# PLANNING AND ZONING COMMISSION

# **AGENDA**

# **DECEMBER 12, 2019**

# 6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: October 10, 2019, November 14, 2019

# **Final Plats**

# **Consent Agenda**

(1) **P-1219-67** Overton Investments, LLC Is Requesting Final Plat Approval For

> Overton Investments Resurvey No 2 Of Mission Rd. The Purpose for This Request Is to Resurvey Lot Lines. The Property Is Owned By Overton

Investments, LLC and Is Zoned Vestavia Hills R-9.

# **Rezoning/Conditional Use Recommendations**

Adam Hudson Is Requesting Rezoning For 3122, 3128, 3134, 3136 (2) **P-1219-65** Sunview Dr. from Vestavia Hills Inst-1, Vestavia Hills A, Vestavia Hills

**B-2 to Vestavia Hills B-1.2** For The Purpose Of Retail Development.

Harold & Lillian Pennington Are Requesting Rezoning For 3216 Green (3) **P-1219-66** 

Valley Rd. from Vestavia Hills R-4 to Vestavia Hills B-2 For The Purpose

Of Retail Development.

# PLANNING AND ZONING COMMISSION

# **MINUTES**

# **OCTOBER 2, 2019**

6:00 P.M.

The Planning and Zoning Commission of the City of Vestavia Hills met in regular work session on this date at 5:30 P.M. following posting/publication as required by Alabama law. The roll was called with the following:

**MEMBERS PRESENT:** Erica Barnes, Chair

Cheryl Cobb Mike Vercher Lyle Larson Jonathan Romeo Fred Goodwin

MEMBERS ABSENT: Rusty Weaver

Hasting Sykes Greg Gilchrist

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

Christopher Brady, City Engineer

The Commission reviewed the upcoming cases for October with no action taken at the meeting.

# CITY OF VESTAVIA HILLS

# PLANNING AND ZONING COMMISSION

**MINUTES** 

**OCTOBER 10, 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:** Lyle Larson, Acting Chairman

Cheryl Cobb Mike Vercher Fred Goodwin Jonathan Romeo

**MEMBERS ABSENT**: Erica Barnes, Chair

Hasting Sykes Greg Gilchrist Rusty Weaver

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

Christopher Brady, City Engineer

Due to a lack of a quorum, Ms. Cobb made a motion to recess the meeting to October 16<sup>th</sup> at 6:00 PM. Second was made by Mr. Goodwin. All voted in favor.

Meeting recessed.

# CITY OF VESTAVIA HILLS

# PLANNING AND ZONING COMMISSION

# **MINUTES**

# **OCTOBER 16, 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

Lyle Larson
Jonathan Romeo
Cheryl Cobb
Fred Goodwin
Greg Gilchrist
Hasting Sykes

MEMBERS ABSENT: Rusty Weaver

Mike Vercher

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

Christopher Brady, City Engineer

# APPROVAL OF MINUTES

Mrs. Barnes stated that the minutes of the meeting September 12, 2019 are presented for approval.

MOTION Motion to approve minutes was by Mr. Larson and second was by Mr. Romeo.

Voice vote as follows:

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

Mrs. Barnes – yes Motion carried.

# **Final Plats**

# **Consent Agenda**

(1) P-1019-48 Vines Construction, Inc Is Requesting Final Plat Approval For Lilly's

**Subdivision.** The Purpose for This Request Is to Resurvey Lot Lines. The Property Is Owned By Vines Construction, Inc and Is Zoned Vestavia Hills

R-4.

(2) P-1019-53 Paul E. Russell Is Requesting Final Plat Approval For Alta Glen

**Highlands.** The Purpose for This Request Is to Subdivide Annexed Property Into Three Lots. The Property Is Owned By Paul E. Russell and Is Zoned

Vestavia Hills E-2.

(3) **P-1019-56** Overton Investments, LLC Is Requesting **Final Plat Approval** For **Overton** 

**Investments Resurvey No. 1 Of New Merkle.** The Purpose for This Request Is To Resurvey Lot Lines. The Property Is Owned By Overton

Investments, LLC and Is Zoned Vestavia Hills R-9.

(4) P-1019-57 Bruno Family, LLC Is Requesting Final Plat Approval For Resurvey No. 1

**J.S. Jones Addition To New Merkle.** The Purpose for This Request Is to Combine Lots. The Property Is Owned By Bruno Family, LLC and Is Zoned

Vestavia Hills O-1.

(5) **P-1019-58** Clayton Properties Group, Inc. Is Requesting **Final Plat Approval** For

**Helen Ridge.** The Purpose for This Request Is to Create 52 Lots. The Property Is Owned By Clayton Properties Group, Inc. and Is Zoned Vestavia

Hills R-9.

Overton Village Condos, LLC. Is Requesting **Final Plat Approval** For **Overton Village Resurvey No. 2.** The Purpose for This Request Is to Create 6 Lots. The Property Is Owned Overton Village Condos, LLC. and Is Zoned Vestavia Hills R-9.

Mr. Garrison stated that item #5 needed to be removed for further conversation.

**MOTION** Mr. Gilchrist made a motion to approve items 1-4, 6. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yesMr. Romeo – yesMr. Gilchrist – yesMr. Sykes– yesMs. Cobb – yesMr. Larson – yes

Mrs. Barnes – yes Motion carried.

(5) **P-1019-58** 

Clayton Properties Group, Inc. Is Requesting **Final Plat Approval** For **Helen Ridge.** The Purpose for This Request Is to Create 52 Lots. The Property Is Owned By Clayton Properties Group, Inc. and Is Zoned Vestavia Hills R-9.

Mrs. Barnes opened the floor for a public hearing for item #5.

Tripp Galloway, attorney for an adjacent property owner, asked if an easement will be added to the to the plat.

Mr. Harris, developer of Helen Ridge, stated that it is not part of the plat but he is not opposed to adding it later.

Ms. Barnes stated that since this was not part of the preliminary plat it cannot be added to the final plat. However, the Commission encourages all parties to find a workable solution.

Mr. Galloway and Mr. Harris indicated they would.

**MOTION** Mr. Gilchrist made a motion to approve item 5. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Gilchrist – yes
Mr. Cobb – yes
Mr. Larson – yes

Mrs. Barnes – yes Motion carried.

# **Rezoning/Conditional Use Recommendations:**

- (7) P-1019-46 Paul E. Russell Is Requesting Rezoning For 2645 Alta Glen Dr. from Jefferson County E-1 to Vestavia Hills E-2 For The Purpose Of Annexation.
- (8) P-1019-47 Hugh R. Humphrey Is Requesting Rezoning For 2790 Acton Pl. from Jefferson County R-1 to Vestavia Hills R-2 For The Purpose Of Annexation.
- (9) P-1019-49 Jennifer S. Weldon Is Requesting Rezoning For 2606 Acton Rd. from Jefferson County A-1 to Vestavia Hills Agriculture For The Purpose Of Annexation.
- (10) **P-1019-50** Honeycutt Real Estate Holdings, LLC Is Requesting **Rezoning** For **929 Mountain Branch Cir.** from **Jefferson County R-1 to Vestavia Hills R-2**For The Purpose Of Annexation.
- William Ennis Is Requesting Rezoning For 2429 Kenvil Cir. from Jefferson County E-2 to Vestavia Hills R-1 For The Purpose Of Annexation.
- (12) **P-1019-52** Brook Russell Is Requesting **Rezoning** For **3516 Squire Ln.** from **Jefferson County E-2 to Vestavia Hills R-1** For The Purpose Of Annexation.

Mrs. Barnes opened the floor for a public hearing on annexation items #7-12.

