

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

MARCH 10, 2022

6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: February 10, 2022

Final Plats

Consent Agenda

- (1) **P-0322-08** Liberty Park Joint Venture, LLP Is Requesting **Final Plat Approval For Club Ridge East**. The Purpose for This Request Is To Plat A Private Street and Nine Lots. The Property Is Owned By Liberty Park Joint Venture and Is Zoned Vestavia Hills PR-1.

Rezoning/Annexations

- (2) **P-0322-05** Megan W. Rudolph Is Requesting **Compatible Rezoning For 2433 Dolly Ridge Rd.** from **Jefferson County E-2 to Vestavia Hills R-1** For The Purpose Of Annexation.
- (3) **P-0322-06** John Glenn Moss, III Is Requesting **Compatible Rezoning For 1718 Vestaview Ln.** from **Jefferson County R-1 to Vestavia Hills R-2** For The Purpose Of Annexation.

Conditional Use Permits

- (4) **P-0322-04** Vestridge Commons Shopping Center, LLC Is Requesting **Conditional Use Approval** for a **Veterinary Clinic** Located At **1360 Montgomery Hwy.** The Property Is Owned By Vestridge Commons Shopping Center, LLC and Is Zoned Vestavia Hills B-2.
- (5) **P-0322-07** Old Town Center 33rd Street Holdings, LLC & Old Town Center 131 West 33rd Street Holdings, LLC Is Requesting **Conditional Use Approval** for **Dog Grooming** Located At **220 Olde Towne Rd.** The Property Is Owned

By Old Town Center 33rd Street Holdings, LLC & Old Town Center 131
West 33rd Street Holdings, LLC and Is Zoned Vestavia Hills B-3.

New Business

- (6) Discussion Of Amendments To The Vestavia Hills Zoning Code

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION
MINUTES

FEBRUARY 10, 2022

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
Lyle Larson
Hasting Sykes
Jonathan Romeo
Rick Honeycutt
Ryan Farrell
David Maluff
Erica Barnes

MEMBERS ABSENT:

Rusty Weaver

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Christopher Brady, City Engineer

APPROVAL OF MINUTES

Mr. Vercher stated that the minutes of the meeting January 13, 2022 are presented for approval.

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

Mr. Sykes – yes	Mr. Romeo– yes
Mr. Larson – yes	Mr. Maloof – yes
Ms. Ferrell – yes	Mr. Honeycutt – yes
Ms. Barnes – abstained	Mr. Vercher – yes

Motion carried.

Preliminary Plats

(1) **P-0222-02** Liberty Park Joint Venture, LLP Is Requesting **Preliminary Plat Approval For Liberty Park The Bray Phase II Mass Grading And Infrastructure**. The Purpose for This Request Is To Approve Grading and Infrastructure Plans. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PB.

Mr. Garrison explained the request will allow Liberty Park to install infrastructure.

James Parsons, from Schoel Engineering, was present to answer any questions.

Mr. Romeo asked what the infrastructure would be serving. Mr. Parsons stated they were in the opening stages but the property is zoned PB and wont be changes.

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

MOTION Motion to approve preliminary plat approval For Liberty Park The Bray Phase II Mass Grading And Infrastructure was made by Mr. Larson and second was by Mr. Romeo. Voice vote as follows:

Mr. Sykes – yes	Mr. Romeo– yes
Mr. Larson – yes	Mr. Maloof – yes
Ms. Ferrell – yes	Mr. Honeycutt – yes
Ms. Barnes – yes	Mr. Vercher – yes

Motion carried.

Final Plats

(2) **P-0222-03** Mark Rogers Is Requesting **Final Plat Approval For Resurvey Of Lot 31-A, And 33-A Rosement Subdivision**. The Purpose for This Request Is To Combine Lots. The Property Is Owned By Mark Rogers and Is Zoned Vestavia Hills R-1.

(3) **P-1121-45** KADCO Homes, LLC Is Requesting **Six Month Extension For Final Plat Approval For Oakview Lane Townhomes**. The Purpose for This Request Is to Create Seven Townhome Lots. The Property Is Owned By KADCO Homes, LLC and Is Zoned Vestavia Hills R-9.

Mr. Garrison explained the requests and stated the items are ministerial.

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

MOTION Motion to approve items 2-3 was made by Mr. Larson and second was by Mr. Romeo. Voice vote as follows:

Mr. Sykes – yes
Mr. Larson – yes
Ms. Ferrell – yes
Ms. Barnes – yes
Motion carried.

Mr. Romeo – yes
Mr. Maloof – yes
Mr. Honeycutt – yes
Mr. Vercher – yes

Conrad Garrison, City Planner

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

Date: **MARCH 10, 2022**

- **CASE:** P-0322-08
- **REQUESTED ACTION:** Final Plat Approval For Club Ridge East
- **ADDRESS/LOCATION:** Club Ridge Dr.
- **APPLICANT/OWNER:** Liberty Park Joint Venture, LLP
- **GENERAL DISCUSSION:** Plat will dedicate Club Ridge Drive East as a private street and create nine new lots. Setback and buffering lines are noted in the plat. The preliminary plat was approved in June of 2020 and meets all requirements of the Liberty Park PUD.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: 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: Liberty Park Joint Venture LLP _____

ADDRESS: 1000 Urban Center Drive, Suite 235 _____

Vestavia, AL 35242 _____

BILLING ADDRESS *(if different from above)* _____

PHONE : _____ Email _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Schoel Engineering Company _____

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

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

NAME: Schoel Engineering Company _____

ADDRESS: 1001 22nd Street South _____

Birmingham, AL 35205 _____

MAILING ADDRESS *(if different from above)* _____

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

P0322-08//27-00-06-1-000-004.000
7291&7350 Old Overton Club Dr.
Final Map for create 9 lots
LPJV. LLP

IV. ACTION REQUESTED

Final Plat Approval: (reason must be provided)

Explain reason for the request: Request to subdivide acreage into 9 lots

and a private road to be known as Clubridge Drive East

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

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

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

VI. ZONING/REZONING:

The above described property is presently zoned: _____

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.**

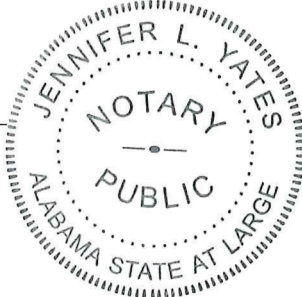
[Signature]
Owner Signature/Date

[Signature]
Representing Agent (if any)/date

Given under my hand and seal
this 22nd day of February, 2022.

[Signature]
Notary Public

My commission expires 7th
day of May, 2024.



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

Date: MARCH 10, 2022

- **CASE:** P-0322-05
- **REQUESTED ACTION:** Rezoning JC E-2 to Vestavia Hills r-1
- **ADDRESS/LOCATION:** 2433 Dolly Ridge Rd.
- **APPLICANT/OWNER:** Megan W. Rudolph
- **GENERAL DISCUSSION:** This is a compatible rezoning of annexed property on Dolly Ridge Rd. from JC E-2 to VH R-1. Property was annexed overnight by Ordinance 3047 on 12/20/21.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

CITY OF VESTAVIA HILLS

APPLICATION

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: Megan W. Rudolph

ADDRESS: 2433 Dolly Ridge Rd.

Vestavia, AL 35243

MAILING ADDRESS *(if different from above)* _____

PHONE NUMBER: Home 205-276-4361 Office _____

EMAIL ADDRESS: rudolphmw@gmail.com

NAME OF REPRESENTING ATTORNEY/AGENT & CONTACT INFORMATION:

P0322-05//28-00-32-4-001-051.000
2433 Dolly Ridge Rd.
Annex to VH R1
Megan Rudolph JC E2

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Jefferson County E-2

To: Vestavia Hills R-1

For the intended purpose of: Residential

(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.)

