

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

SEPTEMBER 9, 2021

6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: August 12, 2021

Final Plats

Consent Agenda

- (1) **P-0921-35** Ronald Bruno Is Requesting **Final Plat Approval** For **Bruno's Addition To Misty Lane**. The Purpose for This Request Is to Amend Lot Lines. The Property Is Owned By Ronald Bruno and Is Zoned Vestavia Hills R-1.
- (2) **P-0921-37** Jones C, LLC Is Requesting **Final Plat Approval** For **Resurvey Of Lots 4 And 5, Block 1 Glass's Second Addition To New Merkle**. The Purpose for This Request Is To Combine Lots. The Property Is Owned Jones C, LLC and Is Zoned Vestavia Hills B-2.
- (3) **P-0921-38** Old Town Center 131 West 33rd Street Holdings, LLC & Old Town Center 33rd Street Holdings, LLC Are Requesting **Final Plat Approval** For **Olde Towne Center Survey**. The Purpose for This Request Is to Resurvey Lot Lines To Create Two New Lots. The Property Is Owned By Old Town Center 131 West 33rd Street Holdings, LLC & Old Town Center 33rd Street Holdings, LLC and Is Zoned Vestavia Hills B-3.

Rezoning

- (4) **P-0921-36** Ruby Jo Hallman Benson Is Requesting **Rezoning** For **3101 Timberlake Rd.** from **Vestavia Hills R-1** to **Vestavia Hills B-2** For The Purpose Of Commercial Development.

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION
MINUTES

AUGUST 12, 2021

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 Commission 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: Mike Vercher, Chairman
Ryan Farrell
Lyle Larson
Rusty Weaver*
Hasting Sykes
Rick Honeycutt
Jonathan Romeo

MEMBERS ABSENT: Erica Barnes
David Maluff

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

**Member present via Zoom*

SELECTION OF CHAIRMAN

Mr. Garrison stated that Ms. Barnes was ready to end her chairmanship and that Mr. Vercher had agreed to be the next chairman of the commission.

MOTION Motion to select Mr. Vercher as chairman was made by Mr. Weaver and second was by Mr. Romeo. Voice vote as follows:

Mr. Romeo– yes
Mr. Honeycutt– yes
Mr. Larson– yes
Mr. Vercher – yes
Motion carried.

Mr. Ferrell – yes
Mr. Sykes – yes
Mr. Weaver – yes

APPROVAL OF MINUTES

Mr. Vercher stated that the minutes of the meeting July 8, 2021 are presented for approval.

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

Mr. Romeo– yes
Mr. Honeycutt– yes
Mr. Larson– yes
Mr. Vercher – yes
Motion carried.

Mr. Ferrell – yes
Mr. Sykes – yes
Mr. Weaver – yes

Final Plats

(1) **P-0821-33** Liberty Park Joint Venture Is Requesting **Final Plat Approval For Liberty Park Joint Venture Survey**. The Purpose for This Request Is to Combine Lot and Acreage. The Property Is Owned By Liberty Park Joint Venture and Is Zoned Vestavia Hills PB.

Mr. Garrison explained the request and stated the plat would combine lots for future development.

Mr. Vercher opened the floor for a public hearing.

Christy Savage and Diane Baker spoke in opposition.

John Bonnnano, of Liberty Park, stated this is part of ongoing office development in Liberty park

Mr. Vercher stated the Commission had no discretion in the matter and closed the public hearing and opened the floor for a motion.

MOTION Motion to approve Final Plat For Liberty Park Joint Venture Survey was made by Mr. Weaver and second was by Mr. Larson. Voice vote as follows:

Mr. Romeo– yes
Mr. Honeycutt– yes
Mr. Larson– yes
Mr. Vercher – yes
Motion carried.

Mr. Ferrell – yes
Mr. Sykes – abstained
Mr. Weaver – yes

(2) **P-0821-34** Sergey & Olga Mirov Is Requesting **Final Plat Approval** For **Mirov's Addition To Jacobs Road**. The Purpose for This Request Is To Combine Acreage Parcels Into One Lot. The Property Is Owned By Sergey & Olga Mirov and Is Zoned Vestavia Hills R-2.

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

MOTION Mr. Weaver made a motion to approve Mirov's Addition To Jacobs Road. Second was by Mr. Farrel. Motion was carried on a roll call; vote as follows:

Mr. Romeo– yes	Mr. Ferrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson– yes	Mr. Weaver – yes
Mr. Vercher – yes	

Motion carried.

Rezoning/Conditional Use Recommendations

(3) **P-0821-30** Deborah Dye. Et Al. Is Requesting **Rezoning** For **Alta Vista Cir.** from **Shelby County E-1 & Vestavia Hills E-2 to Vestavia Hills R-2** For The Purpose Of Compatible Rezoning.

Mr. Garrison explained the background of the request. He stated the zoning change was initiated by the City and better reflects the neighborhood.

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

MOTION Mr. Weaver made a motion to recommend Rezoning from Shelby County E-1 & Vestavia Hills E-2 to Vestavia Hills R-2 for the property located at 2608, 2611, 2612, 2615, 2616, 2620 & 2627 Alta Vista Circle. Second was by Mr. Honeycutt. Motion was carried on a roll call; vote as follows:

Mr. Romeo– yes	Mr. Ferrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson– yes	Mr. Weaver – yes
Mr. Vercher – yes	

Motion carried.

(4) **P-0821-32** Cahaba Heights United Church Is Requesting **Rezoning** For **4224 & 4228 Oakview Ln.** from **Vestavia Hills Inst to Vestavia Hills R-9** For The Purpose Of Townhome Development.

Mr. Garrison explained the background of the request. He stated the proposed plan would allow for seven townhomes, as well as improvements along Oakview Ln.

Mr. Vercher opened the floor for a public hearing.

Stan & Emily Daily, 2729 Pruitt Place were concerned about the flooding.

Tom Evans and Della Fancher were concerned about Oakview Ln.

Christopher Brady spoke about the proposed improvements.

Mr. Vercher closed the public hearing and opened the floor for a motion.

MOTION Mr. Larson made a motion to recommend Rezoning from Vestavia Hills INST to Vestavia Hills R-9 for the property located at 4224 & 4228 Oakview Ln. with the following condition

1. Road improvements to be constructed along Oakview Ln as presented.

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

Mr. Romeo– yes	Mr. Ferrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson– yes	Mr. Weaver – yes
Mr. Vercher – yes	

Motion carried.

Conrad Garrison, City Planner

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

Date: SEPTEMBER 9, 2021

- **CASE:** P-0921-35
- **REQUESTED ACTION:** Final Plat Approval For Bruno's Addition To Misty Lane
- **ADDRESS/LOCATION:** 1158 Cheval Ln. & 3325 Misty Ln.
- **APPLICANT/OWNER:** Ronald Bruno
- **GENERAL DISCUSSION:** Plat will amend the shared lot line between Lots 1 & 2. Lot 2 is in Jeffco and will also require their approval as well. All existing easements will remain.
- **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: Ronald Bruno

ADDRESS: 1158 Cheval Lane, Vestavia Hills Alabama, 35216

BILLING ADDRESS *(if different from above)* _____

PHONE : 205-902-1169 Email rbruno@brunoeventteam.com

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Walter Britt, PLS

PHONE : 205-365-6608 Email walt.britt@mottmac.com

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

NAME: Ronald Bruno

ADDRESS: 1158 Cheval Lane, Vestavia Hills Alabama, 35216

MAILING ADDRESS *(if different from above)* _____

PHONE: 205-902-1169 Email rbruno@brunoeventteam.com

P0921-35//28-00-29-1-002-002.000
1158 Cheval Ln & 3325 Misty Ln
Final Map to move lot line
Ronald Bruno R1

IV. ACTION REQUESTED

Final Plat Approval: (reason must be provided)

Explain reason for the request: To move a common lot line between two pieces
of property

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

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

1158 Cheval Lane Vestavia Hills Alabama, 35216

3325 Misty Lane, Birmingham Alabama, 35243 (Jefferson County)

Property size: irregular feet X _____ feet. Acres: 7.0 total

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.****

Ronald Bruno

Owner Signature/Date

Walter Burt

Representing Agent (if any)/date

Given under my hand and seal
this 15 day of July, 2021.