Mr. Goodwin asked Mr. Garrison if City Council knew that #9 would be zoned agriculture. Mr. Garrison stated that he assumed so and since the property was annexed overnight the Zoning Ordinance mandated the compatible rezoning.

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

**MOTION** Mr. Larson made a motion to recommend Rezoning from JC E-1 to Vestavia Hills E-2 for the property located At 2645 Alta Glen Dr. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

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

Mrs. Barnes – yes Motion carried.

**MOTION** Ms. Cobb made a motion to recommend Rezoning from JC R-1 to Vestavia Hills R-2 for the property located At 2790 Acton Pl. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Romeo – yes

Mr. Gilchrist – yes Ms. Cobb – yes Mr. Larson – yes

Mrs. Barnes – yes Motion carried.

**MOTION** Mr. Sykes made a motion to recommend Rezoning from JC A-1 to Vestavia Hills Agriculture for the property located At 2606 Acton Rd. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

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

Mrs. Barnes – yes Motion carried.

**MOTION** Mr. Gilchrist made a motion to recommend Rezoning from JC R-1 to Vestavia Hills R-2 for the property located At 929 Mountain Branch Cir. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

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

Mrs. Barnes – yes Motion carried.

**MOTION** Mr. Gilchrist made a motion to recommend Rezoning from JC E-2 to Vestavia Hills R-1 for the property located At 2429 Kenvil Cir. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

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

Mrs. Barnes – yes Motion carried.

**MOTION** Ms. Cobb made a motion to recommend Rezoning from JC E-2 to Vestavia Hills R-1 for the property located At 3516 Squire Ln. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Romeo – yes
Mr. Gilchrist – yes
Mr. Sykes– yes
Ms. Cobb – yes
Mr. Larson – yes

Mrs. Barnes – yes Motion carried.

(13) P-1019-55 Timothy B. Higgins Is Requesting Rezoning For 4222 Dolly Ridge Rd. from Vestavia Hills B-3 to Vestavia Hills B-1.2 For The Purpose Of Mixed Use Development.

Mr. Garrison explained the background of the request. He stated the project always envisioned two separate buildings. The first floor would be small retail and the second floor would consist of a residential condo. CCR's are attached to the application requiring that condo to be owner occupied.

Tim Higgins showed the Commission a 3-D model of the building and is available to answer any questions they have.

Mrs. Barnes opened the floor for a public hearing.

Tanya Duke spoke and stated she was concerned about traffic speeds along Dolly Ridge Rd.

Mr. Brady stated that development close to road as presented will help slow speeds down.

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

**MOTION** Mr. Gilchrist made a motion to recommend Rezoning from Vestavia Hills B-3 to Vestavia Hills B-1.2 with the condition that covenants attached be recorded before zoning is official for the property located At 4222 Dolly Ridge Rd. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

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

Conrad Garrison, City Planner

# PLANNING AND ZONING COMMISSION

# **MINUTES**

# **NOVEMBER 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

Lyle Larson Cheryl Cobb Fred Goodwin Greg Gilchrist Hasting Sykes Rusty Weaver Mike Vercher

MEMBERS ABSENT: Jonathan Romeo

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

Christopher Brady, City Engineer

# **Preliminary Plats**

(1) P-1119-62 Liberty park Joint Venture, LLP Is Requesting Preliminary Plat Approval

For **The Enclave.** The Purpose for This Request Is to Subdivide Acreage Into Three Lots. The Property Is Owned By Liberty park Joint Venture, LLP

and Is Zoned Vestavia Hills PR-1.

Mr. Garrison stated that the preliminary plat to add three lots and to extend at street.

John Harrison, from Schoel Engineering, was present to answer any questions.

**MOTION** Mr. Larson made a motion to approve Preliminary Plat Approval For The Enclave. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Vercher – yes

Mr. Farrell – yes
Ms. Cobb – yes
Mr. Larson – yes
Mr. Weaver – yes
Motion carried.

Mr. Sykes– yes
Mr. Larson – yes
Mrs. Barnes – yes

# **Final Plats**

# **Consent Agenda**

(2) P-1119-63 Maddox Enterprises, LP Is Requesting Final Plat Approval For Resurvey

**Of Lot 1 Motel Investors, Inc.** The Purpose for This Request Is to Subdivide One Lot Into 2. The Property Is Owned By Maddox Enterprises,

LP and Is Zoned Vestavia Hills B-3.

(3) P-1119-64 LP Development, LLC Is Requesting Final Plat Approval For The Bray At

**Liberty Park Resurvey No. 1.** The Purpose for This Request Is to Subdivide One Lot Into Three Lots And Record A Private Street. The Property Is Owned By LP Development, LLC and Is Zoned Vestavia Hills

PB.

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

**MOTION** Mr. Weaver made a motion to approve items 2-3. Second was by Mr. Larson. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Farrell – yes
Mr. Sykes – yes
Mr. Cobb – yes
Mr. Larson – yes
Mr. Weaver – yes
Mrs. Barnes – yes

Motion carried.

# **Rezoning/Conditional Use Recommendations:**

(4) P-1119-60 ECG Vestavia, LLC; Et Al. Is Requesting Rezoning For 2926 Columbiana Rd. from Jefferson County R-4 to Vestavia Hills R-5 For The Purpose Of

Annexation.

Mr. Garrison stated that when this property was annexed and was never properly compatibly rezoned.

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

**MOTION** Mr. Weaver made a motion to recommend Rezoning from JC R-4 to Vestavia Hills R-5 for the property located At 2926 Columbiana Rd.. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Farrell – yes
Mr. Sykes– yes
Mr. Cobb – yes
Mr. Larson – yes
Mr. Weaver – yes
Mrs. Barnes – yes

Motion carried.

(5) **P-1119-61** 

SWBP Investments, LLC Is Requesting A **Site Plan Amendment And Conditional Use Approval 2,500 Square Feet Of Gross Floor Area** For The Property At **3127 Blue Lake Dr.** The Property Is Zoned B-1.2.

Mr. Garrison explained the background of the request. He stated that since the property was zoned B-1.2 any change to the site plan will require Council approval.

Todd Thompson, engineer for the project, explained the history of the project. He stated that the new plan will allow for an outpatient plastic surgery center for one physician. Additionally, the applicants are requesting an additional 2,500 sq. ft. as allowed by code.

Mr. Larson asked Mr. Brady about ingress/egress for the project. Mr. Brady stated that the project conforms with the requirements of the Blue Lake Area Study.

Mrs. Barnes opened the floor for a public hearing.

Jeff Poe, 4516 Pine Tree Cir., spoke on behalf of his parents and stated he wanted to ensure that the integrity of their residential lot will not be compromised.

Mr. Larson stated that development is less intensive than what was previously approved.

Mrs. Barnes went through the conditional use checklist with the Commission and all agreed the request met all requirements.

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

**MOTION** Mr. Weaver made a motion to recommend the Site Plan Amendment and Conditional Use for an Additional 2,500 square feet for the property located At 3127 Blue Lake Dr. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Farrell – yes
Mr. Sykes – yes
Mr. Cobb – yes
Mr. Larson – yes
Mr. Weaver – yes
Mrs. Barnes – yes

Motion carried.