2433 Dolly Ridge Road, Vestavia Hills, AL 35243

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

V. INFORMATION ATTACHED:



Attached Checklist complete with all required information.



Application fees submitted.

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

Megan W. Rudolph 1/14/22
Owner Signature/Date

_____/_____
Representing Agent (if any)/date

Given under my hand and seal
this _____ day of _____, 20____.

[Signature]
Notary Public
My commission expires 30th
day of Oct, 2023.

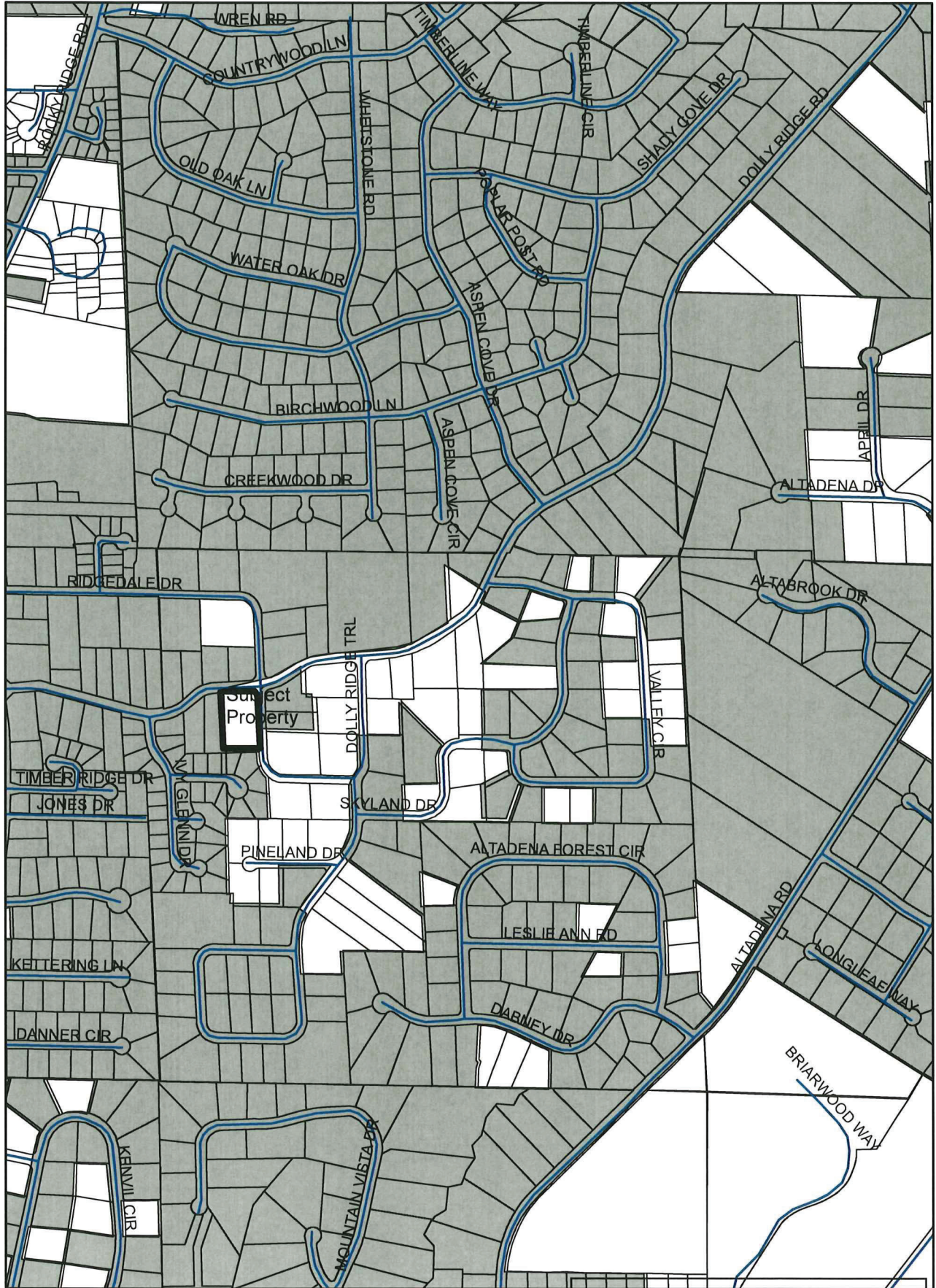


My Commission Expires
October 30, 2023


P0322-05//28-00-32-4-001-051.000
2433 Dolly Ridge Rd.
Annex to VH R1
Megan Rudolph JC E2

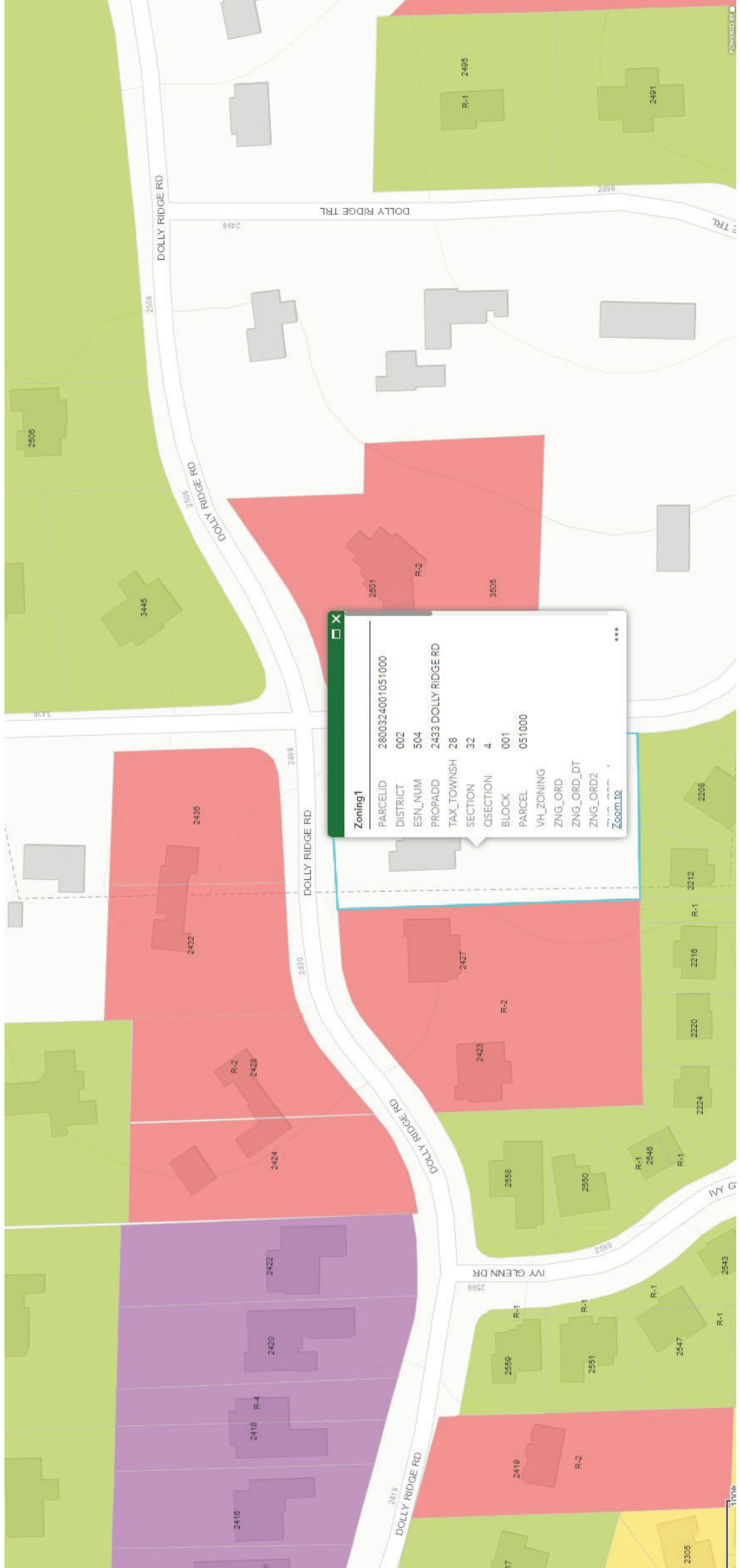
2433 Dolly Ridge Road

N



Legend

 Vestavia_Hills_City_Limits



Zoning1

PARCELID	2800324001051000
DISTRICT	002
ESN_NUM	504
PROPADD	2433 DOLLY RIDGE RD
TAX_TOWNSH	28
SECTION	32
OSECTION	4
BLOCK	001
PARCEL	051000
VH_ZONING	
ZNG_ORD	
ZNG_ORD_DT	
ZNG_ORD2	

