

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

**AGENDA**

**APRIL 14, 2022**

**6:00 P.M.**

Roll Call.

Pledge of Allegiance

Approval of Minutes: March 10, 2022

**Final Plats**

**Consent Agenda**

- (1) **P-0422-10** Ashley Clarke Is Requesting **Final Plat Approval** For **Resurvey Of Lot 5, Block 3 Blue Lake Estates, First Sector**. The Purpose for This Request Is To Resurvey Lot Lines. The Property Is Owned By Ashley Clarke and Is Zoned Vestavia Hills A.

**Rezoning/Conditional Use**

- (2) **P-0422-09** Adam J. & Katherine A. McLaurin Are Requesting **Rezoning** For **4538 Pine Tree Cir.** from **Vestavia Hills R-1 to Vestavia Hills B-3** With **Conditional Use Approval** For Animal Boarding.

**New Business**

- (6) Amendments To The Vestavia Hills Zoning Code

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

**MARCH 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  
Rick Honeycutt  
Ryan Farrell  
Rusty Weaver

**MEMBERS ABSENT:**

David Maluff  
Erica Barnes  
Jonathan Romeo

**OTHER OFFICIALS PRESENT:**

Conrad Garrison, City Planner  
Christopher Brady, City Engineer

**APPROVAL OF MINUTES**

Mr. Vercher stated that the minutes of the meeting February 10, 2022 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. Honeycutt – yes	Mr. Farrell – yes
Mr. Weaver – yes	Mr. Larson – yes
Mr. Sykes – yes	Mr. Vercher– yes

Motion carried.

### **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.

Mr. Garrison explained the request will allow Liberty Park to complete the nine lots.

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 final plat approval For Club Ridge East was made by Mr. Weaver and second was by Mr. Larson. Voice vote as follows:

Mr. Honeycutt – yes	Mr. Farrell – yes
Mr. Weaver – yes	Mr. Larson – yes
Mr. Sykes – yes	Mr. Vercher– yes

Motion carried.

### **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.

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** Mr. Weaver made a motion to recommend Rezoning from JC E-1 to Vestavia Hills R-1 for the property located at 2433 Dolly Ridge Rd. Second was by Mr. Sykes. Motion was carried on a roll call; vote as follows:

Mr. Honeycutt – yes	Mr. Farrell – yes
Mr. Weaver – yes	Mr. Larson – yes
Mr. Sykes – yes	Mr. Vercher– yes

Motion carried.

**MOTION** Mr. Weaver made a motion to recommend Rezoning from JC R-1 to Vestavia Hills R-2 for the property located at 1718 Vestaview Ln. Second was by Mr. Sykes. Motion was carried on a roll call; vote as follows:

Mr. Honeycutt – yes	Mr. Farrell – yes
Mr. Weaver – yes	Mr. Larson – yes
Mr. Sykes – yes	Mr. Vercher– yes

Motion carried.

### **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.

Mr. Garrison explained the request will allow for a veterinary clinic in the Vestridge Shopping Center. There will be no overnight boarding.

Tina Cloud was present to answer any questions the Commission had.

Mr. Vercher opened the floor for a public hearing.

Simon Yian was concerned about the appropriateness of the use in the shopping center.

Joseph Feinman was concerned about dog noise.

Melanie Dickenson was concerned about people getting lost on the way to the shopping center and breaking the neighboring subdivision gate.

Mr. Vercher closed the public hearing.

Mr. Weaver asked Mr. Garrison how unusual it is to have a veterinary clinic in a shopping center. Mr. Garrison stated it isn't unusual when there is no overnight boarding.

***With the Commission finding that the application met all nine criteria as defined in Section 13.3.4 of the Vestavia Hills Zoning Ordinance***

**MOTION** Mr. Weaver made a motion to recommend Conditional Use Approval for a veterinary clinic for 1360 Montgomery Hwy. with the following conditions:

1. Overnight boarding of animals is prohibited unless medically necessary.

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

Mr. Honeycutt – yes

Mr. Farrell – yes

Mr. Weaver – yes

Mr. Larson – yes

Mr. Sykes – yes

Mr. Vercher– yes

Motion carried.