Conrad Garrison, City Planner

# SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **DECEMBER 12, 2019** 

• <u>CASE</u>: P-1219-67

• **REQUESTED ACTION:** Final Plat Approval For Overton Investments Resurvey No. 2 Of Mission Rd

• ADDRESS/LOCATION: 1109 Winward Lane

• **APPLICANT/OWNER:** Overton Investments, LLC

• **REPRESENTING AGENT**: Jason Kessler

- **GENERAL DISCUSSION:** Plat is to resurvey lot lines in accordance with previously approved rezoning. Both lots would have a 35' front setback, 20' rear setback, and 5' side setback. Originally, the lots were to have rear access but that has since changed and a 20' storm easement will take its place. The lots are currently zoned R-9.
- <u>VESTAVIA HILLS COMPREHENSIVE PLAN</u>: 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

Amended Final Map to change driveway access
Overton Investments

# R9

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

<u>II.</u>	APPLICANT	INFORMATION: (owner of property)	
	NAME:	Overton Investments	
	ADDRESS:	350S Bent River Rd	
	,	Vestavia Hills, AL 35216	
	MAILING AD	DRESS (if different from above)	
	PHONE NUM	BER: Home Office 205	5-985-7171
	NAME OF RE	PRESENTING ATTORNEY OR OTHER AGENT:	
III.	ACTION RE(	DUESTED	
	from a	for the request: Changing the 20 foo- ccess to drainage information is needed, please attached full description of	
IV.	PROPERTY I	DESCRIPTION: (address, legal description, etc.)	
	Vestavia	9 Winward Lane Hills, AL 3S216  93.80 feet x 209.03 feet. Acres:45	
VI.	ZONING/REZ	zoning:  cribed property is presently zoned:	119 NOV 26 P
			10 :ZI

# VI. OWNER AFFIDAVIT:

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

Owner Signature/Date

Given under my hand and seal this 26 day of No., 20/9.

Representing Agent (if any)/date

My commission expires 404 day of 9, 2023.

Notary Public



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

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



# FINAL PLAT

# OVERTON INVESTMENTS RESURVEY NO.2 OF MISSION ROAD

Being a Resurvey of Lot 29 & Lot 8, BLOCK 3, NEW MERKLE, as recorded in Map Book 29, Page 35, in the Probate Office of Jefferson County, Alabama and Amended Final Plat for Lot 9-A and Lot 9-B, Map Book 251, Page 30

PURPOSE: AMEND THE LOTS TO CHANGE THE REAR ACCESS EASEMENT TO STORM DRAINAGE EASEMENT

28-00-30-3-008-025.000 Jeffery Philips 1909 Mission Road Vestavia, AL 35216 USE: Residential 20' Easement for Sanitary Sewer BNAJ GAAWNIW Under St. 20.00 Fr.00.80. 'S0.74 94.09.49. 35' FRONT S.B. MISSION ROAD 35' FRONT S.B. LOT MB 18, 50' - R/W ĕ LOT 9 18, PG 56 28-00-30-3-007-004.000 Richard Bishop 3552 Tanglecreek Circle Vestavia, AL 35243 PG 10 56 -202.22'-209.03 9-A 9,723.5SF 9,525.6SF 0.219AC 0.223AC 5' SIDE SETBACK - TYPICAL 5' SIDE SETBACK - TYPICAL 10-A 20' REAR S.B. 20:00:00 20:000 20' 46.65 ,06°9t -5.0' -20' Easement for STORM DRAINAGE 28-00-30-3-007-002.001 Jeff Tenner 1925 Mission Road Vestavia, AL 35216 USE: Residential

# STATE OF ALABAMA CITY OF VESTAVIA

We, the underlighted, Korf L. Hoper as surveyor, AND OPERION INVESTIBLITS, LUC as Owners, do hearby state that the recogning plot of owners survey of the subdivision to be known as OPERIONS\_ERRINKEY\_MO\_\_100\_MISSIBM\_ROAD\_and all monuments have been excelled an expressanted and said spill or may of the property hearby herein sheet the stretch, excess, and other public ways, and the number and determinant of each jet and above the arealism of the land a potent the government survey of determinant country, Abbornion.

In witness whereof, we have hereunto set our hands this the  $\frac{26th}{doy}$  doy of  $\frac{NOV}{down}$  2019.

Karl L. Hager. PLS Alabama Reg. No. 11848 Kall Hay

STATE OF ALABAMA CITY OF VESTAVIA

A NOTARY PIBLIC WHOSE HAME IS SHEED TO THE PROSECUE AND COUNTY AND STATE HERSEY CERTY THAT.
KARL IL HAGER, WHOSE HAME IS SHEED TO THE FREEDWICK CERTIFICATE, SAS UNKERFOR, WHO IS KNOWN TO ME.
ACKNOWLEDGU BETORE HE ON THIS DATE, THAT AFTER WAYING BEEN DULY MYSIGARD OF THE CONTRINS OF SAD
CENTROLET, THEY DECORTED THE SAME CAUCHABLY AS SOCIO MOTODULAS SHIP VILL LANDHARY THEREF.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_

NOTARY PUBLIC MY COMMISSION

EXPIRES:

CHARLES KESSLER JR., MEMBER OVERTON INVESTMENTS, LLC

STATE OF ALABAMA COUNTY OF \_\_\_\_\_

I. THE UNDESCORED. A NOTARY PUBLIC IN AND TOR SAID COUNTY AND STATE REFERY CERTIFY THAT CHARES EXISSUES. WORSE WAR SA SAUBRED TO THE FORECOING RECORD HAP, CONFIGNACE, HE ANS SLICH MEMBER AND WITH FULL AUTOMOTY. EXECUTED THE SAME CHAPTAINT FOR AND AS THE ACT OF SAID CORPORATION IN THE CAPACITIES SET OUT HEREIN.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF

NOTARY PUBLIC MY COMMISSION

EXPIRES

DATE:

DIRECTOR
JEFFERSON COUNTY ENVIRONMENTAL SERVICES

DATE: NOV. 25, 2019

© COPYRIGH

CHAIRMAN PLANNING COMMISSION CITY OF VESTAVIA HILLS, ALABAMA

APPROVED:

CITY ENGINEER

APPROVED:

ENVIRONMENTAL SERVICES DEPARTMENT APPROVIAL INDICATES
THAT LASELENTS WHERE BEEN DEDICATED FOR CHERRY AND
TUTINE LEFTERSON COUNTY SANITARY SERVERS, HOWEVER
THIS DOCK NOT MEAN SANITARY SERVERS HAVE BEEN BUILT
OR WILL BE BUILT IN THE TUTURE. ANY CHARGES IN THE
OR WILL BE BUILT IN THE TUTURE. ANY CHARGES IN THE
ORNAL SANITARY OR CASCIBENT BOUNDARIES AFTER THIS
DATE MAY YOND THIS APPROVIAL.

CITY CLERK, VESTAVIA HILLS ALABAMA

APPROVED:

USE: Residential

PREPARED BY:
HAGER COMPANY, INC.
1825-0 1214 AVENUE
Phone: (205) 229-1738 - Keilmhager@icould.com

# SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **DECEMBER 12, 2019** 

• <u>CASE</u>: P-1219-65

- **REQUESTED ACTION:** Rezoning Vestavia Hills Inst-1, Vestavia Hills A, Vestavia Hills B-2 to Vestavia Hills B-1.2
- ADDRESS/LOCATION: 3122, 3128, 3134, 3136 Sunview Dr.
- **APPLICANT/OWNER:** Adam Hudson
- <u>GENERAL DISCUSSION</u>: Applicant is seeking to rezone 3122, 3128, 3134, 3136 Sunview Dr. from Inst-1, Vestavia Hills A, Vestavia Hills B-2 to Vestavia Hills B-1.2 for a salon. The applicant would build a 3,000 sq. ft. building and a 13 lot parking lot. The building would have a front setback of 13'. Additionally, the applicant will construct intersection improvements and build 14 angled on-street parking spaces in accordance with the regulations for B-1.2 zoning. The proposed site plan, landscaping plan, and rendering and covenants are attached.
- <u>CAHABA HEIGHTS COMMUNITY PLAN:</u> The request is consistent with the plan for limited mixed use.

