

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

MAY 09, 2019

6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: April 11, 2019

Final Plats

Consent Agenda

- (1) **P-0519-25** Unless U Is Requesting A **Final Plat Approval** For **Final Plat Of The Resurvey Of Lots 13, 14, & 15 Block 9, Of South Birmingham Heights**. The Purpose for This Request Is to Combine Lots. The Property Is Owned By Unless U and Is Zoned Vestavia Hills B-2.

- (2) **P-0519-27** Overton Investments, LLC Is Requesting **Final Plat Approval** For **Overton Investments Resurvey No 1 Of Hermitage Forrest**. The Purpose for This Request Is to Resurvey Two Lots Into Five. The Property Is Owned By Overton Investments, LLC and Is Zoned Vestavia Hills R-9.

- (3) **P-0519-28** Sunview Partners, LLC Is Requesting **Final Plat Approval** For **Knollwood Court**. The Purpose for This Request Is to Subdivide Two Lots Into Ten. The Property Is Owned By Sunview Partners, LLC and Is Zoned Vestavia Hills R-9.

- (4) **P-0519-29** Suzanne Mosely Is Requesting **Final Plat Approval** For **Nicholls Canyon Subdivision**. The Purpose for This Request Is to Subdivide One Lot Into Three. The Property Is Owned By Suzanne Mosely and Is Zoned Vestavia Hills R-2.

Rezoning/Conditional Use Recommendations

- (5) **P-0519-22** Overton Investments, LLC Is Requesting **Rezoning** For **3038 Massey Rd.** from **Vestavia Hills RC-1** to **Vestavia Hills R-9** For The Purpose Of New Residential Development.
- (6) **P-0219-23** Catherine Waters Is Requesting **Conditional Use Approval** for A **Home Occupation** Located At **621 Liberty Lake Dr.** The Property Is Owned By Catherine Waters and Is Zoned Vestavia Hills PR-1.
- (7) **P-0519-24** Paul & Gail Ausbeck Is Requesting **Rezoning** For **1109 Winward Ln.** from **Vestavia Hills R-2** to **Vestavia Hills R-9** For The Purpose Of New Residential Development.

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

MINUTES

APRIL 11, 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
Blaine House, Vice-Chair
Lyle Larson
Greg Gilchrist
Fred Goodwin
Hasting Sykes

MEMBERS ABSENT:

Jonathan Romeo
Rusty Weaver
Cheryl Cobb

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Christopher Brady, City Engineer

APPROVAL OF MINUTES

Mrs. Barnes stated that the minutes of the meeting March 14, 2019 are presented for approval.

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

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

Mr. Sykes – yes
Mr. Gilchrist – yes
Mrs. Barnes – yes

Final Plats

Consent Agenda

- (1) **P-0219-05** Cathryn Pryor & Joel Abbott Are Requesting A **Sixty Day Extension For 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.
- (2) **P-0419-16** Brett Hollett Is Requesting **Final Plat Approval For A Resurvey Of Lot 10 And The East ½ Of Lot 11, Block 9 Of Biltmore Estates**. 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-0419-17** Bruce Winter Is Requesting **Final Plat Approval For Winter-Vesthaven 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.
- (4) **P-0419-18** Shades Mountain Baptist Church Is Requesting **Final Plat Approval For Shades Mountain Baptist Church Resurvey #2**. The Purpose for This Request Is to Combine Lots. The Property Is Owned By Shades Mountain Baptist Church and Is Zoned Vestavia Hills Inst-1.
- (5) **P-0419-20** Holle Revocable Trust Is Requesting **Final Plat Approval For Holle Subdivision**. The Purpose for This Request Is to Subdivide One Lot Into Two. The Property Is Owned By Holle Revocable Trust and Is Zoned Vestavia Hills E-2.
- (6) **P-0419-21** 8001 Liberty Parkway LLC Is Requesting **Final Plat Approval For 8001 Liberty Parkway Survey**. The Purpose for This Request Is to Survey A Lot Out of Acreage. The Property Is Owned By 8001 Liberty Parkway LLC and Is Zoned Vestavia Hills PUD-PB.

MOTION Mr. Gilchrist made a motion to approve items 1-6. Second was by Mr. House. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Sykes – yes
Mr. Larson – yes	Mr. Gilchrist – yes
Mr. House – yes	Mrs. Barnes – yes
Motion carried.	

Rezoning/Conditional Use Recommendations:

- P-0419-15** Eric T. Brosch Is Requesting **Conditional Use Approval For A 9.5 Foot (Avg.) High Fence** for The Property Located At **1320 Willoughby Rd**. The Property Is Owned By Eric T. Brosch and Is Zoned Vestavia Hills R-2.

Mr. Garrison explained the background of the request. He stated the fence was already constructed and done so without a permit.

Eric Brosch was present to explain the request. He stated that the fence needed to be that tall due to privacy concerns.

Mr. Goodwin asked Mr. Brosch if he had tried other remedies before installing the fence.

Mr. Brosch stated that the design of the home prohibited curtains.

Ms. Barnes asked Mr. Brosch how the fence would be maintained. Mr. Brosch stated that Lowes contractor installed the wrong materials.

Mr. House asked if the Building Safety Department had any issues with the location of the fence. Mr. Garrison stated they did not.

Mrs. Barnes opened the floor for a public hearing.

David Massey, 1316 Willoughby Rd., stated he was the most adjacent neighbor and spoke against the request.

Mr. Massey stated that he did not think the application met sections 1, 2, 4, 5, 7, and 10 of the Conditional Use requirements.

Ms. Barnes stated she was concerned that the application did not meet the requirements of 1 & 4 of the Conditional Use requirements.

Mr. Larson stated that the request did not meet #7 of the Conditional Use requirements.

Mrs. Barnes closed the public hearing and opened the floor for a motion.