Suzanne B. Bowness
Notary Public

My commission expires 6-29-24
day of _____, 20____.



P0921-35//28-00-29-1-002-002.000
1158 Cheval Ln & 3325 Misty Ln
Final Map to move lot line
Ronald Bruno R1

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

Date: SEPTEMBER 9, 2021

- **CASE:** P-0921-37
- **REQUESTED ACTION:** Final Plat Approval For Resurvey Of Lots 4 And 5, Block 1 Glass's Second Addition To New Merkle
- **ADDRESS/LOCATION:** 3952 Crosshaven Dr.
- **APPLICANT/OWNER:** Jones C, LLC
- **GENERAL DISCUSSION:** Plat will combine Lots 4 & 5 for the expansion of Express Oil Change. Plat and expansion will meet the minimum requirements for zoning.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

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

II. APPLICANT INFORMATION: (owner of property)

NAME: Jones C, LLC

ADDRESS: P.O. Box 10566

Birmingham, Alabama 35296

BILLING ADDRESS *(if different from above)* _____

PHONE : _____ Email _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Rodney Cunningham

Engineering Design Group

PHONE : 205-403-9158 Email cunningham@edgalabama.com

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

NAME: Jones C, LLC

ADDRESS: P.O. BOX 10566

Birmingham, Alabama 35296

MAILING ADDRESS *(if different from above)* _____

PHONE: _____ Email _____

P0921-37//28-00-15-4-014-008.000
3952 Crosshaven Drive
Final Map to combine lots
Jones C, LLC

IV. ACTION REQUESTED

Final Plat Approval: (reason must be provided)

Explain reason for the request: Combine 2 Lots into 1

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

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

Lot 4 and Lot 5, Block 1 Glass's Second Addition to New Merkle

Property size: 120 feet X 140 feet. Acres: 0.39

VI. ZONING/REZONING:

The above described property is presently zoned: B-2

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.**

Barbara W. Jones 8/25/21 [Signature] 8/25/21
Owner Signature/Date Representing Agent (if any)/date

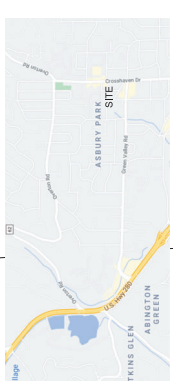
Given under my hand and seal
this 25th day of August, 20 21.

Brenna Cleckley
Notary Public

My commission expires May 3 2025
day of May, 20 25.



P0921-37//28-00-15-4-014-008.000
3952 Crosshaven Drive
Final Map to combine lots
Jones C, LLC



**RESURVEY OF LOTS 4 AND 5,
BLOCK 1 GLASS'S SECOND
ADDITION TO NEW MERKLE**

SITUATED IN SECTION 15,
TOWNSHIP 18 SOUTH, RANGE 2 WEST,
JEFFERSON COUNTY, ALABAMA

BENING A RESURVEY OF LOT 4 AND 5, ACCORDING TO THE GLASS'S SECOND ADDITION TO
NEW MERKLE, AS RECORDED IN MAP BOOK 28, PG. 51.

PURPOSE OF THIS RESURVEY IS TO COMBINE LOT 4 AND 5 INTO 1 LOT.

STATE OF ALABAMA
COUNTY OF JEFFERSON

SURVEYOR:
RODNEY CUNNINGHAM
ALABAMA, LICENSE NO. 20503

STATE OF ALABAMA
COUNTY OF SHELBY

BY: BARBARA JONES

NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 13, 2021

OWNER: JONES C. LLC

BY: BARBARA JONES

STATE OF ALABAMA
COUNTY OF SHELBY

NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 13, 2021

OWNER: JONES C. LLC

BY: BARBARA JONES

I, BARBARA JONES, A NOTARY PUBLIC FOR THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT RODNEY C. CUNNINGHAM, THE SURVEYOR, IS A LICENSED SURVEYOR IN THE STATE OF ALABAMA, AND THAT I AM A NOTARY PUBLIC IN THE STATE OF ALABAMA. I HAVE DEPOSITED THE ORIGINAL COPY OF THIS SURVEY WITH THE CLERK OF THE COUNTY COURT OF JEFFERSON COUNTY, ALABAMA, AND THAT THE SAME HAS BEEN RECORDED IN MAP BOOK 28, PAGE 51.

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

APPROVED BY: CITY ENGINEER DATE _____

APPROVED BY: VEST PLANNING & ZONING COMMISSION DATE _____

APPROVED BY: MANAGER AND CITY CLERK DATE _____

APPROVED IN FORMAT ONLY: _____ DATE _____

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 ADJUSTED (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 METAWA PLANNING COMMISSION HAS REVIEWED THIS SURVEY AND THE CITY OF METAWA PLANNING COMMISSION HAS APPROVED THIS SURVEY.