# • STAFF REVIEW AND RECOMMENDATION:

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

City Planner Recommendation: No recommendation

- 2. **City Engineer Review:** 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.

P1219-65//2800154009017.001 3122,3128,3134,3136 Sunview Dr.

Rezone to B-1.2 Adam Hudson

Inst.,A &

# CITY OF VESTAVIA HILL. B2

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

			D
II.	APPLICANT	INFORMATION: (owner of property)	P: 0
	NAME:	Adam Hudson	
	ADDRESS:	2129 1st Ave. North	
		Birmingham AL 35203	
	MAILING AD	DRESS (if different from above)	
	PHONE NUM	BER: Home	Office 105/917-808/
	NAME OF RE	PRESENTING ATTORNEY OR OTHER .	AGENT:
	Parrish	Holley - Holley Development arrishholley. com	205/249-6917
	emaile p	arrishholley. com	

# P1219-65//2800154009017.001 3122,3128,3134,3136 Sunview Dr.

Rezone to B-1.2

Inst.,A &

Z Application

Page 5

Adam Hudson

B2

# III. ACTION REQUESTED

Request that the above described property be zoned/rezoned From: Varies - Institutional, agricultural + B2 B1.2 To: For the intended purpose of: Hair Salon (Example: From "VH R-1" to "VH O-1" for office building) \*\*if additional information is needed, please attached full description of request\*\* PROPERTY DESCRIPTION: (address, legal, etc.) - See attacked IV. 28-15-4-009-017,001 parcels 28-15-4-009-018.000 019.000 4 020.000 Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: 1.18 acres **INFORMATION ATTACHED:** Attached Checklist complete with all required information. Application fees submitted. VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Owner Signature/Date Given under my hand, and seal this 4th day of NOVember 20 19. Notaky Public My commission expires day of \_\_\_\_

# **Land Available For Development** Cahaba Heights, AL

# For Sale



# Area Map



# **Property Details**

Location:

3112 Sunview Drive

Cahaba Heights, AL 35243

> Zoning:

C-1

Acres:

±1.18 Acres (51,225 SF)

Utilities: All Available

**▶** Listing Price: Description:

\$350,000

Location:

Vacant land ideal for retail, or office

Conveniently located in Cahaba

Heights with excellent access to Highway 280, I-459 and The Summit

# **Contact Information:**

Wes Cline, CCIM Wes@hsccommercial.com Phone: (205) 515-7610

P1219-65//2800154009017.001 3122,3128,3134,3136 Sunview Dr.

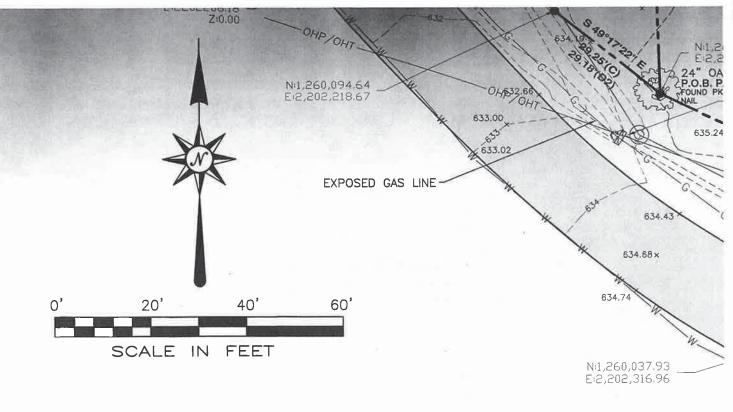
Rezone to B-1.2

Adam Hudson

Inst.,A &

2801 Hwy 280 S Bldg 3 Suite 500 Birmingham, AL 35223 (205) 380-3334





# TITLE LEGAL DESCRIPTION

15" RCP II 15" RCP INV

### Parcel I:

Commence at the Southwest corner of the NE 1/4 of the SW 1/4 of the SE 1/4 of Section 15, Township 18 South Range 2 West, Jefferson County, Alabama and run Southerly a distance of 62.40 feet, thence 117°07′32″ to the right and run Northwesterly a distance of 35.25 feet to the point of beginning, thence 62°28′34″ to the right and run Northerly a distance of 45.56 feet, thence 88°30′ to the left and run Westerly a distance of 92.84 feet, thence 42°29′ to the left and run Southwesterly a distance of 32.36 feet, thence 27°46′ to the left and run Southwesterly distance of 32.00 feet, thence 22°24′ to the right and run Southwesterly a distance of 4.53 feet to the Northeasterly right of way of Sunview Drive, thence 75°32′15″ to the left and run Southeasterly along the Northeasterly of a curve to the left, having a chord distance of 49.46 feet, a delta angle of 8°33′55″, an arc distance 49.50 feet and a radius of 331.15 feet: thence 12°01′22.5″ to the left and run Southeasterly along the Northeasterly right of way of Sunview Drive a distance of 29.18 feet; thence 132°09′53″ to the left and run Northerly a distance of 149.48 feet; thence 117°52′54″ to the right and run Southeasterly a distance of 49.79 feet to the point of beginning.

## Parcel II:

A part of land in the SW 1/4 of the SW 1/4 of SE 1/4, Section 15, Township 18 South, Range 2 West being more particularly described as follows: Commence at the NE corner of SW 1/4 of SW 1/4 of SE 1/4, Section 15, Townshi 18 South, Range 2 West, thence South 62.4 feet for a point beginning thence 117°07' right 85 feet; thence 117°07' left 150 feet to the right of public road; thence 117°07' left 85 feet along the said right of way; thence 117°07' 150 feet point of beginning.

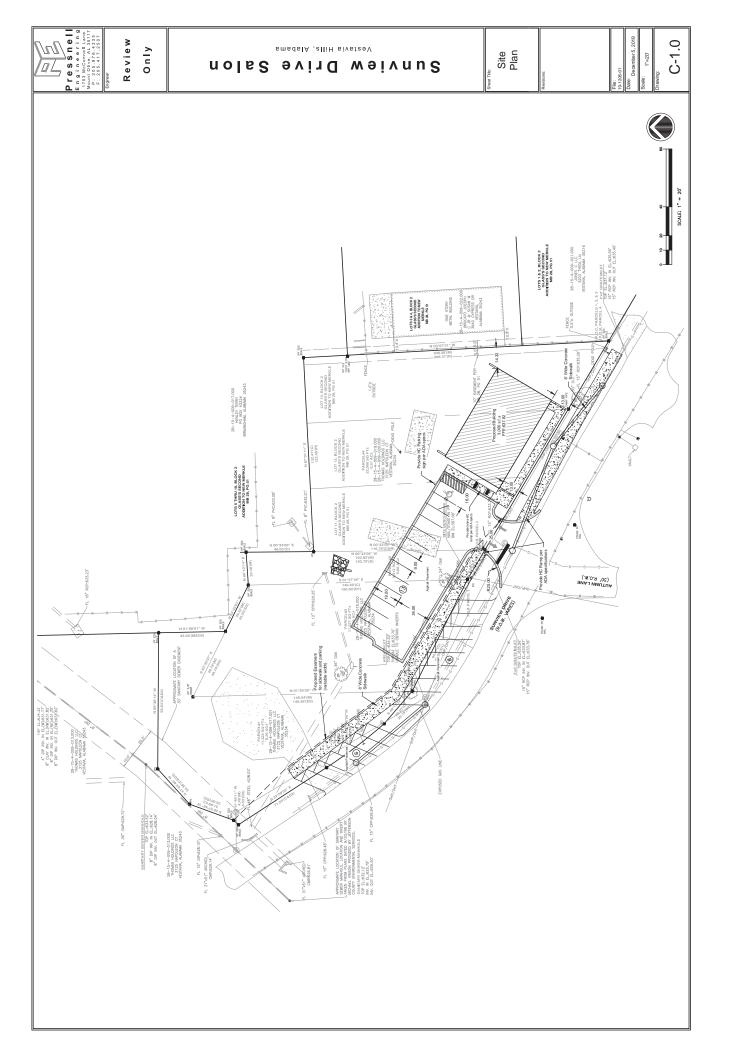
### Parcel III:

