

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

APRIL 9, 2020

6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: March 12, 2020

Final Plats

Consent Agenda

- (1) **P-0420-11** Edgar Dailey Is Requesting **Final Plat Approval For Resurvey of Lot 1 Magnolia Ridge**. The Purpose for This Request Is to Resurvey One Lot Into Two. The Property Is Owned By Edgar Dailey and Is Zoned Vestavia Hills R-1.
- (2) **P-0420-13** Jason Ozburn Is Requesting **Final Plat Approval For 1st Addition to Vestavia Hills Resurvey**. The Purpose for This Request Is to Resurvey Lot Lines. The Property Is Owned By Jason Ozburn and Is Zoned Vestavia Hills R-1.

Rezoning/Conditional Use Recommendations

- (3) **P-0420-12** CRM Enterprises Is Requesting **Conditional Use Approval For Mechanical Repair Of Motor Vehicles And Short Term Storage Of The Same, With An Exterior Security Fence For The Address at 1456 Montgomery Hwy (Zoned B-3)**.

SPECIAL NOTICE: Pursuant to “Stay at Home” orders from the Governor of the State of Alabama due to COVID-19 Pandemic, the Planning and Zoning Commission meeting of April 9, 2020 will be video-conferenced and teleconferenced. Anyone may participate via phone/computer. Participation via videoconferencing through Zoom.com may be viewed by clicking the following link: <https://us04web.zoom.us/j/7970217974>
To attend via teleconference, please dial 312.626.6799 and enter the meeting ID of 797 021 7974

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

MINUTES

MARCH 12, 2020

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
Rusty Weaver
Ryan Ferrell
Jonathan Romeo
Mike Vercher
Fred Goodwin

MEMBERS ABSENT:

Lyle Larson
Hasting Sykes
Cheryl Cobb

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner

APPROVAL OF MINUTES

Mrs. Barnes stated that the minutes of the meeting February 13, 2020 are presented for approval.

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

Mr. Vercher – yes
Mr. Romeo – yes
Mr. Weaver – yes
Motion carried.

Mr. Ferrell– yes
Mr. Goodwin – yes
Mrs. Barnes – yes

Final Plats

P-0320-10 8001 Liberty Parkway, LLC Is Requesting **Final Plat Approval** For **8001 Liberty Parkway Resurvey No. 1**. The Purpose for This Request Is to Resurvey One Lot Into Two. The Property Is Owned By 8001 Liberty Parkway, LLC and Is Zoned Vestavia Hills PUD-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 Final Plat For 8001 Liberty Parkway Resurvey No. 1. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

| | |
|-------------------|-------------------|
| Mr. Vercher – yes | Mr. Ferrell– yes |
| Mr. Romeo – yes | Mr. Goodwin – yes |
| Mr. Weaver – yes | Mrs. Barnes – yes |
| Motion carried. | |

Rezoning/Conditional Use Recommendations:

P-0320-08 Station No. 5, LLC Is Requesting **Rezoning** For **3009 Pumphouse Rd.** from **Vestavia Hills O-1 to Vestavia Hills B-2** For The Purpose Of Office & Retail Development.

Mr. Garrison explained the background of the request. He stated that the rezoning will allow for an office and retail development.

Todd Thompson and John Michael Bodnar were present to explain the request.

Mr. Goodwin asked how drainage would be handled on the site. Mr. Thompson stated the detention would be held underground before releasing. Mr. Garrison stated the plan met all City requirements.

Mrs. Barnes opened the floor for a public hearing.

Lynn Campisi, 3008 Pumphouse Rd., spoke and stated she was concerned about the restaurant's tenants and traffic.

John Michael Bodnar stated he was searching for a breakfast concept.

John Duffy stated he was concerned about potential uses.

The Commission agreed and stated that certain uses could be prohibited.

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

MOTION Mr. Weaver made a motion to recommend Rezoning from Vestavia Hills O-1 to Vestavia Hills B-2 for the property located 3009 Pumphouse Rd. with the following condition:

1. Gas stations and auto repair is prohibited;
2. Rezoning based on the site plan presented;
3. Rezoning will not be final until cross access and parking agreements are recorded.

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

Mr. Vercher – yes

Mr. Ferrell– yes

Mr. Romeo – yes

Mr. Goodwin – yes

Mr. Weaver – yes

Mrs. Barnes – yes

Motion carried.

P-0320-09 Robert & Judith Armstrong are Requesting **Rezoning For 3120 Blue Lake Dr. & 3123 Timberlake Rd. from Vestavia Hills R-1 to Vestavia Hills B-1.2** For Retail, Personal Services & Office Development.

Mr. Garrison explained the background of the request. He stated that the rezoning will be for another office/personal services building in the Blue Lake area.

Walter Reinecker stated the building would be similar to the office buildings built in the area.

