

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

**AGENDA**

**SEPTEMBER 8, 2022**

**6:00 P.M.**

Roll Call.

Pledge of Allegiance

Approval of Minutes: August 11, 2022

**Final Plats**

**Consent Agenda**

- (1) **FP-22-1** Liberty Park Joint Venture, LLP Is Requesting **Final Plat Approval For The Bray Townhomes At Liberty Park**. The Purpose for This Request Is to Create 46 Townhome Lots. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PR-1.
- (2) **FP-22-3** Liberty Park Joint Venture, LLP Is Requesting **Final Plat Approval For Brayfield Residential Phase 1**. The Purpose for This Request Is To Subdivide One Lot Into 54 Lots. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PR-1.

**Rezoning**

- (3) **RZ-22-6** David R. Emory and Rozanne S. Emory Is Requesting **Rezoning For 901 Montgomery Hwy. from JC Unknown to Vestavia Hills O-1** For Office Use.

**Amendment To Planned Unit Development**

- (4) **0922-20** Liberty Park Joint Venture, LLP Is Requesting **Approval For The 2<sup>nd</sup> Amendment to the Liberty Park PUD**.

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

**AUGUST 11, 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  
Rick Honeycutt  
Ryan Farrell  
David Maluff  
Lyle Larson  
Hasting Sykes

**MEMBERS ABSENT:**

Erica Barnes  
Rusty Weaver  
Jonathan Romeo

*\*Appeared via Zoom*

**OTHER OFFICIALS PRESENT:**

Conrad Garrison, City Planner  
Lori Beth Kearly, City Engineer

**APPROVAL OF MINUTES**

Ms. Barnes stated that the minutes of the meeting July 14, 2022 are presented for approval.



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

Mr. Maloof– yes	Mr. Farrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson – yes	Ms. Vercher – yes

Motion carried.

### **Consent Agenda**

- (1) **P-1120-37** Shannan Easter Is Requesting **Final Plat Approval Extension For Easter Resurvey of Erwin Circle**. The Purpose for This Request Is to Combine Acreage With Platted Lot. The Property Is Owned By Shannan Easter and Is Zoned Vestavia Hills R-2.
- (2) **FP-22-2** John Robert Adams III Is Requesting **Final Plat Approval For Adam’s Resurvey Of Lots15 And NW ½ Of Lot 14, Block 2 Of Third Addition To Shades Cahaba Estates**. The Purpose for This Request Is To Subdivide One Lot Into Forty Six Lots, Common Areas, Streets, and Alleys. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PR-1.

Mr. Garrison explained the request and stated the item is 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 1-2 was made by Mr. Honeycutt and second was by Mr. Larson. Voice vote as follows:

Mr. Maloof– yes	Mr. Farrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson – yes	Ms. Vercher – yes

Motion carried.

### **Rezoning, Annexation Non-Compatible**

- (3) **P-0622-12** Townes Development Group, LLC Is Requesting **Rezoning (Annexation) For 2245 & 2249 Blue Ridge Blvd. from JC R-1, JC R-2, & JC R-4 to Vestavia Hills R-9** For Townhome Development And Annexation. **REHEARING**

Mr. Garrison explained that do to an error in zoning the annexation and rezoning needed to be reheard. The underlying facts did not change.

Mr. Vercher opened the floor for a public hearing.

A discussion ensued about drainage.

Ms. Kearly explained the City's engineering and ADEM permit process.

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

**MOTION** Mr. Sykes made a motion to recommend Rezoning from JC R-T, JC R-2, & JC R-4 to Vestavia Hills R-9 for the property located at 2245 & 2249 Blue Ridge Blvd. subject to the following conditions: that the developer file and record private restrictive covenants that (1) preserves and protects the rear portion of the property left undeveloped pursuant to this preliminary plat to be left primitive and undeveloped with only the removal of diseased or dead trees; (2) that buffering to be provided for the private residence located beside this development pursuant to the buffering requirements of the zoning code; (3) for both areas to be maintained and preserved by the proposed homeowner's association; and (4) that the zoning not become effective until the CC&Rs are filed in the Office of the Judge of Probate with a copy submitted to the City Clerk prior to the effective date of the ordinance becoming effective. Second was by Mr. Farrell. Motion was carried on a roll call; vote as follows:

Mr. Maloof– yes	Mr. Farrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson – yes	Ms. Vercher – yes

Motion carried.