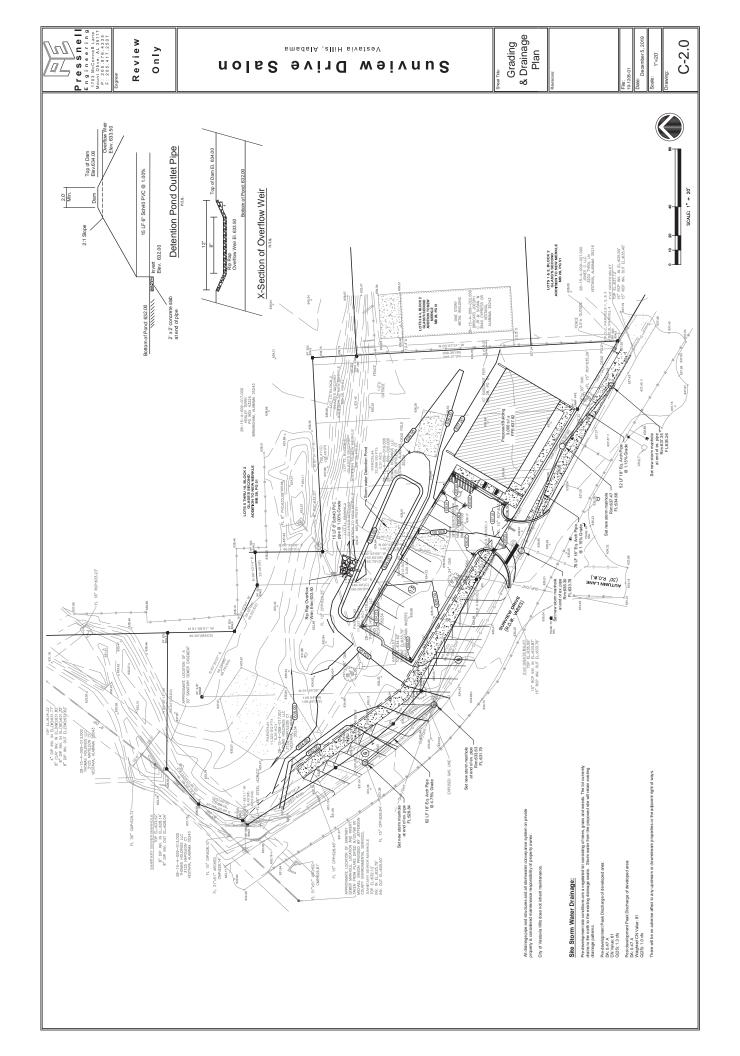
The South portion of a 20 foot right—of—way of 2nd Avenue located in Block 2 of the map according to Glass's Second Addition to New Merkle, as recorded in Map Book 28, Page 51, in the office of the Judge of Probate, Jefferson County, Alabama, extending from the right—of—way of Sunview Drive (Sunset Drive as per map) for a distance of 150 feet along the west side of 2nd Avenue and extending from the right—of—way of Sunview Drive (Sunset Drive as per map, for a distance of 162.79 feet along the east side of 2nd Avenue.)

All of said property being situated in the SW 1/4 of theSE 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama.

# Parcel IV:

Lots 11, 12 & 13, Block 2, according to the Survey of Glass's Addition to New Merkle, as recorded in Map Book 28, page 51, in the Probate Office of Jefferson County, Alabama, Birmingham Division.











A Mew Building for:

CAHABA HEIGHT SALON

RELAKES / DESCRIPCION / DARES

WOTOR CONSTRUCTION

BALLAGED FOR CONSTRUCTION

CONSTRUCTION

APPROVED

PROJECT IN A JUST SERVICE

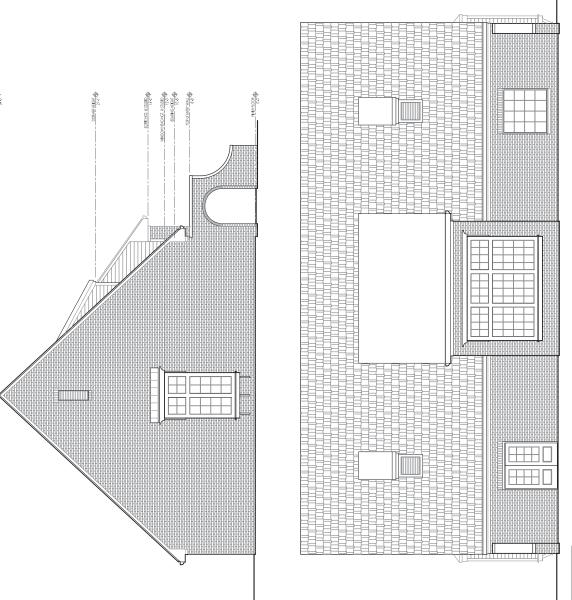
APPROVED

THAT SERVICE

THA

A2

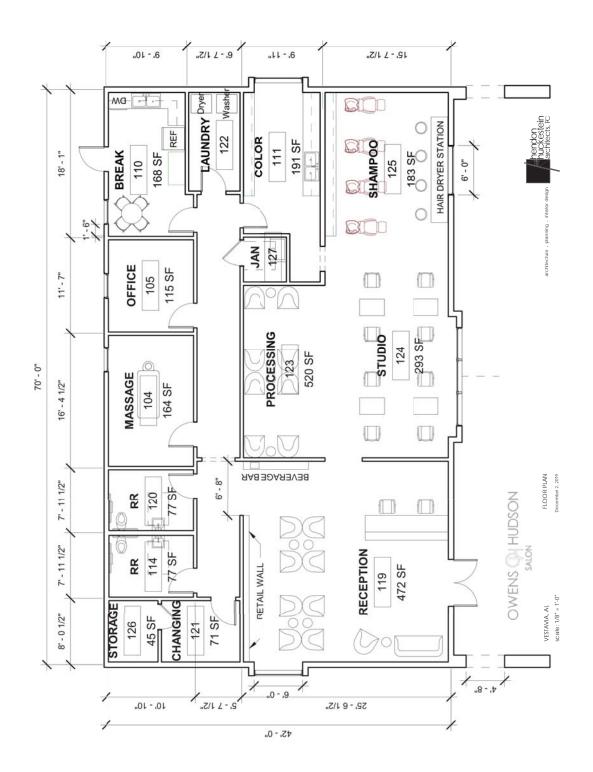
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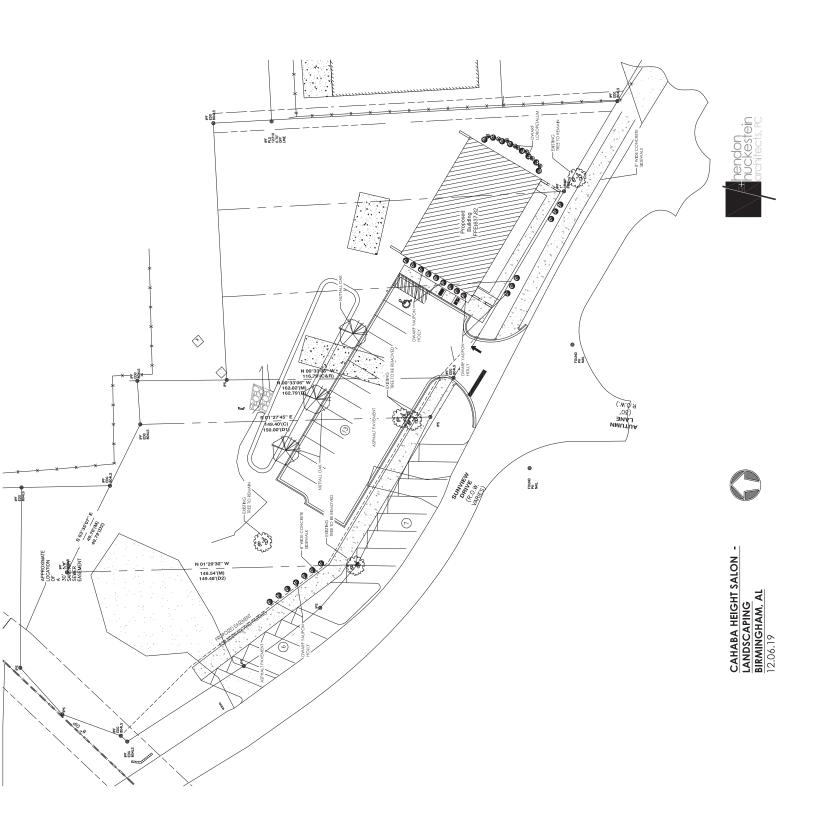


