IS TO CHANGE THE COMMON LINE BETWEEN LOTS 2B AND 3B.

APPROVED IN FORMAT ONLY.

**ARRINGTON ENGINEERING**  
Civil Engineers - Surveyors - Land Planners

Office: (205) 986-9595  
 2032 Valleydale Road  
 Birmingham AL 35244

|                           |                           |
|---------------------------|---------------------------|
| <b>DRAWN BY:</b> JEA, JAE | <b>CHECKED BY:</b> JEA    |
| <b>DATE:</b> 3-2-2019     | <b>SCALE:</b> 1"=20'      |
| <b>PARTY CHIEF:</b> JI    | <b>PROJECT NO.:</b> 70193 |
| <b>SHEET:</b> 1 OF 1      |                           |

G:\2018 PROJECTS\70193 - Rocky Ridge Road\JWA\70193-m.dwg

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

Date: MARCH 14, 2019

- **CASE: P-1011-22**
- **REQUESTED ACTION** Conditional Use Approval For The Intended Purpose Of Automotive Sales, Automotive Services – Major & Minor, Including Mechanical & Collision Repair.
- **ADDRESS/LOCATION:** 1476 Montgomery Highway
- **APPLICANT/OWNER:** Anthony F. & Margaret Serra
- **GENERAL DISCUSSION:** The applicants seek an extension of a Conditional Use for an automotive sales, and services dealership. This property has been granted a Conditional Use in the past through Ordinance 2373, approved in November 2011. In 2014 there was a flood that damaged the property, which made the property unusable. Over next couple years extensions of the Conditional Use were granted, up until October 2016. Since that date the applicants have designed improvements to the structure and property to prevent future flood damage. A no rise study has been conducted in compliance with Article 3 of the Vestavia Hills Flood Damage Prevention Ordinance, and the applicants have obtained a building permit to raise the level of the site in a way that makes it productive for the retail sale of automobiles. The property is zoned B-3.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent for commercial core.
- **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.

## 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: Anthony F. and Mary Margaret Serra

ADDRESS: 9709 Parkway East, Suite D, Birmingham, AL 35215

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

PHONE NUMBER: Home \_\_\_\_\_ Office 205-836-6775

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

Alton B. Parker, Jr.; Spain & Gillon, LLC; 505 20th Street North, Suite 1200, Birmingham, AL 35203

---

**III. ACTION REQUESTED**

Request that the above described property be approved conditional use approval pursuant to Section 13.3 Conditional Uses of the Vestavia Hills Zoning Code.

Current Zoning of Property: B-3

Requested Conditional use For the intended purpose of: Automotive Sales,

Automotive Major and Automotive Minor, including Mechanical and Collision Repair  
(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.)**

See Attached - 1476 Montgomery Highway

City of Vestavia Hills

Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: Approximately 3.75 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.

Anthony F. Seno  
X Mary Harper Seno  
Owner/Signature/Date

Alton B. Parker  
Representing Agent (if any)/date  
12/25/18

Given under my hand and seal  
this 28<sup>th</sup> day of December, 2018.

Northatt Copeland  
Notary Public  
My commission expires 9-15-20  
day of \_\_\_\_\_, 20\_\_\_\_.



**SPAIN & GILLON, LLC**

**505 20<sup>TH</sup> STREET NORTH**

**SUITE 1200**

**BIRMINGHAM, ALABAMA 35203**

Telephone: (205) 328-4100

Facsimile: (205) 324-8866

Direct Dial (205) 581-6212

**ALTON B. PARKER, JR.**

**E-MAIL: APARKER@SPAIN-GILLON.COM**

January 17, 2019

Rebecca Leavings, City Clerk, MMC  
City of Vestavia Hills  
513 Montgomery Highway  
Vestavia Hills AL 35216

**Re: Request for Conditional Use Approval for Automotive Sales, Automotive Services - Major and Minor, including Mechanical and Collision Repair for 1476 Montgomery Highway**

Dear Ms. Leavings:

As we discussed, attached is a request for Conditional Use Approval from f Anthony F. and Margaret Serra, owners of the property located at 1476 Montgomery Highway (“Serra”). The Vestavia City Council previously approved Conditional Use for this location on November 14, 2011 by Ordinance 2373. At that time, an Agreement to Conditional Zoning was executed by the Serras and submitted to the City as of the 12<sup>th</sup> day of December, 2011. The Serras later requested an extension of the Conditional Use Approval which was granted by the City Council on March 23, 2015 and which extended the Conditional Use for a period of 18 months from April 15, 2015 through October 15, 2016. A second extension of the Conditional Use Approval for a period of 18 months beginning on October 15, 2016 was granted by the Council. That extension has expired.

A review of the background of this matter might be helpful. Pursuant to the initial granting of the Conditional Use by the City, the Serra organization opened an automotive sales dealership at that location. On April 7, 2014 the dealership suffered severe flooding of Patton Creek which caused significant damage to most of the vehicles parked at the dealership and to the dealership premises. As a result of the flood, the dealership became unusable for future automobile sales. The last day of automobile sales for the few undamaged vehicles at the dealership was April 15, 2014.

Since that time Serra has been engaged in the process of designing improvements and modifications to the dealership building and site which will, to the maximum extent possible, prevent such flood damage in the future. Serra commissioned an architect to design modifications to the premises and a civil engineer to provide the “no rise study” required by Article 3 of the



Vestavia Flood Damage Prevention Ordinance. It took a significant period of time to finish that engineering “no rise study.” The “no rise study” was successful and Serra has now designed the project and has obtained a Building Permit to raise the level of the site in a way that makes it productive for the retail sale of automobiles.

The Serras appreciate the City’s patience and is ready to move forward with the construction. The Serras understand that this request to extend the Conditional Use will be put to the City Council in the form of a Resolution for approval. Thank you for your cooperation in this matter. If there is anything else that I or the Serras need to do in order to pursue this request for Conditional Use Approval, please let me know.

Sincerely,

**SPAIN & GILLON, L.L.C.**

By:



Alton B. Parker, Jr.

ABP, JR./pgd

cc: Jeff Downes, City Manager  
Anthony F. Serra and Mary Margaret Serra  
Serra Automotive Group

**ORDINANCE NUMBER 2373**

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL  
FOR AUTOMOTIVE SALES, AUTOMOTIVE SERVICES –  
MAJOR AND MINOR INCLUDING MECHANICAL AND  
COLLISION REPAIR FOR 1476 MONTGOMERY HIGHWAY**

**WHEREAS**, on December 13, 2010, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2331, also known as the City of Vestavia Hills Zoning Code; and

**WHEREAS**, Anthony F. and Margaret Serra are owners of the property located at 1476 Montgomery Highway zoned Vestavia Hills B-3 (business district); and

**WHEREAS**, Alton B. Parker Jr., Spain & Gillon, LLC, attorney for the Serras has presented an application for Conditional Use Approval for the purpose of automotive sales, automotive services – major and minor, including, but not limited to, mechanical and collision repair for the property located at 1476 Montgomery Highway pursuant to Table 6 of the Vestavia Hills Zoning Code; and

**WHEREAS**, Mr. and Mrs. Serra, owners of the property located at 1476 Montgomery Highway, are desirous of opening a new or used automotive dealership with complete automotive servicing and repair on said property.

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

1. Conditional Use approval is hereby granted for automotive sales, automotive services – major and minor, including, but not limited to, mechanical and collision repair for property located at 1476 Montgomery Highway; and



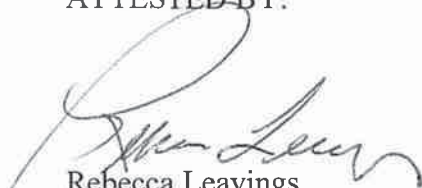
0011228001240150 1/8  
Bk: LR201110 Pg: 159  
Jefferson County, Alabama  
I certify this instrument filed on  
12/28/2011 02:44:06 PM ORD  
Judge of Probate- Alan L. King

2. Said conditional use shall continue in perpetuity pursuant to the Zoning Code until such time as use ceases to exist on said property for a period of one year; and
3. This Ordinance Number 2373 shall become effective immediately upon adoption, approval and publishing/posting pursuant to Alabama law; and
4. This ordinance is subject to and contingent upon the condition recommended by the Vestavia Hills Planning and Zoning Commission that the Owners of the property described in this ordinance execute and deliver to the City of Vestavia Hills an agreement entitled "Agreement to Conditional Zoning" as prepared by the City Attorney. This ordinance shall not become effective unless and until the said Owners of the property sign said agreement, deliver it to the City and the same is filed for record in the office of the Judge of Probate of Jefferson County, Alabama. If the agreement entitled "Agreement to Conditional Zoning" is not executed and delivered by said Owners, then in such event this Ordinance Number 2373 shall be null and void and have no legal force and effect.

**DONE, ORDERED, ADOPTED and APPROVED** this the 14<sup>th</sup> day of November, 2011.

  
Mary Lee Rice  
Council President

ATTESTED BY:

  
Rebecca Leavings  
City Clerk

APPROVED BY:

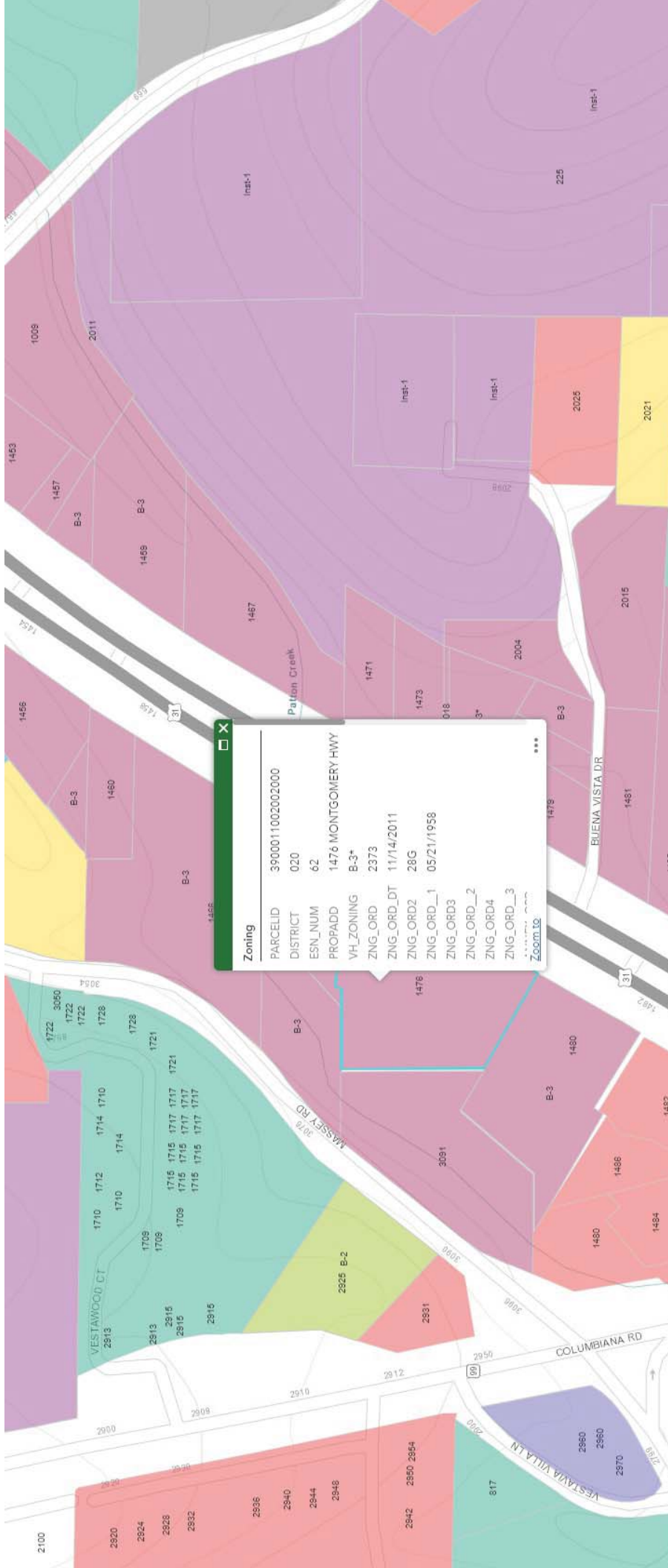
  
Alberto C. Zaragoza, Jr.  
Mayor

**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 # 2373 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 14<sup>th</sup> day of November, 2011 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the 29<sup>th</sup> day of Nov, 2011.

