

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

**AGENDA**

**MAY 14, 2020**

**6:00 P.M.**

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

Roll Call.

Pledge of Allegiance

Approval of Minutes: April 9, 2020

**Preliminary & Final Plats**

- (1) **P-0520-14** Overton Investments, LLC Is Requesting **Preliminary & Final Plat Approval For Resurvey of Overton Investments, LLC – Resurvey of Part of Block 1 New Merkle.** The Purpose for This Request Is to Amend Setback Lines. The Property Is Owned By Overton Investments, LLC and Is Zoned Vestavia Hills R-9.

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

**MINUTES**

**APRIL 9, 2020**

**6:00 P.M.**

The Planning & Zoning Commission of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the City Council digitally attending the meeting via remote computer locations utilizing a Zoom.com application. Staff and general public/audience members also were invited to attend via Zoom.com following publication pursuant to Alabama law. Chairman Barnes called the meeting to order and the City Planner called the roll with the following:

**MEMBERS PRESENT\*:**

Erica Barnes, Chair  
Rusty Weaver  
Ryan Ferrell  
Jonathan Romeo  
Mike Vercher  
Fred Goodwin  
Lyle Larson  
Hasting Sykes  
Cheryl Cobb

**MEMBERS ABSENT:**

**OTHER OFFICIALS PRESENT\*:**

Conrad Garrison, City Planner  
*\*All members and officials present via Zoom*

**APPROVAL OF MINUTES**

Mrs. Barnes stated that the minutes of the meeting March 12, 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. Larson – yes  
Mr. Romeo – yes  
Mr. Sykes – yes  
Mrs. Barnes – yes  
Motion carried.

Mr. Ferrell– yes  
Ms. Cobb– abstained  
Mr. Goodwin – yes  
Mr. Weaver – yes

### **Final Plats**

- (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 **1<sup>st</sup> 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.

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

**MOTION** Mr. Weaver made a motion to approve items 1 & 2. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Vercher – yes  
Mr. Larson – yes  
Mr. Romeo – yes  
Mr. Sykes – yes  
Mrs. Barnes – yes  
Motion carried.

Mr. Ferrell– yes  
Ms. Cobb– yes  
Mr. Goodwin – yes  
Mr. Weaver – yes

### **Rezoning/Conditional Use Recommendations:**

- ) **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)**.

Mr. Garrison explained the background of the request. He stated that the Conditional Use will allow the storage of vehicles and a fence along the frontage of Hwy. 31. Staff recommends

receiving ALDOT and DRB approval to for any modifications to the HWY 31 frontage and having applicants submit a GeoTec report on the hillside above the site.

Mrs. Barnes opened the floor for a public hearing.

Archie Bishop, Massie Rd., spoke (via Zoom) and stated she was concerned about a potential rock slide.

The Commission agreed that the request wasn't perfect but an improvement for the site.

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

**MOTION** Ms. Cobb made a motion to recommend Conditional Use Approval For Mechanical Repair Of Motor Vehicles And Short Term Storage Of The Same, With An Exterior Security Fence for the property located 1456 Montgomery Hwy. with the following conditions:

1. Five Foot landscape buffer either on ALDOT Right-of-Way or on subject property fronting Hwy. 31 and approved by Vestavia Hills Design Review Board;
2. A geo-technical report, prepared by a certified engineer to be reviewed and approved by the City Engineer;
3. Approval is based on the sit plan presented and eliminates one access to Hwy. 31

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

Mr. Vercher – yes  
Mr. Romeo – yes  
Mr. Larson – yes  
Mr. Sykes – yes  
Mrs. Barnes – yes  
Motion carried.

Mr. Ferrell– yes  
Mr. Goodwin – yes  
Ms. Cobb – yes  
Mr. Weaver – yes

Conrad Garrison, City Planner

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

Date: MAY 14, 2020

- **CASE: P-0520-14**
- **REQUESTED ACTION:** Preliminary & Final Plat Approval For Resurvey of Overton Investments, LLC – Resurvey of Part of Block 1 New Merkle
- **ADDRESS/LOCATION:** 3771 & 3783 Fairhaven Drive
- **APPLICANT/OWNER:** Overton Investments, LLC
- **GENERAL DISCUSSION:** Applicant is preliminary and final plat approval for 3771 and 3783 Fairhaven Drive. Applicants would like to move the front setback forward from 30’ to 20’ for Lots 31-AA, BB, CC, DD, necessitating the application. Applicants seek to move the setback forward to move the building further away from a creek in the rear. There is no change to Lots 24-AA, BB, & CC.
- **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  
PLANNING AND ZONING COMMISSION  
FINAL MAP APPLICATION**

APR 27 11:34

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

NAME: Overton Investments, LLC

ADDRESS: 3505 Bent River Rd, Birmingham AL 35216

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

PHONE : 2059857171 Email nina.early@kadcohomes.com

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

Charles G. Kessler Jr.