[Zoom to](#)

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

Date: MARCH 10, 2022

- **CASE:** P-0322-06
- **REQUESTED ACTION:** Rezoning JC R-1 to Vestavia Hills R-2
- **ADDRESS/LOCATION:** 1718 Vestaview Ln.
- **APPLICANT/OWNER:** John Glenn Moss, III
- **GENERAL DISCUSSION:** This is a compatible rezoning of annexed property on Vestaview Ln. from JC R-1 to VH R-2. Property was annexed overnight by Ordinance 3050 on 12/20/21.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

CITY OF VESTAVIA HILLS

APPLICATION

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 it shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ***No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: John Glenn Moss III (Tripp)

ADDRESS: 1718 Vestaview Ln

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home (205) 616-6240 Office _____

EMAIL ADDRESS: Tripp, Moss @ PNC . com

NAME OF REPRESENTING ATTORNEY/AGENT & CONTACT INFORMATION:
N/A

P0322-06//29-00-25-2-009-029.000

1718 Vestaview Lane

Annex to VH R2

John Moss, III

JC R1

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Jefferson County R-1

To: Vestavia Hills R-2

For the intended purpose of: Access to city & school system

(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.)

Part of the SE 1/4 of the NW 1/4 of Section 25, Township 19 South, Range 3 West, Jefferson County, AL, more particularly described as, (see Attachment)

Property size: 100 feet X 164.2 feet. Acres: .38

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

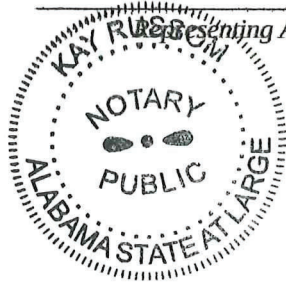
Application fees submitted.

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.

[Signature], 1/31/2022
Owner Signature/Date _____
Representing Agent (if any)/date _____

Given under my hand and seal
this 31st day of January, 2022.

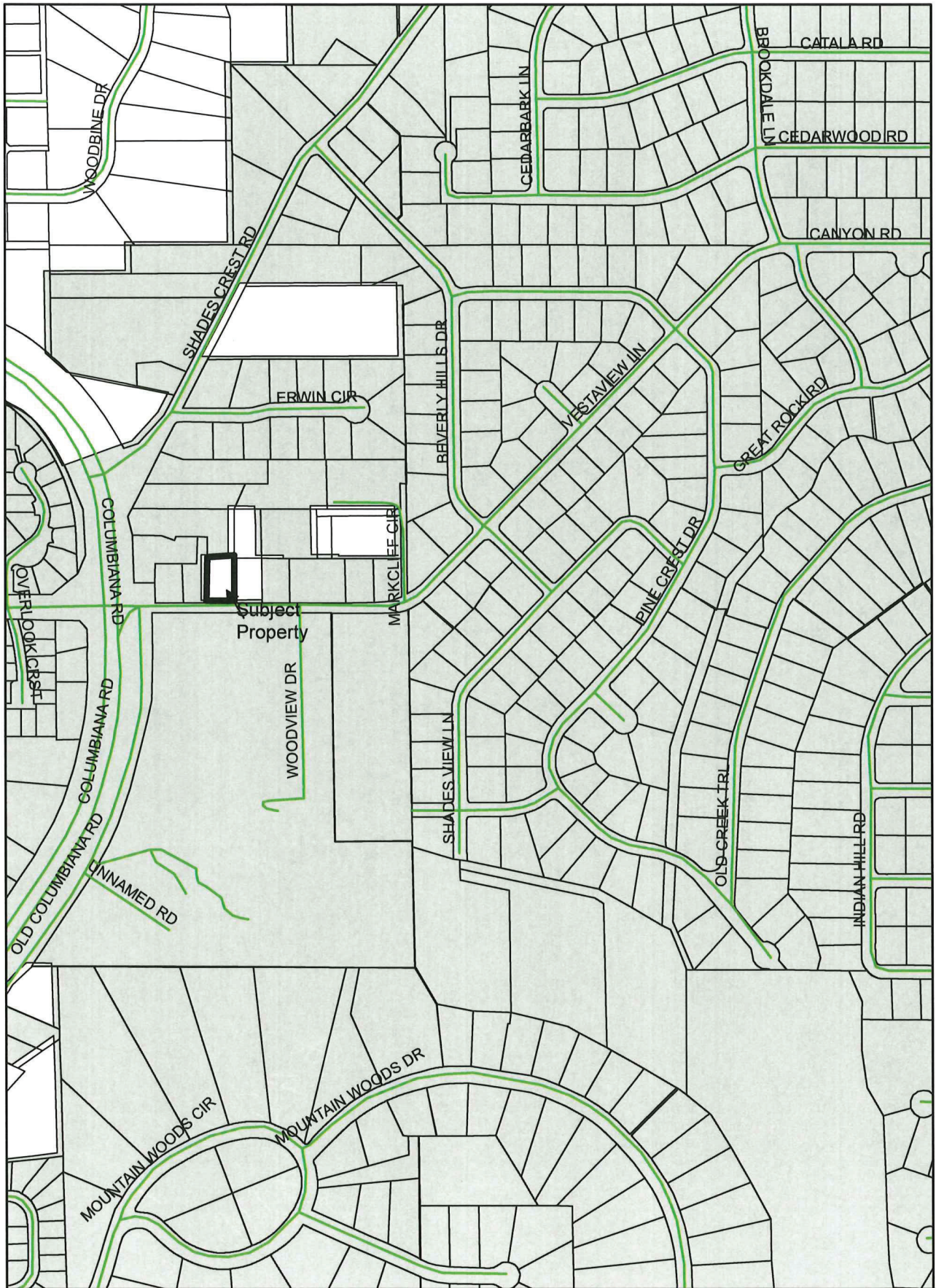
Kay Russon
Notary Public




My commission expires _____
day of _____, 20____. My Commission Expires
November 8, 2024