### **Rezoning, Annexations Compatible**

- (4) **RZ-22-3** John White & Patricia Lucas Are Requesting **Compatible Rezoning For 3516 & 2534 Ridgedale Dr.** from **Jefferson County E-2 to Vestavia Hills R-1** For The Purpose Of Annexation.
- (5) **RZ-22-4** Jason Womack Is Requesting **Compatible Rezoning For 2632 Rillwood Rd.** from **Jefferson County E-1 to Vestavia Hills E-2** For The Purpose Of Annexation.
- (6) **RZ-22-5** Daniel & Faye Cambron Are Requesting **Compatible Rezoning For 2644 Yorkmont Dr.** from **Jefferson County R-1 to Vestavia Hills R-2** For The Purpose Of Annexation.

Mr. Garrison stated that all three requests were compatible rezoning.

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 motions.

**MOTION** Mr. Farrell made a motion to recommend Compatible Rezoning from JC E-2 to Vestavia Hills R-1 for the property located at 2516 & 2534 Ridgedale Dr. Second was by Mr. Larson. Motion was carried on a roll call; vote as follows:

Mr. Maloof– yes	Mr. Farrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson – yes	Ms. Vercher – yes

Motion carried.

**MOTION** Mr. Farrell made a motion to recommend Compatible Rezoning from JC E-1 to Vestavia Hills E-2 for the property located at 2632 Rillwood Rd. Second was by Mr. Larson. Motion was carried on a roll call; vote as follows:

Mr. Maloof– yes	Mr. Farrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson – yes	Ms. Vercher – yes

Motion carried.

**MOTION** Mr. Larson made a motion to recommend Compatible Rezoning from JC R-1 to Vestavia Hills R-2 for the property located at 2644 Yorkmont Dr. Second was by Mr. Honeycutt. Motion was carried on a roll call; vote as follows:

Mr. Maloof– yes	Mr. Farrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson – yes	Ms. Vercher – yes

Motion carried.

### **Amendment To Planned Unit Development**

(7) **P-0822-19** Christopher, LLC Et Al Are Requesting **A Planned Unit Development Amendment For Patchwork Farms To Increase The Number Of Approved Condo Units From 30 To 37.**

Mr. Garrison stated the amendment would increase condo capacity from 30 to 37 to allow for a hotel development.

Nathaniel Bartlett, from Christopher Architects, was present to answer any questions.

Mr. Vercher opened the floor for a public hearing.

Renee Addad spoke and was concerned about building height.

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

**MOTION** Mr. Farrell made a motion to A Planned Unit Development Amendment For Patchwork Farms To Increase The Number Of Approved Condo Units From 30 To 37 for the property located at Patchwork Farms with the following condition

1. All necessary easement documents shall be submitted to the City Clerk's Office and recorded.

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

Mr. Maloof– yes	Mr. Farrell – yes
Mr. Honeycutt– yes	Mr. Sykes – yes
Mr. Larson – yes	Ms. Vercher – yes

Motion carried.


Conrad Garrison, City Planner

**Final Plat Application**

**FP-22-1**

Submitted On: Jun 27, 2022

**Applicant**

 James Parsons  
 205331152  
 jparsons@schoel.com

**Project Information**

**Property Address**

S. Liberty Rd

**Parcel ID Number**

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**Legal Description**

Lot 2, Liberty Park Commercial Phase 1

**Current Zoning Classification**

PR-1

**Acreage**

1

**Application Submission Date**

6/24/22

**Reason for Request**

Subdivide Lot 2 into 46 townhome lots, common areas, private roadways, and alleys

**Owner Information**

Applications must be either submitted by the owner of the property or a representative duly appointed by the owner by way of a notarized letter and/or power of attorney.