  
Rebecca Leavings  
City Clerk





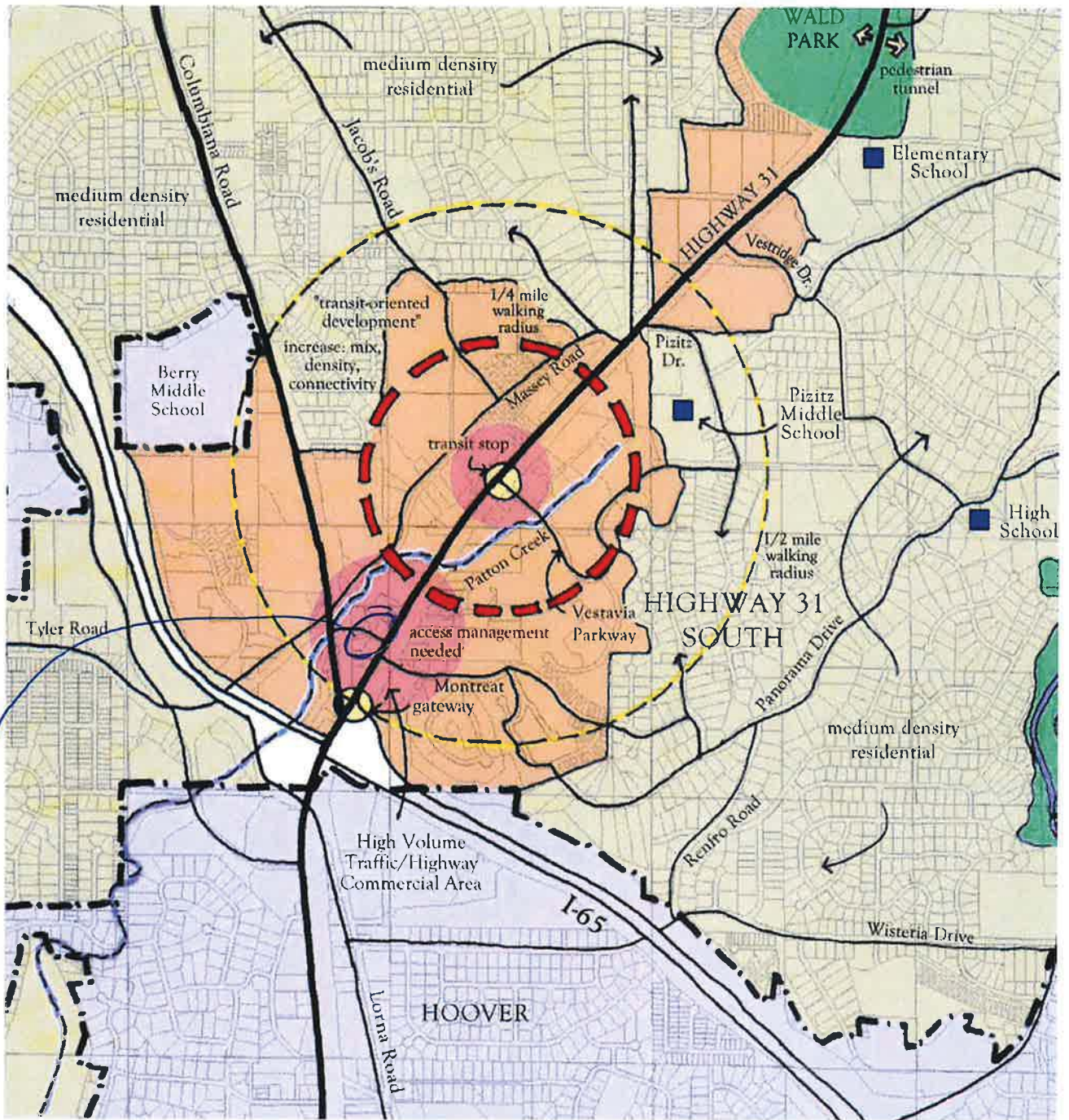


Figure 18: Highway 31 South  
Land Use Analysis

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid #ccc; margin-right: 5px;"></span> <b>Neighborhood</b> - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #f4cccc; border: 1px solid #ccc; margin-right: 5px;"></span> <b>Village Center</b> - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #f8d7da; border: 1px solid #ccc; margin-right: 5px;"></span> <b>Commercial Core</b> - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 2px solid yellow; border-radius: 50%; margin-right: 5px;"></span> <b>Gateways and Nodes</b> - Gateways are entryways into the community or village; enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #fce4ec; border: 1px solid #ccc; margin-right: 5px;"></span> <b>Professional Offices</b> - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid #ccc; margin-right: 5px;"></span> <b>Recreation and Open Space</b> - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid #ccc; margin-right: 5px;"></span> <b>Trailheads</b> - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #4f81bd; border: 1px solid #ccc; margin-right: 5px;"></span> <b>Schools</b> - School facilities administered by the Vestavia Hills School System.</li> </ul> |
|--|---|



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

Date: MARCH 14, 2019

- **CASE: P-0319-07**
- **REQUESTED ACTION:** Conditional Use Approval For Installation Of Four Beehives Surrounded by a Six Foot High Fence.
- **ADDRESS/LOCATION:** 3788 Crosshaven Drive
- **APPLICANT/OWNER:** St. Stephen's Episcopal Church
- **GENERAL DISCUSSION:** The applicant seeks to install a beehive on a vacant lot across from the main church building. The hives will be registered with the Alabama Department of Agriculture and will be maintained in compliance with Alabama Code. A 6' fence will surround the hives. The nearest living space is 200 feet away from the proposed property and is surrounded on three sides by properties owned by the church, and on the west side by the creek and a vacant lot. A site plan is attached. The property is currently zoned R-4.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Community Plan and gardens are a permitted use within the zoning.
- **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.



CITY OF VESTAVIA HILLS

APPLICATION

2019 FEB -7 P 12:19

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: St. Stephen's Episcopal Church

ADDRESS: 3788 Crosshaven Drive  
Vestavia Hills, AL 35223

MAILING ADDRESS (if different from above) 3775 Crosshaven Drive  
Vestavia Hills, AL 35223

PHONE NUMBER: Home (205) 907-4139 Office (205) 254-1172

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Christopher J. Williams



**III. ACTION REQUESTED**

Request that the above described property be approved conditional use approval pursuant to Section 13.3 of the Vestavia Hills Zoning Code.

Current Zoning of Property: R-4

Requested Conditional use For the intended purpose of: Installation of four (4)

beehives surrounded by 6 foot high fence. See attached for additional information.

*(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.)**

3788 Crosshaven Drive

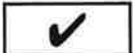
Parcel # 28-00-15-1-010-007.000

Property size: ~85 feet X ~160 feet. Acres: ~0.312

**V. INFORMATION ATTACHED:**



Attached Checklist complete with all required information.



Application fees submitted.  Application fees waived for church.

**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.

B. Bunn 2/6/19  
Owner Signature/Date

Chris Williams 2/6/19  
Representing Agent (if any)/date

Given under my hand and seal  
this 6 day of February, 2019.

Jane G. Pounds  
Notary Public  
My commission expires January 4,  
day of January, 2023.



# SAINT STEPHEN'S EPISCOPAL CHURCH

3775 CROSSHAVEN DRIVE BIRMINGHAM, AL 35223 WWW.SSECHURCH.ORG 205.967.8786

February 6, 2019

**P0319-07//2800151010007.000**  
**3788 Crosshaven Drive**  
Cond. Use for 4 beehives  
St. Stephen's Episcopal Church

**ORIGINAL VIA HAND DELIVERY**

*Advance Copy via Electronic Mail*

Ms. Rebecca Leavings, City Clerk  
City of Vestavia Hills  
1032 Montgomery Highway  
Vestavia Hills, AL 35216  
[rleavings@vhal.org](mailto:rleavings@vhal.org)

**Re: Request for Conditional Use Approval**  
**Vacant Lot at 3788 Crosshaven Drive, Vestavia Hills, AL 35223**

Dear Ms. Leavings:

On behalf of St. Stephen's Episcopal Church, I am pleased to submit the enclosed request for Conditional Use Approval for the installation of four (4) honeybee hives on a vacant lot located at 3788 Crosshaven Drive (the "Property") across the street from our main church building.

By way of background, the Property was formerly the home of a church member who also served as the church's sexton. After the owner's death, the church purchased the Property in 2015 and removed the house and all structures. Since that time St. Stephen's has been exploring ways to improve the stewardship of church grounds as part of a broader initiative to deepen our understanding of the connections between our faith, environmental sustainability, and food justice. Out of that initiative and with the help of several church members who are also experienced beekeepers, the church vestry recently approved the installation of bee hives on the Property. We are therefore requesting a Conditional Use Approval from the City to install the hives later this year.

We understand that because beekeeping is not specifically referenced anywhere in the City's Zoning Ordinance, a Conditional Use Approval is first required before the church can move forward with its plans. Enclosed with the application is a site plan that shows the proposed location of four honeybee hives which are to be surrounded by a 6 foot high fence. As depicted on the site plan, the hives will be located at the back of the Property near a creek that adjoins the western Property boundary ensuring that a convenient source of water is available to the bees at all times. The hives will also be registered with the Alabama Department of Agriculture and will be maintained in compliance with Alabama Code §§ 2-14-1 through 2-14-15 (2019). All honey generated from the hives will be utilized by the church or donated.

We respectfully submit that the modest plans for the installation of bee hives at the Property meet all of the following criteria for the issuance of a Conditional Use Approval as set forth in Section 13.3.4 of the City's Zoning Ordinance:

1. The honeybees will be purchased from a reliable Alabama supplier of domestic honeybees. Domestic honeybees are typically bred for desirable traits such as gentleness, honey production, reduced swarming, and pollination attributes. In addition, the nearest living spaces to the proposed location of the hives is Columbia Cottage which is at over 200 feet away. The hives will also be enclosed within a 6 foot high fence. According to the Jefferson County Beekeepers Association, a fence is not required for safety. However, a 6-foot high fence is considered by some be "best practice." Under these conditions, the proposed use is not detrimental to the health, safety or general welfare of the surrounding area.
2. Honeybees are beneficial to humans and to Alabama insofar as they provide ecological services in the form of fruit and vegetable pollination and provide honey, beeswax, and other useful products. Cross pollination helps at least 30 percent of the world's crops and 90 percent of wild plants thrive. Thus, the proposed use is a desirable use that will contribute to the general wellbeing of the area.
3. Honeybees are a critical part of the local environment such that the proposed use is consistent with the Comprehensive Plan's objectives to "promote responsible land use that is sensitive to the environment and the aesthetics of the community" and to "preserve creeks, open spaces, and other attributes of the 'natural' environment."
4. The Property is surrounded on three sides by properties owned by the church and on the west side by the creek and a vacant lot. Thus, the request will not adversely effect adjacent properties.
5. For the above-reasons, the proposed use is compatible with existing or allowable uses of adjacent properties.
6. No additional public facilities are required to serve the requested use.
7. As stated above, the hives will be properly registered with the Alabama Department of Agriculture and will be maintained by one or more church members who have prior beekeeping experience. Thus, our request demonstrates adequate provision for maintenance and use of the proposed hives.
8. The proposed use will have no adverse effects to the natural environment. Instead, the installation of the hives will increase the number of pollinators to the neighboring flora.
9. The proposed use will have no impact on traffic.
10. The proposed use otherwise complies with all other applicable regulations and conditions of the Zoning Ordinance.

For these reasons, we respectfully submit that the proposed Conditional Use be allowed. We will of course have church representatives in attendance at the Zoning Commission and

Council meetings to discuss our request in more detail. If you have any questions regarding the application in the meantime, do not hesitate to contact Chris Williams at 205-907-4139.