PHONE : 2059999881 Email ckessler1@bellsouth.net

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

NAME: Tracie Gravelle

ADDRESS: 3505 Bent River Rd, Birmingham AL 35216

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

PHONE: 2059857171 ext.3 Email tracie@kadcohomes.com

**P0520-14//2800151010015.002  
3771 & 3783 Fairhaven Drive  
Amend Prelim & Final Map  
Overton Investments R9**

**IV. ACTION REQUESTED**

**Final Plat Approval: (reason must be provided)**

Explain reason for the request: Reduce front setback from 30' to 20'

Preliminary and Final Plat

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

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

3781, 3783, 3785, 3787 Fairhaven Dr, Vestavia Hills AL 35223

Resurvey of a part of Block 1 New Merkle as Recorded in Map Book 29, Page 35

Property size: 120 feet X 145 feet. Acres: .40


**VI. ZONING/REZONING:**

The above described property is presently zoned: R9


**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.\**

  
Owner Signature/Date

  
Representing Agent (if any)/date

Given under my hand and seal  
this 23<sup>rd</sup> day of April, 2020.

  
Notary Public

My commission expires 06/24/2023  
day of \_\_\_\_\_, 20\_\_\_\_.



Administrative  
Information Only

Administrative Information

NOTICE TO THE PUBLIC  
This document contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552, because it is:

1. Information that is exempt from public release under 5 U.S.C. 552(b)(7)(C), which exempts information from public release if its disclosure would constitute a clearly unwarranted invasion of personal privacy.

2. Information that is exempt from public release under 5 U.S.C. 552(b)(7)(D), which exempts information from public release if its disclosure would constitute a clearly unwarranted invasion of the privacy of a confidential source of information, a confidential informant, or a confidential informants.

3. Information that is exempt from public release under 5 U.S.C. 552(b)(7)(E), which exempts information from public release if its disclosure would constitute a clearly unwarranted invasion of the privacy of a confidential source of information, a confidential informant, or a confidential informants.

4. Information that is exempt from public release under 5 U.S.C. 552(b)(7)(F), which exempts information from public release if its disclosure would constitute a clearly unwarranted invasion of the privacy of a confidential source of information, a confidential informant, or a confidential informants.

5. Information that is exempt from public release under 5 U.S.C. 552(b)(7)(G), which exempts information from public release if its disclosure would constitute a clearly unwarranted invasion of the privacy of a confidential source of information, a confidential informant, or a confidential informants.



*[Handwritten signature]*  
Date: \_\_\_\_\_

Notary Public for Alabama



THE PURPOSE OF THIS DRAWING IS TO AMEND THE EXISTING FRONT SETBACK REQUIREMENT FROM 30' TO 20' ON LOTS 31-AA, 31-BB, 31-CC, AND 31-DD ONLY.

EXISTING ZONING AND SETBACKS PREVIOUSLY ESTABLISHED BY BLOCK 1 NEW MERKLE AS RECORDED IN MAP BOOK 29 PAGE 35. (RESURVEY RECORDED AS MAP BOOK 29P PG.1.)