**By clicking this box, I hereby declare that the above information is true and that am the current owner of this property and I will represent this case.**

true

**Owner Name**

Liberty Park Joint Venture, LLP

**Company Name**

--

**Mailing Address**

1000 Urban Center Dr. Ste. 235 Vestavia, AL 35242

**Owner Email**

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**Phone Number**

2055080912

**By checking this box, I hereby affirm that I am the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case.**

true

**Representative for Owner**

--

**Company Name**

--

**Email**

jparsons@schoel.com

**Mailing Address of Representative**

--

**Phone No. of Representative**

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**Surveyor Information**

**Name**

**Company**

7/6/22, 11:01 AM

Schoel

Schoel

**Mailing Address**

**Phone Number**

1001 22nd St S

2053131152

**Registration Number**

**Email**

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jparsons@schoel.com



City of Vestavia Hills, AL

07/06/2022

FP-22-1

## Planning Review

Final Plat Application

**Status:** Complete**Became Active:** 06/27/2022**Assignee:** Conrad Garrison**Completed:** 06/28/2022

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### Applicant

James Parsons  
jparsons@schoel.com  
1001 22nd St  
BIRMINGHAM, AL 35205  
205331152

### Location

1170 S LIBERTY RD  
VESTAVIA HILLS, AL 35242

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### Comments

**Conrad Garrison, Jul 5, 2022 at 2:16pm**

Plat will subdivide Lot 2 into 46 new townhome lots along with common areas, alleys, and roads. Setback lines and dimensions are noted in the plat. The preliminary plat was approved in November of 2020 and meets all requirements of the Liberty Park PUD.








**Final Plat Application**

**FP-22-3**

Submitted On: Aug 23, 2022

**Applicant**

 Shelia Stephenson  
 205-313-1152  
 sstephenson@schoel.com

**Project Information**

**Property Address**

Talus Rd

**Parcel ID Number**

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**Legal Description**

Acreage situated in the West 1/2 of the NW 1/4 Section 18, 18 South, 1 West

**Current Zoning Classification**

PR-1

**Acreage**

1

**Application Submission Date**

6/22/22

**Reason for Request**

Final Plat

**Owner Information**

Applications must be either submitted by the owner of the property or a representative duly appointed by the owner by way of a notarized letter and/or power of attorney.

**By clicking this box, I hereby declare that the above information is true and that am the current owner of this property and I will represent this case.**

true

**Owner Name**

Liberty Park Joint Venture, LLP

**Company Name**

--

**Mailing Address**

1000 Urban Center Dr. Ste. 235 Vestavia, AL 35242

**Owner Email**

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**Phone Number**

2053131152

**By checking this box, I hereby affirm that I am the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case.**

true

**Representative for Owner**

Schoel

**Company Name**

--

**Email**

jparsons@schoel.com

**Mailing Address of Representative**

--

**Phone No. of Representative**

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## Surveyor Information

**Name**

Schoel

**Company**

Schoel

**Mailing Address**

1001 22nd St S

**Phone Number**

2053131152

**Registration Number**

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**Email**

sstephenson@schoel.com



City of Vestavia Hills, AL

09/01/2022

FP-22-3

## Planning Review

Final Plat Application

**Status:** Complete**Became Active:** 08/23/2022**Assignee:** Conrad Garrison**Completed:** 08/23/2022

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### Applicant

Shelia Stephenson  
sstephenson@schoel.com  
1001 22nd Street South  
Birmingham, AL 35205  
205-313-1152

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### Comments

**Conrad Garrison, Sep 1, 2022 at 4:18pm**




Plat will subdivide Lot 2 into 54 new lots and roads. Setback lines and dimensions are noted in the plat. The preliminary plat was approved in November of 2020 and meets all requirements of the Liberty Park PUD.



**Rezoning Application****RZ-22-6**

Submitted On: Aug 4, 2022

**Applicant**

 Mark Gualano  
 205-536-6999  
 mg@mguanolanolaw.com

**Primary Location**

901 MONTGOMERY HWY  
 VESTAVIA HILLS, AL 35216

**Property Information****Subject Property Address**

901 Montgomery Hwy

**Tax Parcel ID Number**

28 00 30 2 012 004.000

**Legal Description**

200505/6230:

Lots 15, 16 and 17, Block 15, of South Birmingham Heights, as recorded in Map Book 7, Page 41, in the Probate Office of Jefferson County, Alabama and also a portion of vacated Pine Street all being more particularly described by metes and bounds as follows:

Beginning at the Southwest corner of Lot 15 of said South Birmingham Heights and run in an Easterly direction along the South line of said Lot 15 for a distance of 158.02 feet to the center of the vacated Pine Street; thence turn an interior angle to the right of 85 degrees 52 minutes 49 seconds and run in a Northerly direction along the center of the vacated Pine Street for a distance of 97.97 feet; thence turn an interior angle to the right of 90 degrees 00 minutes 00 seconds and run in a Westerly direction for a distance of 8.00 feet to a point on the West right of way line of Pine Street; thence turn an interior angle to the right of 270 degrees 00 minutes 00 seconds and run in a Northerly direction along said right of way for a distance of 84.00 feet to the Northeast corner of Lot 17 of said South Birmingham Heights, said point also being on the Southern-most right of way line of a 16 foot public alley; thence turn an interior angle to the right of 76 degrees 21 minutes 09 seconds and run along the Northern line of said Lot 17 and the said Southern-most right of way line for a distance of 154.11 feet to the Northwest corner of said Lot 17, said point also being on the Eastern-most right of way line of U.S. Highway 31; thence turn an interior angle to the right of 103 degrees 35 minutes 05 seconds and run in a Southerly direction along the West line of said Lot 17 and along said Eastern-most right of way line for a distance of 134.26 feet to the point of beginning.

200505/6229:

A parcel of land situated in the Southeast Quarter of the Northwest Quarter of Section 30, Township 18 South, Range 2 West, Huntsville Meridian, Jefferson County, Alabama, being more particularly described as follows:

Begin at the NE corner of Lot 17, Block 15, South Birmingham Heights Land Company, as recorded in Map Book 7, Page 41, in the Office of the Judge of Probate, Jefferson County, and run South 74 degrees 11' 00" West along the Northerly line of said Lot 17 for a distance of 31.07 feet; thence angle left and run South 0 degrees 48' 15" East for a distance of 39.31 feet; thence angle left and run North 89 degrees 11' 45" East for a distance of 30.00 feet to a point on the Easterly line of said Lot 17; thence angle left and run North 0 degrees 48' 15" West along said Easterly line of Lot 17 for a distance of 47.38 feet to the point of beginning.

**Access and Utility Easement:**

A strip of land 15 feet in width for access and utilities situated in the Southeast Quarter of the Northwest Quarter of Section 30, Township 18 South, Range 2 West, Huntsville Meridian, Jefferson County, Alabama, lying 7.5 feet to either side of the following described centerline:

Commence at the NE corner of Lot 17, Block 15, South Birmingham Land Company, as recorded in Map Book 7, Page 41, in the Office of the Judge of Probate, Jefferson County, Alabama, and run South 74 degrees 11' 00" West along the Northerly line of said Lot 17 for a distance of 31.07 feet; thence angle left and run South 0 degrees 48' 15" East for a distance of 7.77 feet to the point of beginning; thence angle right and run South 74 degrees 11' 00" West along a line 7.5 feet South of and parallel to said Northerly line of Lot 17 for a distance of 124.75 feet more or less to the Easterly line of Pine Street (60' right of way unopened) and the ending point of this centerline.

**Existing Parking Spaces**

35

**Proposed Parking Spaces**

35

**Submission Date**

08/04/2022

**Type of Project**

New Non-Residential Development/use

**Action Requested:**

**From Existing Zoning Classification**

Jefferson County Unknown

**To Requested Zoning Classification**

Vestavia Hills O-1

**For the Intended Purpose of:**

Currently under contract for sale. Buyer has plans to renovate. Currently unzoned, was told by city that re-zoning must be completed before renovations can begin.

**Acreage of Subject Property**

0.72

**Acreage of Property to be Disturbed**

?

**Setbacks**

**Front**

--

**Back**

--

**Side**

--

**Open Space**

--

**Lot Coverage Percentage**

--

**Tree Save Plan - I acknowledge that a if this is a new non-residential development or is a residential development in excess of 3 units, that I am required to submit a tree save plan concurrent with this application (excludes PUDs).**

true

**Owner Information**

Applications must be either submitted by the owner of the property or a representative duly appointed by the owner by way of a notarized letter and/or power of attorney.