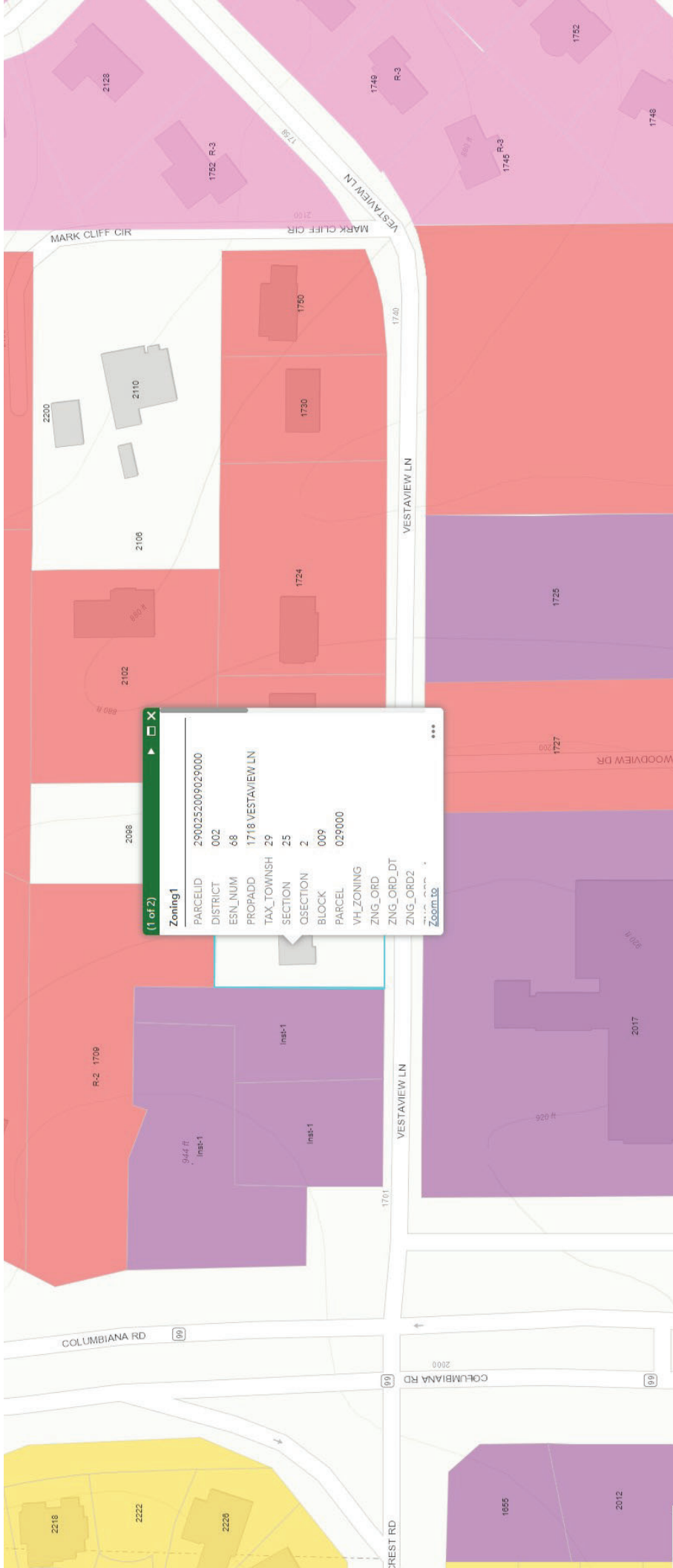
P0322-06//29-00-25-2-009-029.000
1718 Vestaview Lane
Annex to VH R2
John Moss, III
JC R1

1718 Vestaview Lane



Legend

 Vestavia_Hills_City_Limits



(1 of 2)

Zoning1

PARCELID	2900252009029000
DISTRICT	002
ESN_NUM	68
PROPADD	1718 VESTAVIEW LN
TAX_TOWNSH	29
SECTION	25
OSECTION	2
BLOCK	009
PARCEL	029000
VH_ZONING	
ZNG_ORD	
ZNG_ORD_DT	
ZNG_ORD2	
ZNG_ORD2_DT	
ZNG_ORD2_DT	

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

Date: MARCH 10, 2022

- **CASE:** P-0322-04
- **REQUESTED ACTION:** Conditional Use Approval for a Veterinary Clinic
- **ADDRESS/LOCATION:** 1360 Montgomery Hwy.
- **APPLICANT/OWNER:** Vestridge Commons Shopping Center, LLC
- **GENERAL DISCUSSION:** The applicant is seeking to establish a veterinary practice and pet grooming facility in the Vestridge Commons shopping center (Sol Azteca, Monograms Plus, Kool Korner, etc.). All services would be by appointment only M-Sa and no overnight boarding offered unless pets are required 24 hour/overnight care. As per and agreement with the property owner, the greenspace behind the building would be fenced and utilized. A description of the applicant's business is attached.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with plan for commercial core.
- **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: Conditioned on no overnight boarding other than what is required for medical care.
 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
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: VESTRIDGE COMMONS SHOPPING CENTER, L.L.C.

ADDRESS: 728 Shades Creek Parkway, Suite 210
Birmingham, AL 35209

PHONE: 205-802-7202 EMAIL: tmiller@fairwaymg.com

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Wade Cornelius

PHONE: 205-414-1234 EMAIL: wade@donovanfingar.com

P0322-04//28-00-31-2-010-019.000
1360 Montgomery Hwy.
Cond. Use for Vet Hospital
Vestridge Commons Shopping
Center B2

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

NAME: VESTRIDGE COMMONS SHOPPING CENTER, L.L.C.
ADDRESS: 728 Shades Creek Parkway, Suite 210
Birmingham, AL 35209
PHONE: 205-802-7202 EMAIL: tmiller@fairwaymg.com

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section 13.3 of the Vestavia Hills Zoning Code.

Current Zoning of Property: B-2

Requested Conditional use For the intended purpose of: Veterinary Hospital (§7.6)

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

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

1360 Montgomery Highway
Vestavia Hills, Alabama 35216 (legal attached as Exhibit B)

Property size: _____ feet X _____ feet. Acres: 4.98

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

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

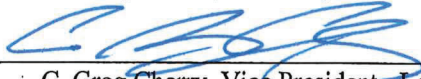
Application fees submitted.

P0322-04//28-00-31-2-010-019.000
1360 Montgomery Hwy.
Cond. Use for Vet Hospital
Vestridge Commons Shopping
Center B2

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**

VESTRIDGE COMMONS SHOPPING CENTER, L.L.C., an Alabama limited liability company

By: The Thompson Development Company, Inc., an Alabama corporation, its Manager

By: 
C. Greg Cherry, Vice President - Leasing

Given under my hand and seal
this 11th day of January, 2022.