(5) **P-0322-07** Old Town Center 33<sup>rd</sup> Street Holdings, LLC & Old Town Center 131 West 33<sup>rd</sup> 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 33<sup>rd</sup> Street Holdings, LLC & Old Town Center 131 West 33<sup>rd</sup> Street Holdings, LLC and Is Zoned Vestavia Hills B-3.

Mr. Garrison explained the request will allow for a dog grooming business. There will be no veterinarian care.

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.

***With the Commission finding that the application met all nine criteria as defined in Section 13.3.4 of the Vestavia Hills Zoning Ordinance***

**MOTION** Mr. Weaver made a motion to recommend Conditional Use Approval for a pet grooming at 220 Old Towne Rd. Second was by Mr. Larson. Motion was carried on a roll call; vote as follows:

Mr. Honeycutt – yes

Mr. Farrell – yes

Mr. Weaver – yes

Mr. Larson – yes

Mr. Sykes – yes

Mr. Vercher– yes

Motion carried.

### **New Business**

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

Mr. Garrison introduced the new zoning ordinance and stated it would be heard at the April meeting.

Conrad Garrison, City Planner

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

Date: APRIL 14, 2022

- **CASE:** P-0422-10
- **REQUESTED ACTION:** Final plat approval of Resurvey Of Lot 5, Block 3 Blue Lake Estates, First Sector
- **ADDRESS/LOCATION:** 3509 Lakeside Dr.
- **APPLICANT/OWNER:** Ashley Clarke
- **GENERAL DISCUSSION:** Plat will combine owners deeded area to create Lot 5A. All other existing setback lines will remain. New lot meets the minimum requirement for A.
- **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**

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

NAME: Ashley Clarke

ADDRESS: 3509 Lakeside Drive, Vestavia, Al 35243

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

PHONE : +1 (205) 475-5443 Email ashmcap@gmail.com

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

Clayton Lynch-Surveyor

PHONE : \_\_\_\_\_ Email Clynch@alsurveyor.com

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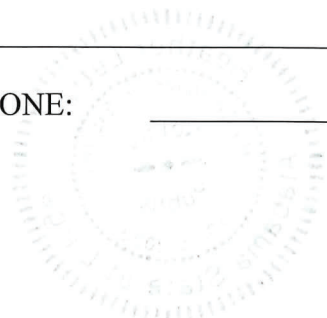
**III. BILLING/RESPONSIBLE PARTY: (FOR PAYMENT OF FEES)**

NAME: Ashley Clarke

ADDRESS: 3509 Lakeside Drive, Vestavia, Al 35243

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

PHONE: \_\_\_\_\_ Email \_\_\_\_\_





**IV. ACTION REQUESTED**

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

Explain reason for the request: Combine two parcels into one

Resurvey subject parcel to conform to subdivision regulations

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

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

3509 Lakeside Drive, Vestavia; Lot 5 Blk 3 Blue Lake Estates(MB 64, PG 8)

Property size: 250 feet X 150 feet. Acres: .90 (39418 sq ft)

**VI. ZONING/REZONING:**

The above described property is presently zoned: "A"

**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.\**

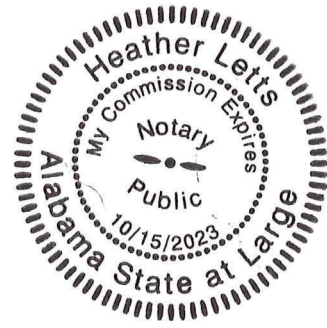
Aspley Clarke  
Owner Signature/Date

\_\_\_\_\_  
Representing Agent (if any)/date

Given under my hand and seal  
this 30 day of March, 20 22

Heather Letts  
Notary Public

My commission expires 15  
day of October, 20 23.