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 Vestavia Hills Hills R-1 to Vestavia Hills B-1.2 for the property located 3120 Blue Lake Dr. & 3123 Timberlake Rd. with the following condition:

1. Rezoning is not final until resurvey has been recorded.

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

Mr. Vercher – yes

Mr. Ferrell– yes

Mr. Romeo – yes

Mr. Goodwin – yes

Mr. Weaver – yes

Mrs. Barnes – yes

Motion carried.

Conrad Garrison, City Planner

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

Date: APRIL 9, 2020

- **CASE:** P-0420-11
- **REQUESTED ACTION:** Final Plat Approval For Resurvey of Lot 1 Magnolia Ridge
- **ADDRESS/LOCATION:** 2696 Dolly Ridge Rd
- **APPLICANT/OWNER:** Edgar Dailey
- **GENERAL DISCUSSION:** Plat will subdivide one lot into two. A house currently exists on Lot 1-A and will remain. Lot C-1 will be a vacant buildable lot. All easements will remain. The lots are currently zoned R-1.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium 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
PLANNING AND ZONING COMMISSION
FINAL MAP APPLICATION**

II. APPLICANT INFORMATION: (owner of property)

NAME: Edgar M Dailey

ADDRESS: 2935 Redmont Park Lane
Birmingham AL 35205

BILLING ADDRESS (if different from above) _____

PHONE : 205-936-3817 Email edailey72@AOC.com

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

PHONE : _____ Email _____

III. BILLING/RESPONSIBLE PARTY: (FOR PAYMENT OF FEES)

NAME: Edgar M Dailey

ADDRESS: 2935 Redmont Park Lane
Birmingham AL 35205

MAILING ADDRESS (if different from above) _____

PHONE: _____ Email _____

2020 MAR - 3 A 8:53

IV. ACTION REQUESTED

Final Plat Approval: (reason must be provided)

Explain reason for the request: separate Lot 1 from Lot C

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

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

Lot 1 2064 Magnolia Ridge Vestavia AC 35243

Lot C AS recorded in Map Book 177 Page 23

Lot 1 .59 - 143 - Lot 1 150.15 Right - 126.05 - Back 182.69

Property size: Lot C .51 feet X Lot C .51 feet. Acres: Lot C .51
↳ F - 124.98 Right 127.04 Left 182.69 Back 131.57

VI. ZONING/REZONING:

The above described property is presently zoned: R-1

VII. 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. **Application must be signed by the owner of the property before a Notary and original submitted to the Office of the Clerk; no copies will be accepted.**

Edgar M Dailey
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 3rd day of March, 2020.

Mildred H. Ashman
Notary Public

My commission expires 21st
day of August, 2020.

My Commission Expires
August 21, 2023

- LEGEND**
- SQUARE FEET
 - AC ACRES
 - +< MORE OR LESS
 - Δ DELTA ANGLE
 - T TANGENT
 - R RADIUS
 - CH CHORD
 - ESMT. EASEMENT
 - EX. EXISTING
 - MB. MAP BOOK
 - FND. FOUND
 - ROW. RIGHT-OF-WAY
 - O. REBAR SET
 - C.N. CENTERLINE
 - D.B. DEED BOOK
 - NOT TO SCALE

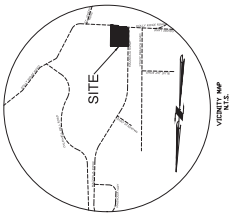
RESURVEY OF LOT I MAGNOLIA RIDGE

DATE: MARCH 2020

SCALE: 1"=30'

LOT C MAGNOLIA RIDGE FIRST SECTOR MAP BOOK 174, PAGE 66
IN THE NE 1/4 SECTION 10, TOWNSHIP 8 SOUTH, RANGE 7 WEST
JEFFERSON COUNTY, ALABAMA

WEYGAND SURVEYORS, INC.
166 Roy Weygand, Reg. L.S. #24972
Jefferson County, Alabama 36209
Phone: (205) 942-0086 Fax: (205) 942-0087



State of Alabama
County of Jefferson

I, Roy Weygand, Reg. L.S. #24972
I, Joseph M. Daily III, Owner

By: _____
By: _____

Notary Public - My Commission Expires: _____

State of Alabama
County of Jefferson

I, Jeanne Weygand, Notary Public in and for said County and State, do hereby certify that Roy Weygand, whose name is signed to the foregoing certificate as Land Surveyor, and who is known to me, acknowledged before me, on this date, that being informed of the contents of said certificate, he executed same voluntarily and with full authority hereof.

Given under my hand and seal this 3rd day of March, 2020.



Notary Public - My Commission Expires: _____

State of Alabama
County of Jefferson

I, Jeanne Weygand, Notary Public in and for said County and State, do hereby certify that Joseph M. Daily III, whose name is signed to the foregoing certificate as Owner, and who is known to me, acknowledged before me, on this date, that being informed of the contents of said certificate, they executed same voluntarily and with full authority hereof.