MOTION Mr. Gilchrist made a motion to recommend Conditional Use Approval For Installation Of Privacy Fence Over 8' for The Property Located At 1320 Willoughby Road. Second was by Mr. Goodwin. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – no

Mr. Sykes – no

Mr. Larson – no

Mr. Gilchrist – no

Mr. House – no

Mrs. Barnes – no

Motion failed due to the application not meeting the requirements stated in Section 13.3.4.1, 4, & 7.

Conrad Garrison, City Planner

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

Date: MAY 9, 2019

- **CASE:** P-0519-25
- **REQUESTED ACTION:** Final Plat Of The Resurvey Of Lots 13, 14, & 15 Block 9, Of South Birmingham Heights
- **ADDRESS/LOCATION:** 733 & 737 Chestnut Street
- **APPLICANT/OWNER:** Unless U
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Plat is to resurvey three lots in the South Birmingham Heights community. The applicant is seeking to merge Lots 13, 14, & 15 into one lot (Lot 13A). The applicant intends for these lots to be used for Unless U school activities. All existing easements will remain. The lots are currently zoned B-2.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for general business district.
- **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**

2019 APR 22 P 1:21

II. APPLICANT INFORMATION: (owner of property)

NAME: Unless U

ADDRESS: 2017 Columbiana Rd

Birmingham, AL 35216

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: ^{Lindy Home} (205) 215-5209 ^{Doug Office} (205) 492-1890 *For questions call*

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Approval of combining lots.

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

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

corner of chestnut street and Vestavia Lake Drive. Lots 13, 14, 15

Property size: 150 feet X 150 feet. Acres: _____

VI. ZONING/REZONING:

The above described property is presently zoned: business

P0519-25//2800302001006.000
733 & 737 Chestnut Street
Final Map to combine lots
Unless U

P&Z Application
Final Plat Approval
Page 4

VI. OWNER AFFIDAVIT:

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

Lundy W. Cleveland 4/22/2019
Owner Signature Date

Representing Agent (if any) date

Given under my hand and seal
this 22 day of April, 2019.

Cynthia N. Spencer
Notary Public

My commission expires 2nd
day of August, 2020.



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

Date: MAY 9, 2019

- **CASE:** P-0519-27
- **REQUESTED ACTION:** Final Plat Approval To Resurvey Lots On Natchez Drive
- **ADDRESS/LOCATION:** 3984 & 3988 Natchez Drive
- **APPLICANT/OWNER:** Overton Investments, LLC
- **REPRESENTING AGENT:** Jason Kessler
- **GENERAL DISCUSSION:** Plat is to resurvey two lots into five on Natchez Drive. The request will complete the R-9 zoning for this property.
- **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)

2019 APR 23 P 3:11

NAME: Overton Investments, LLC

ADDRESS: 3505 Bent River Road

Birmingham, AL 35216

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 985-7171 Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Jason Kessler

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Subdivide 2 lots into 5

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

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

3984 & 3988 Natchez Drive Vestavia, AL 35003

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

VI. ZONING/REZONING:

The above described property is presently zoned: R9

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.

jd 4/23/19
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 23rd day of April, 20 19.

Jane B. Richards
Notary Public

My commission expires 13th
day of March, 20 20.

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

Date: MAY 9, 2019

- **CASE:** P-0519-28
- **REQUESTED ACTION:** Final Plat Approval To Resurvey Two Lots on Sunview Drive.
- **ADDRESS/LOCATION:** 3009 & 3017 Sunview Drive
- **APPLICANT/OWNER:** Sunview Partners, LLC
- **REPRESENTING AGENT:** Bob Easley
- **GENERAL DISCUSSION:** Plat will complete the Knollwood Court rezoning and dedicate Knollwood Ct. as a private street.
- **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**

2019 APR 24 P 1:15

II. APPLICANT INFORMATION: (owner of property)

NAME: Sunview Partners, LLC

ADDRESS: 1914 18th Avenue Birmingham, AL 35205

MAILING ADDRESS (if different from above) Same

PHONE NUMBER: Home 205-865-1197

Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Bob Easley, PE

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Final Plat submittal in accordance

with the approved preliminary plat

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

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

3009 & 3017 Sunview Drive

Property size: 264 wide feet X 305 deep feet. Acres: 1.9 +/-

VI. ZONING/REZONING:

The above described property is presently zoned: R9

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.

Sunview Partners, LLC

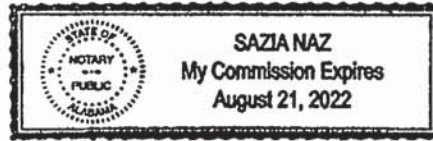
Wm T. Ryan

Owner Signature/Date
MANAGER

Representing Agent (if any)/date

Given under my hand and seal
this 23rd day of April, 2019.

Sazia Naz
Notary Public



My commission expires 21st
day of August, 2022.

KNOLLWOOD COURT

Being a subdivision of acreage situated in the SE 1/4 of the SW 1/4 Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama

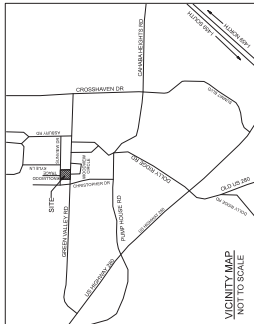
SCALE : 1" = 30'