5. ZONED B-2 (CITY OF METAWA). SETBACKS: FRONT: 30 FEET, REAR 30 FEET, SIDE 0 FEET.

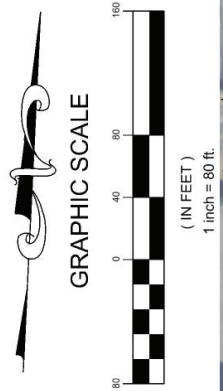
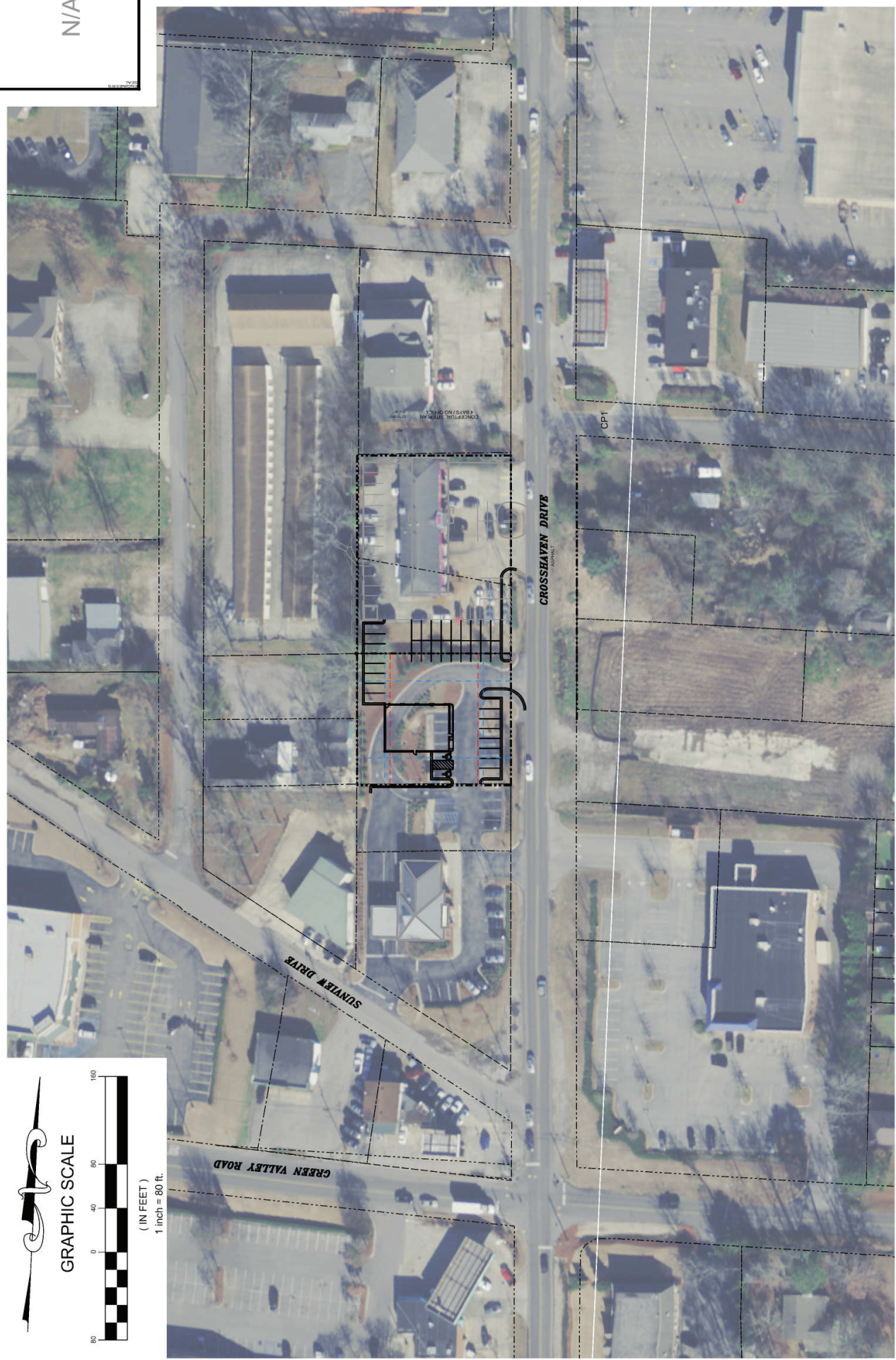
OWNER: LOT 7
JONES C. LLC
P.O. BOX 10566
BIRMINGHAM, ALABAMA 35296

SURVEYOR:
ENGINEERING DESIGN GROUP, LLC
120 BISHOP CIRCLE SUITE 300
PELLHAM, ALABAMA 35124
(205) 403-9158
CONTACT: RODNEY CUNNINGHAM, P.L.S.

DIRECTOR OF ENVIRONMENTAL SERVICES
DATE _____

ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATED THAT THIS DOCUMENT HAS BEEN REVIEWED AND APPROVED FOR CONSTRUCTION PERMITS. THE APPROVAL DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE OR THAT THE RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VARY FROM THIS APPROVAL.

N/A



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

Date: SEPTEMBER 9, 2021

- **CASE:** P-0921-38
- **REQUESTED ACTION:** Final Plat Approval For Olde Towne Center Survey
- **ADDRESS/LOCATION:** 680 & 720 Olde Towne Rd.
- **APPLICANT/OWNER:** Old Town Center 131 West 33rd Street Holdings, LLC & Old Town Center 33rd Street Holdings, LLC
- **REPRESENTING AGENT:** Schoel Engineering
- **GENERAL DISCUSSION:** Plat is to divide portions of Lot 7 & 8 into two new lots (A & B). Plat is needed due to fire damage and potential rebuilding activities. All easements and shared parking agreements remain. The lots are currently zoned B-3. Request was previously approved in 07/19 but not recorded.
- **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: Old Town Center 131 West 33rd Street Holdings, LLC

ADDRESS: 55 5th Avenue, 15th Floor

New York, NY 10003

BILLING ADDRESS *(if different from above)* _____

PO Box 187, Birmingham, AL 35201-0187

PHONE : _____ Email _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Schoel Engineering Company, Inc.

PHONE : 205-313-1152 Email sstephenson@schoel.com

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

NAME: Schoel Engineering Company, Inc

ADDRESS: 1001 22nd Street South

Birmingham, AL 35205

MAILING ADDRESS *(if different from above)* _____

PHONE: 205-313-1152 Email sstephenson@schoel.com

IV. ACTION REQUESTED

Final Plat Approval: (reason must be provided)

Explain reason for the request: Request to divide a portion of Lots 7 & 8
into 2 new lots

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

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

Part of Lots 7 & 8, Meeks First Addition to Shady Springs (MB 15 Pg 31)

Property size: _____ feet X _____ feet. Acres: 1.81

VI. ZONING/REZONING:

The above described property is presently zoned: B-3

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 17 day of August, 20 21.



Notary Public

My commission expires October 11, 2024
day of 11, 20 24.

ALEXANDRA J FINK NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01FI6349139 Qualified in New York County My Commission Expires: <u>10/11/24</u>
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**CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION
FINAL MAP APPLICATION**

II. APPLICANT INFORMATION: (owner of property)

NAME: Old Town Center 33rd Street Holdings, LLC

ADDRESS: 55 5th Avenue, 15th Floor
New York, NY 10003

BILLING ADDRESS *(if different from above)* _____
PO Box 187, Birmingham, AL 35201-0187

PHONE : _____ Email _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Schoel Engineering Company, Inc.

PHONE : 205-313-1152 Email sstephenson@schoel.com

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

NAME: Schoel Engineering Company, Inc

ADDRESS: 1001 22nd Street South
Birmingham, AL 35205

MAILING ADDRESS *(if different from above)* _____

PHONE: 205-313-1152 Email sstephenson@schoel.com

IV. ACTION REQUESTED

Final Plat Approval: (reason must be provided)

Explain reason for the request: Request to divide a portion of Lots 7 & 8
into 2 new lots

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

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

Part of Lots 7 & 8, Meeks First Addition to Shady Springs (MB 15 Pg 31)

Property size: _____ feet X _____ feet. Acres: 1.81

VI. ZONING/REZONING:

The above described property is presently zoned: B-3

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 17 day of August, 20 21



Notary Public

My commission expires October 11th
day of October, 20 24.

ALEXANDRA J FINK
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01FI6349139
Qualified in New York County
My Commission Expires: 10/11/24

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

Date: SEPTEMBER 9, 2021

- **CASE:** P-0921-36
- **REQUESTED ACTION:** Rezoning Vestavia Hills INST to Vestavia Hills R-9
- **ADDRESS/LOCATION:** Vestavia Hills R-1 to Vestavia Hills B-2
- **APPLICANT/OWNER:** Ruby Jo Hallman Benson
- **GENERAL DISCUSSION:** The request rezone property on the corner of Timberlake Rd. and Cahaba River Rd. for a proposed Express Oil Change and Tire Engineers. The garage would consist of 8 bays and a waiting room. Access to the garage would be from Timberlake Rd. The developers will also improve the road frontage along Oakview Ln. with a 5' sidewalk.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The Community Plan calls for calls for these lots to be “Limited Mixed Use”. Limited Mixed Use is stated in the Community Plan as having “an emphasis on less intensive commercial uses...”. Furthermore, the Blue Lake Area Study only contemplates professional office and light commercial/retail.
- **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.
 2. **City Planner Recommendation:** Staff recommends the following conditions:
 - A. Approval based on site plan and renderings presented;
 - B. Vehicles left overnight to be parked in bays or to the side and rear of building;
 - C. No outside storage of materials, including tires
 3. **City Engineer Review:** I have reviewed the application and I have no issues with this request.