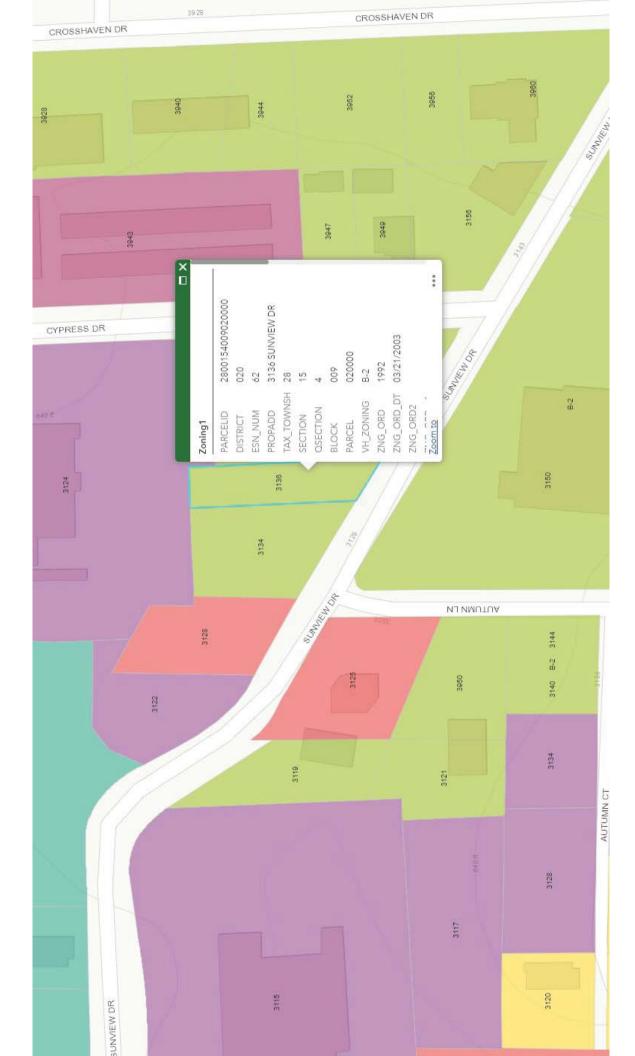
OWENS (P) HUDSON SALON

EXTERIOR ELEVATIONS

VESTAVIA, AL scale: 1/8" = 1'-0"







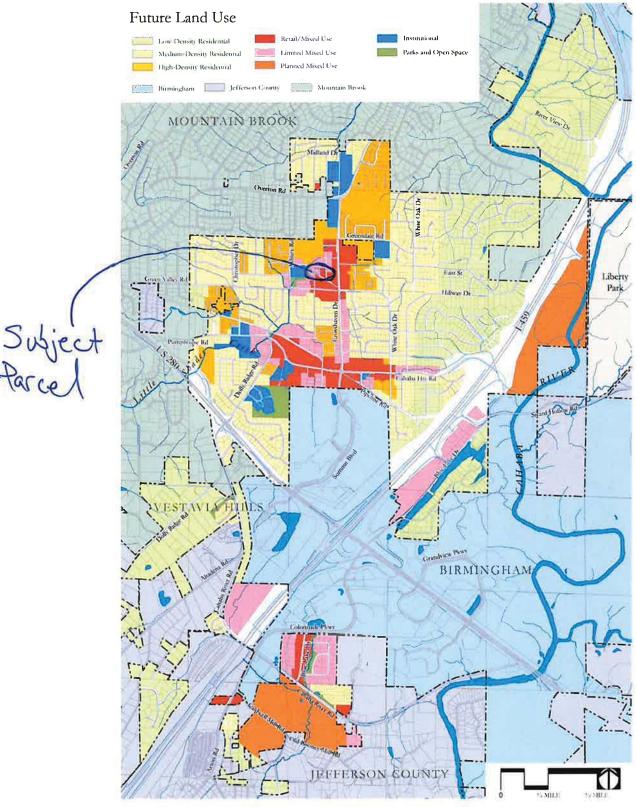


Figure 4: Future Land Use Map

# SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **DECEMBER 12, 2019** 

• <u>CASE</u>: P-1219-66

• **REQUESTED ACTION:** Rezoning Vestavia Hills R-4, to Vestavia Hills B-2

• <u>ADDRESS/LOCATION</u>: 3216 Green Valley Rd.

• **APPLICANT/OWNER:** Harold & Lillian Pennington

- **GENERAL DISCUSSION:** Applicant is seeking to rezone property on the corner of Green Valley Rd. and Wall St. for additional parking to assist with the redevelopment of the old Rite-Aid. The lot would add 22 additional spaces. The lot can only be entered through the Rite-Aid lot and the curb cut to Wall St. will be eliminated. The applicant is proposing to provide increased landscaping on the north side of the lot, as well as fencing along Wall Street. Additional information, supplied by the applicant, is attached. The proposed site and landscaping plan is also attached.
- <u>CAHABA HEIGHTS COMMUNITY PLAN:</u> The plan calls for high density residential development.

# • 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.

P1219-66//2800154013012.001 3216 Green Valley Rd. Rezone to B2 Harold & Lillian Pennington VH R4

P&Z Application
Page 4

# 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:	Harold and Lillian Pennington	
	ADDRESS:	3216 Green Valley Road, Vestavia Hills, AL 35243	2019 NOV
	TIDDICESO.		10
			5
	MAILING AI	DDRESS (if different from above)	$\triangleright$
			デ
			20
	PHONE NUM	IBER: Home 205-531-0661 Office 205-515	5-4739
	NAME OF RE	EPRESENTING ATTORNEY OR OTHER AGENT:	
	Cahaba Heigl	nts Corner CGP I, LLC and Cahaba Heights Corner CGP II, LLC or its assi	gns (Will Akin)
	\(\frac{1}{2} \)	Bill to 1: P.O. BOX 430113	
		Richainalana At.	