Given under my hand and seal this 3rd day of March, 2020.

By: _____
By: _____

Notary Public - My Commission Expires: _____

State of Alabama
County of Jefferson

I, Jeanne Weygand, Notary Public in and for said County and State, do hereby certify that _____, whose name is signed to the foregoing certificate as Owner, and who is known to me, acknowledged before me, on this date, that being informed of the contents of said certificate, they executed same voluntarily and with full authority hereof.

Given under my hand and seal this 3rd day of March, 2020.

By: _____
By: _____

Notary Public - My Commission Expires: _____

State of Alabama
County of Jefferson

I, _____, Notary Public in and for said County and State, do hereby certify that _____, whose name is signed to the foregoing certificate as Owner, and who is known to me, acknowledged before me, on this date, that being informed of the contents of said certificate, they executed same voluntarily and with full authority hereof.

Given under my hand and seal this 3rd day of March, 2020.

APPROVED: _____ DATE: _____
City Engineer

APPROVED: _____ DATE: _____
Vesuvia Hill Planning & Zoning Commission

APPROVED: _____ DATE: _____
Manager and City Clerk

NOTE: _____

APPROVED: _____ DATE: _____
Jefferson County Environmental Services

APPROVED: _____ DATE: _____
Jefferson County Health Department

NOTES:
THE LOT OWNER/BUILDER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF SANITARY SEWERS, STORM SEWERS, CURBS, GUTTERS, DOWNSPUTS, TELEVISION CABLE SYSTEMS, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION (UNLESS OTHERWISE NOTED).
THE LOT OWNER/BUILDER SHALL BE RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING AND FOR SOIL CONDITIONS. THIS ENGINEER/SURVEYOR IS NOT RESPONSIBLE FOR EITHER.
THE LOT OWNER/BUILDER SHALL BE RESPONSIBLE FOR ADJUSTING THE LIDS OR TOP ELEVATION FOR ALL MANHOLES AND YARD INLETS ON EACH LOT.
THE LOT OWNER/BUILDER SHALL USE APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAINS, DITCHES, GRADING OR OTHER MEANS TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINE OR SEPTIC TANK LOCATION PRIOR TO CONSTRUCTION OF BUILDING FOUNDATIONS.
ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVICED.
NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN TWO (2) FEET ABOVE TOP OF ANY ADJACENT STORM SEWER WITHOUT ENGINEER'S APPROVAL.
NO FENCE SHALL IMPIDE THE FLOW OF WATER IN ANY DRAINAGE WAY.
WEYGAND SURVEYORS, INC. IS NOT RESPONSIBLE FOR SOIL COMPACTIONS AND DID NOT CONDUCT ANY SURFACE OR SUBSURFACE INVESTIGATIONS.
NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

NOTE:

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073C0559H, DATED SEPTEMBER 3, 2010.



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

Date: APRIL 9, 2020

- **CASE:** P-0420-13
- **REQUESTED ACTION:** Final Plat Approval For 1st Addition to Vestavia Hills Resurvey
- **ADDRESS/LOCATION:** 2508 Shades Crest Rd.
- **APPLICANT/OWNER:** Jason Ozburn
- **GENERAL DISCUSSION:** Plat will resurvey lot lines to match deed. All easements will remain. The lot is currently zoned R-1.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium 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

P0420-13//2800202001004.000
2508 Shades Crest Rd.
Final Map to combine 2 lots into 1
Lot
Jason Ozburn

P&Z Application
Final Plat Approval
Page 3

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

II. APPLICANT INFORMATION: (owner of property)

NAME: JASON OZBURN

ADDRESS: 2508 Shades Crest Rd
Birmingham AL 35210

BILLING ADDRESS (if different from above) _____

PHONE: 334.319.4048 Email OZBURNJA@GMAIL.COM

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

PHONE: _____ - Email _____

III. BILLING/RESPONSIBLE PARTY: (FOR PAYMENT OF FEES)

NAME: MTTR Engineers, Inc.

ADDRESS: 2500 Southlake Park, Suite 100
Hoover, AL 35244

MAILING ADDRESS (if different from above) _____

PHONE: 205.320.0114 Email jmiller@mttreng.com

P0420-13//2800202001004.000
2508 Shades Crest Rd.
Final Map to combine 2 lots into 1
Lot
Jason Ozburn

P&Z Application
Final Plat Approval
Page 4

IV. ACTION REQUESTED

Final Plat Approval: (reason must be provided)

Explain reason for the request: Resurvey part of 2 lots into 1
lot to be able to obtain building permit
if additional information is needed, please attached full description of request

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

Part of Lots 3 & 4 First Add to Vestavia Hills
MS 29 Page 7

Property size: 135' feet X 213' feet. Acres: 28,750 / 0.66 acres
SF

VI. ZONING/REZONING:

The above described property is presently zoned: R-1

VII. 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. *Application must be signed by the owner of the property before a Notary and original submitted to the Office of the Clerk; no copies will be accepted.*

[Signature]
Owner Signature / Date

Joseph A. Miller III
Representing Agent (if any)/date

Given under my hand and seal
this 2nd day of March, 2020.