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

CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

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

II. APPLICANT INFORMATION: (owner of property)

NAME: Ruby Jo Hallman Benson

ADDRESS: 3101 Timberlake Road

Vestavia Hills, AL 35243

MAILING ADDRESS *(if different from above)* _____

PHONE NUMBER: Home 205-967-3844 Office _____

EMAIL ADDRESS: _____

NAME OF REPRESENTING ATTORNEY/AGENT & CONTACT INFORMATION:

Engineering Design Group - David Teague

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: R-1 Residential

To: B-2 General Business District

For the intended purpose of: Automotive Oil and Tire Change Facility

(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.)

3101 Timberlake Road, Vestavia Hills, AL

Parcel: 28 00 27 4 001 009.000

Property size: _____ feet X _____ feet. Acres: 0.899 AC

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

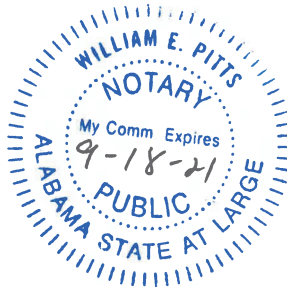
Application fees submitted.

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

Reebee Jo Hallman Benson /
Owner Signature/Date 8-4-21 Representing Agent (if any)/date

Given under my hand and seal
this 4 day of August, 2021.

William E. Pitts
Notary Public
My commission expires 18th
day of September, 2021.



CASE NUMBER: _____

DESIGNATION OF AUTHORIZED AGENT/ATTORNEY-IN-FACT

The undersigned owner/owners of the property described in the application hereby designate Engineering Design Group, LLC as the authorized agent/attorney-in-fact with the following powers and authority to do all things that may be required in order to apply for a variance/rezoning on said property including but not limited to completion and execution of applications, receipt of notices, execution of acknowledgments, attendance and presentations of evidence at all hearings and execution of agreements.

Ruby Jo Hallman Benson
OWNER

OWNER _____

3101 Fembestake Road
ADDRESS

Vestavia, Ala. 35243

205-967-3844
TELEPHONE NUMBER

AUTHORIZED AGENT/ATTORNEY-FACT:

Engineering Design Group, LLC
NAME

120 Bishop Circle, Suite 300
ADDRESS

Pelham, AL 35124

(205) 403-9158
TELEPHONE NUMBER

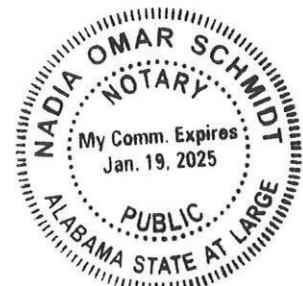
State of Alabama

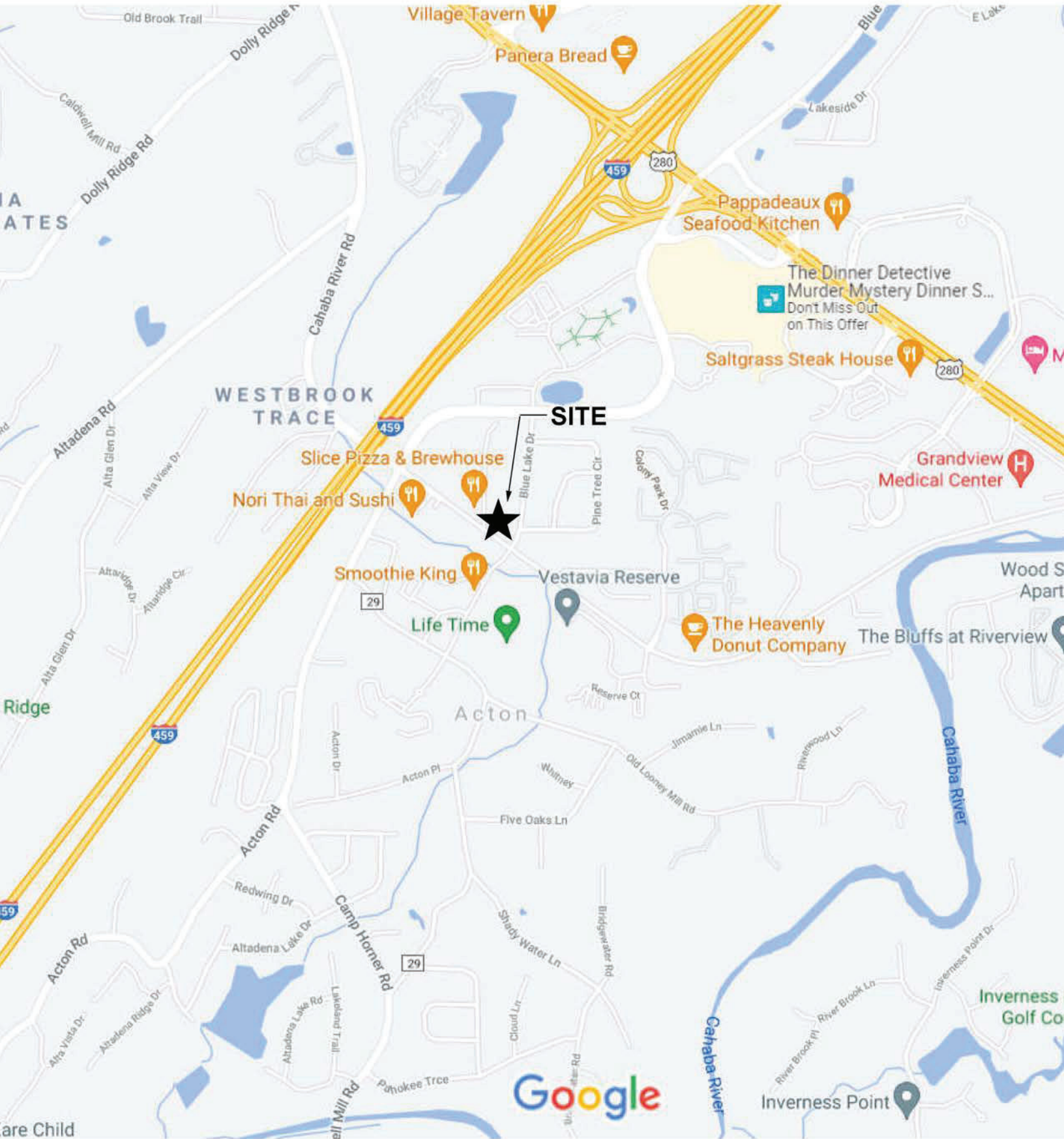
I, the undersigned Notary Public, hereby certify that Ruby Jo Hallman Benson, _____, whose name(s) is/are signed to the foregoing DESIGNATION OF AUTHORIZED AGENT/ATTORNEY-IN-FACT has/have acknowledged to me under oath that they have read and understand the foregoing and executed same before me on this day.

Given under my hand and Official Seal this 9th day of JULY, 2021.