35243

# P1219-66//2800154013012.001 3216 Green Valley Rd.

P&Z Application

Page 5

Rezone to B2

Harold & Lillian Pennington

III. ACTION REQUESTED

VH R4

	Request that the above described property be zoned/rezoned
	From: R-4
	To: <b>B-2</b>
	For the intended purpose of: additional parking lot for the redevelopment of the
	former Rite Aid, located at 3965 Crosshaven 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.)
8	BEG AT NW INTER OF WALL ST & GREEN VALLEY RD DTH N 130 FT TH W 120 FT TH S 130 FT
	TH E 120 FT TO POB SECT 15 TWSP 18S RANGE 2W ; Parcel ID: 28-00-15-4-013-012.001
	Property size: 119.86 feet X 130 feet. Acres: +/-0.36 AC
<u>V.</u>	INFORMATION ATTACHED:
✓	Attached Checklist complete with all required information.
	Application fees submitted.
	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.
L	Owner Signature/Date  WITE. CL  Representing Agent (if any)/date
	under my hand and seal
My con	Notary Public 20 2021  Impission expires 20 70 70 70 70 70 70 70 70 70 70 70 70 70

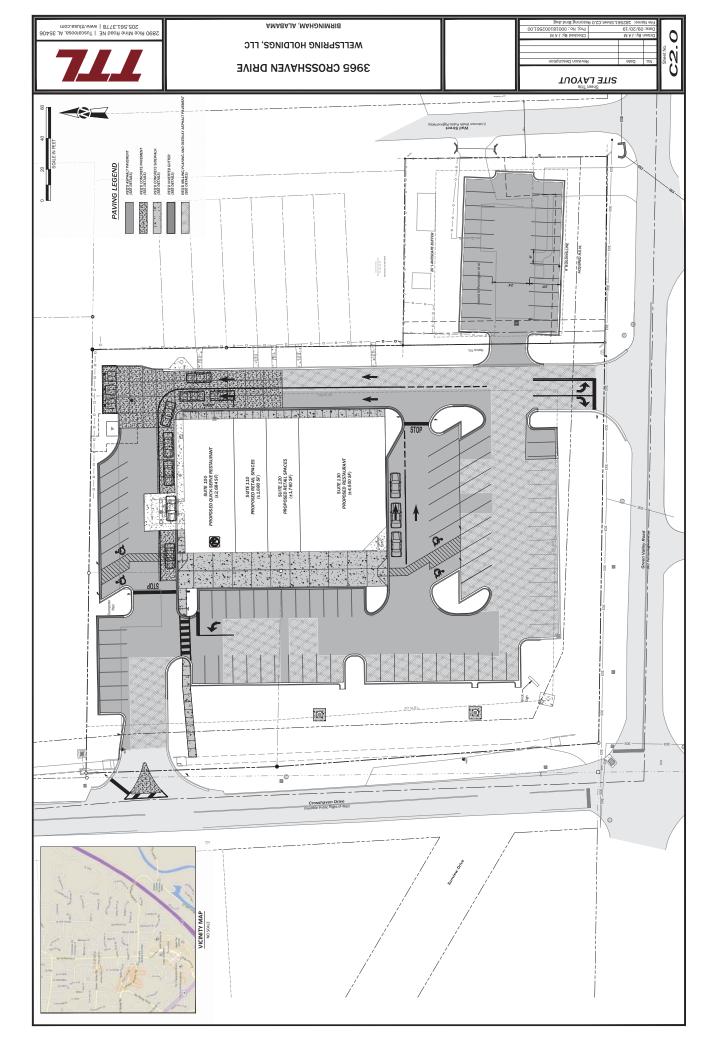
# Rezoning Summary 3216 Green Valley Road, Vestavia Hills, AL 35243

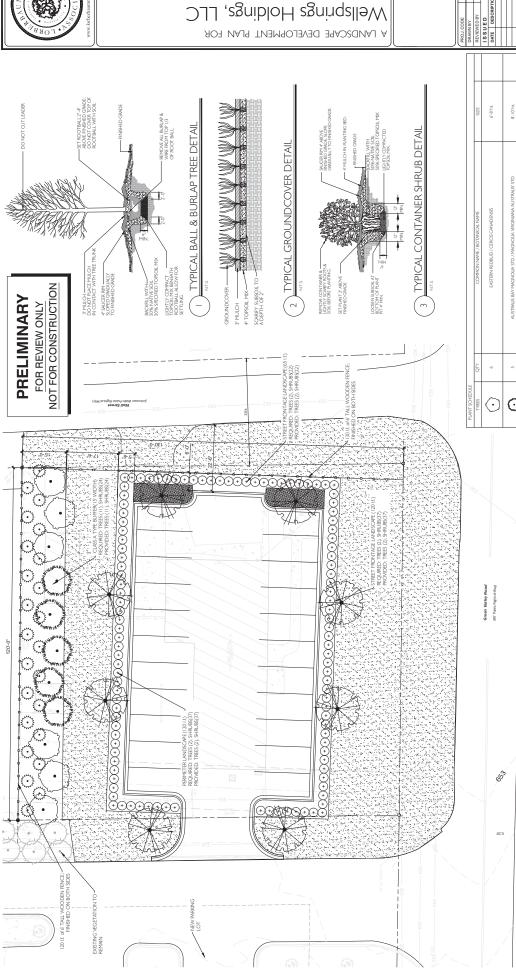
Cahaba Heights Corner CGP I, LLC and Cahaba Heights Corner CGP II, LLC (former Rite Aid Owner) are purchasing the house at 3216 Green Valley Road. This parcel will be utilized for approximately 20 additional parking spaces for the overall development. The property is currently zoned R-4 and we are seeking to re-zone to B-2 to conform to the former Rite Aid zoning. We have included a landscaping plan which meets or exceeds required buffers. We've also added a 6-foot double sided wooden privacy fence along Wall Street and the side of the property contiguous to the townhomes. We will work to install parking lot lights at a minimal height. Furthermore, we have agreed to contribute to the City of Vestavia's sidewalk plan for this parcel pursuant to emails with Lori Beth Kearley. As you can see from our plan, we are closing the current access point onto Wall Street. The only access point will be from the Rite Aid parcel. We will attempt to replat all three tax parcels following the rezoning.

Sincerely,

Will Akin

P1219-66//2800154013012.001 3216 Green Valley Rd. Rezone to B2 Harold & Lillian Pennington VH R4





3216 Green Valley Road Birmingham, AL

8. REPLACE ANY PLANT MATERIAL WHICH TURNS BROWN OR DEFOLIATES WITHIN FIVE PROPERS OF CONSANTERIAL MATERIAL AND WORRANANSHIP FOR A FROM OF FORD OF FOR ROM FINAL ACCEPTANCE BY OWNER. 7 MAINTAIN PLANT MATERIAL UNTIL FINAL ACCEPTANCE UNLESS OTHERWISE SPECIFIED. MAINTENING, RENDLINES, PREMINGS, MEDRING, MULCHING, STRAGEHTRUNG, PRUNING, BOWINNE, BERTILLING, CLAN-UP.

9. IF AN AUTOMATIC IRRIGATION SYSTEM IS TO BE INSTALLED, CONTRACTOR SYALL PROVISE VOWERWITH RRIGATION PLAN AND SHOP DRAWNINGS OF HEADS, WALVES, PRIEW, WIRE, & CLOCOS PROPOSED FOR INSTALLYTON. IRRIGATION PLAN SYALL BE SUBPITTED TO OWNER FOR APPROVAL PROR TO INSTALLATION.