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

Date: APRIL 14, 2022

- **CASE:** P-0422-09
- **REQUESTED ACTION:** from Vestavia Hills R-1 to Vestavia Hills B-3 With A Conditional Use For Animal Boarding
- **ADDRESS/LOCATION:** 4538 Pine Tree Cir.
- **APPLICANT/OWNER:** Adam J. & Katherine A. McLaurin
- **REPRESENTING AGENT:** Engineering Design Group
- **GENERAL DISCUSSION:** Applicant is seeking rezoning and Conditional Use to expand the current Pawms pet boarding facility. The proposed building would be 5,710 sq. ft. with 14 parking spaces, exceeding the zoning requirements. The owner will also construct a sidewalk along the front. A connecting sidewalk between the two buildings would also be constructed. A site plan is attached.

Like the first facility would have no outdoor kennels but instead play in an indoor courtyard in the center of the facility. As required by the zoning ordinance, kennels require conditional use approval. Both lots would be combined if approved.

**CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for limited mixed use.

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

**City Planner Recommendation:**
    - A. Zoning contingent on lots being resurveyed.
    - B. Strongly encourage high STC sound rating for exterior walls
  2. **City Engineer Review:** Will continue to evaluate based on Timberlake Dr. improvements.

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

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#### 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.**

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

NAME: Adam J and Katherine A McLaurin

ADDRESS: 4538 Pine Tree Circle, Vestavia Hills, Alabama 35243

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

PHONE NUMBER: Home 205-356-6051

Office \_\_\_\_\_

EMAIL ADDRESS: AJMC28@Hotmail.com

NAME OF REPRESENTING ATTORNEY/AGENT & CONTACT INFORMATION:  
\_\_\_\_\_  
\_\_\_\_\_

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**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: R-1

To: B-3 with a conditional use to allow an enclosed outdoor exercise area for s

For the intended purpose of: Small dog and cat boarding, grooming, daycare  
and vet care

*small dogs*

*(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.)**

4538 Pine Tree Circle, Vestavia Hills, AL 35243

Lot 43 on the attached survey

Property size: 144 feet X 145 feet. Acres: 0.55

**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]  
Owner Signature/Date

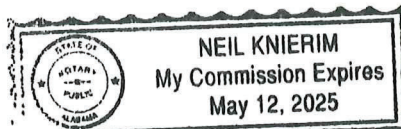
13-8-2022

Representing Agent (if any)/date

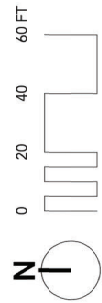
Given under my hand and seal  
this 8 day of Merch, 2022.

Neil Alan Knierim  
Notary Public

My commission expires \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.