DATE: 23 April 2019



OWNER/DEVELOPER: SUNVIEW PARTNERS, LLC
 1914 18th AVENUE SOUTH
 BIRMINGHAM, ALABAMA 35205
 CONTACT: Bobby Adams

SURVEYOR: ALABAMA ENGINEERING COMPANY, INC.
 1214 ALFORD AVENUE, SUITE 200
 HOOPER, ALABAMA 35228
 CONTACT: Bob Eshary



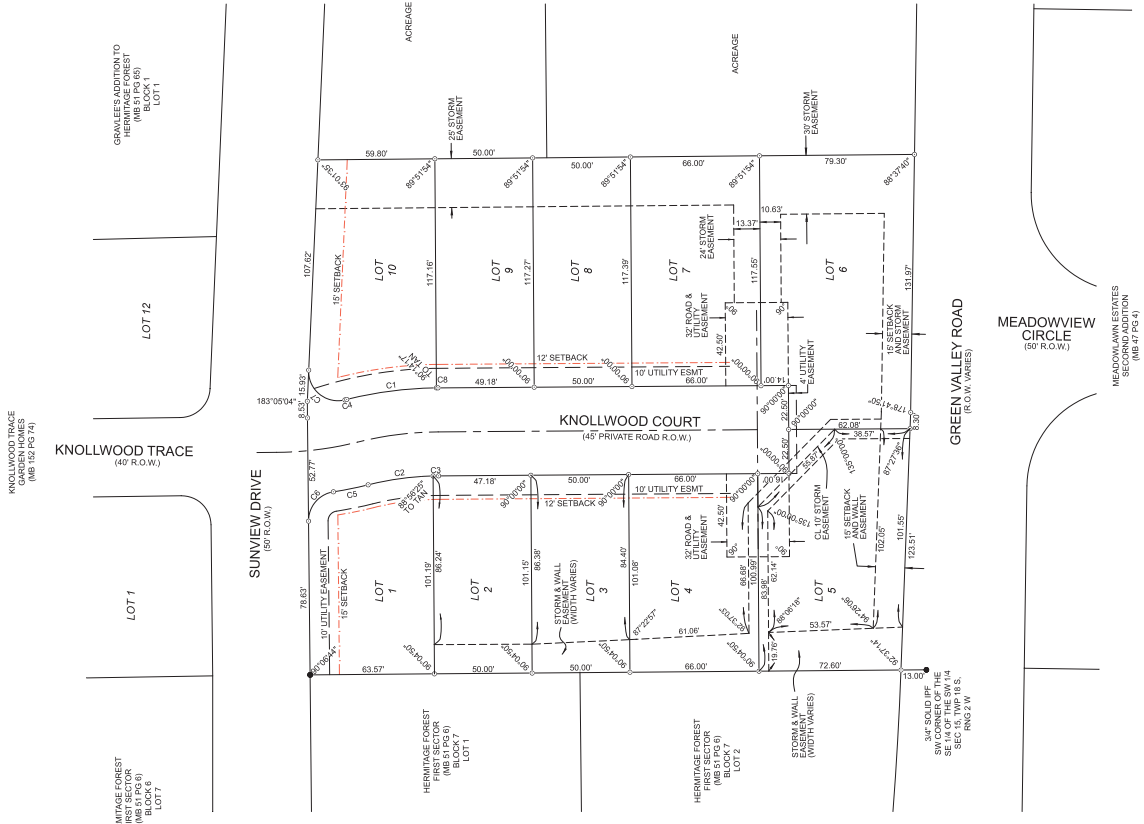
CURVE	ADIUS	ARC LENGTH	DELTA ANGLE
C1	52.57	13.57	14.5053°
C2	52.57	13.57	14.5053°
C3	132.50	19.37	9.7313°
C4	132.50	19.37	9.7313°
C5	37.50	15.44	5.1947°
C6	37.50	15.44	5.1947°
C7	33.00	12.50	138.1200°
C8	137.50	19.82	107.1417°

- NOTES:
- THIS SUBDIVISION IS PRIVATE ALL RIGHTS STORM DRAINAGE AND SANITARY SEWER WITHIN THIS SUBDIVISION ARE SHOWN AS THEY CURRENTLY EXIST, HOWEVER THEY ARE SUBJECT TO CHANGE IF APPROVED BY THE CITY OF VESTAVIA HILLS.
 - SETBACKS ARE SHOWN AS THEY CURRENTLY EXIST, HOWEVER THEY ARE SUBJECT TO CHANGE IF APPROVED BY THE CITY OF VESTAVIA HILLS.
 - DEED 2789 PAGE 98 AFFECTS THESE PARCELS. ALABAMA POWER COMPANY EASEMENT IN DEED 4593 PAGE 214 INCLUDES A LEGAL DESCRIPTION THAT IS NOT AFFECTED BY THIS SUBDIVISION.
 - EACH LOT OWNER IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO ANY FURTHER CONSTRUCTION ON THEIR LOT. SOILS OUTSIDE OF THE FOOTPRINT OF THE ORIGINAL INSURE LOCATION ARE NOT TO BE USED FOR CONSTRUCTION. THE LOT OWNER SHOULD CONSULT A QUALIFIED GEOTECHNICAL ENGINEER TO DETERMINE IF SOILS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION.

UTILITY PROVIDERS

ELECTRICITY - ALABAMA POWER COMPANY
 ALABAMA WATER WORKS AND SEWER BOARD
 TELEPHONE - AT&T
 SANITARY SEWER - JEFFERSON COUNTY ENVIRONMENTAL SERVICES
 RING 2 W

FLOOD NOTE: By graphic plotting only, this property is shown to be in a flood plain. The Flood Insurance Rate Map (FIRM) for this area was last updated on September 3, 2010. Jefferson County, Alabama. No field surveying was performed to determine the zone and the exact designation can only be determined by an elevation certificate.



CHARMAN VESTAVIA HILLS PLANNING AND ZONING COMMISSION
 DATE: _____

CITY ENGINEER _____ DATE: _____

CITY CLERK _____ DATE: _____

ACKNOWLEDGED BY _____ DATE: _____

DIRECTOR, ENVIRONMENTAL SERVICES DEPARTMENT
 (if necessary - Jefferson County)

Environmental Services Department approval indicates that easements have been dedicated for the use of the City of Vestavia Hills. This approval does not constitute a warranty of any kind or will be in the future. Any change in any Right of Way or Easement boundaries after this date may VOID this approval.