Daniel S. Payne
Notary Public

My commission expires 5th
day of February, 2023.



1st Addition to Vestavia Hills Resurvey

Being a resurvey of part of Lot 3 and part of Lot 4 of First Addition to Vestavia Hills, recorded in Map Book 29, Page 7 in the Probate Judge's Office of Jefferson County, AL. Located NE 1/4 of NW 1/4 of Section 20, Township 18 South, Range 2 West, Jefferson County, AL.

Feb. 25th, 2020

STATE OF ALABAMA
JEFFERSON COUNTY

THE UNDERSIGNED, JOSEPH A. MALLER, III, A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR, STATE OF ALABAMA, AND JASON OSBURN AS OWNER, HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAT OR MAP WERE MADE AT THE INSTANCE OF SAID OWNER. THAT THIS PLAT OR MAP IS A TRUE AND CORRECT MAP OF LAND SHOWN THEREIN AND SHOWS THE BOUNDARIES OF EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, ALLEYS AND PUBLIC GROUNDS, SHOWING THE LENGTH AND THE ANGLES OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, SHOWING THE FIRST ADDITION TO VESTAVIA HILLS, RECORDED IN MAP BOOK 29, PAGE 7 IN THE OFFICE OF THE PROBATE JUDGE OF JEFFERSON COUNTY, ALABAMA. AND THAT IRON PINS HAVE BEEN INSTALLED AT ALL LOT CORNERS AND CURVE POINTS AS SHOWN AND DESIGNATED BY SMALL OPEN CIRCLES AND THAT THE SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SURVEYOR:

BY: JOSEPH A. MALLER, III, PE/PLS DATED: _____ DATE: _____
AL REG. NO. 17064

OWNER:
BY: Jason Osburn DATED: _____ DATE: _____

APPROVED IN FORMAT ONLY:
CHAIRMAN, VESTAVIA HILLS PLANNING COMMISSION _____ DATE: _____
CITY CLERK, CITY OF VESTAVIA HILLS _____ DATE: _____

CITY ENGINEER, CITY OF VESTAVIA HILLS _____ DATE: _____

NOTES:

1. UNLESS OTHERWISE SHOWN OR STATED ALL EASEMENTS SHOWN HEREON ARE FOR SEWER, SANITARY SERVICES, PUBLIC UTILITIES OR INGRESS AND EGRESS, AND ARE TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION.
2. THE LOT OWNER/BUILDER SHALL USE AND MAINTAIN APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAIN, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.

STATE OF ALABAMA
JEFFERSON COUNTY

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JOSEPH A. MALLER, III, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, AND JASON OSBURN, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS OWNER, ARE BOTH QUALIFIED AND LEGALLY COMPETENT TO EXECUTE THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL, THIS ____ DAY OF _____, 2020.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

STATE OF ALABAMA
JEFFERSON COUNTY

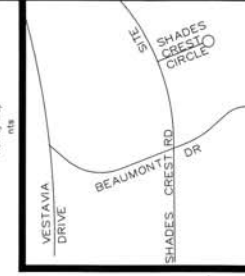
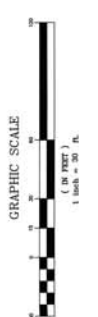
I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JOSEPH A. MALLER, III, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, AND JASON OSBURN, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS OWNER, ARE BOTH QUALIFIED AND LEGALLY COMPETENT TO EXECUTE THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL, THIS ____ DAY OF _____, 2020.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

APPROVED IN FORMAT ONLY:
Jefferson County Department of Health _____ Date: _____

APPROVED: _____ DATE: _____
JEFFERSON COUNTY HEALTH DEPT.
FOR RECORDING PURPOSES ONLY



PROJECT: 1st Addition to Vestavia Hills Resurvey

Being a resurvey of part of Lot 3 and part of Lot 4 of First Addition to Vestavia Hills, recorded in Map Book 29, Page 7 in the Probate Judge's Office of Jefferson County, AL. Located NE 1/4 of NW 1/4 of Section 20, Township 18 South, Range 2 West, Jefferson County, AL.

MTR

ENGINEERS, INC.