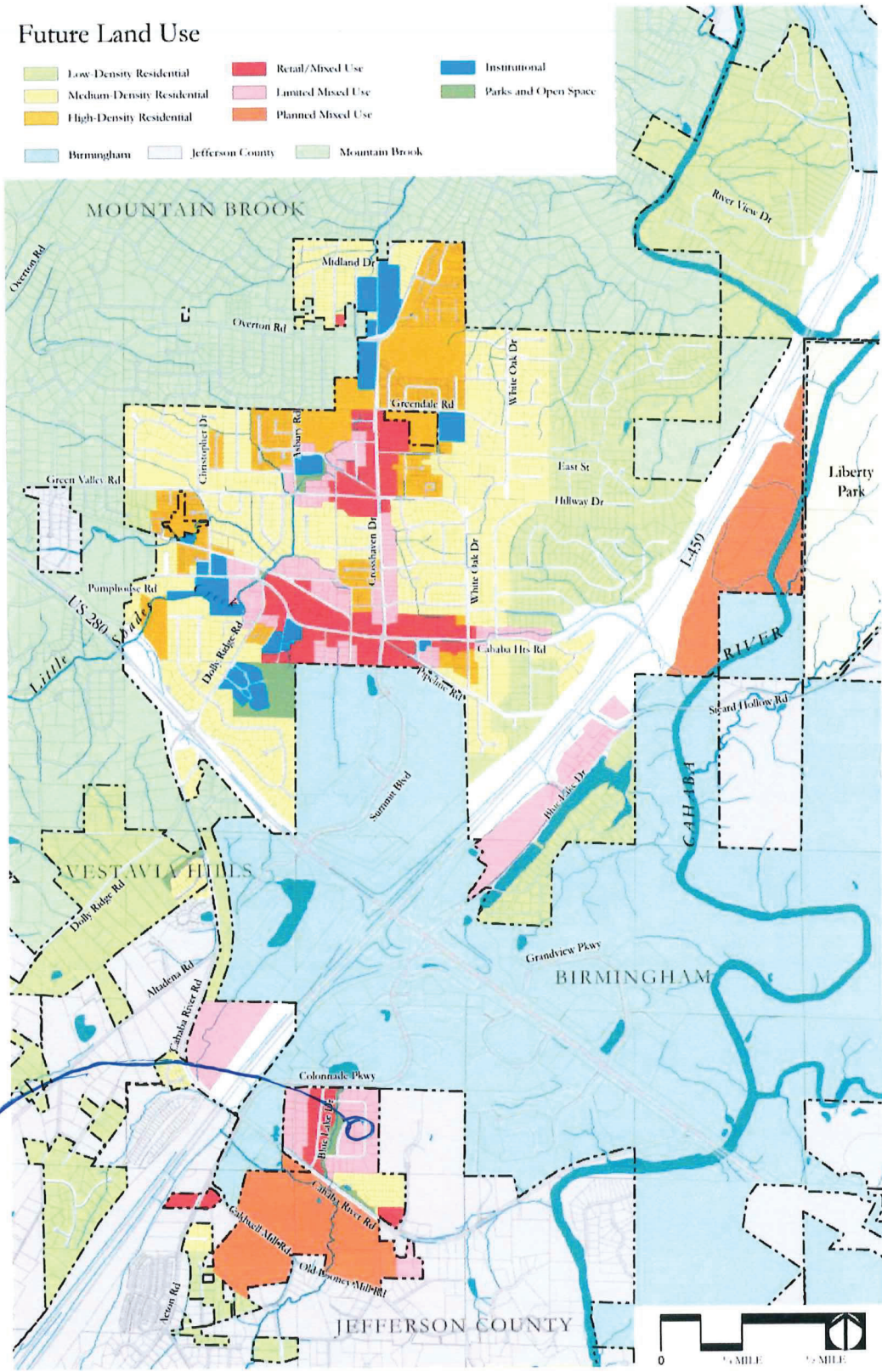






# Future Land Use

- |  |   |  |
|--|---|--|
|  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       |



*Subject Parcel*

Figure 4: Future Land Use Map



## **RESOLUTION NUMBER ////**

### **A RESOLUTION TO INITIATE A REVISION OF ORDINANCE 2331, AS AMENDED**

**WHEREAS**, Ordinance Number 2331, The Vestavia Hills Zoning Code (“Zoning Code”) was adopted by the Vestavia Hills City Council on December 13, 2010; and

**WHEREAS**, the Zoning Code was later amended by the adoption of Ordinance Numbers 2331A and 2331B to address fencing concerns and clarifications; and

**WHEREAS**, Section 11-52-76, Alabama Code 1975 states that “*The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced and from time to time, amended, supplemented, or changed and may adopt such ordinances as may be necessary to carry into effect and make effective the provisions of this article.*”; and

**WHEREAS**, the Zoning Official, City Engineer and Building Officials are administrators of the Zoning Code and have recommended revisions to the Code to add and/or clarify definitions, phrases, etc., within the Zoning Code; and

**WHEREAS**, A redline version of the Zoning Code with the revised recommendations is marked as Exhibit A, a copy of which is attached to this Resolution Number //// as though written fully therein; and

**WHEREAS**, the Mayor and City Council feel it is in the best public interest to refer the suggested revisions to the Vestavia Hills Planning and Zoning Commission for a public hearing and to issue recommendations to the Vestavia Hills City Council on the revisions to the Zoning Code.

### **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. The City’s Zoning Official is hereby authorized to present the revisions detailed in the attached Exhibit A to the Vestavia Hills Planning and Zoning Commission for review, public hearing and a recommendation as to the adoption of said revisions; and
2. Upon recommendation of the Planning and Zoning Commission, the Zoning Official shall present said revisions with the recommendation of the Commission for consideration; and
3. This Resolution Number //// shall become effective upon adoption and approval.