State of Alabama
 County of Jefferson

The undersigned, Gary Benavise, Registered Land Surveyor, State of Alabama, do hereby certify that this plat or map was made to a survey and this plat or map is a true and correct map of lands shown therein and known as KNOLLWOOD COURT showing the subdivisions into which it is proposed to divide said lands, giving the length and angles of the boundaries of each lot and its number, showing all public grounds, giving the angles, length, width and name of each street, alley, easement, or other right of way shown thereon, and showing all other matters required to be shown and established at all corners and curve points as shown and designated by said plat or map. Said owner also certifies that they are the owners of said lands and that the same are not subject to any mortgage, except a mortgage held by PROGRESS BANK.

BY: _____ OF: _____ OWNER
 Gary Benavise Title Date _____ Date _____
 Alabama Registration No. 24325

Further, I hereby certify that all parts of this survey and drawings have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

PLAT ACKNOWLEDGED BY: _____ DATE: _____

PROGRESS BANK

State of Alabama
 County of Jefferson

I, the undersigned, a Notary Public in and for said County and State hereby certify that Gary Benavise, whose name appears in the foregoing plat or map, is a duly qualified and licensed Land Surveyor in the State of Alabama, and that he has been provided of the contents thereof, and acknowledged before me on this day.

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

My Commission Expires _____

Notary Public _____

State of Alabama
 County of Jefferson

I, the undersigned, a Notary Public in and for said County and State hereby certify that _____ of Sunview Partners, LLC, is signed to the foregoing plat, and who is known to me, acknowledged before me on this day, being informed of the contents thereof, he as such person and with full authority, executed the same voluntarily.

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

My Commission Expires _____

Notary Public _____

State of Alabama
 County of Jefferson

I, the undersigned, a Notary Public in and for said County and State hereby certify that _____ whose name as _____, PROGRESS BANK, is signed to the foregoing plat, and who is known to me, acknowledged before me on this day, being informed of the contents thereof, he as such person and with full authority, executed the same voluntarily for and as the act of said corporation.

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

My Commission Expires _____

Notary Public _____

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

Date: MAY 9, 2019

- **CASE:** P-0519-29
- **REQUESTED ACTION:** Final Plat Approval To Resurvey Lot in Nichols Canyon Subdivision
- **ADDRESS/LOCATION:** 2709 Woodlane Circle
- **APPLICANT/OWNER:** Suzanne Moseley
- **REPRESENTING AGENT:** Suzanne Moseley & Mike Moseley
- **GENERAL DISCUSSION:** Plat is to resurvey a lot on Woodlane Circle. The request is to subdivide one lot into 3 lots. This property was previously approved to be divided into 4 lots but never recorded.. There will be a private street and utility easement connecting the 3 lots and at the end of those lots will be two fire access easements. The property is currently zoned R-2.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium density residential district.
- **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

PLANNING AND ZONING COMMISSION

2019 APR 24 PM 8:00

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.**

II. APPLICANT INFORMATION: (owner of property)

NAME: SUZANNE MOSELEY

ADDRESS: 2553 MT. WOODS DRIVE

VESTAVIA HILLS, AL 35216

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-902-7438 Office SAME

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: SELF + MIKE

MOSELEY (HUSBAND/PARTNER)

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: NO REZONING -> REMAIN AS IS

To: _____

For the intended purpose of: LOT PREVIOUSLY APPROVED FOR SUBDIVISION FROM ONE LOT TO FOUR LOTS. NOW REQUEST SUBDIVIDE FROM FOUR LOTS (Example: From "VH R-1" to "VH O-1" for office building) TO THREE LOTS
if additional information is needed, please attached full description of request

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

2709 WOODLANE CIRCLE) LOT 76 VESTAVIA FOREST
VESTAVIA HILLS, AL 35216) THIRD SECTOR MB 43 PG. 73

Property size: 68.7 feet X 457.9 feet. Acres: 3.5 ACRES
IRR

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.

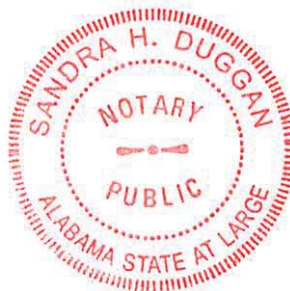
Suzanne M. Wesley 04.23.19
Owner Signature/Date

[Signature] 04.23.19
Representing Agent (if any)/date

Given under my hand and seal
this 23rd day of April, 2019.

Sandra H. Duggan
Notary Public

My commission expires 20th
day of March, 2020.



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

Date: MAY 9, 2019

- **CASE:** P-0519-22
- **REQUESTED ACTION:** Rezoning Vestavia Hills RC-1 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3038 Massey Road
- **APPLICANT/OWNER:** Overton Investments, LLC
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3038 Massey Road from RC-1 to R-9. The applicant would like to build 9 townhomes on the property. This is the site previously housed a condo complex, that caught fire and is now currently vacant. There will be an access drive that will connect with the current drive for the condominium in front of the property. There will also be several parking spaces that will be along the access drive. A proposed storm drainage easement will on the side and on the back of the property and a common area will be located on the most northern end of the lot.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan for 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.

3038 Massey Rd.

Rezone to R-9

Overton Investments, LLC

CITY OF VESTAVIA HILLS

VH RC-1

APPLICATION

PLANNING AND ZONING COMMISSION

2019 MAR 20 P 2:31

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.**

II. APPLICANT INFORMATION: (owner of property)

NAME: Overton Investments, LLC

ADDRESS: 3505 Bent River Rd.
Bham, AL 35216

MAILING ADDRESS (if different from above) Same

PHONE NUMBER: Home — Office 205 985 7171

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Charles G. Kessler, Jr., Member

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned.

From: ~~C-1 (VH) RC-1~~

To: R-9 (VH)

For the intended purpose of: _____

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

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

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

Vestavia Terrace

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.