Notary Public

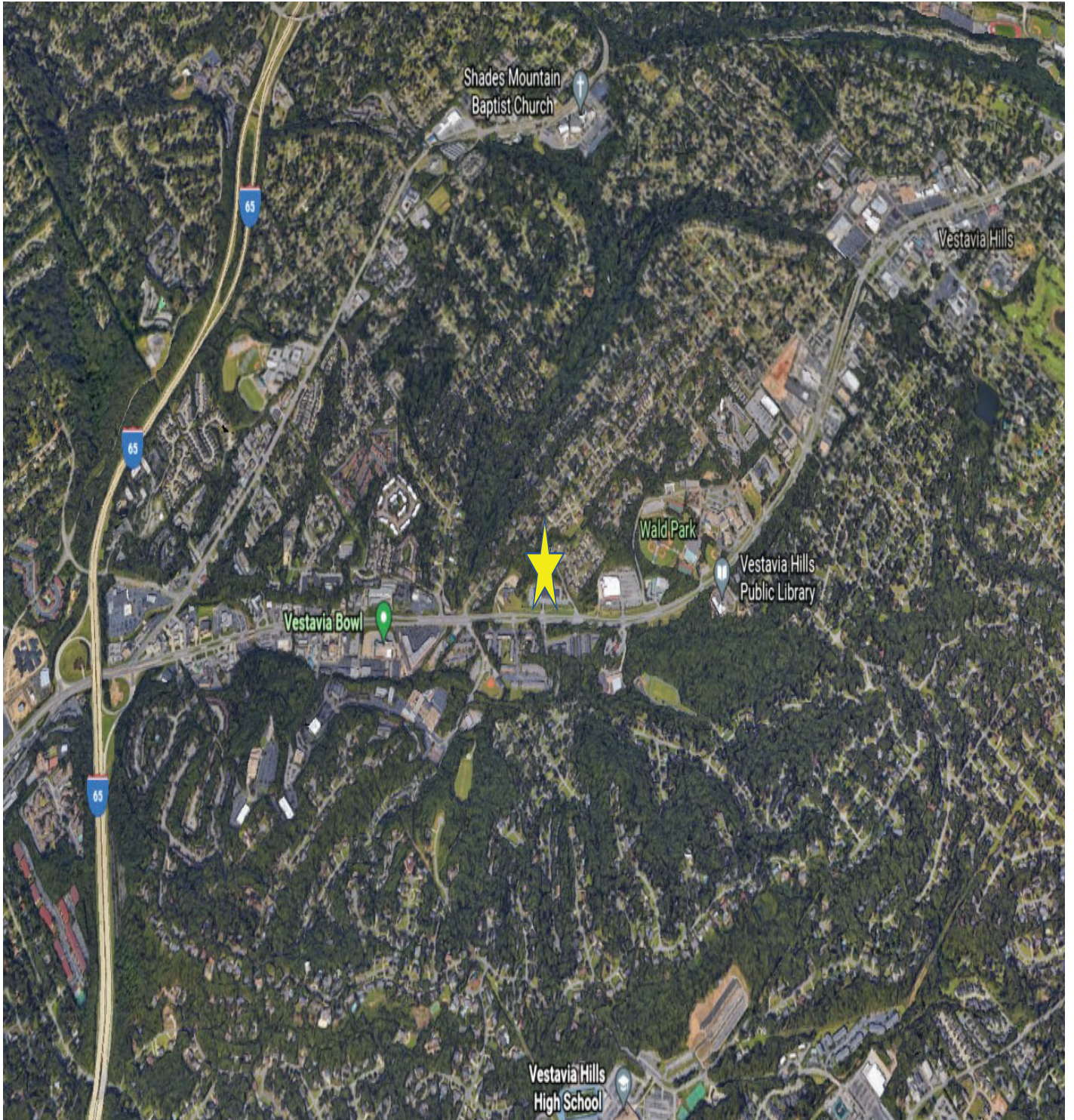
VICKI MORGAN MCCLUNG
Notary Public
Alabama State at Large
My Commission Expires Dec. 2, 2024

My commission expires 2nd
day of December, 2024.

EXHIBIT "C"
OUTDOOR PET RELIEF AREA



EXHIBIT "B"
Vicinity Sketch



EXPLANATION/RATIONALE FOR REQUEST

The proposed Heartland Veterinary hospital (the “Project”) will operate a veterinary clinic (the “Proposed Use”) solely from the 4,600 square feet lease space located within the Vestridge Commons Shopping Center (the “Shopping Center”) located at 1360 Montgomery Highway in Vestavia Hills, Alabama, as legally described on the attached Exhibit A and as depicted on the vicinity sketch attached as Exhibit A. All tenant improvements for the Project will occur within the existing building but shall include the addition of an outdoor pet relief area (as shown on the attached Exhibit C).

GENERAL PLAN CONFORMANCE

The Proposed Use is in conformance with the Comprehensive Plan of the City of Vestavia Hills (the “Plan”) and advances “Goal Four” of Chapter II which provides that the City shall strive to “encourage greater economic development with the City to serve residents and expand the City’s tax base;” “encourage an appropriate mix of uses in commercial areas and throughout the City;” and “recruit desirable retail businesses into appropriate locations throughout the City.”

The Project and Proposed Use will serve the needs of pets and residents of the City; contribute to economic sustainability by way of job creation and an addition of a commercial tenant to a currently vacant commercial building space; and enhance the mix of uses in the City.

SPECIFIC JUSTIFICATIONS FOR APPROVAL

1. The Proposed Use is consistent with the City’s zoning code (the “Code”) designation for the property, which is B-2 (Neighborhood Mix Use District). The Proposed Use is currently conditionally permitted in B-2. The Proposed Use is an appropriate use for B-2 since it is consistent with other uses found in the B-2 districts and provides a complementary balance of land uses throughout the community meeting the needs of existing residents and businesses.

a. The Project will be staffed by receptionists, veterinary assistants, veterinary technicians and one (1) or two (2) veterinarians at any one time. The Project will have approximately 6 to 8 employees working Monday through Friday from 8:00 a.m. to 6:00 p.m., and Saturday from 8:00 a.m. to 12:00 p.m. The Project anticipates the business to receive two office calls an hour and three walk-in customers per hour on average. With the proposed operational characteristics of the Project in connection with the Proposed Use (including reasonable hours of operation and all proposed activities conducted indoors with the exception of supervised time in the outdoor pet area), the Shopping Center would provide adequate on-site parking and therefore the Project would not substantially impact on-street parking or the parking or uses on other adjacent properties.

b. The Proposed Use would not generate adverse noise, traffic, or parking impacts that are unusual for commercially-zoned properties. Residential uses would be protected from any noise or nuisance associated with the Project because they are buffered from the subject property by sufficient distance and public streets. With the exception of the outdoor relief area, all animal hospital activities shall occur inside the building. The Project would solely offer overnight boarding of animals in the event of a sick animal or surgery requiring overnight stay.

2. The Proposed Use is compatible with the uses in the surrounding area. The Proposed Use would be compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area. The Project would operate with minimal impact on surrounding properties and uses. Pursuant to Section 7.6.2 of the Code, the outdoor pet relief area shall

be located to the rear of the building and all such areas visible from a public right-of-way shall be enclosed with a six (6) foot wooden privacy fence.

3. The Proposed Use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. Pursuant to Section 7.6.3 of the Code, all waste material at the Project be stored in closed containers and screened as required in Section 9.4; and pursuant to Section 7.6.4 there will be no emission of any offensive odors, beyond the Project's lot line.

CONCLUSION

Approval of the Project and Proposed Use will allow a veterinary hospital (Heartland Veterinary) with veterinary services, emergency or medically-necessitated pet boarding, and ancillary outdoor use in the B-2 zone. The Project and Proposed Use are consistent with the Plan, Code and with developments in the general neighborhood. Therefore, we respectfully request the approval of this Conditional Use Application.

EXHIBIT A

(Legal Description)

Tract I:

A parcel of land situated in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 18 South, Range 2 West of the Huntsville Principal Meridian, being a portion of Lots 9, 10, and 11, Block 6, lying Northwesterly of State Highway No. 31, of the First Addition to Shades Park, as recorded in Plat Book 8, Page 22, in the Jefferson County Judge of Probate Office, the bearings of which are based on assumed datum, and being more particularly described as follows: Begin at a Jimmy Gay capped iron rod marking the Northwest corner of said Lot 11, and run South 85 degrees 52 minutes 47 seconds East 320.36 feet along the North line thereof to the common corner of said Lots 10 and 11; said point being marked by a Jimmy Gay capped iron rod; thence South 85 degrees 51 minutes 58 seconds East 356.59 feet along the North lines of said Lots 10 & 9 to intersection with the Northwesterly right-of-way line of said State Highway No. 31; said point being marked by a Jimmy Gay capped iron rod; thence run along said right-of-way line for the following four (4) courses; 1) South 48 degrees 56 minutes 51 seconds West 229.22 feet to a concrete right-of-way monument; 2) Southwesterly 238.35 feet along the arc of a curve, concave to the Southeast, having a central angle of 01 degrees 10 minutes 09 seconds a radius of 11679.16 feet, and a chord bearing and distance of South 48 degrees 21 minutes 47 seconds West and 238.34 feet to an iron set; 3) South 00 degrees 45 minutes 45 seconds East 26.78 feet to a concrete right-of-way monument; 4) Southwesterly 293.08 feet along the arc of a curve, concave to the Southeast, having a central angle of 01 degrees 27 minutes 10 seconds, a radius of 11559.16 feet, and a chord bearing and distance of South 47 degrees 02 minutes 42 seconds West and 293.07; thence North 31 degrees 48 minutes 01 seconds West 208.57 feet to intersection with the West line of said Lot 11; thence North 00 degrees 01 minutes 22 seconds West 406.84 feet along said West line to the Point of Beginning.