**ADOPTED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

Dear Chairman Vercher and members of the Planning and Zoning Commission:

Ordinance Number 2331, the Vestavia Hills Zoning Code (the Code), was adopted in December 2010. In the past decade, the zoning ordinance has been amended with two subsequent amendments: one in 2012 and one in 2016, both addressing issues with fencing. The Code was drafted by a consultant from KPS Group, Inc., with proceeds from the City and from a grant through the Birmingham Metropolitan Planning Organization (MPO). Through the years, staff has kept an on-going listing of issues and necessary cleanups that needed to be made to the document to (1) stay on the cutting edge of development practices, stormwater regulations, and the current development market; and (2) normal housekeeping revisions due to conflicts and/or typos in the original document. After 12 years of working with this document, the staff has suggested revisions needed in order to accomplish these tasks.

The suggested revisions are highlighted below and attached, a redline copy of the suggested revisions are included. The staff requests that you review the suggested drafts and, if you have any questions, concerns, suggested revisions or need any other information, please contact Conrad Garrison ([cgarrison@vhal.org](mailto:cgarrison@vhal.org)) or myself ([rleavings@vhal.org](mailto:rleavings@vhal.org)) and we will be happy to assist.

Pursuant to state code, we would ask that the Commission issue a preliminary report (announcement of a public hearing) at your March meeting. Then hold a public hearing at your regular April meeting and adopt a Resolution for the revised document to be considered by the City Council.

Also attached is a copy of the proposed Resolution.

### **HIGHLIGHTS OF PROPOSED REVISIONS TO ZONING CODE**

- Added Definitions. In administration of this document and with the implementation of new stormwater ordinances and regulations, several definitions needed to be added and/or revised within the glossary. Also, the implementation of new stormwater ordinances required some added definitions. For instance, satellite dishes and solar energy systems are not the size of yesteryear, but a new phenomenon has come along that it was necessary to add playhouse and, most importantly, tree houses to this definition. Finally, a clarification between impervious and pervious surfaces.
- In General Regulations, an old BZA opinion that allowed open decks in certain building setbacks was re-defined in the new code which resulted in many homes within the City out of compliance. As more zero setback homes were built in the 90's, the necessity of replacing decks left many residents forced to come in for variances that weren't required when the original structure was built. Also, the location of a/c units in zero setback subdivisions were amended which required these mechanical units to be placed in the back of home, diminishing the enjoyment of the backyard for these residents instead of it being placed between the homes with much less intrusion.
- Planned Unit Development (PUD). The PUD ordinance was originally written and passed in 2001 as Ordinance Number 1838, and later, was copied into the Code. These revisions

are clean-up needed from the original along with some recommended changes by staff. These include:

- Clean up of typos and redundant terms;
- Each classification allows permitted and some conditional uses from the lesser classification, however, in the delineation, PR-1 detached housing was omitted and didn't carry through to the higher density zonings. Many of these changes will allow PR-1, lesser density development, in all of the zones.
- Deleting the requirement for a conditional use for "home occupations". Currently, anyone wishing to do business from their home must go through a conditional use approval which takes 3 to 4 months and a good deal of expense. In other parts of the City, the applicant fills out an affidavit which conforms to the City's home occupation and allows a business license to be issued. This would make the requirements for Liberty Park residents that same as every other resident of the City.
- Allow more flexibility in cluster housing developments to allow the developer to comply with current market conditions when platting a subdivision.
- Amending the requirements for B-1.2 zoning to clarify submittal/approval requirements and amend setback and height limitations.
- Amending other sections to clarify size of compact parking spaces, where enclosures for dumpsters are allowed and cleaning up a contradiction in when a property has to become in compliance to rebuild and allowing home occupations in condominiums (they were permitted in apartments and townhomes, but not in condominiums).

Thank you for your consideration in this revision of the City's zoning code. We stand ready, willing and able to assist in any way.

Respectfully Submitted:

Conrad Garrison, City Planner  
Rebecca Leavings, Zoning Official