**Property Owner Name**

David R. Emory and Rozanne S. Emory

**Company Name**

Re/Max Southern Homes

**Owner Address City State Zip**

901 Montgomery Hwy, Vestavia Hills, AL 35216

**Owner's Phone Number**

205-914-1126

**Email Address of Owner**

demory1126@yahoo.com

**By checking this box, I hereby affirm that I am the owner or the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case.**

**Owner Representative/Responsible Party**

Mark E. Gualano

**Company Name**

Mark E. Gualano, LLC

true

**Contact Email of Responsible Party**

mg@mqualanolaw.com

**Mailing Address of Responsible Party**

701 Chestnut St., Vestavia Hills, AL 35216

**Phone No. of Responsible Party**

205-536-6999

**Email Address of Responsible Party**

mg@mqualanolaw.com

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**Project Engineer Information (if applicable)**

**Name**

**Company**

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**Mailing Address**

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**Phone Number**

**Email**

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City of Vestavia Hills, AL

09/01/2022

RZ-22-6

## Planning Review

Rezoning Application

**Status:** Complete**Became Active:** 08/04/2022**Assignee:** Conrad Garrison**Completed:** 08/05/2022

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### Applicant

Mark Gualano  
mg@mguanolaw.com  
701 Chestnut St.  
Vestavia Hills, AL 35216  
205-536-6999

### Primary Location

901 MONTGOMERY HWY  
VESTAVIA HILLS, AL 35216

### Owner:

David R. Emory & Rozanne S. Emory  
901 Montgomery Hwy Vestavia Hills, AL 35216

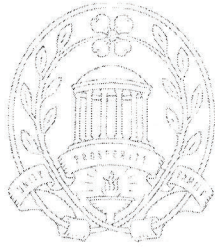
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### Comments

**Conrad Garrison, Aug 31, 2022 at 10:28am**

Property was never officially zoned when annexed by the City decades ago. The property has been used as a professional office for a number of years and will continue to do so. The lack of zoning was discovered during the due diligence and will be corrected by this action. Property meets requirements of the O-1 zoning. Building and parking sit on multiple lots which will need to be resurveyed before zoning is final.





**City of Vestavia Hills  
Office of the City Clerk**

**OWNER AFFIDAVIT (This form must be notarized):**

I do hereby declare that the following statements are correct concerning the subject property located at: 903 Montgomery Hwy. 35216 \*, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply).* \* AKA 901 Montgomery Hwy.

       the Property Owner and representing myself in said request.

the Property Owner, but I am authorizing a Representing Agent by the name of: Mark E. Gualano to represent me in the following request:

And am requesting: (please check)

- Rezoning Request
- Preliminary Plat Approval
- Final Plat Approval
- Conditional Use Approval
- Request for Variance
- Special Exception
- Design Review Approval

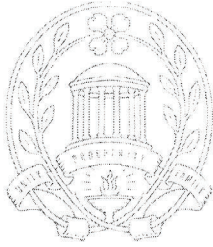
Signed: David R. Emory  
Owner Signature/Date  
David R. Emory

STATE OF ALABAMA  
COUNTY OF Jefferson

Given under my hand and seal  
this 4th day of August, 2022  
Andrea L. Robinson  
Notary Public



My commission expires 27th day of July, 2025.



City of Vestavia Hills
Office of the City Clerk

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 903 Montgomery Hwy. 35216, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: (please check all that apply). \* Aka 901 Montgomery Hwy.

the Property Owner and representing myself in said request.

the Property Owner, but I am authorizing a Representing Agent by the name of: Mark E. Guebo to represent me in the following request:

And am requesting: (please check)

- Rezoning Request
Preliminary Plat Approval
Final Plat Approval
Conditional Use Approval
Request for Variance
Special Exception
Design Review Approval

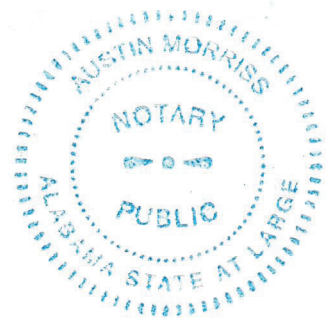
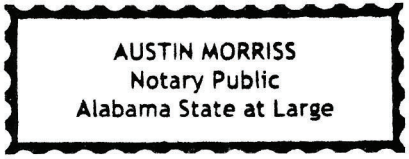
Signed: Rozanne S. Emory
Owner Signature/Date
Rozanne S. Emory

STATE OF ALABAMA
COUNTY OF Shelby

Given under my hand and seal
this 4th day of August, 2022.