**KADCO HOMES**

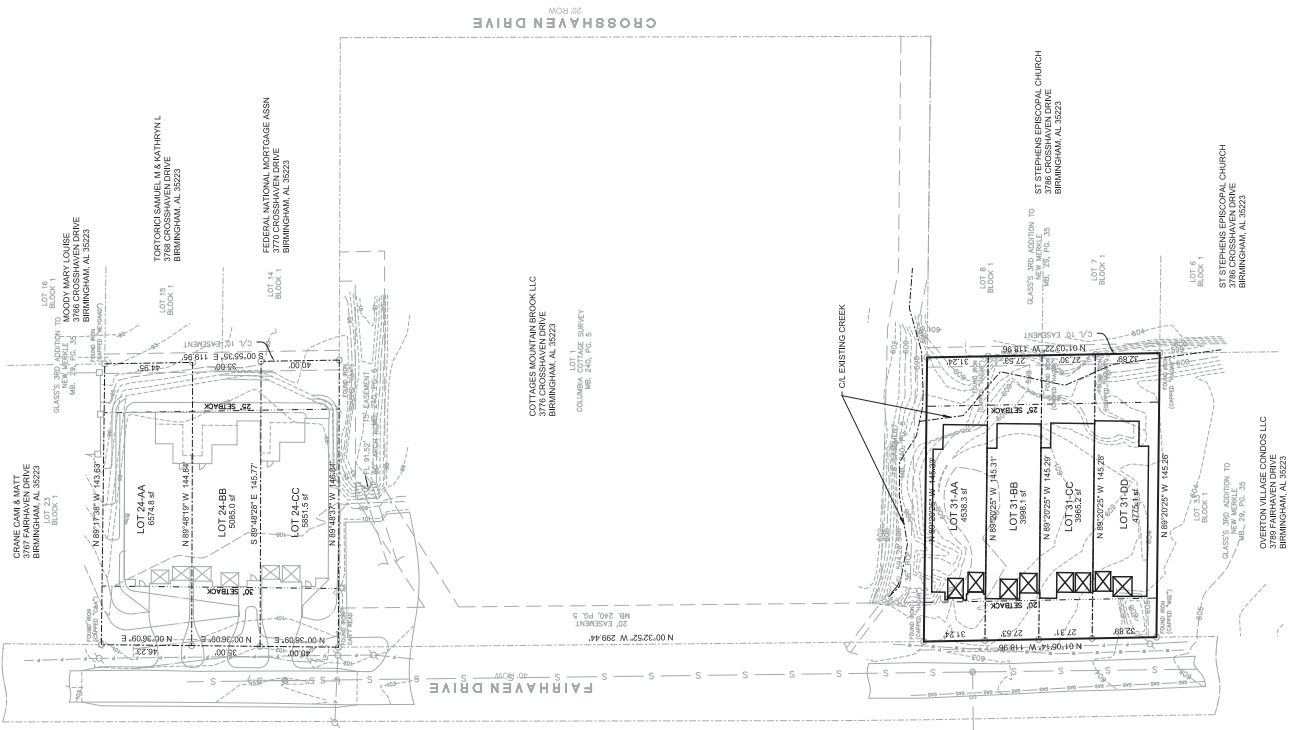
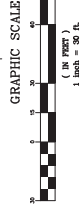
OWNER/DEVELOPER  
**OVERTON INVESTMENTS LLC**  
 3076 CROSSHAVEN DRIVE  
 BRIMMINGHAM, AL 35226

3769 FAIRHAVEN DR. (LOT 24-AA)  
 3771 FAIRHAVEN DR. (LOT 24-BB)  
 3773 FAIRHAVEN DR. (LOT 24-CC)

ZONING: R-9  
 PROPOSED USE: LUXURY TOWNHOMES  
 SETBACKS: 30' FRONT  
 5' REAR  
 5' SIDE

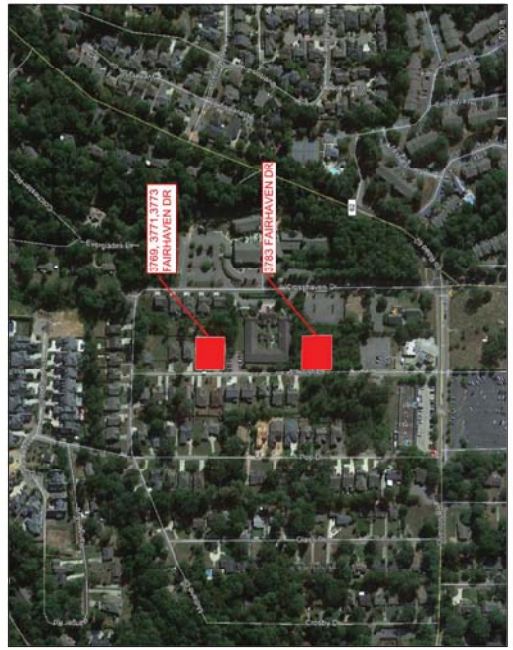
3769 FAIRHAVEN DR.  
 (LOTS 31-AA, 31-BB, 31-CC, 31-DD)

ZONING: R-9  
 PROPOSED USE: LUXURY TOWNHOMES  
 EXISTING SETBACKS: 30' FRONT  
 5' REAR  
 5' SIDE  
 PROPOSED SETBACKS: 20' FRONT  
 5' REAR  
 5' SIDE



NOTE:  
 LOTS 24-AA, 24-BB, AND 24-CC BEHIND UNCHANGED AND ARE CURRENTLY UNDER CONSTRUCTION.