[Signature]

Commission Expires: Jan. 19, 2025





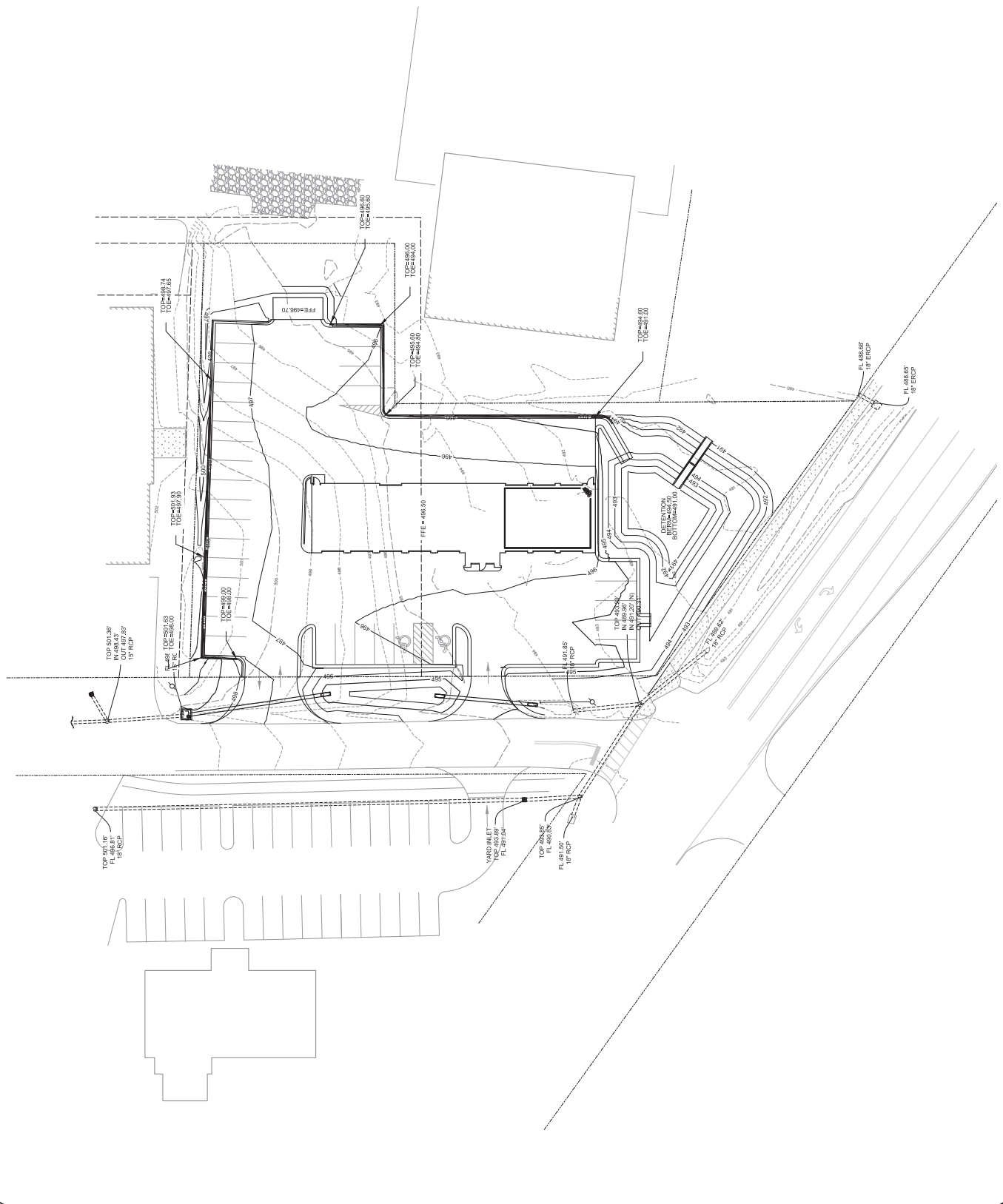
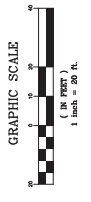
ENGINEERING DESIGN GROUP, LLC
 CIVIL ENGINEERING LAND SURVEYING
 (205) 403-9178
EDG

120 BISHOP CIRCLE
 SUITE 300
 PELHAM AL 35124
 TEL - (205) 403-9158
 FAX - (205) 403-9175
 FOLEY AL 36555
 TEL - (251) 943-8980
 FAX - (251) 403-9175
 WWW.EDGALABAMA.COM