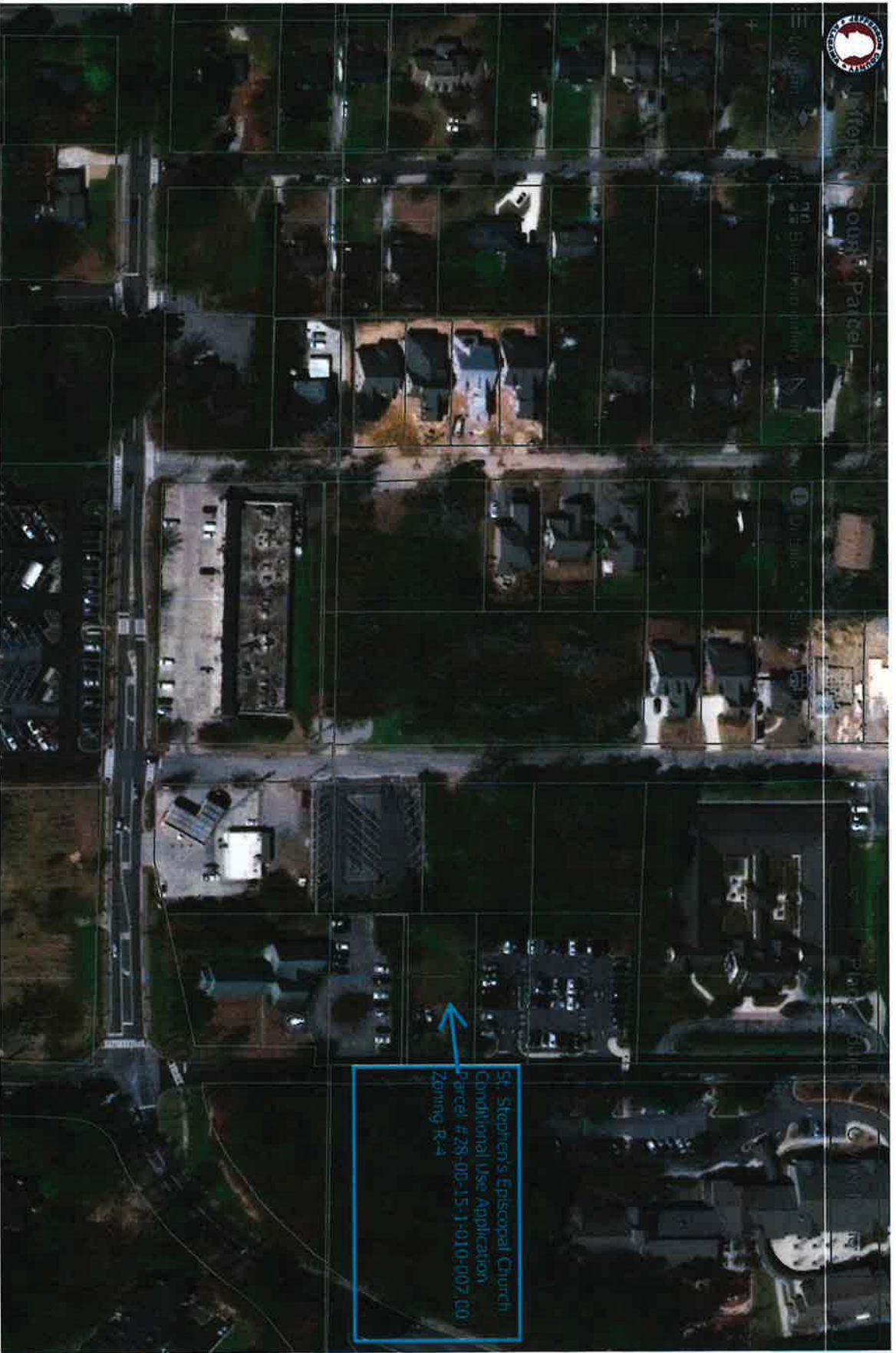
Very truly yours,



Rev. John Burruss  
Rector

Enclosures

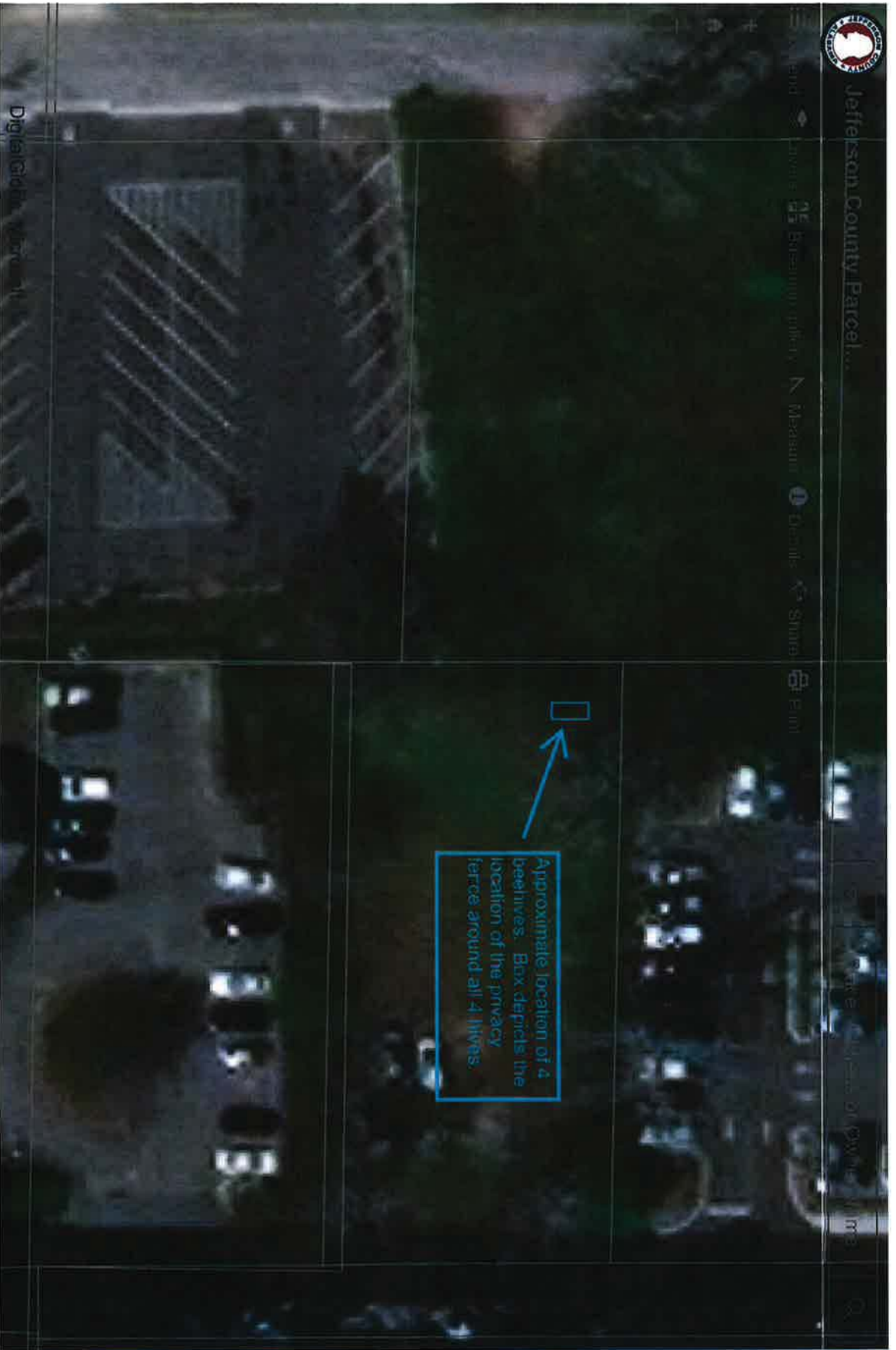
**P0319-07//2800151010007.000**  
**3788 Crosshaven Drive**  
Cond. Use for 4 beehives  
St. Stephen's Episcopal Church



St. Stephen's Episcopal Church  
Conditional Use Application  
Site Vicinity Map

P0319-07//2800151010007.000  
3788 Crosshaven Drive  
Cond. Use for 4 beehives  
St. Stephen's Episcopal Church



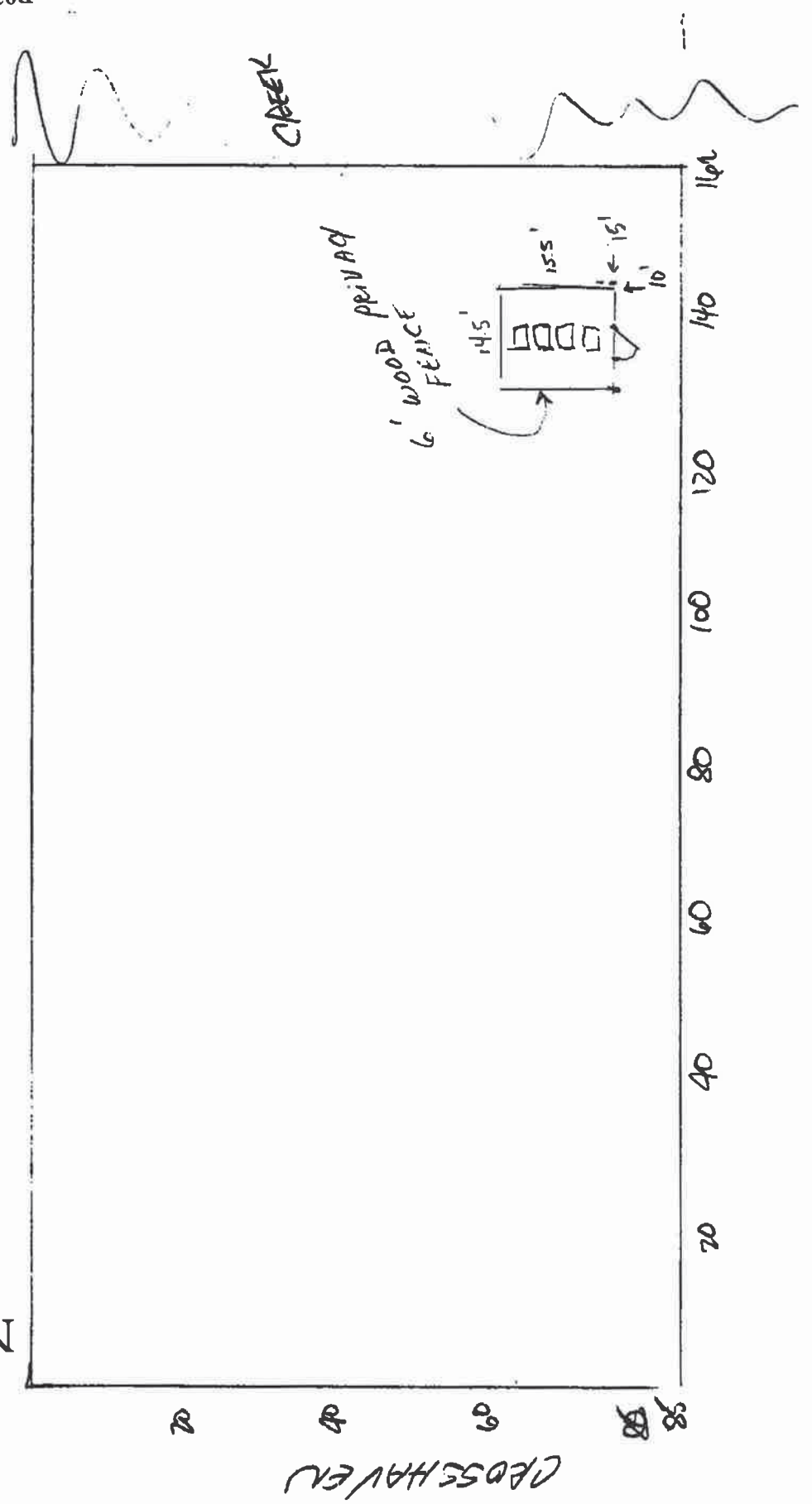


St. Stephen's Episcopal Church  
Conditional Use Application  
Site Plan

P0319-07//2800151010007.000  
3788 Crosshaven Drive  
Cond. Use for 4 beehives  
St. Stephen's Episcopal Church

P0319-07//2800151010007.000  
3788 Crosshaven Drive  
St. Stephen's Episcopal Church  
Cond. Use for 4 beehives

St. Stephen's Episcopal Church  
Conditional Use Application  
Site Sketch





**Zoning**

|            |                    |
|------------|--------------------|
| PARCELID   | 2800151010007000   |
| DISTRICT   | 020                |
| ESN_NUM    | 62                 |
| PROPADD    | 3788 CROSSHAVEN DR |
| 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



### 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       |

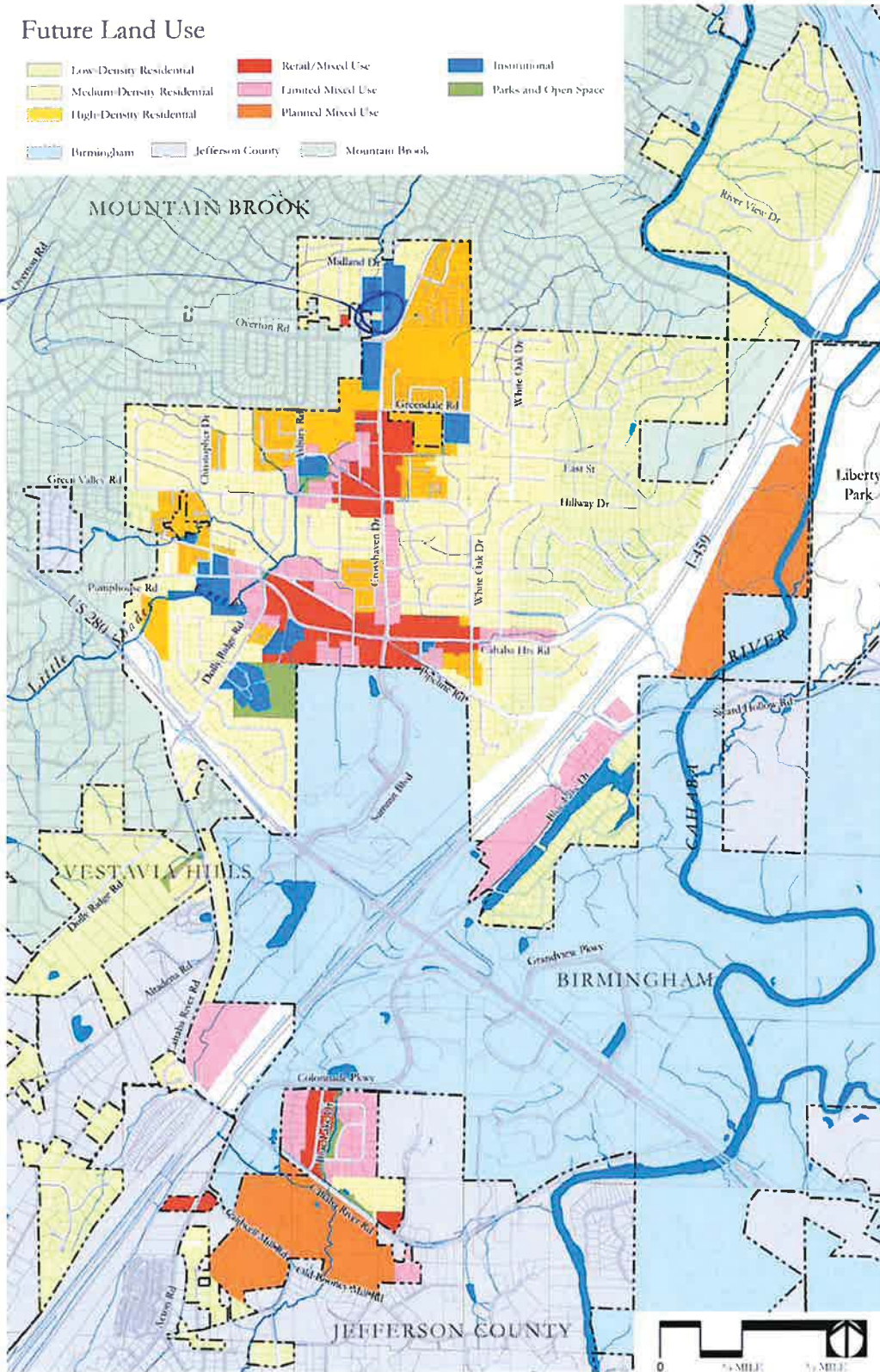


Figure 4: Future Land Use Map

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

Date: MARCH 14, 2019

- **CASE:** P-0319-08 & P-0319-09
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-4 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3784 Poe Drive and 3785 Glass Drive
- **APPLICANT/OWNER:** Poe Drive: Jonathan Culver.  
Glass Drive: Tucker & Company LLC.
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3784 Poe Drive and 3785 Glass Drive from R-4 to R-9. The applicants would like to build 2 new single family homes, one on each property. The applicants are seeking R-9 zoning because the Jefferson County Environmental Services Department requires the sewer lateral to be on the lot that it's servicing. The setbacks for both homes would be 25' in the front, 20' in the rear and 5' on the sides. A letter from Jefferson County Environmental Services and proposed covenants are attached.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The 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:** 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:

Jonathan B. Colver

ADDRESS:

3784 Poe Drive, Vestavia, AL 35223

MAILING ADDRESS (if different from above)

3782 Poe Drive, Vestavia, AL 35223

PHONE NUMBER:

Home

205-447-3839

Office

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

Chris Tucker, Charles Kessler or Jason Kessler



**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: R-3 VNR-4

To: R-9

For the intended purpose of: Building one single family home at 3784 Poe Drive & one single family home at 3785 Glass Drive  
(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 BK 3 Glass' 3rd Add to New Mottle

Property size: 60 feet X 145 feet. Acres: 0.2 acres

**V. INFORMATION ATTACHED:**

Attached Checklist complete with all required information.

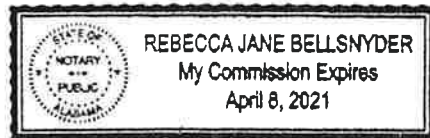
Application fees submitted.

**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.

X [Signature] X 2/16/19 W.C. T...  
Owner Signature/Date Representing Agent (if any)/date

Given under my hand and seal  
this 6th day of February, 2019.

Rebecca Jane Bellsnyder  
Notary Public  
My commission expires 8th  
day of APRIL, 2021.