[Handwritten Signature] member

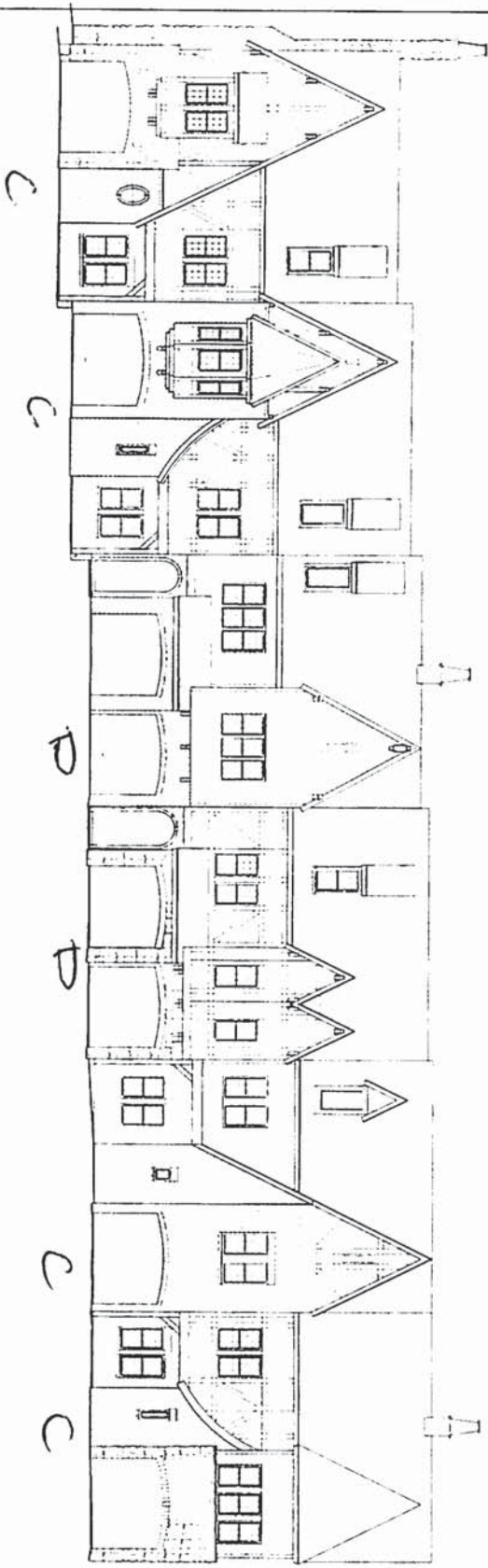
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 15th day of March, 2019.

[Handwritten Signature]
Notary Public

My commission expires 13th
day of March, 2020.