EXPRESS OIL CHANGE - TIRE ENGINEERS
 TIMBERLAKE DRIVE
 VESTAVIA HILLS, ALABAMA
**SITE GRADING &
 STORM DRAINAGE PLAN**

PROJECT	07/22/2021
DATE	07/22/2021
SCALE	AS SHOWN
PROJECT NO.	EXP000010
CLIENT	WHL
DESIGNER	ROT
CHECKER	
APPROVER	

FOR REVIEW
 NOT FOR
 CONSTRUCTION





Vestavia Hills, Alabama
Express Oil Change EOC

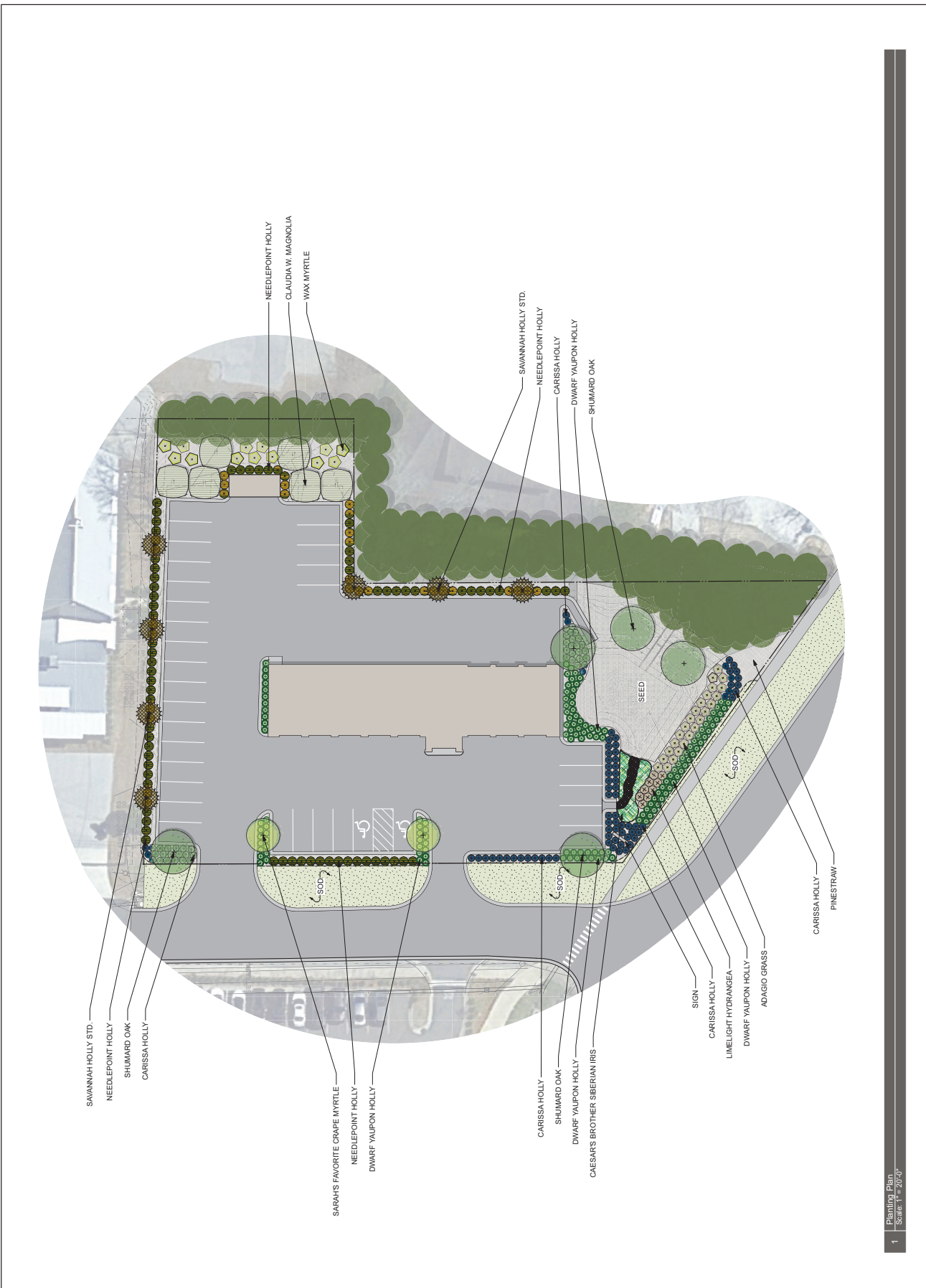
REVISED

DATE:	07/20/21
PROJECT NUMBER:	19
DRAWN:	JR
REVIEWED:	DP
PROJECT NO.:	Project ID
SHEET TITLE:	

Planting Plan

SHEET NUMBER

SOURCE 8 of 11



1 Planting Plan
 Scale: 1" = 20'-0"

**NOT FOR
CONSTRUCTION**

Express Oil Change & Tire Engineers
Modified Single Building - Right Hand Oil Change

Vestavia Hills, Alabama

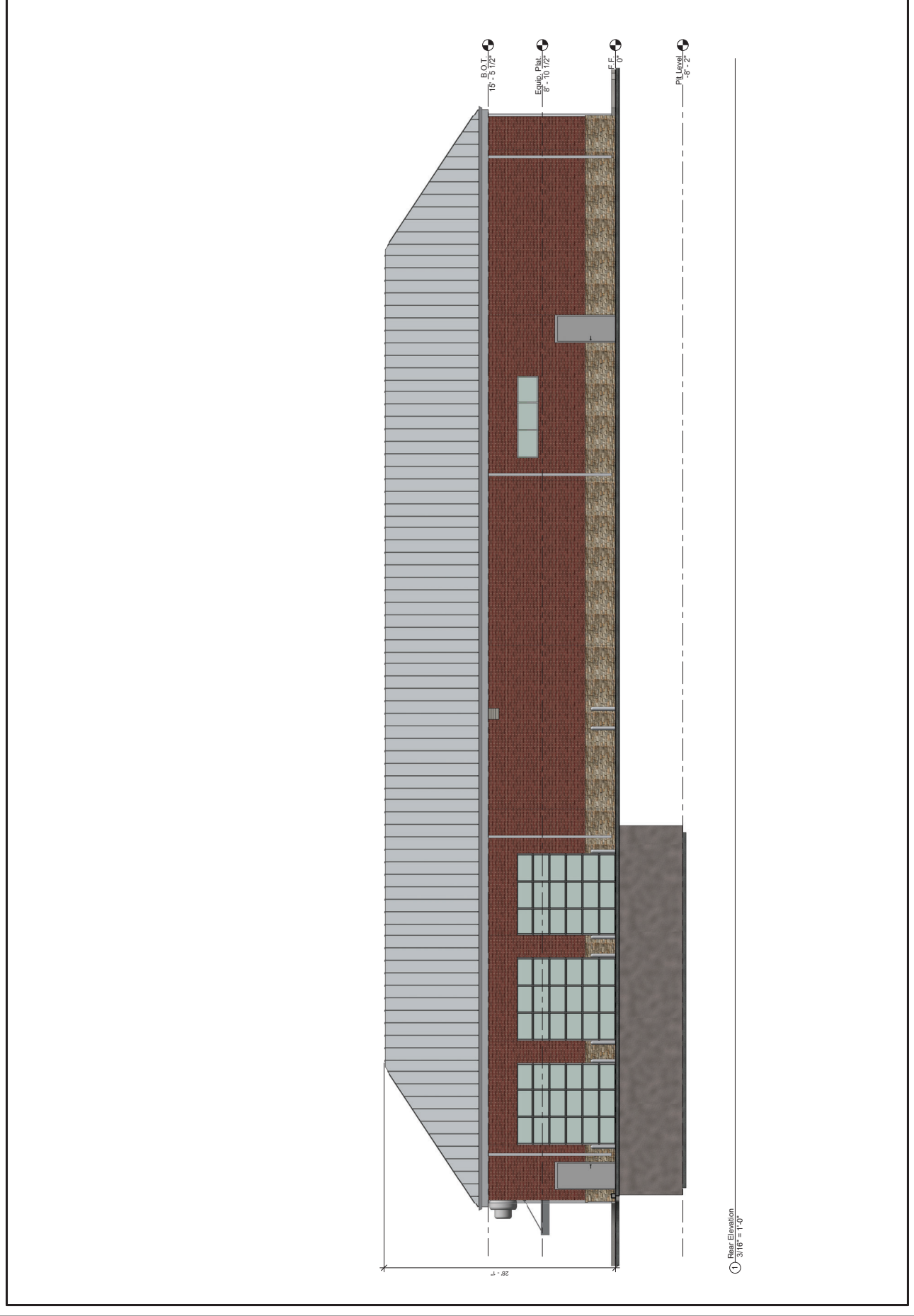
CONCEPTUAL	
No.	Description

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Exterior Elevation - Rear

Project number: 210221
Date: 08/04/2021
Drawn by: MB
Checked by: TAA

A201
Scale: 3/16" = 1'-0"



1 Rear Elevation
3/16" = 1'-0"



NOT FOR CONSTRUCTION

Express Oil Change & Tire Engineers
Modified Single Building - Right Hand Oil Change
Vestavia Hills, Alabama