Notary Public

My commission expires 24th day of May, 2025.







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

Date: SEPTEMBER 8, 2022

- **CASE:** P-0922-20
- **REQUESTED ACTION:** Approval of the 2<sup>nd</sup> Amendment to Liberty Park
- **ADDRESS/LOCATION:** Liberty Park
- **APPLICANT/OWNER:** Liberty Park Joint Venture, LLP
- **GENERAL DISCUSSION:** Liberty Park is seeking approval for the 2<sup>nd</sup> Amendment to their PUD. The 2<sup>nd</sup> Amendment primarily deals with undeveloped 700 acres in the southern end of Liberty Park. The original PUD and this Amendment envisioned a regional mall along with an overpass from I-459 to improve access for this proposed mall. When the overpass was not approved, the regional mall development plan was tabled. In lieu of this now outdated concept, the developers reimagined the improvement of that acreage into a smaller, pedestrian-friendly “downtown” area featuring a grand lawn for community activities, a new school site and residential neighborhoods. While this does not directly impact existing Liberty Park homes, it will reduce the amount of commercial development in favor of additional residential development.

There are 3 main affects the amendment will have for the Commission. First, the amendment will bring Liberty Park under our current Zoning Ordinance and not Ordinance 1838. Second, the Amendment will eliminate the Conditional Use requirement for a Home Occupations in Liberty Park. Third, it will allow single-family residential in Planned Business zoning, helping to facilitate a downtown development.

- **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 Engineer Review:** Will continue to evaluate based on continued development.
  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.

**APPLICATION FOR SECOND AMENDMENT TO  
LIBERTY PARK PLANNED UNIT DEVELOPMENT**

**SECTION 6.9.2.1.  
INTRODUCTION AND APPLICATION**

This Application for Second Amendment to Liberty Park Planned Unit Development (this “**Amendment Application**”) is made as of August 2, 2022, by **LIBERTY PARK JOINT VENTURE, LLP**, an Alabama limited liability partnership (“**LPJV**”), requesting certain amendments to the Liberty Park PUD (as hereinafter defined).

To date, (A) approximately 2,188 acres have been (or are currently being) developed in Liberty Park, a partially developed master-planned community (the “**Development**” or “**Liberty Park**”) within the corporate limits of the City of Vestavia Hills, Alabama (the “**City**”) in accordance with the requirements of the Liberty Park PUD (as hereinafter defined), consisting of single-family homes, multi-family units, commercial office space, retail/commercial space, an elementary school, municipal ball fields, a municipal fire station, and a church (defined herein as the “**Developed Areas**”); and (B) approximately 1,408 acres of Liberty Park is undeveloped (defined herein as the “**Remaining Undeveloped Land**”).

On or about June 27, 2022, the City adopted Ordinance Number 3099 to amend and restate the City’s Zoning Code in full (the “**2022 Zoning Code**”). The 2022 Zoning Code does not change the zoning of the Development, which remains Planned Unit Development, or otherwise affect the Liberty PUD as the same relates to the developed areas of Liberty Park. LPJV acknowledges, on behalf of itself only, that Ordinance 3099 reflects the City’s current operative zoning code and that the provisions of Section 6.9 et. seq. of the 2022 Zoning Code supersede and replace all prior planned unit development zoning provisions of the City and is henceforth the operative zoning code applicable to the Development.

Pursuant to City Ordinance No. 3085, which was adopted by the City on or about March 18, 2022, the City approved certain changes in the residential density allowances applicable to Liberty Park.

LPJV hereby submits the following information to the Planning and Zoning Commission and the City Council of the City pursuant to the requirements of Section 6.9.2 of the 2022 Zoning Code. The Section numbers referenced at the top of the following pages correspond with the Section Numbers of the 2022 Zoning Code.