Tract II: 20 foot permanent utility easement

A 20.00 foot easement for the purpose of utilities, situated in the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of Section 31, Township 18 South, Range 2 West, of the Huntsville Principal Meridian, running across the portions of Lots 11, 13 and 14, Block 6, of the First Addition to Shades Park, as recorded in Plat Book 8, Page 22, in the Judge of Probate Office of Jefferson County, Alabama, said easement being 10.00 feet each side of the following described centerline, the sidelines of which are to be extended or shortened to coincide with a line that bears North 31 degrees 48 minutes 01 seconds West and the West line of said Lot 13, the bearings of which are based on assumed datum and being more particularly described as follows: Commence at a Jimmy Gay capped iron rod marking the Northwest corner of said Lot 11, and run South 85 degrees 52 minutes 47 seconds East 320.36 feet along the North line thereof to the common corner of said Lots 10 and 11; said point being marked by a Jimmy Gay capped iron rod; thence South 85 degrees 51 minutes 58 seconds East 356.59 feet along the North lines of said Lots 10 & 9 to intersection with the Northwesterly right-of-way line of said State Highway No. 31; said point being marked by a Jimmy Gay capped iron rod; thence run along said right-of-way line for the following four (4) courses; 1) South 48 degrees 56 minutes 51 seconds West 229.22 feet to a concrete right-of-way monument; 2) Southwesterly 238.35 feet along the arc of a curve, concave to the Southeast, having a central angle of 01 degrees 10 minutes 09 seconds a radius of 11679.16 feet, and a chord bearing and distance of South 48 degrees 21 minutes 47 seconds West and 238.34 feet to an iron set 3) South 00 degrees 45 minutes 45 seconds East 26.78 feet to a concrete right-of-way monument; 4) Southwesterly 293.08 feet along the arc of a curve, concave to the Southeast, having a central angle of 01 degrees 27 minutes 10 seconds a radius of 11559.16 feet, and a chord bearing and distance of South 47 degrees 02 minutes 42 seconds West and 293.07 feet; thence North 31 degrees 48 minutes 01 seconds West 10.22 feet to the Point of Beginning of the easement herein described; thence running parallel and 10.00 feet Northwesterly measuring at right angles of said right of way line for the following two (2) courses: 1) Southwesterly 543.99 feet along the arc of a curve, concave to the Southeast, having a central angle of 02 degrees 41 minutes 39 seconds, a radius of 11569.16 feet, and a chord bearing and distance of South 44 degrees 58 minutes 56 seconds West and 543.94 feet; 2) South 43 degrees 38 minutes 06 seconds West 11.48 feet to a point that is on the projected North line of Lot 1, of Corrected Map of East Sector Vestavia Forest, as

recorded in Plat Book 47, Page 26, in the Judge of Probate Office, Jefferson County, Alabama; thence North 90 degrees 00 minutes 00 seconds West 33.88 feet to intersection with the West line of said Lot 13 and the Point of Termination of said easement.

Tract III: Easement for Encroachments

An easement for encroachments and construction related activities, situated in the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of Section 31, Township 18 South, Range 2 West of the Huntsville Principal Meridian, running across portions of Lots 11, 12, 13, and 14, Block 6, of the First Addition to Shades Park, as recorded in Plat Book 8, Page 22, in the Judge of Probate Office of Jefferson County, Alabama; the bearings of which are based on assumed datum and being more particularly described as follows: Commence at a Jimmy Gay capped iron rod marking the Northwest corner of said Lot 11 and run South 85 degrees 52 minutes 47 seconds East 320.36 feet along the North line thereof to the common corner of said Lots 10 and 11; said point being marked by a Jimmy Gay capped iron rod; thence South 85 degrees 51 minutes 58 seconds East 356.59 feet along the North lines of said Lots 10 & 9 to intersection with the Northwesterly right-of-way line of State Highway No. 31; said point being marked by a Jimmy Gay capped iron rod; thence run along said right-of-way line for the following four (4) courses; 1) South 48 degrees 56 minutes 51 seconds West 229.22 feet to a concrete right-of-way monument; 2) Southwesterly 238.35 feet along the arc of a curve, concave to the Southeast, having a central angle of 01 degrees 10 minutes 09 seconds a radius of 11679.16 feet, and a chord bearing and distance of South 48 degrees 21 minutes 47 seconds West and 238.34 feet to an iron set; 3) South 00 degrees 45 minutes 45 seconds East 26.78 feet to a concrete right-of-way monument; 4) Southwesterly 293.08 feet along the arc of a curve, concave to the Southeast, having a central angle of 01 degrees 27 minutes 10 seconds, a radius of 11559.16 feet, and a chord bearing and distance of South 47 degrees 02 minutes 42 seconds West and 293.07 feet to the Point of Beginning of the easement herein described; thence continue along said right-of-way line Southwesterly 180.82 feet along the arc of a curve, concave to the Southeast, having a central angle of 00 degrees 53 minutes 47 seconds, a radius of 11559.16 feet, and a chord bearing and distance of South 45 degrees 52 minutes 14 seconds West and 180.82 to a point that is 20.00 feet West of the prolongation of the West line of said Lot 11; thence leaving said right-of-way line and running 20.00 feet West and parallel with the West line of said Lot 11, North 00 degrees 01 minute 22 seconds West 441.48 feet; thence North 89 degrees 58 minutes 38 seconds East 20.00 feet to intersection with the West line of said Lot 11; thence South 00 degrees 01 minutes 22 seconds East along said West line 138.33 feet; thence South 31 degrees 48 minutes 01 seconds East 208.57 feet to the Point of Beginning.

Tract IV:

Together with rights acquired under that certain grant of easement for constructing, reconstructing, maintaining, and repairing a sanitary sewer line as granted in Volume 6593, Page 361 over the following described property:

The North five (5) feet of Lot 1, according to the corrected map of Vestavia Forest, East Sector, as the same is recorded in the Office of the Judge of Probate of Jefferson County, Alabama, in Map Book 47, Page 26.

Tract V:

A parcel of land situated in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 18 South, Range 2 West of the Huntsville Principal Meridian being a portion of Lots 11 and 12, Block 6, lying Northwest of U.S. Highway No. 31 of the First Addition to Shades Park, as recorded in Plat Book 8, Page 22, in the Jefferson County Judge of Probate Office, being more particularly described as follows: Commence at a Jimmy Gay capped iron rod marking the Northwest corner of said Lot 11, run in a Southerly direction along the West line of said Lot 11 for a distance of 348.94 feet to an existing iron rebar set by Weygand being the point of beginning; thence turn an angle to the right of 46°59'04" and

run in a Southwesterly direction for a distance of 32.68 feet to an existing iron rebar set by Weygand being the point of beginning of a curve, said curve being concave in an Easterly direction, having a central angle of 74°55'22" and a radius of 60.50 feet; thence turn an angle to the left (52°32'02" to the chord of said curve) and run in a Southwesterly, Southerly and Southeasterly direction along the arc of said curve for a distance of 79.11 feet to an existing iron rebar set by Weygand being the point of ending of said curve; thence run in a Southeasterly direction along a line tangent to the end of said curve for a distance of 96.33 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 90° and run in a Northeasterly direction for a distance of 15.55 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 78°42'53" and run in a Northwesterly direction for a distance of 114.67 feet to an existing iron rebar set by Arrington; thence turn an angle to the right of 31°43'32" and run in a Northerly direction along the West line of said Lot 11 for a distance of 57.84 feet, more or less, to the point of beginning.

Tract VI:

Together with a non-exclusive reciprocal easement for access as set forth in the Declaration of Easements, Covenants, Conditions and Restrictions by and between Vestridge Commons Shopping Center, L.L.C., CK Enterprises, LLC and L. Lance Kitchens recorded as Instrument No. 200602/3288.