10. INSTALL ALL PLANT MATERIALS IN ACCORDANCE WITH LOCAL CODES AND ORDINANCES.

5. MULCHALL PLANTING BEDS WITH MULCH SPECIFED ON PLAN TO A MINIMUM DEPTH of 4°, PROYDE 4 4 DIA MULCH SING, 4° DEB, AROUND ALL TRES LOCATED IN VANN ARESS. DON DOT PACE MULCHIN CONTACT WITH TREI TRUNK.

4. ALI PLANTS SHALL BE HEALTHY, VIGOROUS MATERIALS, FREE FROM DISEASE AND PEPSTS, AND MEET OR RECKEED THE STANDARDS SET FORTHIN "AMERICAN STANDARD FOR NUNSERY STOCK, LATEST EDITION, MAINLEADES OF ALL TREES SHALL REMAIN INTACT, NO GRAFTED MARIE WILL BE ACCEPTED.

I , VERIPY ALL UTILITY LOCATIONS IN THE FIELD BEFORE BEGINNING WORK, REPAIR DAMAGED UTILITIES TO OWNERS SATISFACTION AT NO ADDITIONAL COST. 2. VERIPY QUANTITIES ON PLAN BEFORE PRICING WORK, NOTIFY OWNER OF DISCREPANCIES IN QUANTITIES PRIOR TO SUBMITTING PRICING. 3. ALL MATERIALS ARE SUBJECT TO APPROVAL OF THE OWNER AT ANY TIME.

GENERAL PLANTING NOTES

6. PREPARE ALL SOIL USED IN TREE AND PLANT BEDS IN THE FOLLOWING PROPORTIONS, 4 PARTS BATCOMPOSED ORGANIC MATTER, ADD SLOW-RELEKE BANCED FERTILER PER MANUFACTURERS INSTRUCTIONS, FREMICALL SOIL ENGINEER MANUFACTURERS INSTRUCTIONS. FREMICALL SOIL BEFORE PARCING IN BED.

II. LANDSCAPE CONTRACTOR TO PROVIDE OWNER WITH AS BUILT DRAWINGS FOR ALLSERVE LOCATIONS, IRROATION HAMINIES, WALK AAND CLOCATIONS, AND BUILD WOUTHAE LIGHTING CIRCUITS (FIROUTIS) FROR TO FINAL ACCEPTANCE.

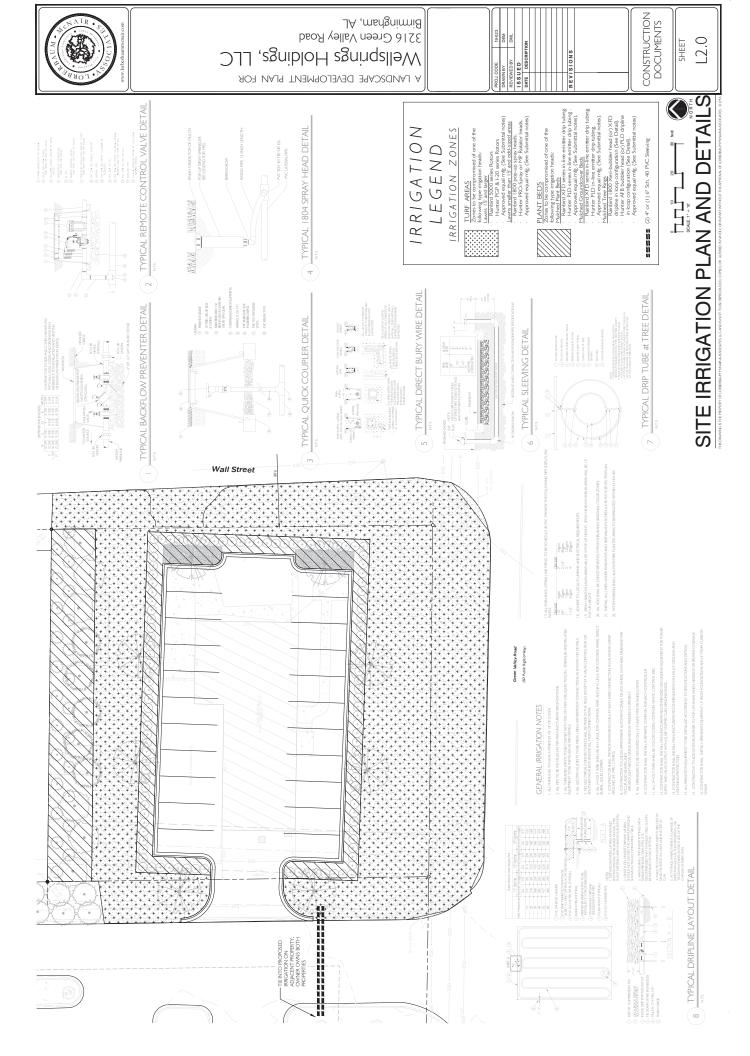
	CEEN	5	CONTROL NATION INVITED	SIZE
	0	9	EASTERN REDBLID / CERCIS CANNAD BNSS	6-8'ht.
	0	5	AUSTRALIS BAY MAGNOLIA STD / MAGNOLIA VIRGONIANIA AUSTRALIS STD	8-10'ht.
	*		IIGAWATHS COME/O/TB/COTB/COTB/COTB/COTB/COTB/COTB/COTB	25° CAL
	SHRUBS	ΥIÒ	COMMON NAME / BOTANICAL NAME	CONT/SIZE
	0	24	SOUTHERN WAX MYRTLE / MYRICA CERIEBA	3 GAL.
₩	•	=13	NEEDLE/DONTHOLLY / ILEX CORNUTA NEEDLE/DONT	3 GAL.
	GROUND COVERS	ΔL	COMMON NAME / BOTANICAL NAME	CONT/SIZE
		290	ASATIC JASHINE / TRACHELO SPERMLM ASATICUM "ASATIC"	4°POT
		10,640 SF	TIPWAY 4 I 9 BENALIDA	8,

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CONSTRUCTION
DOCUMENTS

0.17 SHEET

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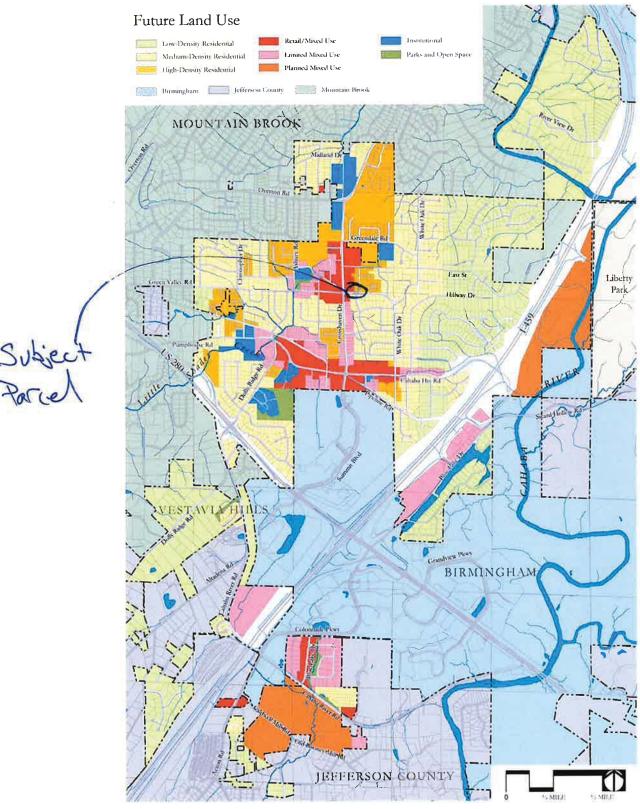


Figure 4: Future Land Use Map