BUILDING 2 FRONT ELEVATION

under construction

LENNON TOWNHOMES

FOR
 ANDRE GONCALVES
 ARCHITECTS
 AND
 JEFFREY
 THOMPSON & SHERIDAN CONSULTANTS

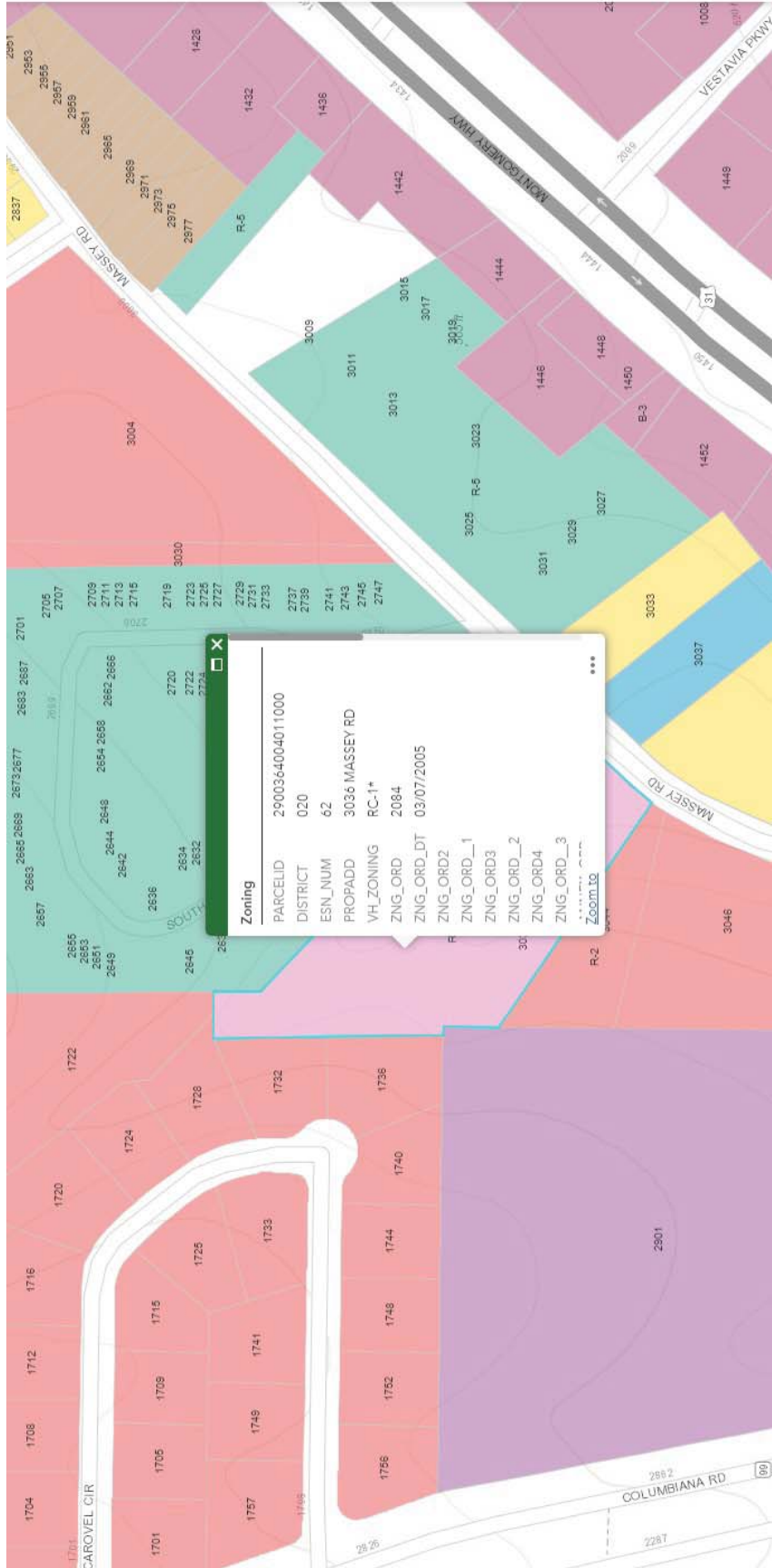
WISDOM & ASSOCIATES

ARCHITECTS & PLANNERS BIRMINGHAM, ALABAMA

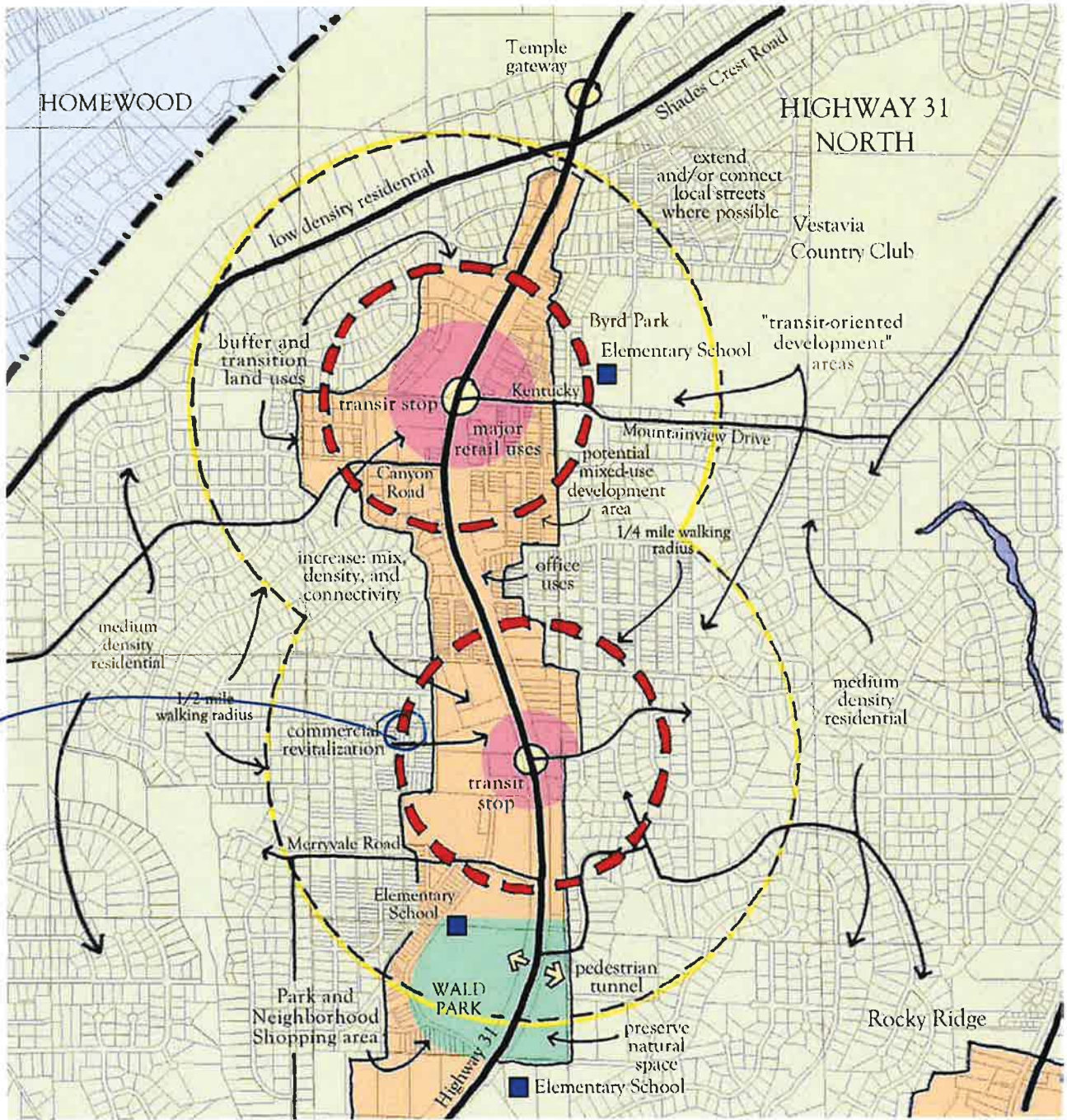


DATE: 11/11/11
 DRAWN BY: J. WISDOM
 CHECKED BY: J. WISDOM
 PROJECT NO: 11-11-11
 SHEET NO: A6

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



Zoning	
PARCELID	2900364004011000
DISTRICT	020
ESN_NUM	62
PROPADD	3036 MASSEY RD
VH_ZONING	RC-1*
ZNG_ORD	2084
ZNG_ORD_DT	03/07/2005
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	



Subject Parcel

Figure 17: Highway 31 North
Land Use Analysis

- | | |
|--|--|
| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> 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. |
|--|--|



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

Date: MAY 9, 2019

- **CASE: P-0519-23**
- **REQUESTED ACTION:** Conditional Use Approval For Home Occupation
- **ADDRESS/LOCATION:** 621 Liberty Lake Drive
- **APPLICANT/OWNER:** Catherine Waters
- **GENERAL DISCUSSION:** The applicant wishes to conduct a home based business in Liberty Park. As required by the Liberty Park PUD a conditional use permit is required for a home based business. A description of the applicants business, as well as an approval letter from Liberty Park and the apartment complex is attached. The property is zoned PR-1.
- **Liberty Park Master Plan:** This request is consistent with the procedures of the Liberty Park PUD.
- **STAFF REVIEW AND RECOMMENDATION:**

1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: I recommend the Commission recommend approval with the following conditions:

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

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

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

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

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

2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered.** All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ***No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: Catherine Waters

ADDRESS: 621 Liberty Lake Drive
Vestavia, AL 35242

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-807-5588 Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

2019 APR - 1 P 3:47

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section 7.1 of the Vestavia Hills Zoning Code.