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

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

NAME: Tucker and Company, LLC

ADDRESS: 3785 Glass Drive, Vestavia, AL 35223

MAILING ADDRESS (if different from above)

507 Yorkshire Drive, Homewood, AL 35209

PHONE NUMBER: Home 205-422-1614 Office \_\_\_\_\_

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

Charles or Jason Kessler



**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: ~~R-3~~ VHR-4

To: R-9

For the intended purpose of: Building one single family home at 3785 Glass Drive & one single family home at 3784 Poe Drive  
(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 29 Blk 3 Glass 3rd Add to New Merkle

Property size: 60 feet X 145 feet. Acres: 0.2 acres

**V. INFORMATION ATTACHED:**

Attached Checklist complete with all required information.

Application fees submitted.

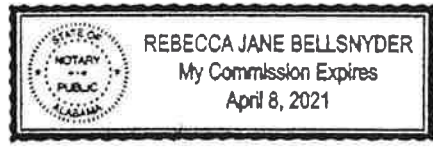
**VI.** I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

W.C. Tucker 01/06/19  
Owner Signature/Date

Fa Tucker and Company, LLC  
Given under my hand and seal (member)  
this 6th day of February, 2019.

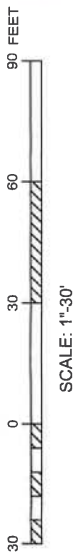
ja  
Representing Agent (if any)/date

Rebecca Jane Bellsnyder  
Notary Public  
My commission expires APRIL  
day of 8, 2021.

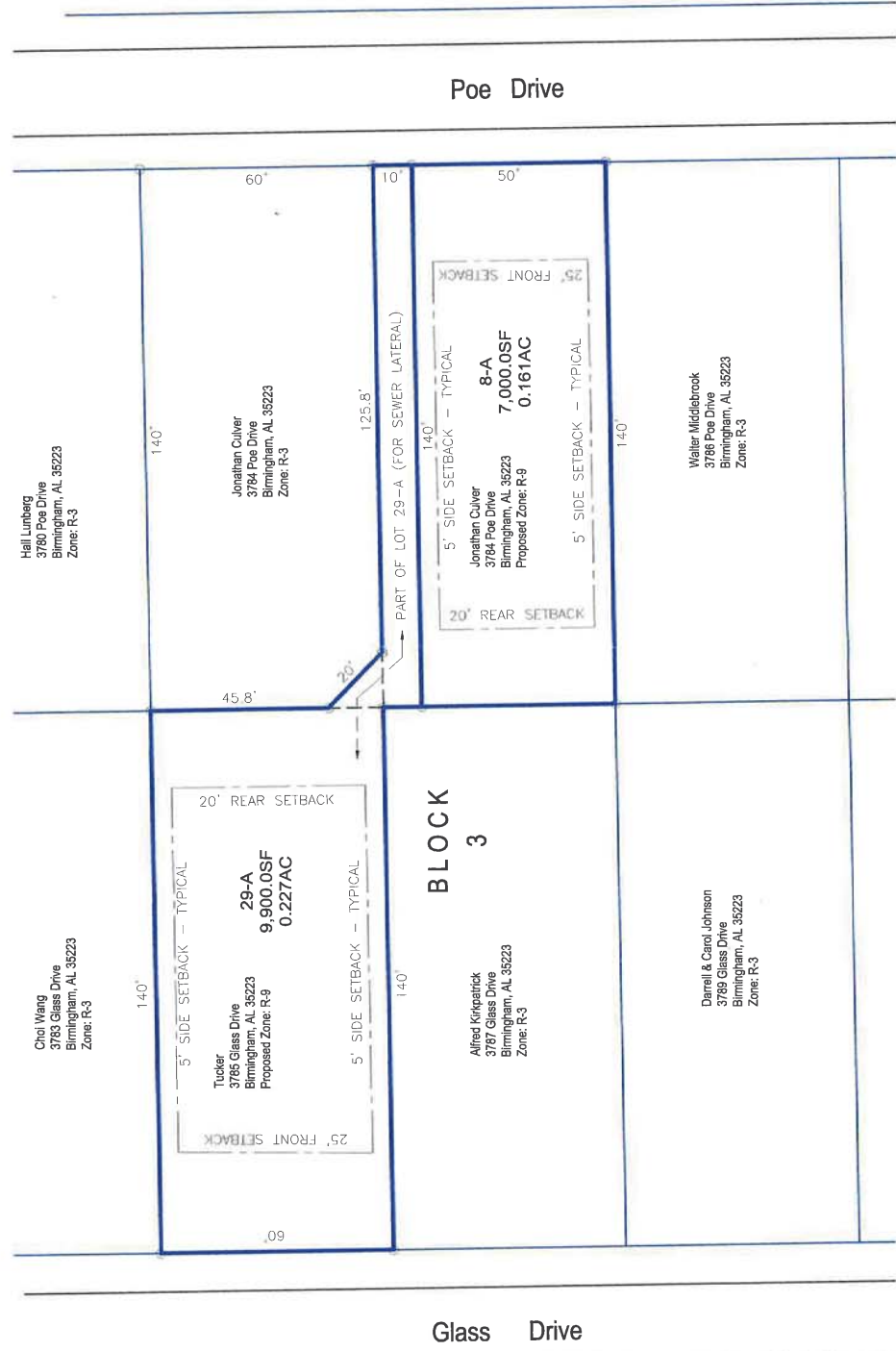




Know what's below.  
Call before you dig.



KADCO HOMES



**Tucker, OWNER**  
3785 Glass Drive  
CURRENT USE: R-3  
PROPOSED ZONING: R-9  
LEGAL DESC: LOT 29, BLK 3, (MB 29, PG 35)  
PROPOSED USE: 1 SINGLE FAMILY RESIDENCE

**Culver, OWNER**  
3784 Poe Drive  
CURRENT USE: R-3  
PROPOSED ZONING: R-9  
LEGAL DESC: LOT 8, BLK 3, (MB 29, PG 35)  
PROPOSED USE: 1 SINGLE FAMILY RESIDENCE

**HagerCo-LLC**  
keithhager@icloud.com  
Keith L. Hager, PE  
1201 Graylynn Drive  
Birmingham, AL 35216  
Direct: 205.229.1738

**PROPOSED SETBACKS:**  
FRONT: 25'-0"  
REAR: 20'-0"  
SIDE: 5'-0"

# JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS - PRESIDENT  
LASHUNDA SCALES  
SHELIA TYSON  
STEVE AMMONS  
T. JOE KNIGHT

**TONY PETELOS**  
CHIEF EXECUTIVE OFFICER

ENVIRONMENTAL SERVICES DEPARTMENT  
Suite A300  
716 Richard Arrington, Jr. Blvd. N  
Birmingham, Alabama 35203  
Telephone (205) 325-5496  
FAX (205) 325-5981

*February 20, 2019*

*Conrad Garrison  
Planning and Zoning  
City of Vestavia  
1032 Montgomery Highway  
Vestavia, Alabama 35216*

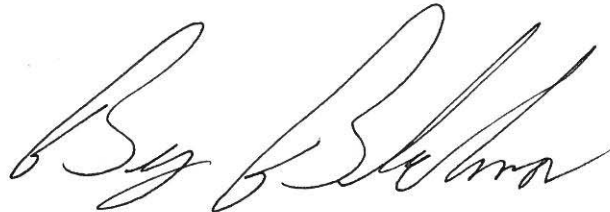
*Reference: Sewer lateral for 3785 Glass Drive, Birmingham*

*Mr. Garrison,*

*This letter is to inform you that Jefferson County Specifications does not allow for the use of a sanitary sewer easement in lieu of real property when constructing a "new" sewer service lateral. Current conditions dictate that sewer service for 3785 Glass Drive can be obtained by one of two options. (1) Add a 10 foot wide property flag to 3785 Glass Drive extending said property to Poe Drive right-of-way or (2) Extend the Jefferson County sewer main located in Poe Drive to an existing property corner of 3785 Glass Drive.*

*If you have any further questions or need additional clarification regarding our specifications, please feel free to contact me at 325-5801.*

*Sincerely,*



*Bryan K. Blackmon  
Acting Senior Engineering Inspector  
Field Supervisor*

*BKB/kdw*

**Upon recording return this instrument to:**

Overton Investments, LLC  
3505 River Bend Road  
Birmingham, Alabama 35216

**This instrument was prepared by:**

Michael M. Partain, Esq.  
Attorney at Law  
Michael M. Partain, LLC  
The Kress Building  
301 Nineteenth Street, Suite 501  
Birmingham, Alabama 35203

**DECLARATION OF COVENANTS  
FOR  
PRIVATE SANITARY SEWER PIPE LINE CORRIDOR**

**THIS DECLARATION**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by **Overton Investments, LLC**, an Alabama limited liability company, hereinafter referred to as the “Declarant”.

**WITNESSETH:**

**WHEREAS**, the Declarant is the owner of Lot 8-A and Lot 29-A, according to the Resurvey of Lot 8 and Lot 29 of \_\_\_\_\_, as recorded in Map Book \_\_\_\_, Page \_\_\_\_, in the Probate Office of Jefferson County, Alabama, said Lots being situated in the City of Vestavia Hills; and

**WHEREAS**, the Declarant has re-subdivided said Lot 8 and Lot 29 to reconfigure Lot 8 and Lot 29 so as to make Lot 29 a “flag lot” (designated as “Lot 29-A”) in order to accommodate the installation of a private sanitary sewer lateral pipeline to serve Lot 29-A that shall connect to the boundary of the public right-of-way for Poe Drive as depicted on the map attached hereto as **EXHIBIT A** and made a part hereof; and

**WHEREAS**, Lot 8 was reconfigured as “Lot 8-A” as shown on **EXHIBIT A**; and

**WHEREAS**, as a condition of the re-subdivision of Lot 8 and Lot 29, the Declarant agreed that the Lot 29-A Owners and their heirs, successors, and assigns shall have the perpetual and non-exclusive right to install, operate, maintain, and replace a sanitary sewer lateral pipe line to serve Lot 29-A.

**NOW, THEREFORE**, the Declarant hereby declares that Lot 29-A and Lot 8-A shall be held, sold, and conveyed subject to the following terms and conditions, which shall attach to and run with the land as to the Lots, and shall inure to the benefit of and be binding on all parties having any right, title, or interest in any of the Lots and their respective heirs, successors, and assigns.

**ARTICLE I**

**DEFINITIONS**

**1.1 Declarant.** The term “Declarant” shall mean and refer to Overton Investments, LLC, an Alabama limited liability company, its successors and assigns.

**1.2 Owner or Owners.** The term “Owner” or “Owners” shall mean and refer to the record owner, whether one or more persons or entities (including the Declarant), its heirs, successors, and assigns, of a

fee simple title to any of the Lots, but excluding those parties having such interest merely as security for the payment of an obligation.

**1.3 Lot or Lots.** The term “Lot” or “Lots” shall mean and refer to the real property more particularly described on **EXHIBIT B** attached hereto and made a part hereof.

**1.4 Pipe Line.** The term “Pipe Line” shall mean and refer to the private sanitary sewer lateral pipe line to be installed, operated, maintained, and replaced on the Pipe Line Corridor.

**1.5 Pipe Line Corridor.** The term “Pipe Line Corridor” shall mean and refer to the ten (10) feet wide strip of land along the Northern boundary of Lot 8-A as depicted on **EXHIBIT A**.

## ARTICLE II

### PERMITTED USES AND RESTRICTIONS

**2.1 Use of the Pipe Line Corridor.** The Declarant hereby covenants and agrees that the Lot 29-A Owners shall have the perpetual and non-exclusive right to use the Pipe Line Corridor for the installation, operation, maintenance, and replacement of the Pipe Line to serve Lot 29-A, including the right of access thereto. The right to use the Pipe Line Corridor shall run with the land for the benefit of the Lot 29-A Owners and the heirs, successors, and assigns of such Owners. As a condition of this use, the Pipe Line shall be installed, operated, maintained, and replaced to serve Lot 29-A exclusively and shall not be utilized in any way to serve any other Lot or other real property.

**2.2 Improvements on the Pipe Line Corridor.** The Declarants hereby covenants and agrees that the Pipe Line Corridor is restricted for the use set forth in Section 2.1 and that no above-ground improvements of any nature shall be constructed on the Pipe Line Corridor by the Lot 29-A Owners for any purpose whatsoever. The Declarant hereby covenants and agrees that the Lot 8-A Owners shall have the right to install fencing and landscaping improvements on the Pipe Line Corridor subject to the conditions and restrictions set forth in this Article II. No masonry walls of any kind may be installed on the Pipe Line Corridor. The Declarant hereby covenants and agrees that any and all fencing and landscaping improvements that may be installed on the Pipe Line Corridor by the Lot 8-A Owners shall not cause any damage to the Pipe Line nor unreasonably interfere with the installation, operation, maintenance, and replacement of the Pipe Line.

## ARTICLE III

### OBLIGATIONS

**4.1 Installation and Maintenance of Pipe Line.** The Declarant shall, at its expense, install the Pipe Line underground within the Pipe Line Corridor at a depth to be determined by the Declarant’s engineers. Thereafter, the Lot 29-A Owners shall be solely responsible for the cost of maintaining and replacing the Pipe Line, except in the case of any damages to the Pipe Line caused by the negligence or willful acts of the Lot 8-A Owners.

**4.2 Damages Caused by Lot 29-A Owners.** The Lot 29-A Owners shall be liable for any damages to any property or bodily injury, including death, suffered or incurred by the Lot 8-A Owners as a result of the use of the Pipe Line Corridor by the Lot 29-A Owners and its agents and contractors, including the cost of reasonable attorney fees and other legal expenses incurred by the Lot 8-A Owners.



**4.3 Damages Caused by Lot 8-A Owners.** The Lot 8-A Owners shall be liable for any damages to any property or bodily injury, including death, suffered or incurred by the Lot 29-A Owners as a result of the Lot 8-A Owners' use of the Pipe Line Corridor by the Lot 8-A Owners and its agents and contractors, including the cost of reasonable attorney fees and other legal expenses incurred by the Lot 29-A Owners.

**4.4 Maintenance Requirements.** The Pipe Line and the Pipe Line Corridor shall be maintained in compliance with all applicable laws and regulations. The Lot 29-A Owners shall promptly restore the surface of the Pipe Line Corridor in good, neat, and orderly condition at their expense after the completion of any maintenance or replacement of the Pipe Line.