2500 Southlake Park, Suite 100
Hoover, AL 35244
TELEPHONE (205) 320-0114

| | |
|------|---------|
| DATE | REVISED |
| | |
| | |
| | |

1
SHEET

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

Date: APRIL 09, 2020

- **CASE: P-0420-12**
- **REQUESTED ACTION:** Conditional Use Approval For Mechanical Repair Of Motor Vehicles And Short Term Storage Of The Same, With An Exterior Security Fence
- **ADDRESS/LOCATION:** 1456 Montgomery Hwy
- **APPLICANT/OWNER:** CRM Enterprises
- **GENERAL DISCUSSION:** This request is for 1452 Montgomery Highway, the former AAMCO Transmission repair. As you recall, there was a tremendous rock slide that occurred there early last year. (see attached photo of embankment now). It did a good bit of damage and crushed some automobiles. The AAMCO has moved and CRM Enterprises (Sonoco) purchased the property. Sonoco is adjacent to this property, just to the south. The owner, Mr. Birdsong, represented by his legal counsel, Loring Jones III, is requesting a conditional use approval for major car repair, short-term storage of vehicles on the property and installation of a 6' black chain link fence with shading and barb wire (see attached pictures) around the front and side of the property to the front property line.

Major car repair was there previously with the AAMCO, however, the rock slide occurred more than 12 months ago so the use is no longer permissible under the City's newer zoning code. This request is to allow it once again on the property.

The other, temporary vehicle storage, is to allow towed vehicles as well as vehicles waiting for service to be stored on the property. The request requires security so the owner wishes to install a 6' chain link fence with shading along the front and side boundaries of the property. This will bring the fencing to the front curbing of Highway 31.

Presently, the request shows the 2 accesses to Highway 31 with security gates. However, the property owner installed an access between the properties and the City Engineer has required a plan review. It is unknown at this time if the Highway 31 accesses will be closed in lieu of the new southern inter-property access.

Staff has reviewed this request and indicated that the conditional uses were needed in order that the owner may use the property as he desires. The staff also recommended that if the property owner proceed with the request, that landscaping be installed to mitigate the effects of the fencing from Montgomery Highway. The request came

with proposed landscaping, but the landscaping is drawn to be installed on ALDOT ROW which the City Engineer states will require ALDOT approvals and permitting. If the conditional use is approved, the Staff asks Council to consider require the landscaping with or without ALDOT's approval (without will require the removal of some of the asphalt/concrete and installing soil suitable for landscaping).

- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The plan labels this site as Commercial Core/Village Center

- **STAFF REVIEW AND RECOMMENDATION:**

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

City Planner Recommendation: See above

2. **City Engineer Review:** CO not to be issued until geotec on slope
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
4. **Building Safety Review:** CO not to be issued until geotec on slope

CITY OF VESTAVIA HILLS

PLANNING AND ZONING COMMISSION

2020 MAR 5 12:36

Conditional Use Application

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 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**. Applications must be completed in its entirety and must contain all pertinent information in order to be considered. Acceptance by the Clerk does not constitute acceptance of complete and proper filing. All applicants are encouraged to present their request to the Zoning Staff on any Tuesday at 9 AM in the Executive Conference Room, City Hall, prior to submitting for a Conditional use.
- (3) This application must be filled out in its entirety completely, including 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. Postage Fees for notification for Planning and Zoning and for City Council meetings along with applicable publication fees will be billed to applicant at a later date. The applicant is responsible for all notification fees. ***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: CRM ENTERPRISES, LLC, dba Vestavia Sunoco & Tire Express

ADDRESS: 1452 MONTG. HWY.
VESTAVIA HILLS, AL 35216

PHONE: 2231213 EMAIL: (BELOW)

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
LORING S. JONES III

PHONE: 9795210 EMAIL: L3@jalaw.net

II. BILLING/RESPONSIBLE PARTY: (FOR PAYMENT OF FEES)

NAME: CRM ENTERPRISES, LLC
ADDRESS: 1452 MONTG. HWY.
VESTAVIA HILLS, AL 35216
PHONE: 8231213 EMAIL: _____

III. ACTION REQUESTED

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

Current Zoning of Property: _____

Requested Conditional use For the intended purpose of: MECHANICAL REPAIR

OF MOTOR VEHICLES AND SHORT TERM STORAGE OF SAME,
if additional information is needed, please attached full description of request
WITH AN EXTERIOR SECURITY FENCE.

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

(SEE COPY OF ATTACHED DEED)

(SEE COPY OF ATTACHED TAX SHEET)

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

****All applications must contain a full legal description of subject property.****

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

Application fees submitted.