Surveyors Description as to Tracts I and V:

A parcel of land as described in Instrument Number 200205-5682 and Instrument Number 201413-16656 as recorded in the Office of the Judge of Probate of Jefferson County, Alabama, lying in the NW1/4 of Section 31, Township 18 South, Range 2 West, Jefferson County, Alabama, and being more particularly described as follows:

BEGIN AT A 5/8" capped rebar (SAIIA) found marking the Southeast corner of Lot 2A as shown on a plat of "Resurvey of Lots 1 & 2 of Cobble Hill" as recorded in Map Book 228, Page 47 in said Office of Judge of Probate; thence run S 87°05'29" E for a distance of 457.66 feet to 5/8" capped rebar (SAIIA) found marking the Southwest corner of Lot 25 as shown on a plat of "Cobble Hill Survey" as recorded in Map Book 221, Page 45 in said Office of Judge of Probate; thence run S 87°14'05" E for a distance of 181.62 feet to a 5/8" capped rebar (Jim Gay 8759) found marking the Northeast corner of said parcel of land as described in Instrument Number 200205-5682, and along the Northwesterly right-of-way line of U.S. Highway 31/Montgomery Highway (a variable width public right-of-way); thence run S 47°41'16" W along said right-of-way for a distance of 229.22 feet to a 5/8" rebar found (Weygand) on a curve having a radius of 11676.16 feet, a chord bearing of S 46°51'19" W, a chord length of 238.11 feet; thence along said right-of-way and along said arc for a distance of 238.34 feet to a 5/8" rebar (Weygand); thence along said right-of-way, run S 01°54'51" E for a distance of 26.86 feet to a found pk nail on a curve having a radius of 11559.16 feet, a chord bearing of S 45°37'59" W, a chord length of 293.11 feet; thence along said right-of-way and along said arc for a distance of 293.08 feet to a 5/8" rebar found (Weygand); thence leaving said right-of-way, run N32°38'07" W for a distance of 94.57 feet to a set 1. pipe found; thence run S 46°06'40" W for a distance of 16.03 feet to a found 5/8" capped rebar (Weygand); thence run N 48°59'45" W for a distance of 96.33 feet to a set 5/8" rebar on a curve having a radius of 60.50 feet, a chord bearing of N 02°53'13" W, a chord length of 78.06 feet, thence along said arc for a distance of 84.84 feet to a found 5/8" capped rebar (Weygand); thence run N 43°57'42" E for a distance of 33.78 feet to a set 5/8" rebar; thence run N 01°23'40" W for a distance of 348.94 feet to a set 5/8" rebar on the South line of said Lot 2A; thence run S 87°05'29" E along said South line for a distance of 37.67 feet to the POINT OF BEGINNING.

Said described parcel of land contains 4.98 acres, more or less.

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

Date: MARCH 10, 2022

- **CASE:** P-0322-07
- **REQUESTED ACTION:** Conditional Use Approval for dog grooming
- **ADDRESS/LOCATION:** 220 Old Towne Rd.
- **APPLICANT/OWNER:** Old Town Center 33rd Street Holdings, LLC & Old Town Center 131 West 33rd Street Holdings, LLC
- **GENERAL DISCUSSION:** The applicant is seeking to establish a pet grooming facility in the Olde Towne hopping center. All services would be by appointment only and no overnight boarding offered. Typical appointments usually last less than 2 hours. As per and agreement with the property owner, the greenspace behind the building would be utilized. A description of the applicant's business is attached.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with plan for commercial core.
- **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: Conditioned on no overnight boarding other than what is required for medical care.
 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
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: Old Town Center 33rd Street Holdings LLC and Old Town Center
131 West 33rd Street Holdings LLC

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

PHONE: 212-206-6194 EMAIL: jkim@timeequities.com

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
David Ashford (LL's Real Estate Representative) - The Shopping Center Group

PHONE: 205-776-6705 EMAIL: David.Ashford@tscg.com

P0322-07//29-00-36-4-007-003.006
220 Old Towne Rd.
Cond. Use for Dog Grooming
Old Town Center/Felicia Weston

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

NAME: Felicia Weston
ADDRESS: 1445 Shades Crest Road
Hoover, AL 35226
PHONE: 205-441-6698 EMAIL: westonfcw@gmail.com

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section 13.3 of the Vestavia Hills Zoning Code.

Current Zoning of Property: B-3

Requested Conditional use For the intended purpose of: Dog Grooming Services
by appointment only. Dog's will not be held overnight or for extended period.

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

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

220 Olde Towne, Vestavia, Hills, AL 35216

Legal description is attached.

Property size: 356 feet X 225 feet. Acres: 1.84

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

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

Application fees submitted.

P0322-07//29-00-36-4-007-003.006
220 Old Towne Rd.
Cond. Use for Dog Grooming
Old Town Center/Felicia Weston

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 1/6/2022

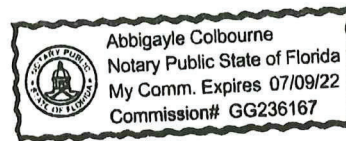


Representing Agent (if any)/date 1/6/2022

Given under my hand and seal
this 6 day of January, 2021.



Notary Public
My commission expires 07/09/2022
day of July, 2022.



P0322-07//29-00-36-4-007-003.006
220 Old Towne Rd.
Cond. Use for Dog Grooming
Old Town Center/Felicia Weston

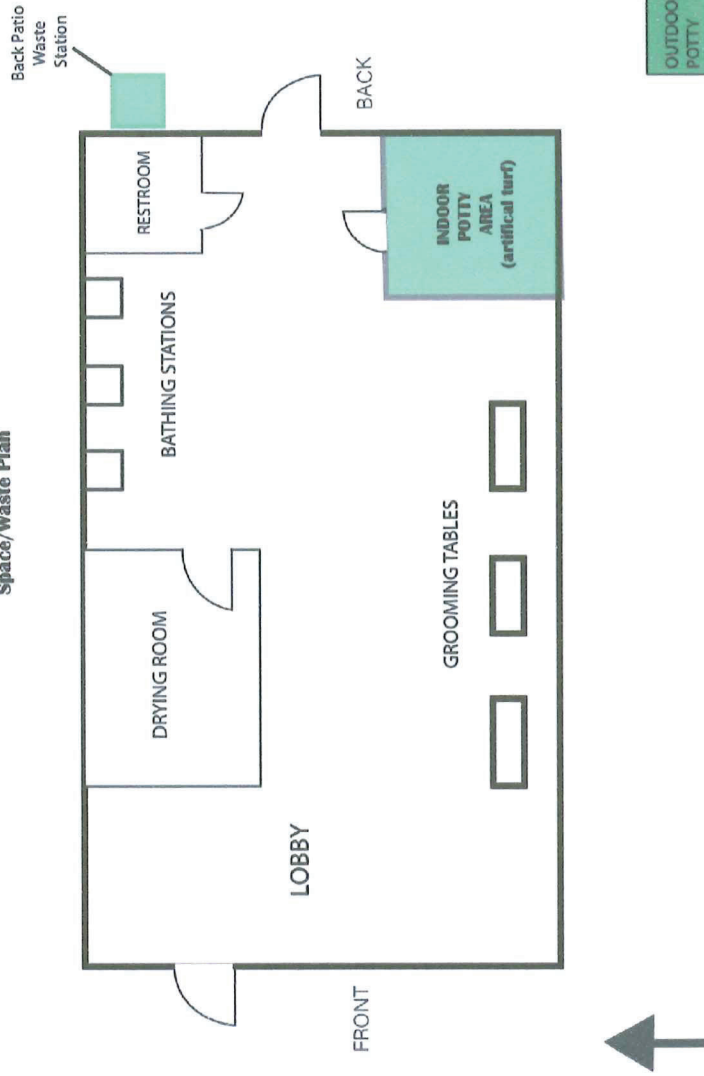
To whom it may concern,

I own an appointment only, cage-free grooming salon. This means we have hands on the dogs from start to finish. Having an appointment only and cage-free environment cuts down on barking tremendously. Each grooming appointment does not last over two hours which means the dog shouldn't use the bathroom if the owner has walked them before their appointment. In the case that a client is running late for pickup, I do have a high quality, easy to clean turf area where dogs will wait for pickup. I also have designated a grassy area outside where dogs can be walked if they need to use the bathroom. We will have a waste station behind the building that will be emptied daily. The space I am looking to lease is perfect and requires zero buildout as it was a hair salon. Thank you for considering my business in the city of Vestavia.