**4.5 Notice to Lot 8-A Owners.** The Lot 29-A Owners shall give written notice to the Lot 8-A Owners at least 48 hours prior to performing any routine maintenance or replacement of the Pipe Line. However, in the event of an emergency concerning the Pipe Line the Lot 29-A Owners shall make a reasonable attempt to notify the Lot 8-A Owners prior to conducting any activities on the Pipe Line Corridor.

**4.6 Subordination of the Lien of Mortgagees.** The sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish any judgment lien recorded in connection with the enforcement of the obligations set forth in this Article prior to such sale or transfer.

## ARTICLE IV

### GENERAL

**5.1 Grantee's Acceptance.** The grantee of any Lot subject to the coverage of this Declaration, by acceptance of the deed or other instrument conveying an interest in or title to, or the execution of a contract for the purchase thereof, whether from the Declarant or subsequent Owners of such Lot, shall accept such deed or other contract upon and subject to each and all of the provisions of this Declaration herein contained.

**5.2 Severability.** Every one of the provisions and restrictions contained in this Declaration is hereby declared to be independent of, and severable from, the rest of the provisions and restrictions and of and from every combination of the provisions and restrictions in this Declaration. Invalidation by any court of any provision or restriction in this Declaration shall in no way affect any of the other provisions or restrictions, which shall remain in full force and effect.

**5.3 No Waiver.** The failure of any party entitled to enforce any provision of this Declaration shall in no event be considered a waiver of the right to do so thereafter, as to the same violation or breach or as to such a violation or breach occurring prior or subsequent thereto.

**5.4 Governing Law.** This Declaration shall be governed by the laws of the State of Alabama.

**5.5 Waiver of Right to Trial by Jury.** The Declarant and the Owners hereby waives the right to a trial by jury in the event that any litigation of any claims arising out of this Declaration.

**5.6 Successors and Assigns.** This Declaration shall inure to the benefit of respective heirs, successors, and assigns of the Declarant and the Owners.

(Remainder of page intentionally left blank. See following page for signatures.)

**IN WITNESS WHEREOF**, the Declarant has caused this Declaration to be executed by its duly authorized officer or representative on this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

DECLARANT:

**Overton Investments, LLC**

By: \_\_\_\_\_

Name: Charles G. Kessler, Jr.

Its: Manager

**STATE OF ALABAMA     )**  
**COUNTY OF JEFFERSON )**

I, the undersigned, a Notary public in and for said County, in said State, hereby certify that Charles G. Kessler, Jr., whose name as Manager of Overton Investment, LLC, an Alabama limited liability company, acknowledged before me on this day that being informed of the contents of the said instrument, he executed the same voluntarily for and as the act of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, 2019.

[NOTARY SEAL]

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

**EXHIBIT A**

**EXHIBIT B**



**Zoning**

|            |                  |
|------------|------------------|
| PARCELID   | 2800151012007002 |
| DISTRICT   | 020              |
| ESN_NUM    | 62               |
| PROPADD    | 3784 POE DR      |
| 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    |                  |



### Future Land Use

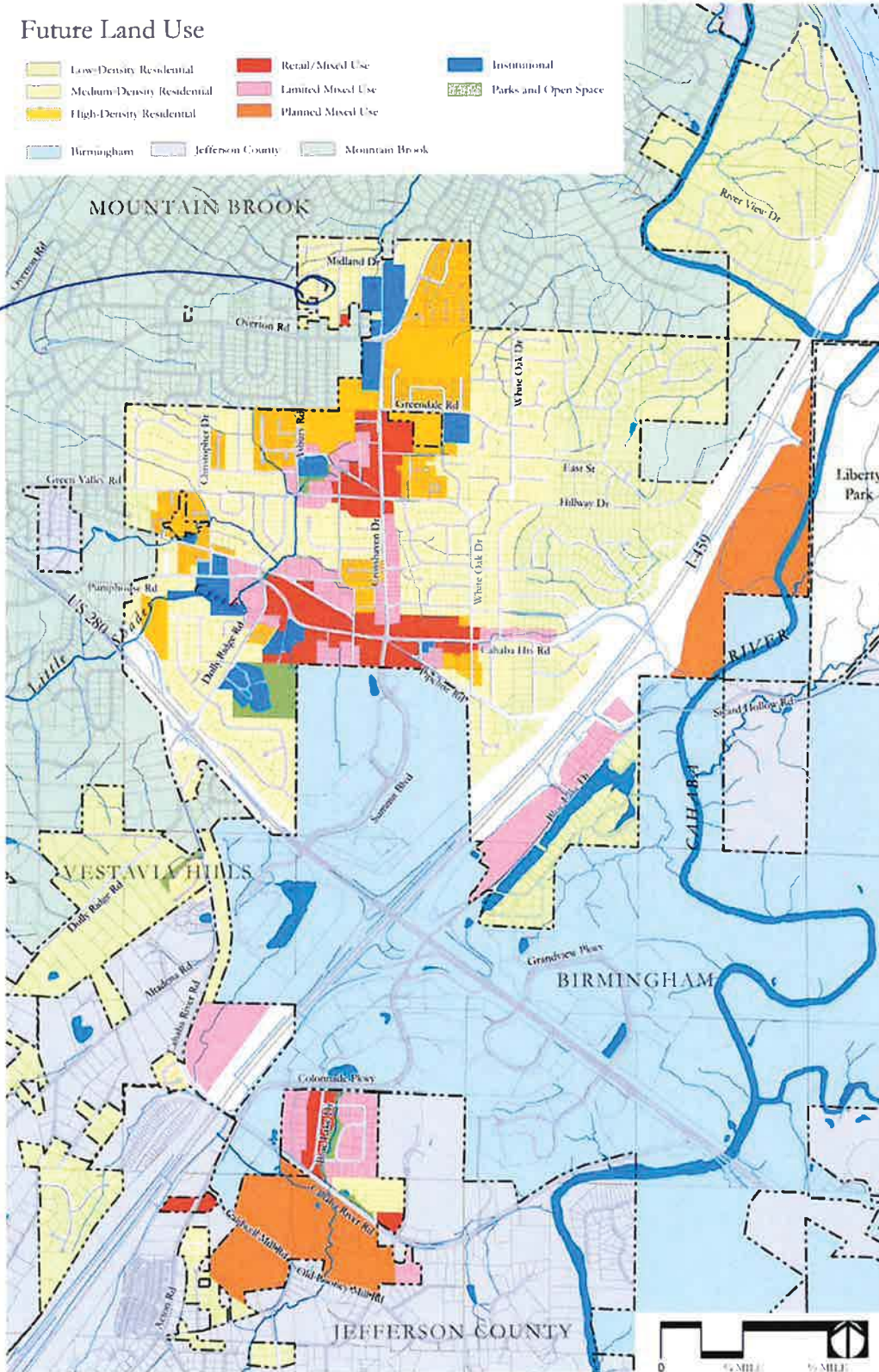


Figure 4: Future Land Use Map

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

Date: MARCH 14, 2019

- **CASE: P-0319-10**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-4 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3984 & 3988 Natchez Drive
- **APPLICANT/OWNER:** Arthur Powell
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3984 & 3988 Natchez Drive from R-4 to R-9. The applicant would like to build 5 new single family homes. Currently two duplexes exists on the lots. Proposed rezoning would add one additional unit. The setbacks for all 5 homes would be 35' in the front, 20' in the rear and 5' on the sides. All current easements will remain.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The 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:** 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:

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

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

NAME: Arthur Powell

ADDRESS: 3984 + 3988 Natchez Drive

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

3341 Dell Rd B'ham 35223

PHONE NUMBER: Home \_\_\_\_\_ Office 205-531-2367

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

Jason Kessler

**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: R-4

To: R-9

For the intended purpose of: Building 5 single family homes

(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.)**

Lots 243 Blk 1 Hermitage Forest 1st Sector

Property size: 235 feet X 150 feet. Acres: 0.81

**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] 2-6-19  
Owner Signature/Date

[Signature] 2/6/19  
Representing Agent (if any)/date

Given under my hand and seal  
this 6th day of February, 2019.

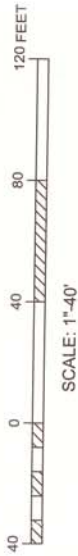
[Signature]  
Notary Public

My commission expires 13th  
day of March, 2020.



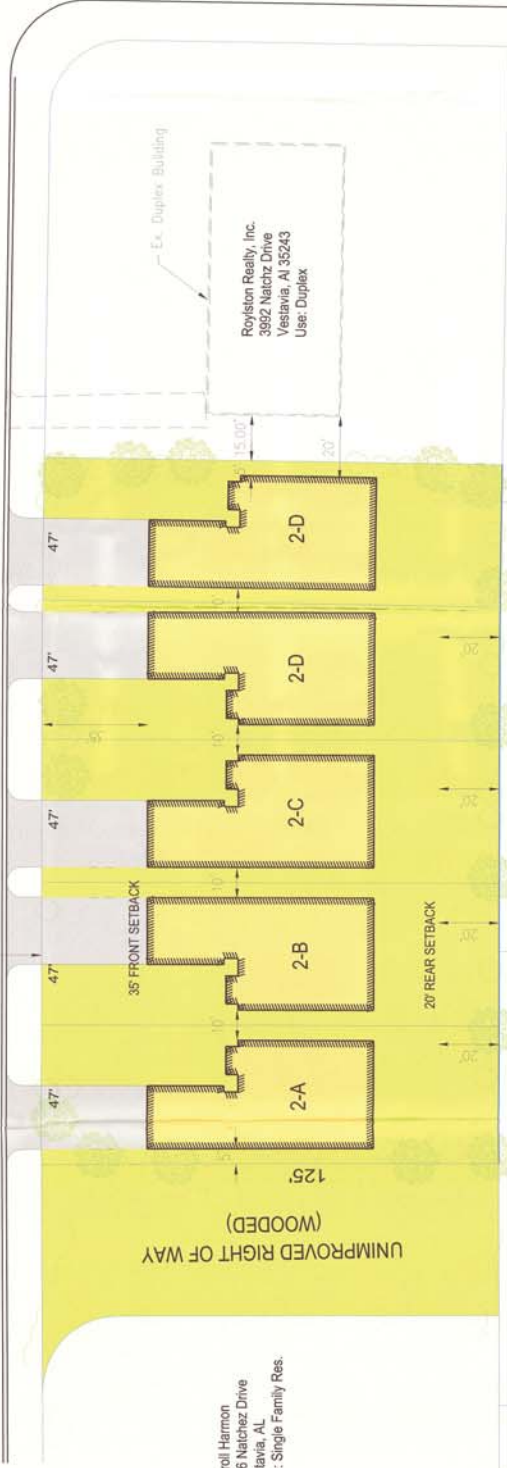


Know what's below.  
Call before you dig.



KADCO HOMES

NATCHEZ DRIVE



Carroll Harmon  
3976 Natchez Drive  
Vestavia, AL  
Use: Single Family Res.

Jeffery Mauro  
3919 Seven Bark Circle  
Mountain Brook, AL  
Use: Single Family Res.

George Peznick Jr.  
3923 Seven Bark Circle  
Mountain Brook, AL 35243  
Use: Single Family Res.

Ralph Westfall  
3927 Seven Bark Circle  
Mountain Brook, AL  
Use: Single Family Res.

Royston Realty, Inc.  
3992 Natchz Drive  
Vestavia, AL 35243  
Use: Duplex

UNIMPROVED RIGHT OF WAY  
(WOODED)

GREEN VALLEY ROAD

Author Powell, OWNER  
3984 & 3988 Natchez Drive  
CURRENT USE: Duplex  
PROPOSED ZONING: R-9

LEGAL DESC: LOT 2 & 3, BLK 1, (MB) I, PG 6)  
PROPOSED USE: 5 SINGLE FAMILY RESIDENCE

PROPOSED SETBACKS:  
FRONT: 35'-0"  
REAR: 20'-0"  
SIDE: 5'-0"

HagerCo-LLC

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

PLAN: 14-000001-0000-03  
3984 & 3988 Natchez Drive  
Revised by R-9  
Author Powell

V11 04



**Zoning**

|            |                  |
|------------|------------------|
| PARCELID   | 2800153013003000 |
| DISTRICT   | 020              |
| ESN_NUM    | 62               |
| PROPADD    | 3984 NATCHEZ DR  |
| 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