P0420-12//2900364006011.000
1452 Montgomery Hwy.
Cond. Use for a fence
CRM Enterprises

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. **Application must be signed by the owner of the property before a Notary and original submitted to the Office of the Clerk; no copies will be accepted**



Owner Signature/Date



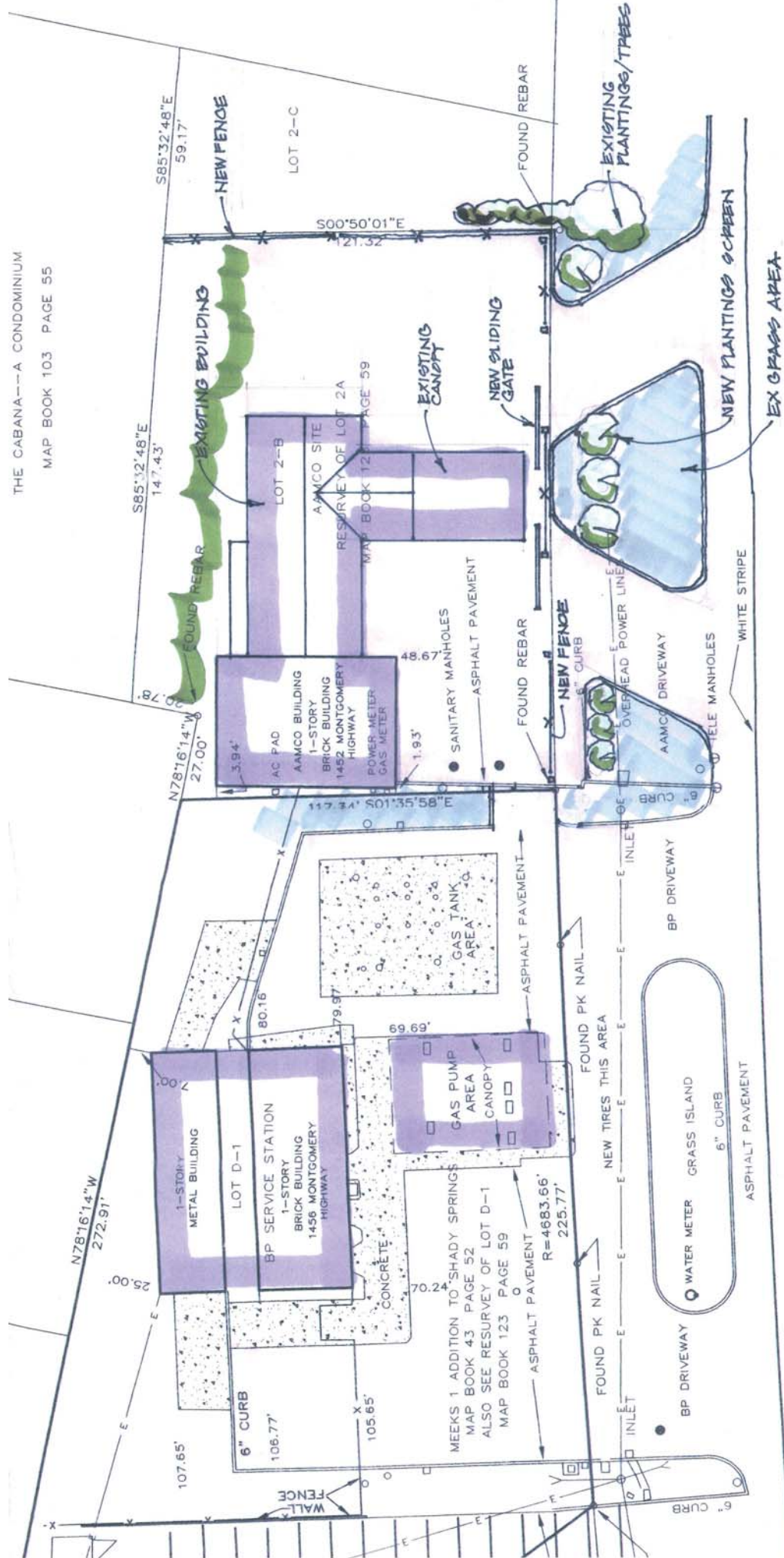
Representing Agent (if any)/date

Given under my hand and seal
this 5th day of March, 2020.