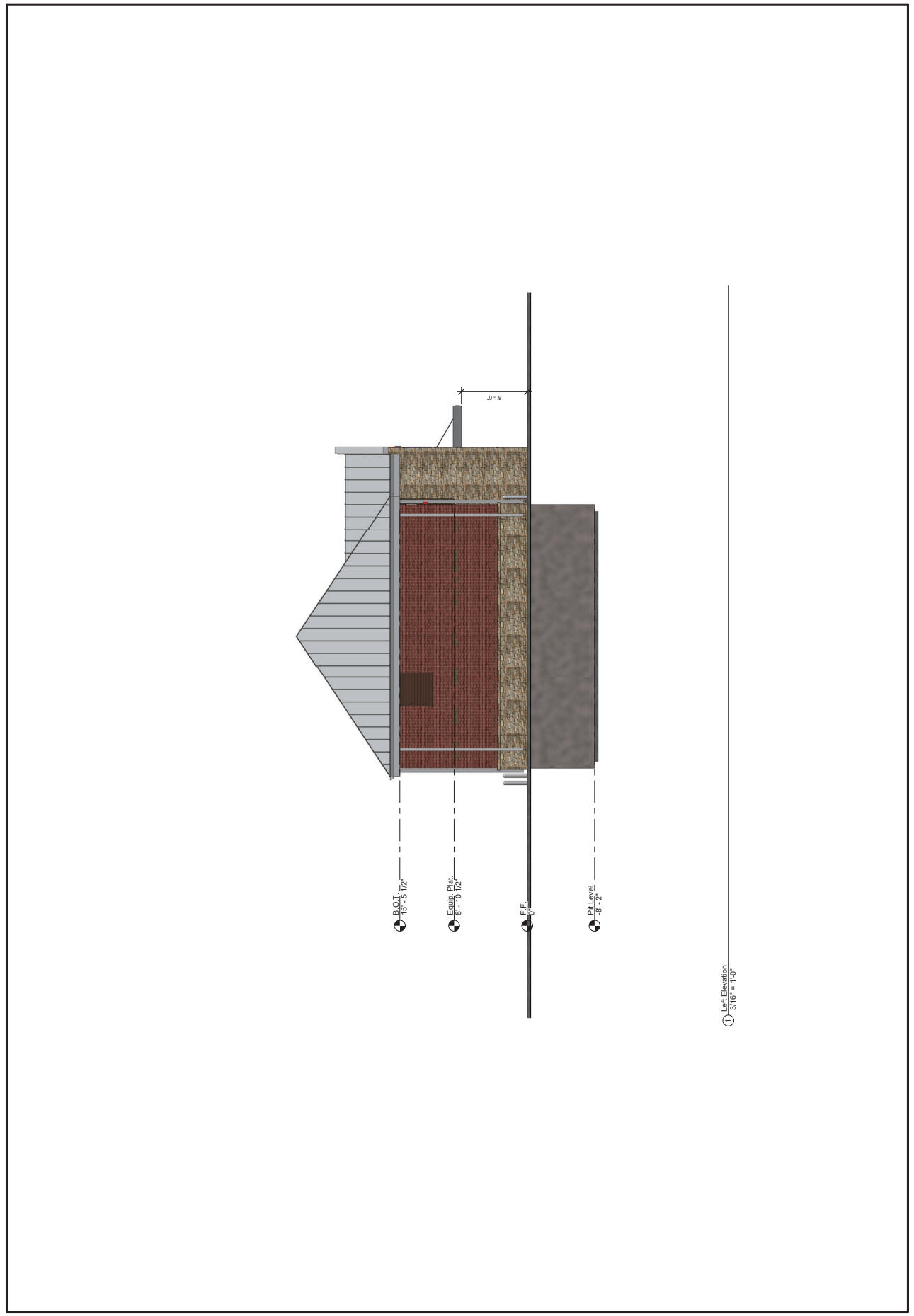
CONCEPTUAL	
No.	Date

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Exterior Elevation -
Left

Project number: 21021
Date: 08/04/2021
Drawn by: ARC
Checked by: TAA

A202
Scale: 3/16" = 1'-0"



1 Left Elevation
3/16" = 1'-0"



NOT FOR CONSTRUCTION

Express Oil Change & Tire Engineers
Modified Single Building - Right Hand Oil Change
Vestavia Hills, Alabama

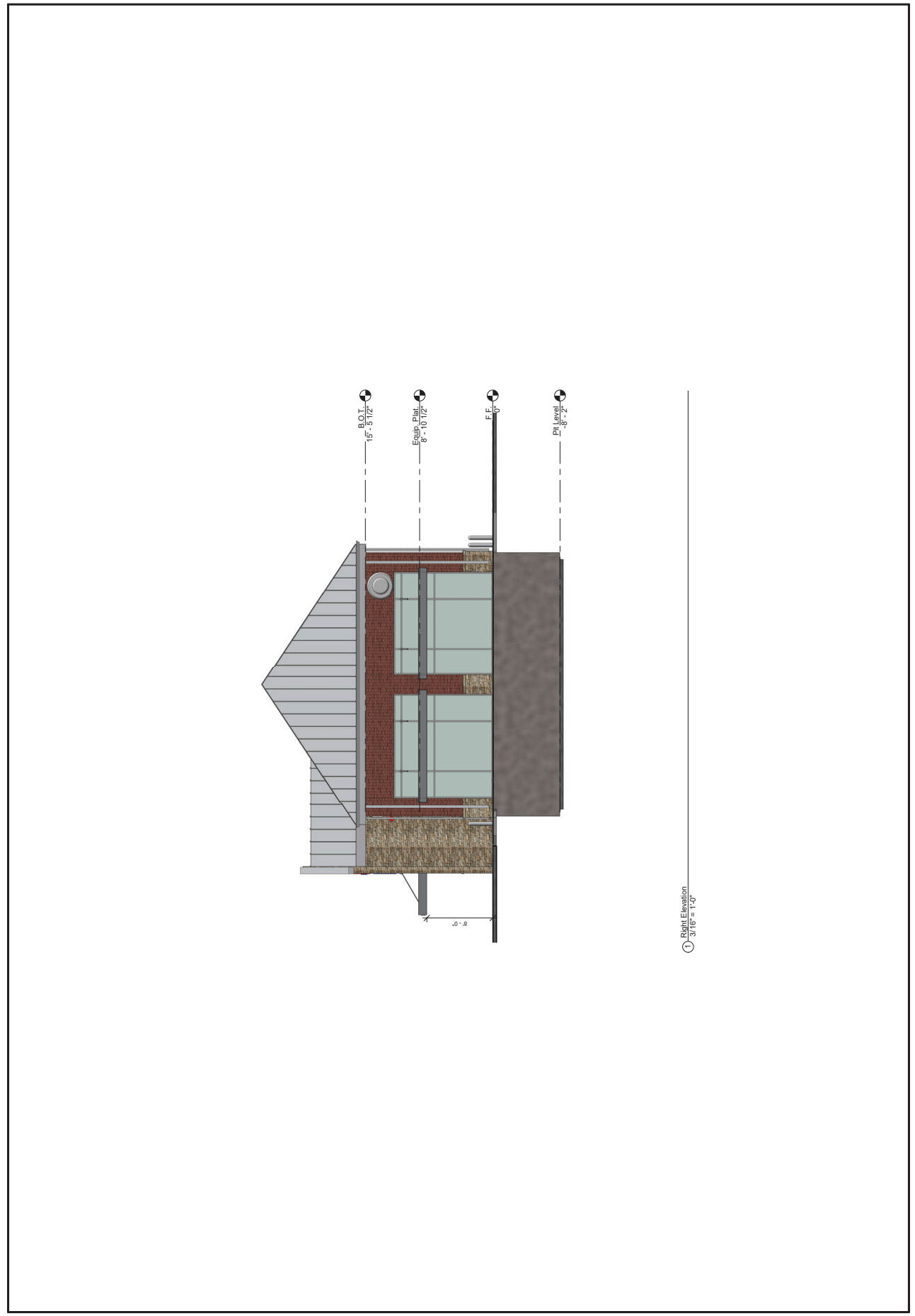
CONCEPTUAL	
No.	Date

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Exterior Elevation - Right

Project number: 21021
 Date: 08/04/2021
 Drawn by: ARC
 Checked by: N/A

A203
Scale: 3/16" = 1'-0"



1 Right Elevation
3/16" = 1'-0"



Zoning1	
PARCELID	2800274001009000
DISTRICT	020
ESN_NUM	62
PROPADD	3101 TIMBERLAKE RD
TAX_TOWNSH	28
SECTION	27
OSECTION	4
BLOCK	001
PARCEL	009000
VH_ZONING	R-1
ZNG_ORD	1981
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
Zoom to	

Future Land Use

- | | | |
|--|---|--|
|  Low-Density Residential |  Retail/Mixed Use |  Institutional |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High-Density Residential |  Planned Mixed Use | |
|  Birmingham |  Jefferson County |  Mountain Brook |