### 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

*Subject Parcel*

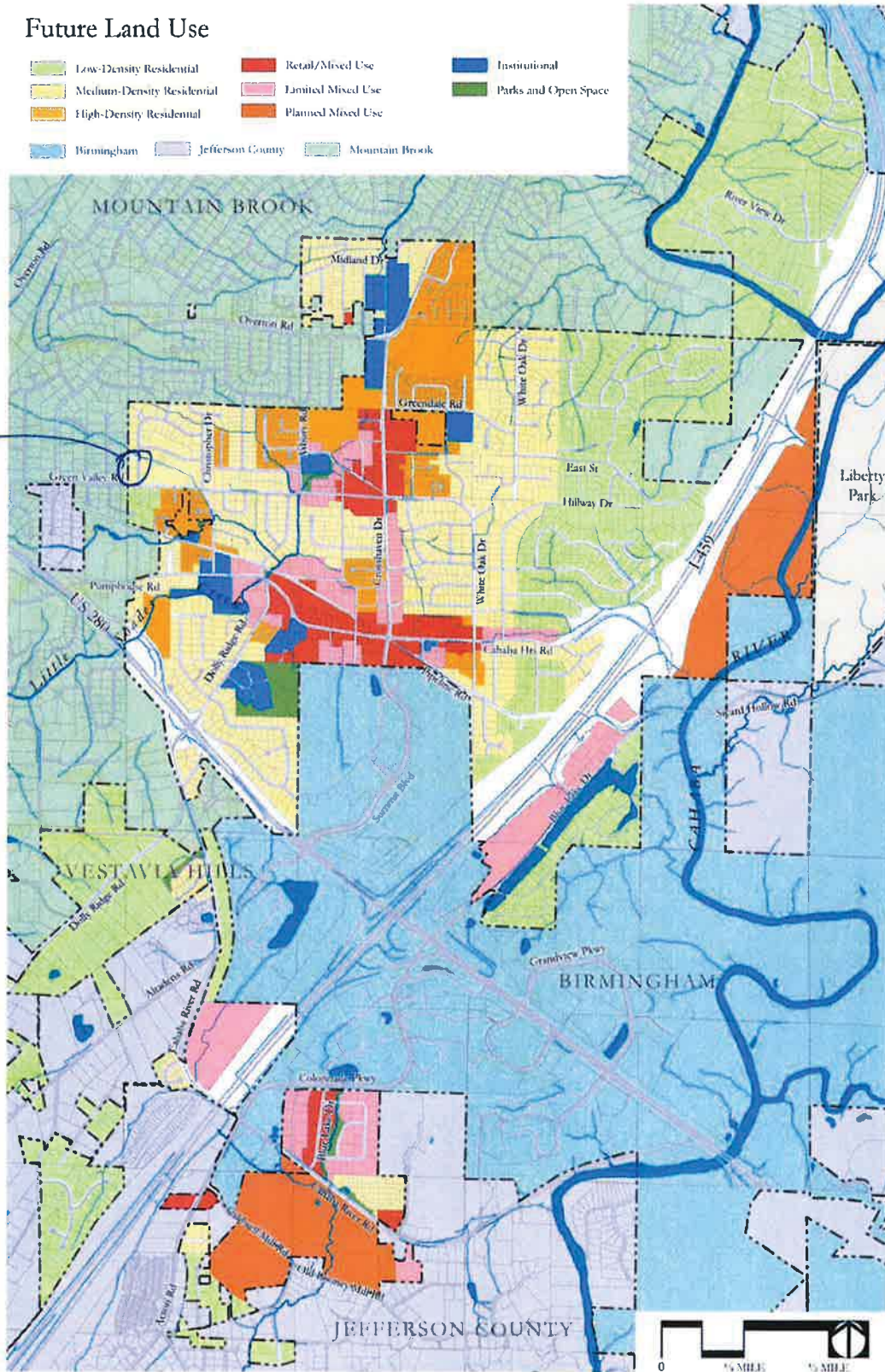


Figure 4: Future Land Use Map

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

Date: MARCH 14, 2019

- **CASE: P-0319-11**
- **REQUESTED ACTION:** Conditional Use Approval For The Purpose Of Dismantling 6 Billboard Structures & Install One Digital Structure.
- **ADDRESS/LOCATION:** 1506 Montgomery Highway
- **APPLICANT/OWNER:** Lamar Advertising
- **GENERAL DISCUSSION:** The applicant seeks to dismantle six billboard structures throughout the city. There are two that will be reduced on Morgan Road by Andy's and another by Clothes Horse. The other four will be in the Cahaba Heights community. Two around the Cahaba Heights Road and Dolly Ridge Road intersection, and two more on Cahaba Heights Road by Doodles and Ms. Myra's. There will then be a digital billboard structure installed at Interstate-65 and Highway 31. The property is currently zoned B-3.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent for commercial core/Village Center.
- **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.

## CITY OF VESTAVIA HILLS

### APPLICATION

2019 FEB -7 P 4: 02

## PLANNING AND ZONING COMMISSION

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### 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 it 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.**

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

NAME: Lamar Advertising

ADDRESS: 920 6th Street South, Birmingham, Al. 35205

MAILING ADDRESS (if different from above) same

PHONE NUMBER: Home 2053687472 Office 2055992700

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Tom Traylor

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**III. ACTION REQUESTED**

Request that the above described property be approved conditional use approval pursuant to Section 11.4.1-4 of the Vestavia Hills Zoning Code.

Current Zoning of Property: Commercial

Requested Conditional use For the intended purpose of: dismantle 6 billboard structures and install one digital structure at I-65 and Hwy. 31 (both attached)

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

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

(Attached) Quid

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

1506 Montgomery Hwy. (1514) changed in year 2012

Vestavia Hills, Al. 35216

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.

B E Kanson  
Owner Signature/Date

[Signature]  
Representing Agent (if any)/date

Given under my hand and seal  
this 7 day of Feb., 2019.

Christie J. Wood  
Notary Public

My commission expires July 7, 2021  
day of \_\_\_\_\_, 2021.



Lamar Co #138

This Instrument Prepared by:  
James R. McIlwain  
5321 Corporate Boulevard  
Baton Rouge, Louisiana 70808



James R. McIlwain

New

Lease #

**P0319-11//3900012000026.001**  
**1506 (aka 1514) Montgomery Hwy.**  
Cond. Use for digital sign  
Lamar Advertising

### SIGN LOCATION LEASE

THIS LEASE AGREEMENT, made this 3rd day of August, 2018, by and between: ROYAL AUTOMOTIVE, INC. (hereinafter referred to as "Lessor") and THE LAMAR COMPANIES (hereinafter referred to as "Lessee"), provides

### WITNESSETH

"LESSOR hereby leases to LESSEE, its successors or assigns, as much of the hereinafter described lease premises as may be necessary for the construction, repair and relocation of an outdoor advertising structure ("sign"), including necessary structures, advertising devices, utility service, power poles, communications devices and connections, with the right of access to and egress from the sign by LESSEE'S employees, contractors, agents and vehicles and the right to survey, post, illuminate and maintain advertisements on the sign, and to modify the sign to have as many advertising faces, including changeable copy faces or electronic faces, as are allowed by local and state law, and to maintain telecommunications devices or other activities necessary or useful in LESSEE'S use of the sign. Any discrepancies or errors in the location and orientation of the sign are deemed waived by LESSOR upon LESSOR'S acceptance of the first rental payment due after the construction of the sign.

The premises are identified in Rider #C and are a designated portion of the property located in the County of Jefferson, State of Alabama, more particularly described as:

1506 Montgomery Highway, Vestavia, AL  
Parcel ID#39-00-01-2-000-026.001

1. This Lease shall be for a term of ten (10) years commencing on the first day of the calendar month following the date of completion of construction of the sign, except that LESSOR shall have the option to terminate this lease if construction of the sign is not completed by March 1, 2020.

LESSEE may renew this Lease, for an additional term, of equal length, on the same terms and conditions, except that the annual rent shall be increased from [REDACTED] to [REDACTED]. The prepayment of [REDACTED] in Rider A shall remain the same. Said renewal term shall automatically go into effect unless LESSEE shall give to LESSOR written notice of non-renewal at least sixty (60) days prior to the expiration of the original term.

The premises which are the subject of this Sign Location Lease are owned by the Estate of David R. Belcher (the "Estate") and leased by the Estate to Lessor, which is subleasing the subject premises to Lessee pursuant to the terms of this Sign Location Lease. Attached hereto as Rider D as an addendum, signed by the authorized representative of the Estate.

2. LESSEE shall pay to LESSOR an annual rental of ([REDACTED] Dollars, payable quarterly in advance in equal installments of [REDACTED] each, (SEE ALSO PERCENTAGE RIDER A, PROHIBITIVE ADVERTISING RIDER B, AND RIDER C ATTACHED), with the first installment due on the first day of the month following commencement. Percentage calculations shall be computed at the end of each quarter and provided by LESSEE to LESSOR. Any additional amount due will be paid within 30 days of the end of each quarter. Rent shall be considered tendered upon due mailing or attempted hand delivery during reasonable business hours at the address designated by LESSOR, whether or not actually received by LESSOR. Should LESSEE fail to pay rent or perform any other obligation under this lease within thirty (30) days after such performance is due, LESSEE will be in default under the lease. In the event of such default, LESSOR must give LESSEE written notice by certified mail and allow LESSEE thirty (30) days thereafter to cure any default. Upon LESSEE's default and failure to timely cure such default, LESSOR may terminate this lease and all remaining rental payments under the lease through the remainder of the lease's term shall be accelerated and immediately due and payable to LESSOR. Additionally, LESSEE shall pay all of LESSOR's costs and attorney's fees incurred by LESSOR in the collection of amounts owed by LESSEE following any termination.

3. LESSOR agrees not to erect or allow any other off-premise advertising structure(s), other than LESSEE'S, on property owned or controlled by LESSOR within two thousand (2000) feet of LESSEE'S sign. LESSOR further agrees not to erect or allow the erection of any other obstruction that may obstruct the highway view of LESSEE'S sign. Upon written approval of LESSOR, which approval shall not be unreasonably withheld, LESSEE is hereby authorized to trim or remove any such other advertising structure, obstruction or vegetation at LESSEE'S option which obstructs the highway view of LESSEE'S sign. LESSEE shall give LESSOR fourteen (14) days written notice of any such proposed trimming or removal of such advertising structure, obstruction or vegetation.

4. LESSEE may terminate this lease upon giving thirty (30) days written notice in the event that the highway view of the sign becomes entirely or partially obstructed in any way such that the location becomes economically or otherwise undesirable. If LESSEE is prevented from constructing or maintaining a sign at the premises by reason of any final governmental law, regulation,



subdivision or building restriction, order or other action, **LESSEE** may elect to terminate this lease. In the event of termination of this Lease prior to expiration, **LESSOR** will return to **LESSEE** any unearned rentals on a pro rata basis.

5. All structures, equipment and materials placed upon the premises by the **LESSEE** or its predecessor shall remain the property of **LESSEE** and may be removed by **LESSEE** at any time prior to or within a reasonable time after expiration of the term hereof or any renewal. At the termination of this lease, **LESSEE** agrees to restore the surface of the premises to its original condition. The **LESSEE** shall have the right and obligation to make any necessary applications with, and obtain permits from, governmental bodies for the construction and maintenance of **LESSEE'S** sign. All such permits and any nonconforming rights pertaining to the premises shall be the property of **LESSEE**.

6. **LESSOR** represents that he is the owner or lessee under written lease of the premises and has the right to make this agreement and to grant **LESSEE** free access to the premises to perform all acts necessary to exercise its rights pursuant to this lease. **LESSOR** is not aware of any recorded or unrecorded rights, servitudes, easements, subdivisions or building restrictions, or agreements affecting the premises that prohibit the erection, posting, painting, illumination or maintenance of the sign. Notwithstanding, it is the obligation of **LESSEE** to determine whether any prohibitions exist, and **LESSOR** shall have no liability to **LESSEE** for any such prohibitions. **LESSOR** and **LESSEE** acknowledges that the terms and conditions of this agreement are confidential and proprietary and shall not be disclosed to any third-party without the written consent of the other party to this lease.

7. In the event of any change of ownership of the property herein leased, **LESSOR** agrees to notify **LESSEE** promptly of the name, address, and phone number of the new owner, and **LESSOR** further agrees to give the new owner formal written notice of the existence of this lease and to deliver a copy thereof to such new owner at or before closing. In the event that **LESSEE** assigns this lease, assignee will be fully obligated under this Lease and **LESSEE** will no longer be bound by the lease. Any such assignment by **LESSEE** must be approved in advance by **LESSOR** in writing, and such approval shall not be unreasonably withheld. **LESSOR** may assign this lease and shall notify **LESSEE** promptly following such assignment. This lease is binding upon the personal representatives, heirs, executors, successors, and assigns of both **LESSEE** and **LESSOR**.

8. In the event of condemnation of the subject premises or any part thereof by proper authorities, or relocation of the highway, which adversely affects the highway view of the sign, this lease may be terminated by **LESSOR**. Any condemnation award for **LESSEE'S** property shall accrue to **LESSEE** and any condemnation award for **LESSOR'S** property shall accrue to **LESSOR**.

9. **LESSEE** agrees to defend, indemnify and hold harmless **LESSOR** and its officers, employers, and agents from any and all claims, actions, liabilities, damages, fines, costs, and expenses, including attorney's fees, threatened or asserted by any person or entity arising out of or related to the installation, operation, maintenance, or dismantling of **LESSEE'S** sign during the term of this lease. **LESSEE** further agrees to repair any damage to the premises or property at the premises resulting from the installation, operation, maintenance, or dismantling of the sign, less ordinary wear and tear.

10. **LESSOR** agrees to indemnify **LESSEE** from any and all damages, liability, costs and expenses, including attorney's fees, resulting from any inaccuracy in or nonfulfillment of any representation, warranty or obligation of **LESSOR** herein. **LESSEE** at all times during construction of the sign and during the lease term shall, at its own expense, keep in full force and effect comprehensive general liability insurance with personal injury coverage, broad form property damage, contractual liability coverage, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract), with minimum limits of Three Million and no/100 Dollars (3,000,000.00). **LESSOR** and the Estate of David R. Belcher shall be named as additional insureds on such policy, and such policy shall provide that (i) such insurance shall be primary and shall not contribute with any insurance carried by **LESSOR** or the Estate of David R. Belcher and (ii) the insurance company issuing the same shall notify **LESSOR** thirty (30) days prior to the expiration date of the policy if the policy is not renewed prior to such date. All insurance policies or duly executed certificates for the same required to be carried by **LESSEE** under this lease shall be delivered to **LESSOR** before the date **LESSEE** first begins construction of the sign and upon renewals of such policies not less than fifteen (15) days prior to the expiration of the term of the same. All insurance required to be carried by **LESSEE** under this lease shall be in form and content, and written by insurers, reasonably acceptable to **LESSOR**.

11. Certain types of advertising described in Rider B shall be prohibited.

12. If required by **LESSEE**, **LESSOR** will execute and acknowledge a memorandum of lease suitable for recordation.

13. This Lease is **NOT BINDING UNTIL ACCEPTED** by the General Manager of a Lamar Advertising Company.

THE LAMAR COMPANIES, LESSEE:

BY: 

ITS: VICE PRESIDENT/GENERAL MGR

DATE: 9/19/18

LESSOR: ROYAL AUTOMOTIVE, INC.

BY: 

ITS: PRESIDENT

DATE: 9/18/18

205-823-3100  
LESSOR'S TELEPHONE NUMBER

63-0578682  
LESSOR'S SOCIAL SECURITY NUMBER /  
EMPLOYER IDENTIFICATION NUMBER

ROYAL AUTOMOTIVE, INC.