Notary Public

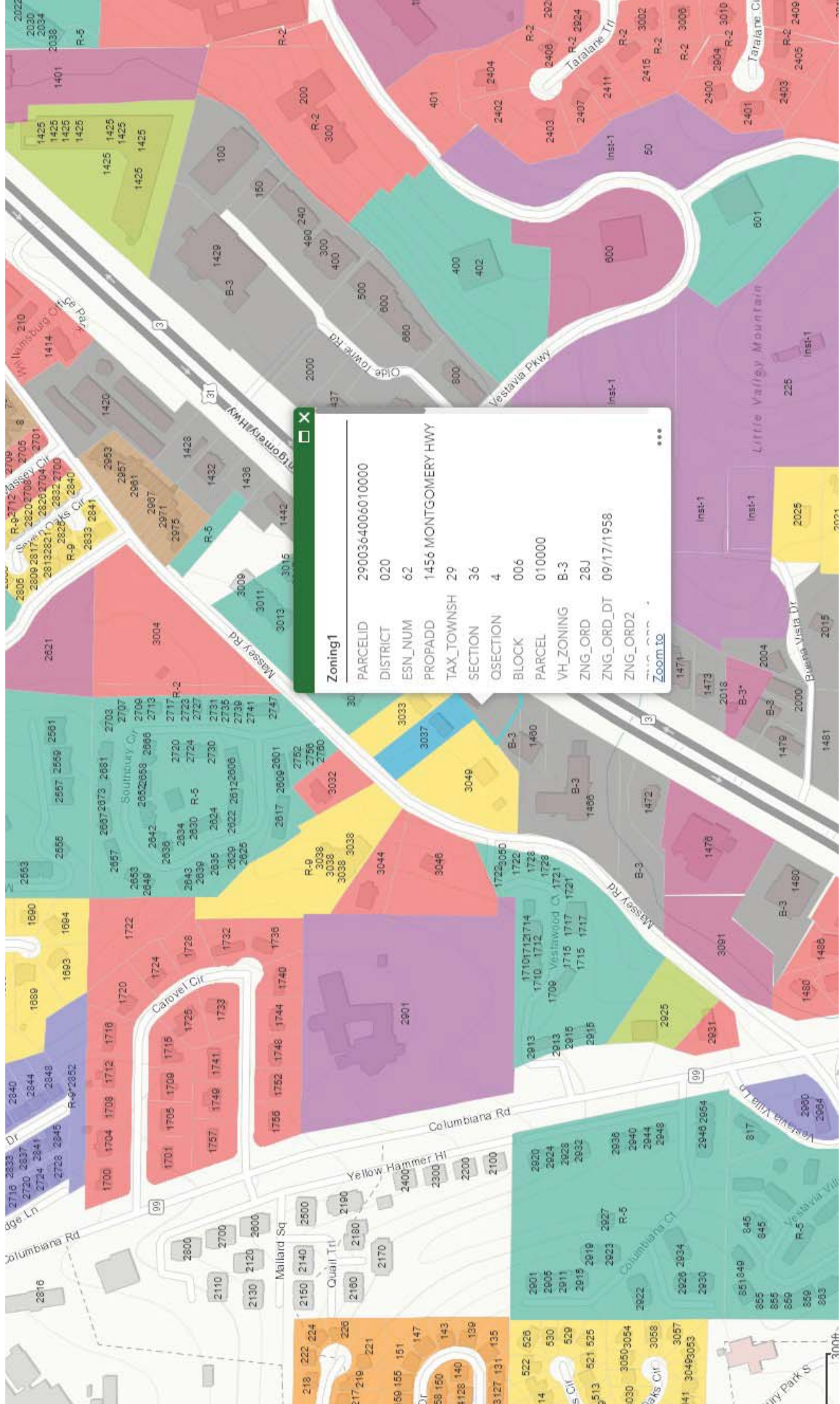
My commission expires 10th
day of October, 2023.