NOTE:  
 LOTS 31-AA, 31-BB, 31-CC, 31-DD ARE CURRENTLY UNDEVELOPED. BUILDING FOOTPRINTS SHOWN PROPOSED DEVELOPMENT AND THE ACTUAL COMPLETION OF SITE PLANS.



VICINITY MAP

DATE: 04-24-2020  
 CAD FILE: PLOT PRELAYOUT.DWG  
 JOB NUMBER: KES30086  
 CHECKED BY: WHL  
 DRAWN BY: TLH

PROJECT: KADCO HOMES-LUXURY TOWNHOMES  
 3769, 3771, 3773, 3769 FAIRHAVEN DRIVE  
 TITLE: PRELIMINARY PLAT

120 BISHOP CIRCLE, SUITE 300  
 PELHAM, AL 35124  
 TEL - (205) 403-9158  
 FAX - (205) 403-9175



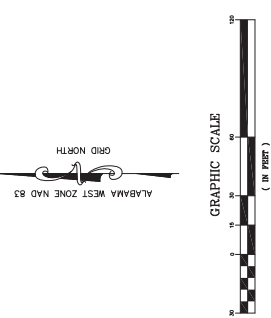
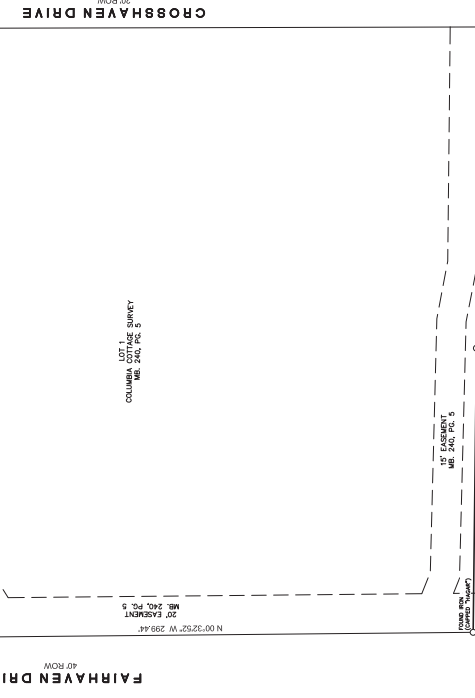
PROJECT	RESURVEY OF OVERTON INVESTMENTS LLC - RESURVEY OF PART OF BLOCK 1 NEW MERKLE
TITLE	RESURVEY PLAT
DRAWN BY:	MBA
CHECKED BY:	RJC
PROJECT NO.:	KES5006
DATE:	April 11, 2023
SCALE:	1"=30'

# RESURVEY OF OVERTON INVESTMENTS, LLC - RESURVEY OF PART OF BLOCK 1 NEW MERKLE

BENEFITORS OF LOTS 24-A, LOT 24-C, LOT 24-D, LOT 24-E, LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D, ACCORDING TO THE OVERTON INVESTMENTS, LLC - RESURVEY OF PART OF BLOCK 1 NEW MERKLE, AS RECORDED IN MAP BOOK 280, PG. 1, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

PURPOSE OF THIS RESURVEY IS TO REDUCE FRONT SETBACK ON LOTS 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D FROM A 30' SETBACK TO A 20' SETBACK.

SITUATED IN THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.