W-9 Name (as shown on your Income Tax Return)

39-00-01-2-000-026-001

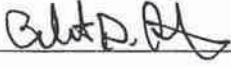
Tax ID Parcel # (for land on which sign is located)

**Address of LESSEE:**  
920 6<sup>th</sup> Street South  
Birmingham, AL 35205

**Address of LESSOR:**

3010 Columbiana Rd.  
Vestavia Hills, AL 35216

**Witnesses (LESSEE)**

  
\_\_\_\_\_  
\_\_\_\_\_

**Witnesses (LESSOR)**

  
  
\_\_\_\_\_

THE **LAMAR** COMPANIES

Lamar Co # 138

Rider # A to Lease dated the 3rd day of August, 2018, by and between Royal Automotive, as Lessor and The Lamar Companies, as Lessee.

At the commencement of its obligation to pay rental under this lease, Lessee shall pay to Lessor the sum of [REDACTED] ( [REDACTED] ) DOLLARS, which payment shall be prepaid rental for 10 years. If, for any reason except for breach of this lease by Lessee, this lease should be terminated or Lessee is prohibited from using the premises for advertising purposes, Lessor shall immediately upon such happening, refund to Lessee, pro rata, the unearned portion of this payment.

Also, as further consideration, Lessor and Lessee agree to the following additional provisions:

The annual lease rent shall be the greater of [REDACTED] or [REDACTED] of the total revenue generated. The base rent shall be paid quarterly at [REDACTED] with the percentage calculations to be computed at the end of each quarter. Any additional amount due will be paid within 30 days of the end of each quarter.

\*The Percentage amount will be matched against the total of both the prepayment and the annual lease payment ( [REDACTED] + [REDACTED] = [REDACTED] annual expense) on a quarterly basis.

Gregory Z Bekker  
LESSOR  
[Signature]  
LESSEE

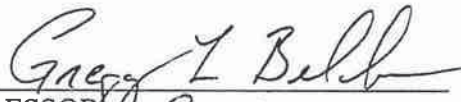
THE **LAMAR** COMPANIES


Lamar Co # 138

Rider #B to Lease dated the 3<sup>rd</sup> day of August, 2018, by and between Royal Automotive, Inc., as Lessor and The Lamar Companies, as Lessee.

As further consideration to Lessor for the granting of this lease, Lessee agrees that during the term of this lease and any renewals or extensions, Lessee will not use the advertising structure(s) for the purpose of advertising any of the following:

1. Ads that would be of a competitive nature to the Lessor
2. Sexually oriented business ads
3. Ads that would be considered morally offensive to the Lessor

  
LESSOR

  
LESSEE

THE **LAMAR** COMPANIES

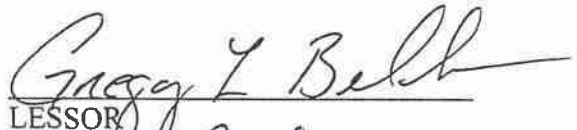
Lamar Co # 138


Rider # C to Lease dated the 3rd day of August, 2018, by and between Royal Automotive, as Lessor and The Lamar Companies, as Lessee.

The following are identified by Lessor and Lessee as the premises and location of the sign:

1506 Montgomery Highway, Vestavia, AL  
Parcel ID #39-00-01-2-000-026.001

Please reference site Map #3, included as a part of this Rider.

  
LESSOR

  
LESSEE



*JL*

Map #3

LAMAR

BIRMINGHAM




THE **LAMAR** COMPANIES

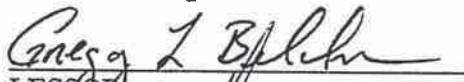
Lamar Co # 138

Rider #D to Lease dated the 3<sup>rd</sup> day of August, 2018, by and between Royal Automotive, as Lessor and The Lamar Companies, as Lessee.

Lessor and Lessee agree to the following additional provisions:

Be it understood that the premises are owned by the Estate of David R. Belcher (the "Estate") and leased by the Estate to Lessor (Royal Automotive, Inc.), which is subleasing the subject premises to Lessee pursuant to the terms for this Sign Location Lease.

  
\_\_\_\_\_  
(Authorized representative of the "Estate")

  
\_\_\_\_\_  
LESSOR

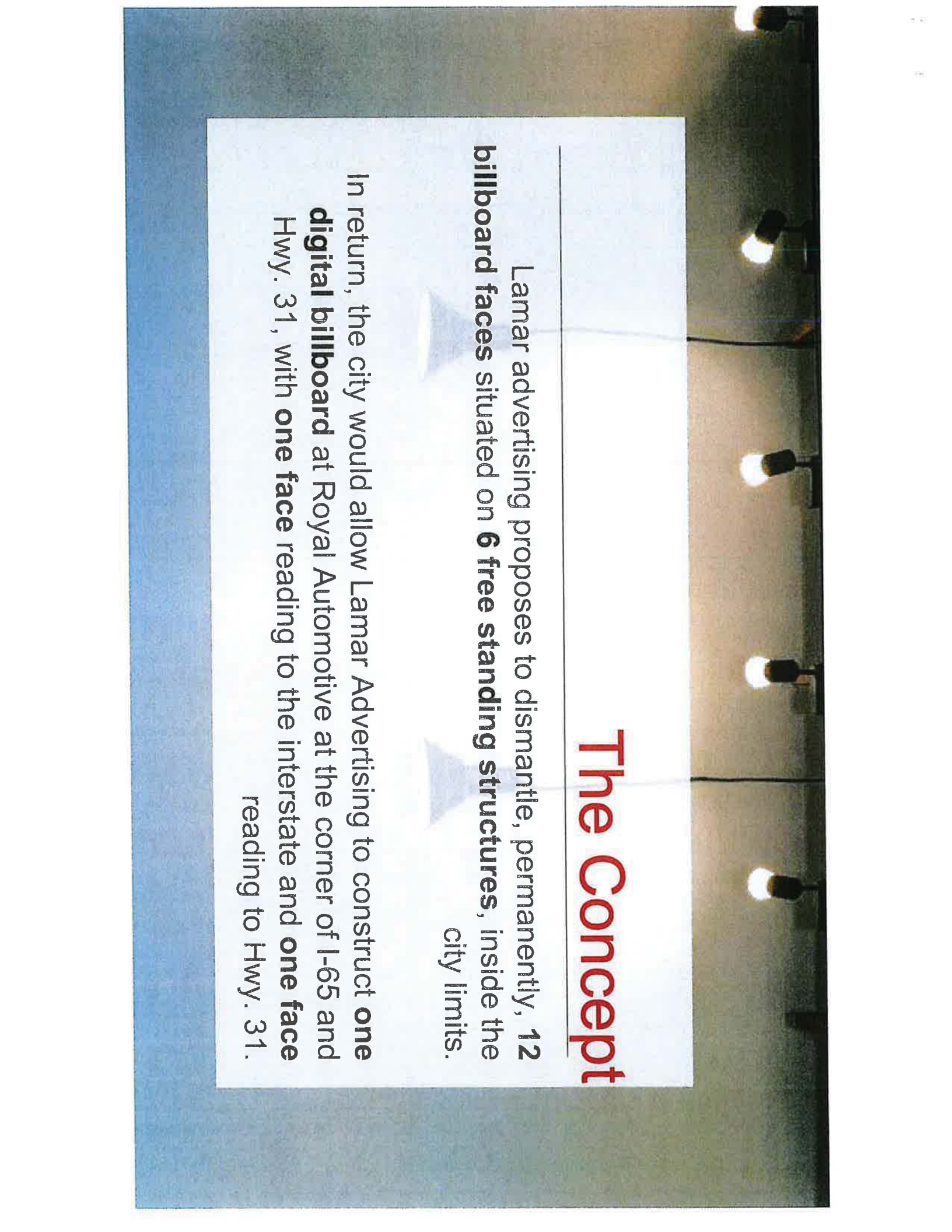
  
\_\_\_\_\_  
LESSEE





LAMAR

Billboard reduction and enhancement initiative

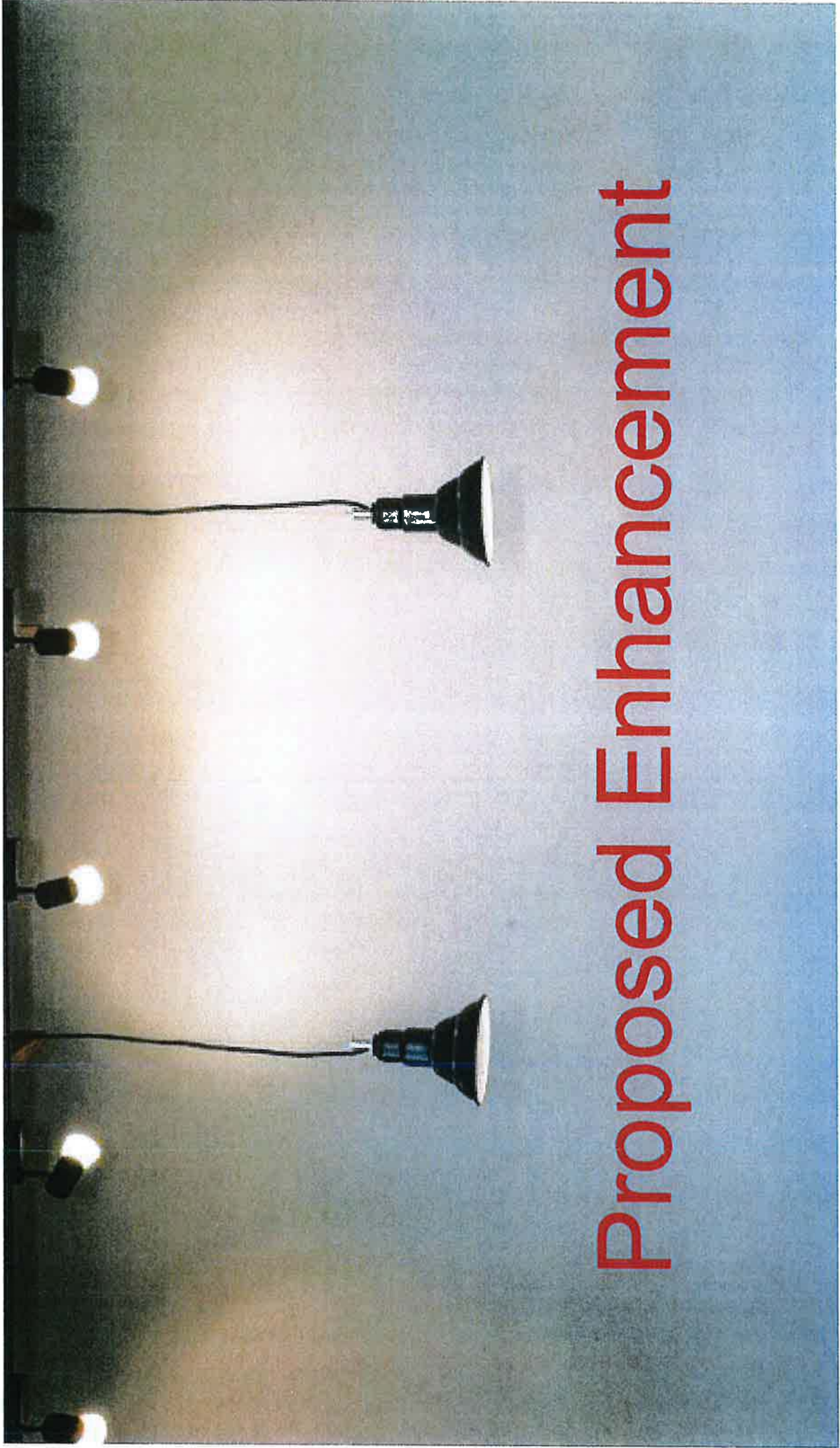


## The Concept

Lamar advertising proposes to dismantle, permanently, **12 billboard faces** situated on **6 free standing structures**, inside the city limits.

In return, the city would allow Lamar Advertising to construct **one digital billboard** at Royal Automotive at the corner of I-65 and Hwy. 31, with **one face** reading to the interstate and **one face** reading to Hwy. 31.





# Proposed Enhancement





LAMAR | BIRMINGHAM



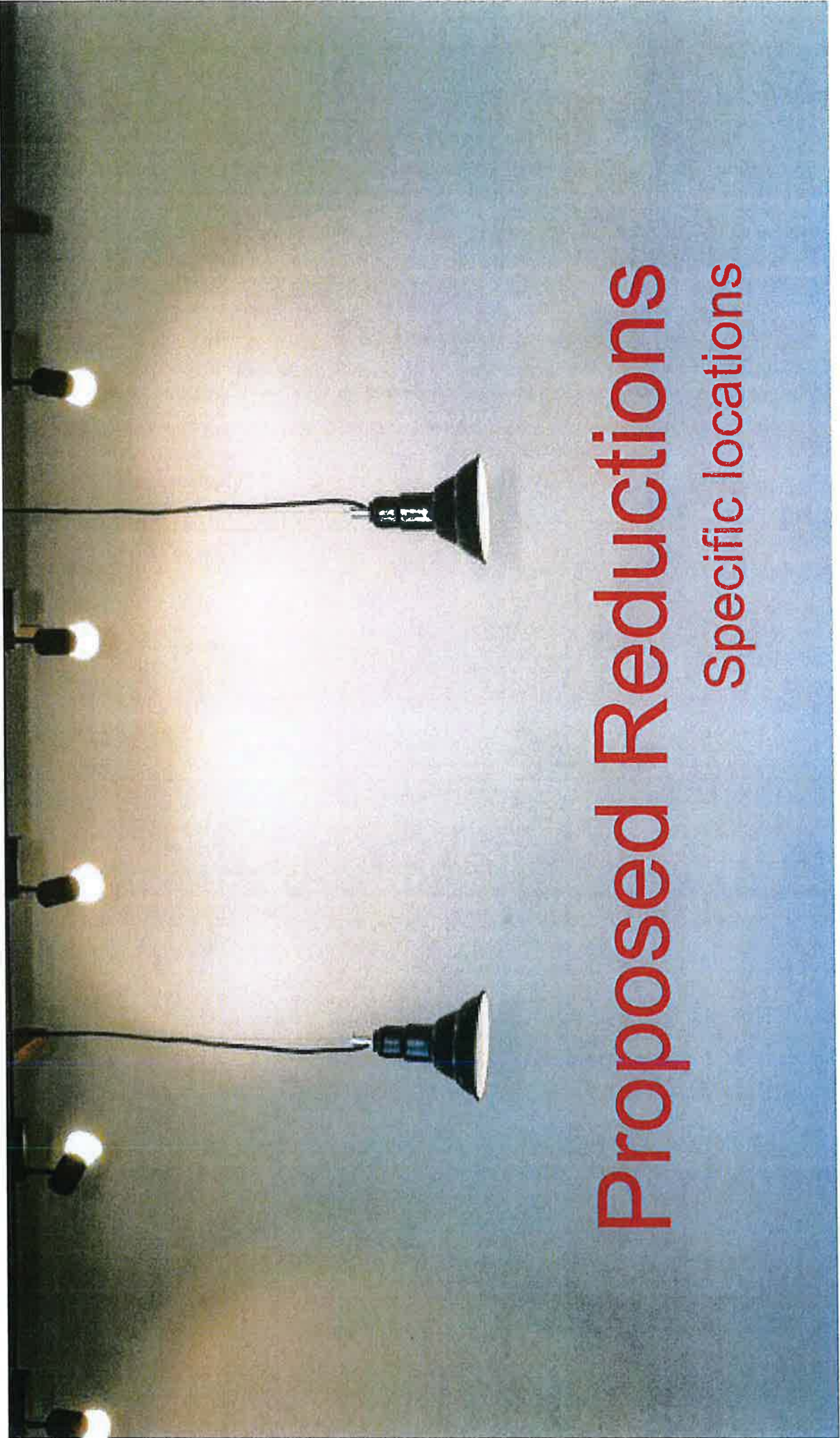




BIRMINGHAM







# Proposed Reductions

Specific locations



Vestavia locations

Location(s)

|    |                              |         |
|----|------------------------------|---------|
| 1  | Andy's                       | X       |
| 2  | Clothes Horse                | X       |
| 3  | Champion Cleaners            | Remains |
| 4  | Express Oil                  | Remains |
| 5  | Dolly Ridge @ Cahaba Heights | X       |
| 6  | Cahaba Heights @ Dolly Ridge | X       |
| 7  | Cahaba Cycle                 | Remains |
| 8  | Cahaba Heights Hardware      | Remains |
| 9  | Doodles                      | X       |
| 10 | Ms. Myra's                   | X       |