Current Zoning of Property: VH PUD PR-1

Requested Conditional use For the intended purpose of: Work from home - author home occupation as per Attached
(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 3, Liberty Park Common 192/63

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.

Catherine Waters 3/25/19
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal this 25th day of March, 2019.

[Signature]
Notary Public
My commission expires 15th
day of July, 2019.



P0519-23//Colonial Grand at LP
621 Liberty Lake Drive
Cond. Use for home occupation
Catherine Waters PUD

April 1, 2019

City of Vestavia Hills
Vestavia Hills City Hall
Vestavia Hills, AL 35216

Dear City Council,

I would like to work from home as an author. I do manage my website from home and would like to be able to store a box of books in my house to take individual orders to the post office for delivery. I will not be having delivery trucks coming to my apartment for work purposes. There will be no signage. I am asking for permission in order to fulfill orders and pay the appropriate taxes to the city of Vestavia, Jefferson County, and Alabama.

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink that reads "C. Waters". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Catherine Waters, PhD



27 March 2019

Catherine Waters
621 Liberty Lake Drive
Vestavia Hills AL 35242

Dear Catherine,

We would like to confirm that we have approved your request to sell your book from your apartment home. Please let us know if you need any additional verification of this.

Regards,

Griffin Thomas
Property Manager
Colonial Grand at Liberty Park
1750 Bartholdi Parkway
Vestavia Hills | AL | 35242
P: 205.967.5152 | F: 205.967.2926
Griffin.thomas@maac.com
www.cglibertypark.com | www.maac.com



March 4, 2019

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

Re: Catherine Waters
621 Liberty Lake Drive
Vestavia Hills, AL 35242

Dear Ms. Leavings:

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

The Liberty Park Covenants, Conditions and Restrictions, that are applicable to this subject property, provide for use of any portion of a Dwelling for personal use as an office subject to the following conditions and restrictions:

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

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

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

Very truly yours,

LIBERTY PARK JOINT VENTURE, LLP

By: 
Mike Tracy
its Authorized Representative

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

Date: MAY 9, 2019

- **CASE: P-0519-24**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-2 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 1109 Winward Lane
- **APPLICANT/OWNER:** Paul and Gail Ausbeck
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 1109 Winward Lane from R-2 to R-9. The applicant would like to build 2 new single family detached homes. 1109 Winward Ln. already consists of two platted lots. The property is currently vacant. The setbacks for the two homes would be 25' in the front, 20' in the rear and 5' on the sides. There will be a shared sewer easement parallel to Winward Lane leading to Mission Road and an access easement along the rear of lot 9-A.
- **VESTAVIA HILLS COMPREHENSIVE 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

2019 APR -4 A 11:55

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:

Paul & Gail Ausbeck

ADDRESS:

1109 Winward Lane, Vestavia, AL 35216

MAILING ADDRESS (if different from above)

P.O. Box 59487, Homewood, AL 35209

2156 Vestridge Dr. Vestavia, AL 35216

PHONE NUMBER: Home

822-0205

Office

871-1060, 876-1963

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

Chris Tucker

or Jason Kessler or Charles Kessler

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: R-2

To: R-9

For the intended purpose of: Build 2 Single Family Detached 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.)

1109 Winward Lane, Vestavia AL 35216

Lot 9+10 BIK1 T#Payne Sub

Property size: 94 feet X 209 feet. Acres: .44

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 Paul J. Ausbeck
Gail Ausbeck
Owner Signature/Date

[Signature] 4/4/19
Representing Agent (if any)/date

Given under my hand and seal
this 4th day of April, 2019.

[Signature]
Notary Public

My commission expires May
day of 10th, 2022.

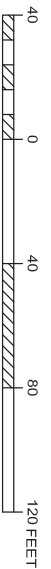




Know what's below.
Call before you dig.

28-00-30-3-006-014.001
ALAN RODGES
1912 Mission Road
Vestavia, AL 35216
USE: Residential