STATE OF ALABAMA  
 COUNTY OF JEFFERSON

THE UNDERSIGNED, RODNEY K. CUNNINGHAM, A REGISTERED LAND SURVEYOR, STATE OF ALABAMA, AND OVERTON INVESTMENTS, LLC OWNER, HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE PURSUANT TO SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEYOR AND THIS PLAT OR MAP AS SHOWN THEREON WERE PRESENT AT THE TIME OF SAID SURVEY AND THAT SAID SURVEYOR HAS REVIEWED THE PLAT OR MAP AND IS SURE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT THE PLAT OR MAP SHOWS THE SUBSTANCES INTO WHICH IT IS TO BE USED, INCLUDING THE DEPTH, WIDTH, AND NAME OF EACH STREET AS WELL AS THE NUMBER OF EACH LOT AND BLOCK, ALIENS AND PUBLIC CROWN, GRANTS AND TELEPHONE, WITHIN AND WITHOUT THE BOUNDARIES OF EACH LOT AND BLOCK, IN MAP BOOK 280, PAGE 1, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA, AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT THIS IS THE OWNER OF SAID LANDS AND THAT THE SAME IS NOT SUBJECT TO A MORTGAGE. SAID OWNER ALSO CERTIFIES THAT THE PURPOSE AND INTENT OF THIS PLAT OR MAP IS TO REDUCE FRONT SETBACK ON LOTS 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D FROM A 30' SETBACK TO A 20' SETBACK.

I, RODNEY K. CUNNINGHAM, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT RODNEY K. CUNNINGHAM, WHOSE NAME IS SHOWN TO THE FOREGOING CERTIFICATE AS MANAGING MEMBER OF OVERTON INVESTMENTS, LLC, OWNER, AND WHO IS KNOWN TO ME, HAS PERSONALLY KNOWN AND IS WELL KNOWN TO ME, AND WHOSE IDENTITY AND STATUS AS SAID OWNER HAS BEEN CONFIRMED BY THE EXECUTION OF THIS PLAT OR MAP AND AS THE ACT OF SAID CORPORATION, INFORMED OF THE CONTENTS OF SAID CERTIFICATE, FREELY EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_  
 MY COMMISSION EXPIRES DEC. 13, 2021

OWNER: OVERTON INVESTMENTS, LLC

BY: JASON KESSLER, MANAGING MEMBER

STATE OF ALABAMA  
 COUNTY OF \_\_\_\_\_  
 I, JASON KESSLER, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JASON KESSLER, WHOSE NAME IS SHOWN TO THE FOREGOING CERTIFICATE AS MANAGING MEMBER OF OVERTON INVESTMENTS, LLC, OWNER, AND WHO IS KNOWN TO ME, HAS PERSONALLY KNOWN AND IS WELL KNOWN TO ME, AND WHOSE IDENTITY AND STATUS AS SAID OWNER HAS BEEN CONFIRMED BY THE EXECUTION OF THIS PLAT OR MAP AND AS THE ACT OF SAID CORPORATION, INFORMED OF THE CONTENTS OF SAID CERTIFICATE, FREELY EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

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

APPROVED BY: \_\_\_\_\_ VES IVANHILLS PLANNING & ZONING COMMISSION DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ MANAGER AND CITY CLERK DATE: \_\_\_\_\_

APPROVED IN COMMENT ONLY: \_\_\_\_\_

DIRECTOR OF ENVIRONMENTAL SERVICES \_\_\_\_\_ DATE \_\_\_\_\_

THIS CERTIFICATE IS VALID FOR 90 DAYS FROM THE DATE OF THE SURVEY. IF THE PROPERTY HAS BEEN REDEVELOPED OR OTHERWISE ALTERED, THE SURVEYOR MUST BE RECONTACTED FOR A REVISION OF THIS CERTIFICATE. THIS DOES NOT MEAN SAID SURVEY HAS BEEN BUILT OR WILL BE BUILT IN THE FUTURE. THE SURVEYOR IS NOT RESPONSIBLE FOR PROVIDING BUILDING SITES FREE OF DRAINAGE PROBLEMS. THE CITY OF VESIVANHILLS PLANNING & ZONING COMMISSION SHALL BE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE APPROVAL.

- NOTES:
1. ALL EASEMENTS AND RIGHT-OF-WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE HAVE BEEN SHOWN HEREON.
  2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE ALABAMA STATE PLANE COORDINATE SYSTEM GRID ADJUTH (ALABAMA WEST ZONE) (NAD 83) AND WERE DETERMINED USING GPS OBSERVATION.
  3. CONTRACTOR AND/OR DEVELOPER ARE RESPONSIBLE FOR PROVIDING BUILDING SITES FREE OF DRAINAGE PROBLEMS.
  4. THE CITY OF VESIVANHILLS PLANNING & ZONING COMMISSION SHALL BE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE APPROVAL.



VICINITY MAP  
1" = 300'