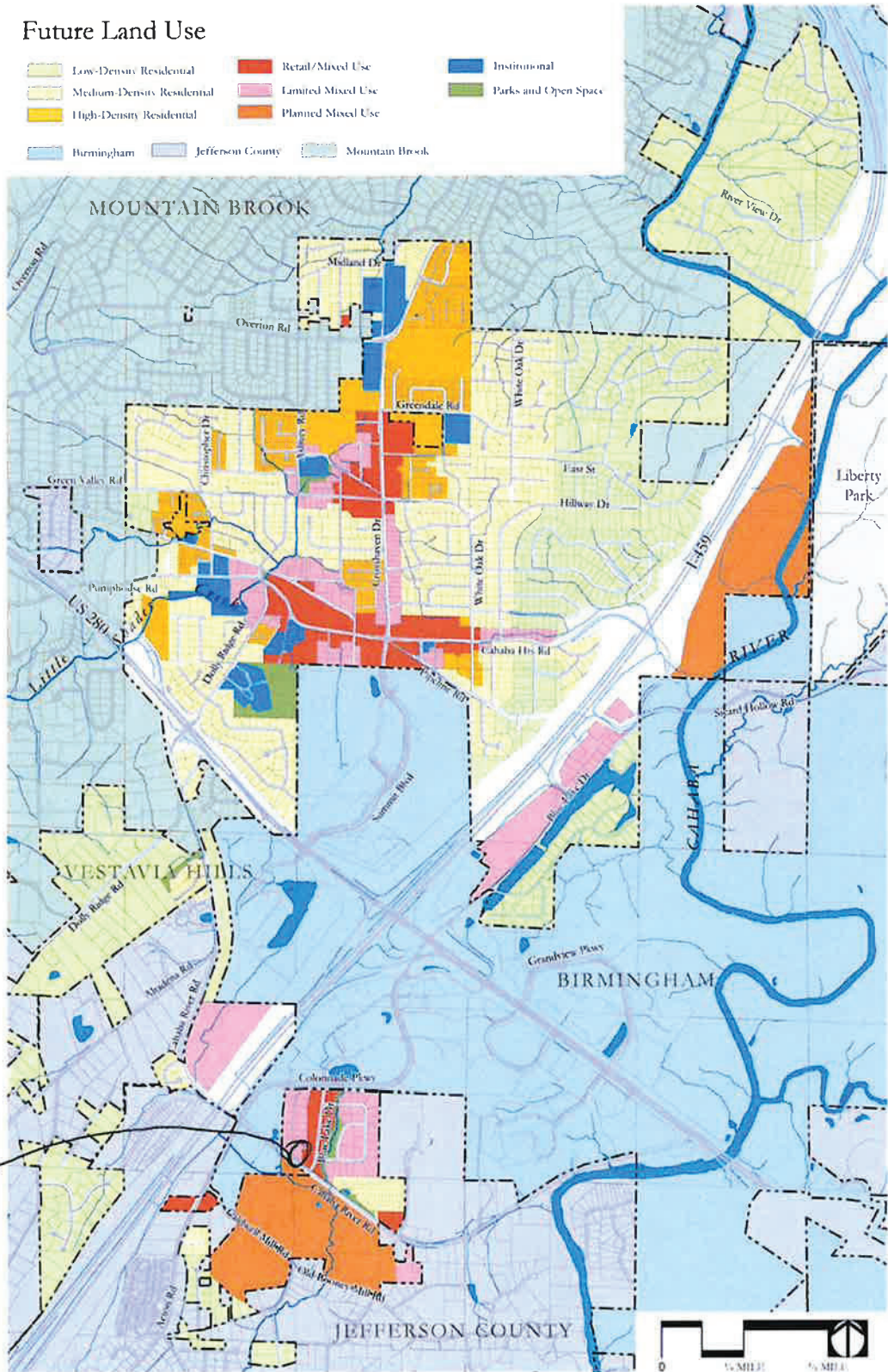


Figure 4: Future Land Use Map

August 13, 2021

City of Vestavia Hills
Attn: Conrad Garrison
1032 Montgomery Hwy
Vestavia Hills, AL 35216

Conrad,

Russ and I would like to express our opposition to the proposed Express Oil Change at the corner of Cahaba River Road and Timberlake Rd. We have made a substantial investment in the architecture of this transitioning neighborhood over the last eight years and have seen others do the same. We believe that the addition of an Express Oil Change would be inconsistent with the aesthetics of the neighborhood and diminish what we and others have tried to accomplish.

Our greatest concern, however, is the noise that will be generated from an oil change business at this location. Our office building directly adjacent to this property will be subject to a constant barrage of sound from cars entering and exiting the property and being serviced with various equipment all day long. This will be a substantial nuisance for our tenants and could result in a reduction in the property value of our building.

Thank you for your attention to this issue and please let me know if you have any questions.

Sincerely,



J. Brooks Harris
Harris Doyle Homes



Russ Doyle
Harris Doyle Homes

Blue Lake Partners LLC
3104 Blue Lake Dr, Vestavia, AL 35243

LETTER OF PROTEST

September 1, 2021

To: City of Vestavia

Re: 3101 Timberlake Rd. Vestavia, AL 35243

Protesting the rezoning classification from VH R-1 to VHB-2 for the construction of an Express Oil Change/Tire Engineers store.

Dear Conrad Garrison and The Vestavia Planning and Zoning Board,

We write to you as owners of the property directly behind the proposed land. This area has grown very quickly along with traffic. Businesses in this area are mainly office buildings that are aesthetically pleasing, clean and quiet. Due to the unavoidable nature of their type of work (auto repair and maintenance), this business will be a messy, dirty eye sore that negatively impacts the real estate value of the buildings in this area.

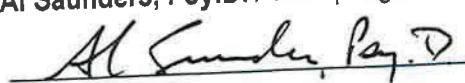
Traffic and parking are already a problem on this street. Adding a business with this amount of steady traffic flow will create an even greater traffic and parking problem.

Last but certainly not least, this business will be located about 40 feet from our office windows. Wellspring Christian Clinic is the home for 18 psychologists, professional counselors, psychiatrists, and social workers who see adult and pediatric clients struggling with mental illness and highly personal issues all day long. Loud drills, air compressors (even if muffled), horn honking tests every 20 minutes and other car repair noises will be a major disturbance to these therapy sessions. The upstairs of the building is occupied by a local anesthesia company where 12 employees provide support for multiple practices and host regular meetings with local physicians. The noise will be harmful to its business.


We hope you will look at our concerns and vote no to the proposed re zoning and construction of this Express Oil Change that we feel would be detrimental to our neighborhood. If you would like to speak with us further on this issue, please feel free to contact us at 205-977-3003 or 205-977-1949

Thank you for your consideration,

Al Saunders, Psy.D. / Wellsprings Christian Clinic:

 Date: 9/1/21

Bobby Patrick, CEO / Blue Lake Anesthesia Solutions:

 Date: 09/01/2021

Conrad Garrison

From: Karen Heard <kheard2@gmail.com>
Sent: Friday, August 27, 2021 9:03 AM
To: Conrad Garrison
Subject: [External] 3101 Timberlake Road Public Hearing on 9/9/2021

Good Morning Conrad,

We hope you have been doing very well. We received a public hearing notice for 3101 Timberlake Road on 9/9/2021. Unfortunately we will not be able to attend the meeting due to a family event; however, we did want to let you know that we are in favor of Express Oil/Tire Engineers moving into this location.

Please let me know if you have any questions.

Thanks,
Karen Heard
3116 Timberlake Road