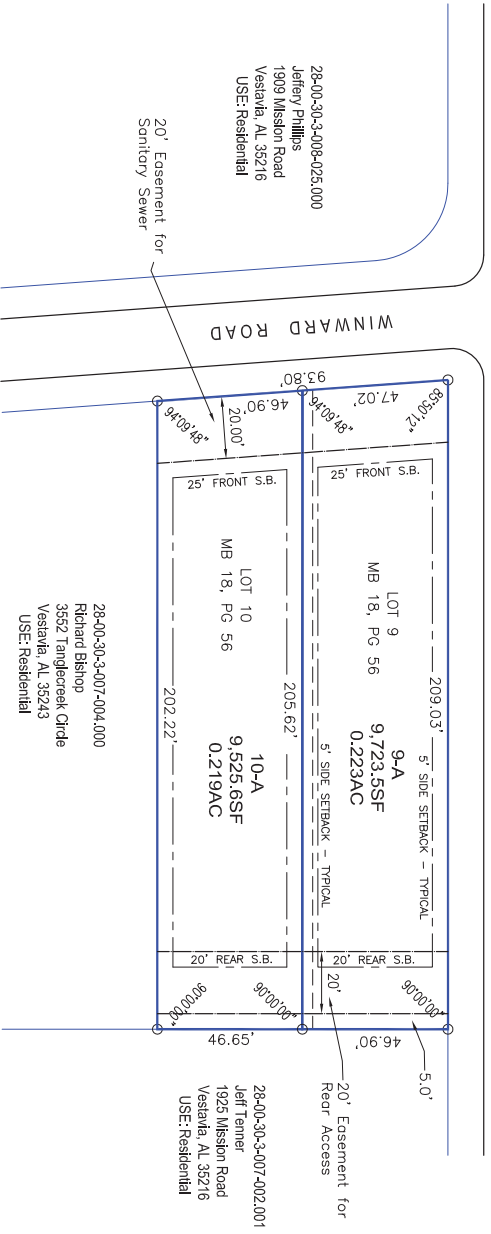
28-00-30-3-006-013.000
Hedonzo Ramirez
1920 Mission Road
Vestavia, AL 35216
USE: Residential



SCALE: 1"=40'



MISSION ROAD
50' - R/W



KADCO HOMES, OWNER
1109 WINWARD DRIVE

CURRENT ZONING: R-2

PROPOSED ZONING: R-9

LEGAL DESC: LOT 9 & 10, BLK 1,
(MB 18, PG 56)

PROPOSED USE: 2 SINGLE
FAMILY HOUSES

PROPOSED SETBACKS:

FRONT: 25'-0"
REAR: 20'-0"
SIDE: 5'-0"

HagerCo-LLC

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

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(1 of 2)

Zoning

PARCELID	2800303007003000
DISTRICT	020
ESN_NUM	62
PROPADD	1109 WINWARD LN
VH_ZONING	
ZNG_ORD	
ZNG_ORD_DT	
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

Zoom to



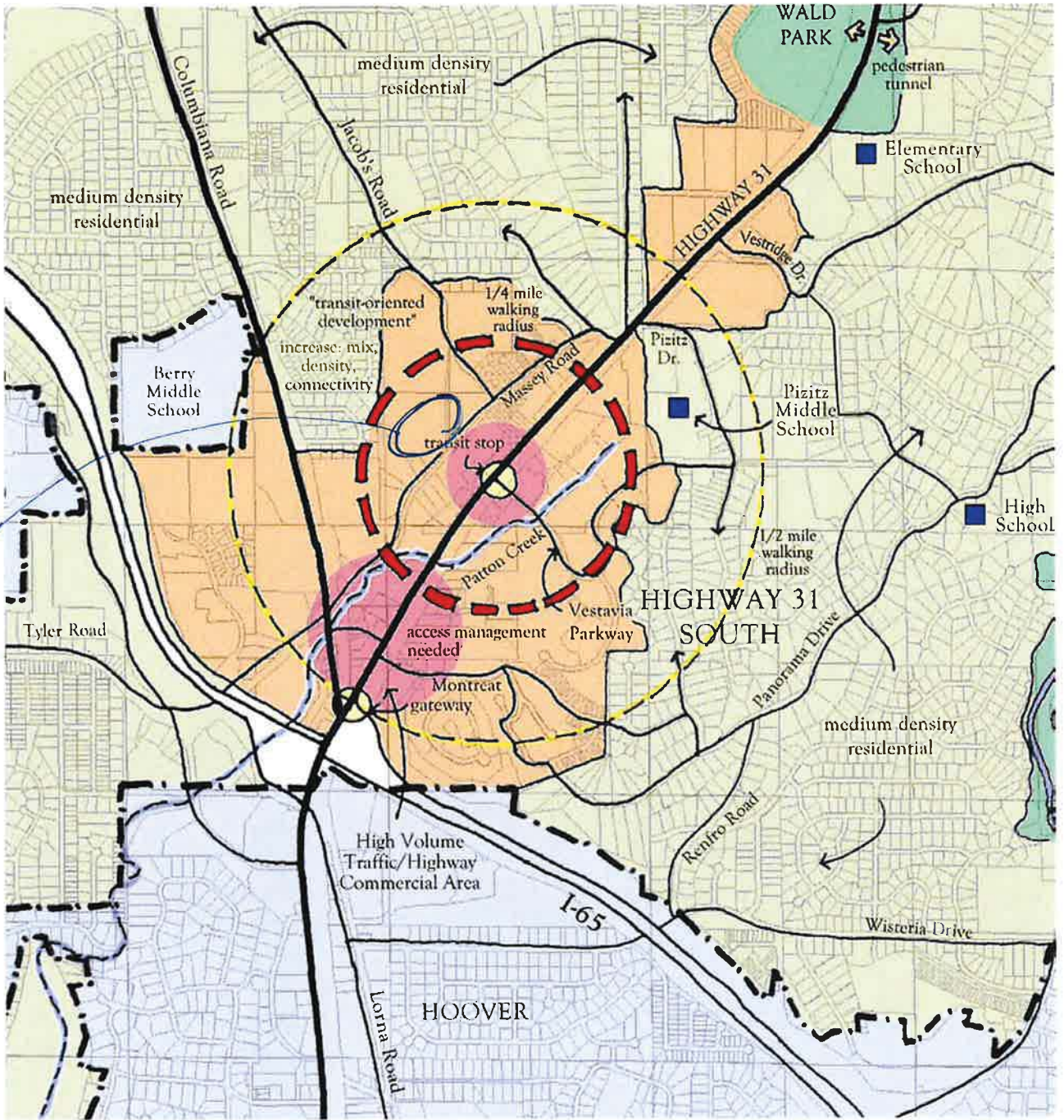


Figure 18: Highway 31 South Land Use Analysis

- Neighborhood** - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational area, 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.
- S **Schools** - School facilities administered by the Vestavia Hills School System.