Thank you, Felicia Weston

P0322-07//29-00-36-4-007-003.006
220 Old Towne Rd.
Cond. Use for Dog Grooming
Old Town Center/Felicia Weston

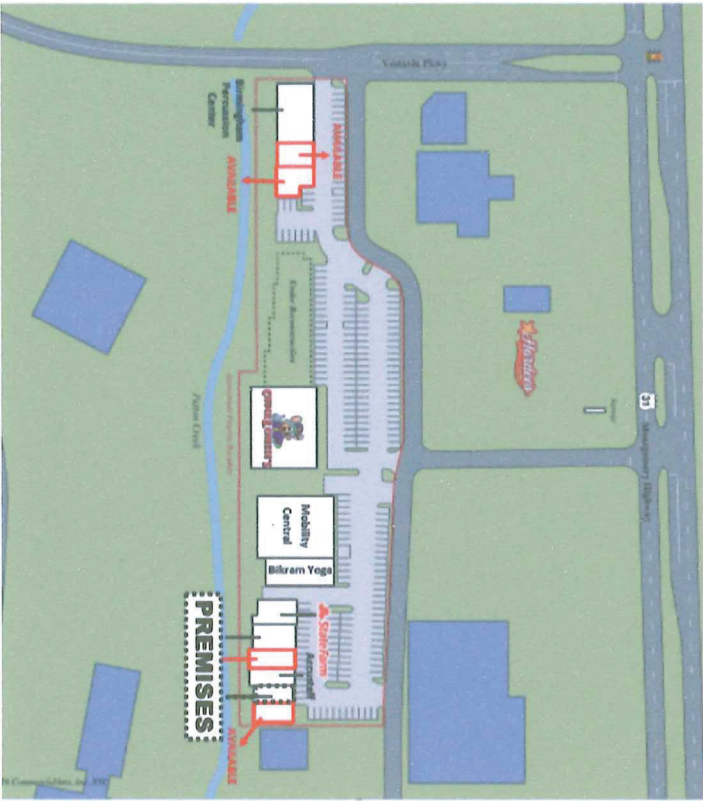
**Old Town Center
The Dog Nanny
Space/Waste Plan**



P0322-07//29-00-36-4-007-003.006

220 Old Towne Rd.

Cond. Use for Dog Grooming
Old Town Center/Felicia Weston



P0322-07//29-00-36-4-007-003.006
220 Old Towne Rd.
Cond. Use for Dog Grooming
Old Town Center/Felicja Weston

- b. Architectural Plans, including floor plans, building elevations and proposed façade materials and colors;
- c. the current use and zoning of abutting properties;
- d. Landscaping Plan, including:
 - (1) required landscaping areas with plant materials labeled and shown in relation to lot lines, adjacent streets, buildings and parking areas
 - (2) location, size, function and furnishings for proposed open spaces shown in relation to lot lines, adjacent streets, sidewalks, buildings and parking areas
 - (3) vehicles, equipment, and materials to be stored on the property during construction
 - (4) soil preparation methods, bedding and mulching, and planting details
 - (5) proposed material schedule showing common name, size, spacing, quantity, and installation instructions – differentiating existing and new landscaping
 - (6) proposed screening and buffers, including location of all uses and structures to be screened; and
- e. Lighting Plan, including the location of proposed exterior lighting fixtures shown in relation to lot lines, adjacent streets, sidewalks, existing buildings, parking areas, open spaces, and any existing fixtures on-site or within 50 ft of the site boundary and the height, method of shielding and intensity of proposed exterior lighting fixtures
- f. Signage Plan, including sign locations shown in relation to lot lines, adjacent streets, sidewalks, proposed and existing buildings, and signs within 50 ft of the site boundary and the area, height, design, colors and materials of all proposed signs

§13.3. Conditional Uses

13.3.1. Application. All requests for Conditional Uses shall be submitted on applications made available by the City Clerk. Applications shall be submitted at least twenty-five (25) working days prior to the next regularly scheduled meeting of the Commission and accompanied by maps, drawings, statements and/or other documentation as necessary to determine compliance with the criteria of this [§13.3.](#)

13.3.2. Public Hearing. Upon acceptance of an application, the Commission shall consider the application during a public hearing. The Commission shall, after the public hearing, make a recommendation to the Council. Following the recommendation by the Commission, the Council shall hold a public hearing regarding the application and upon completion of said hearing, shall approve with conditions or deny the request within the time limit required by law.

The recommendation by the Commission may be to approve or deny the application, which said recommendation shall be advisory only. Zoning is a legislative matter decided by the Council. The Council shall not be bound by the recommendation of the Commission.

13.3.3. Expiration and Revocation.

- 1. Approval of a Conditional Use shall be considered exercised when the use has been established or when the Building Permit has been issued and substantial construction accomplished. A Conditional Use approval shall lapse and be of no effect if, after the expiration of one (1) year from the date of Council approval, no construction or change in use pursuant to such Conditional Use has taken place, provided that the Council may, for good cause shown, specify a

longer period of time in conjunction with its action to approve a Conditional Use.

2. When such use is abandoned or discontinued for a period of one (1) year, it shall not be reestablished, unless authorized by the Council. Conditional Use approval shall be revoked when the applicant fails to comply with the conditions imposed by the Council.

13.3.4. Determination. Conditional Uses shall only be approved upon a finding that all of the following criteria are satisfied:

1. The use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area.
2. The use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
3. The request is consistent with all applicable provisions of the Comprehensive Plan.
4. The request shall not adversely affect adjacent properties.
5. The request is compatible with the existing or allowable uses of adjacent properties.
6. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
7. The request can demonstrate adequate provision for maintenance of the use and associated structures.
8. The request has minimized, to the degree possible, adverse effects on the natural environment.
9. The request will not create undue traffic congestion.

10. That such development will comply with all applicable regulations and conditions specified within this Ordinance.

The Council shall describe and have recorded in the minutes, the conditions imposed on the development to assure satisfaction of these criteria.

§13.4. Amendments

The provisions of this Ordinance, including the Zoning map, may from time to time be amended, supplemented, changed, modified, or repealed by the Council in accordance with Alabama Law.

- 13.4.1. Petition to Amend. Petitions to amend this Ordinance with respect to rezoning land may be initiated only upon filing of an application with the Commission by the owner of the land or the owner's authorized agent, in which case a notarized letter is required. Any member of the Council may initiate the rezoning of any land by introduction of a resolution for such purpose. An application for any change of zoning shall be filed in the office of the Commission at least twenty-five (25) working days prior to the next regularly scheduled meeting of the Commission. The petition shall state the nature of the proposed amendment, and a legal description of the property involved and the names and addresses of the owner(s) of the property. No application shall be taken out without descriptive information as to how the petitioner proposes to utilize the parcel of land (plot plan, drawings, sketches, et cetera).

- 13.4.2. Action on Petition. The Commission shall consider the petition at the first regularly scheduled meeting following the proper filing of the petition. The Commission shall, after the public hearing, make recommendations to the Council. The recommendations of the