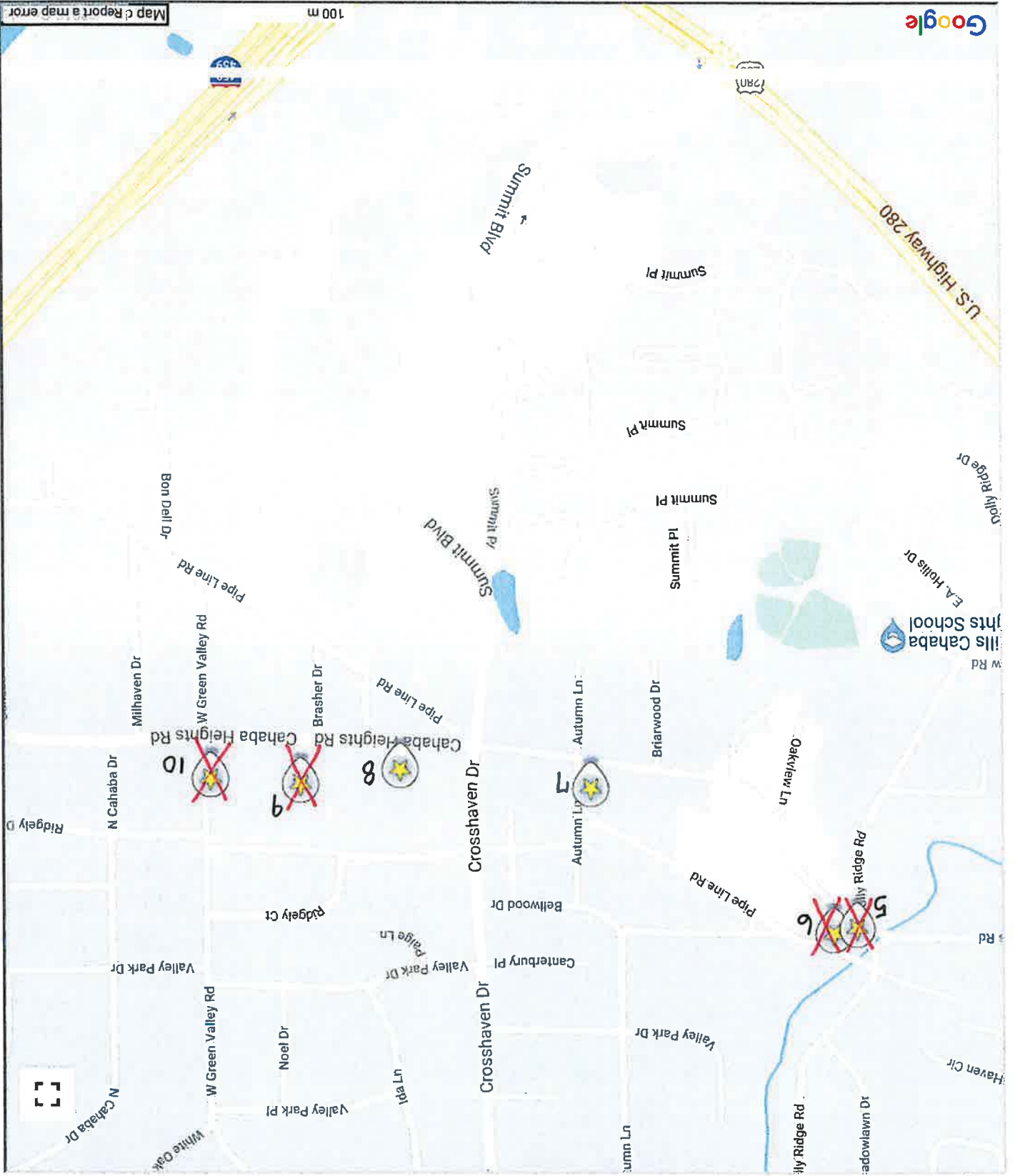


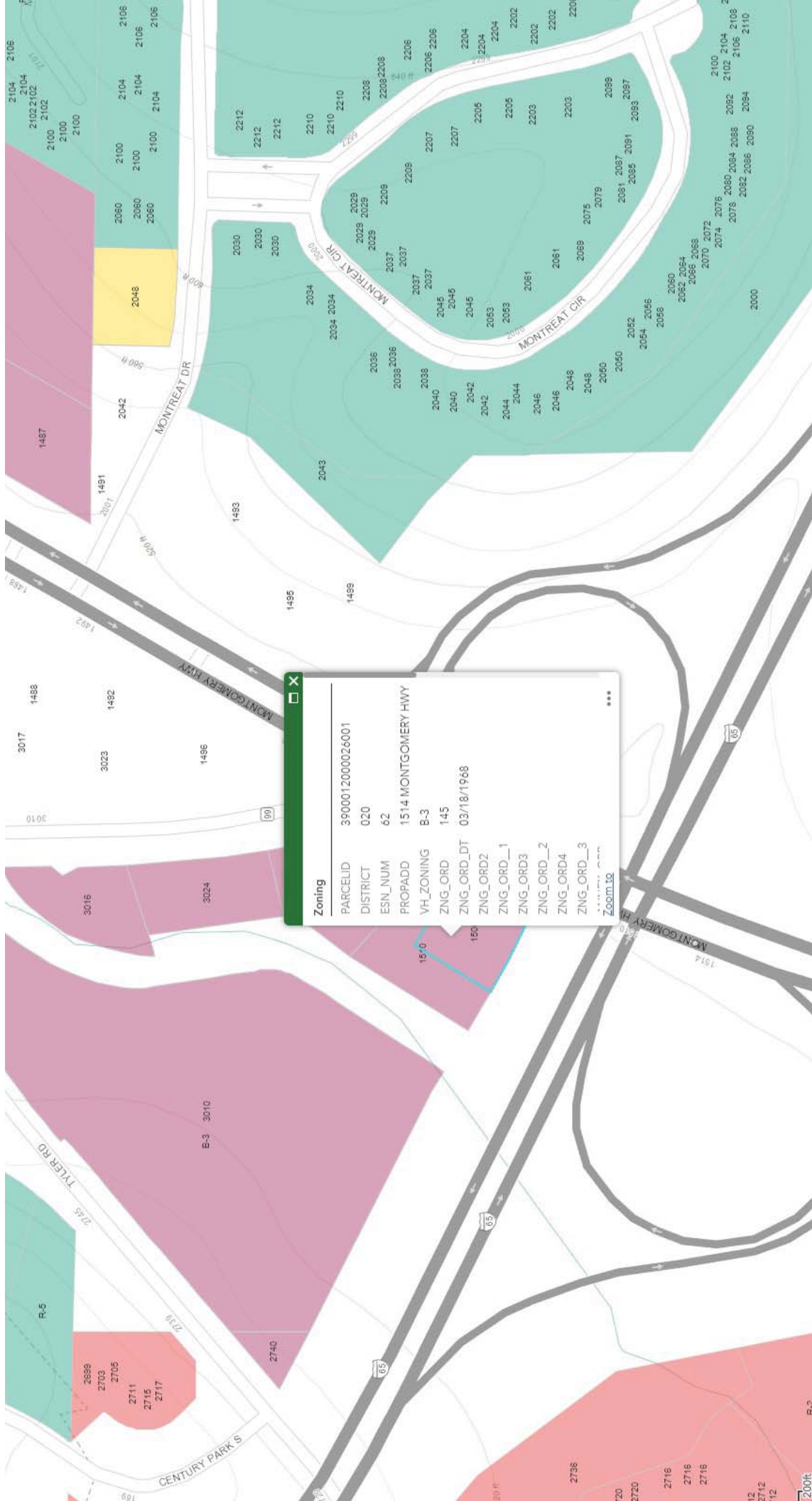




### Vestavia locations

Map #1





**Zoning**

|            |                     |
|------------|---------------------|
| PARCELID   | 3900012000026001    |
| DISTRICT   | 020                 |
| ESN_NUM    | 62                  |
| PROPADD    | 1514 MONTGOMERY HWY |
| VH_ZONING  | B-3                 |
| ZNG_ORD    | 145                 |
| ZNG_ORD_DT | 03/18/1968          |
| ZNG_ORD2   |                     |
| ZNG_ORD_1  |                     |
| ZNG_ORD3   |                     |
| ZNG_ORD_2  |                     |
| ZNG_ORD4   |                     |
| ZNG_ORD_3  |                     |

Zoom to



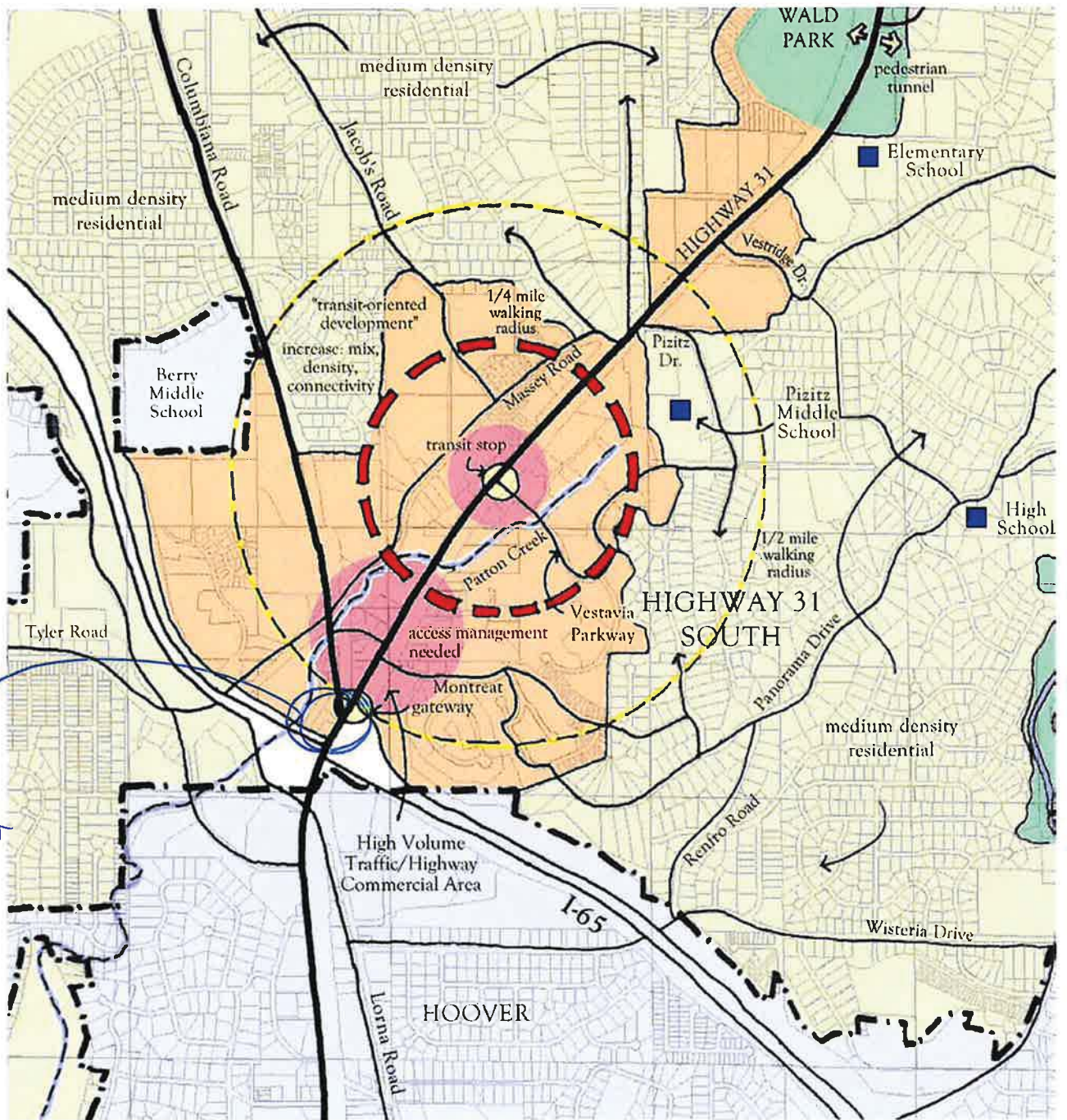


Figure 18: Highway 31 South  
Land Use Analysis

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