MONTGOMERY HIGHWAY
 US 31
 200' ROW

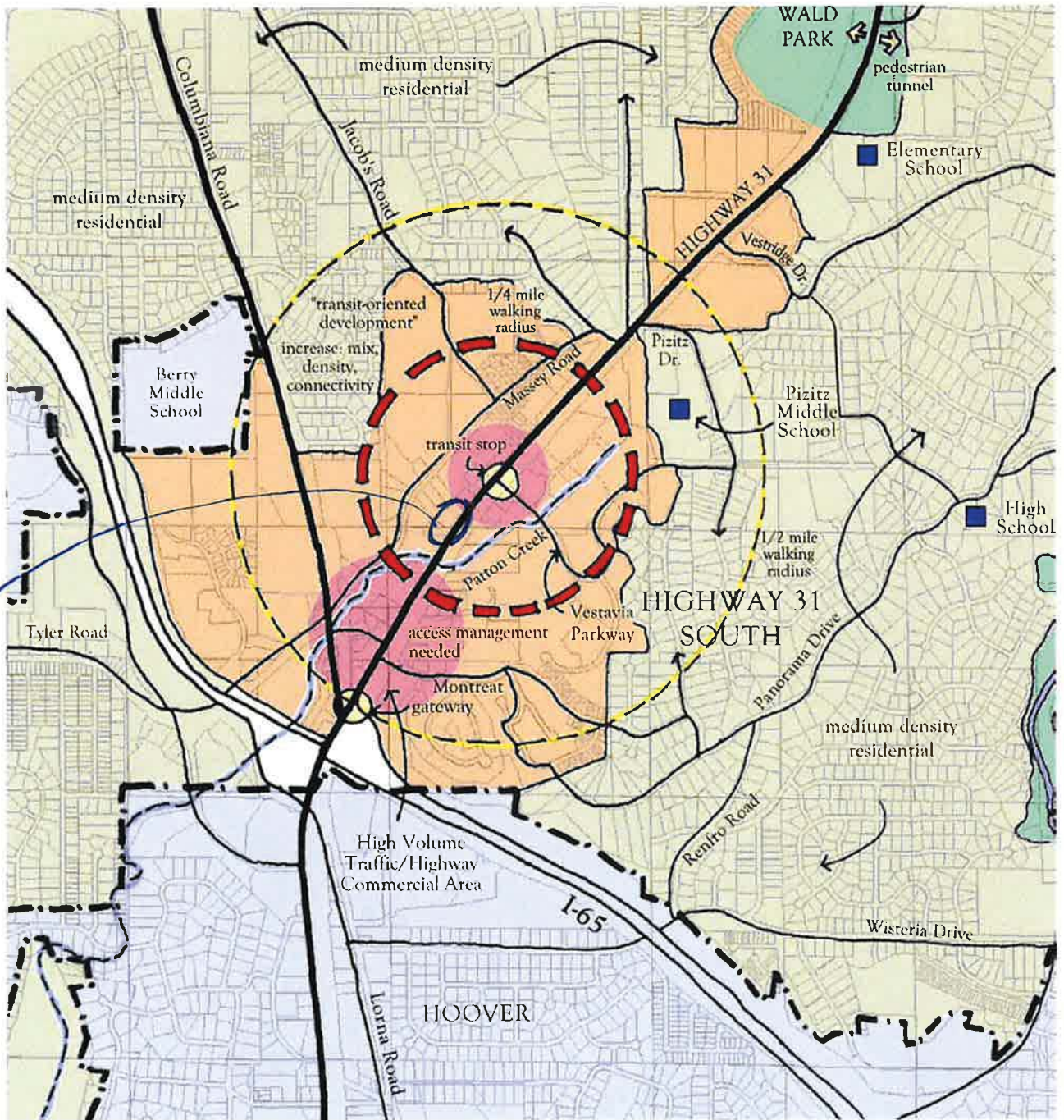
PROPOSED PLANTING AND FENCE DESIGN VESTAVIA TIRE EXPRESS





Zoning1

| | |
|------------|---------------------|
| PARCELID | 2900364006010000 |
| DISTRICT | 020 |
| ESN_NUM | 62 |
| PROPADD | 1456 MONTGOMERY HWY |
| TAX_TOWNSH | 29 |
| SECTION | 36 |
| OSECTION | 4 |
| BLOCK | 006 |
| PARCEL | 010000 |
| VH_ZONING | B-3 |
| ZNG_ORD | 28J |
| ZNG_ORD_DT | 09/17/1958 |
| ZNG_ORD2 | |
| Zoom 10 | |

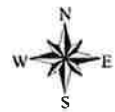


Subject Parcel

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 areas, and open space.
- Village Center - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.

- Professional Offices - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.
- Trailheads - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- Schools - School facilities administered by the Vestavia Hills School System.



From: [Emris Graham](#)
To: [Conrad Garrison](#)
Cc: [Jeff Downes](#)
Subject: Request for Conditional Use: 1652 Montgomery Highway
Date: Thursday, March 26, 2020 2:26:24 PM
Attachments: [image001.png](#)

Mr. Garrison,

I am Managing Partner for the property located at 1460 Montgomery Highway South, Vestavia Hills, AL. Our property is leased to Cellular Sales for a Verizon Wireless Store. I am writing this email in opposition to the request for a change in use of the property located at 1452 Montgomery Highway, just north of us.

Approximately 10 years ago, at great expense, we demolished an existing building, raised the elevation of our site, and constructed an attractive new building on our property. It was the first new building constructed in this area in many years. A part of our decision to redevelop this property was that the City of Vestavia Hills was interested in improving this area, as for the most part it was run down and what I call "junk". We think we have done a great deal to improve the area of Vestavia Hills near Interstate 65. Since that time, we have seen some improvement in the area, most notably the demolition of the former motel across Highway 31 from our property. This was a great improvement and I understand a new restaurant is planned for a portion of the site. Also, the automobile dealership south of us has invested to raise the elevation of their building to prevent flooding. If you look back, none of these improvements happened overnight but I believe a very positive trend for the area has been established.

Let's not do anything to reverse this trend for the City of Vestavia Hills or property owners along Montgomery Highway.

Thank You,

Emris Graham, Jr.
Senior Vice President
Cushman & Wakefield / EGS Commercial Real Estate

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Main: +1 205 939 4440
egraham@egsinc.com



WE'VE MOVED! PLEASE NOTE OUR NEW CORPORATE ADDRESS BELOW.

2100 3rd Avenue North, Suite 700
Birmingham, AL 35203 | USA