**DEFINITIONS**

For the purposes of this Amendment Application, the defined terms used in the Introduction or in Section 6.9.2.4.f. of this Amendment Application shall have the meanings set forth therein and the following definitions shall apply to the designated capitalized terms. Other terms in this Amendment Application that are not herein defined herein shall have the meanings ascribed thereto in the PUD Ordinance.

**“2022 Zoning Code”** shall mean and refer to the Zoning Code of City by the adoption of Ordinance Number 3099.

**“Amendment Application”** shall mean and refer to this Amendment Application for a second amendment to the existing Liberty Park PUD and the existing Liberty Park PUD Application.

**“Annexation Amendment”** shall mean and refer to that certain Amendment to Annexation Agreements between the City and LPJV dated March 18, 2022, adopted by the City pursuant to City Ordinance 3085.

**“ARCs”** shall mean and refer to the Liberty Park Architectural Review Committee, together with such additional architectural review and/or control committees as may be created from time to time as the Remaining Undeveloped Land continues to develop.

**“Associations”** shall mean and refer to associations listed in Section 6.9.2.4.k. of this Amendment Application, together with such additional associations as may be created from time to time as Liberty Park continues to develop.

**“City”** shall mean and refer to the City of Vestavia Hills, Alabama.

**“Cottage Homes”** shall mean single-family detached residential dwellings located in close proximity to each other with shared common open space, as more particularly described in the Design Guidelines.

**“Design Guidelines”** has the meaning set forth in Section 6.9.2.4.c. of this Amendment Application.

**“Developed Areas”** means all of the property shown on the 2022 Revised Land Use Plan attached hereto as **Exhibit 6.9.2.4.(a)**, which is not designated as Remaining Undeveloped Land.

**“First Amendment to Liberty Park PUD”** means the amendments set forth in the Application for Amendment to Liberty Park Planned Unit Development dated May 9, 2003, approved by the City in Ordinance Number 2001 adopted by the City on July 7, 2003.

**“Liberty Park PUD”** means the existing Liberty Park PUD established by Ordinance Number 1864 adopted by the City on or about October 16, 2000, approving the Liberty Park Planned Unit Development Zoning Application submitted by Developer and other parties thereto dated December 5, 2000, as amended by the First Amendment to Liberty Park PUD.

**“Liberty Park Restrictive Covenants”** shall mean and refer to the protective and restrictive covenants listed in Section 6.9.2.4.k. of this Amendment Application, together with such additional protective and restrictive covenants as may be adopted from time to time to govern future development of the Remaining Undeveloped Land.

**“Owner”** or **“LPJV”** shall mean Liberty Park Limited Joint Venture LLP, an Alabama limited liability partnership.

**“Planning Commission”** shall mean The City of Vestavia Hills Planning and Zoning Commission.

**“PUD”** shall mean and refer to a planned unit development pursuant to the PUD Ordinance.

**“PUD Ordinance”** shall mean and refer to Section 6.1 et. seq. (Planned Unit Development) of the 2022 Zoning Code.

**“Remaining Undeveloped Land”** shall mean and refer to the property described in Section 6.9.2.4.a. of this Amendment Application and depicted in **Exhibit 6.9.2.4.(a)**. hereto.

**“Revised Land Use Plan”** shall mean the Revised Land Use Plan attached hereto as Exhibit 6.9.2.3.C.

**“Watershed Covenants”** shall mean and refer to the Declarations of Watershed Protective Covenants listed in Section 6.9.2.4.k. of this Amendment Application.



**SECTION 6.9.2 (2)**

**AREA REQUIREMENTS**

The Liberty Park PUD is in excess of the 75-acre minimum area of the PUD Zoning Ordinance.

**SECTION 6.9.2 (3)**

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**SECTION 6.9.2.3.a.**

**AMENDMENT APPLICATION FEE**

In accordance with the above referenced section of the PUD Ordinance, LPJV submits herewith a check in the amount of \$1,000 payable to the City, representing the application fee required for this Amendment Application. LPJV acknowledges and agrees to be responsible for all costs of notification and advertisement incurred by the City in connection with this Amendment Application.

## SECTION 6.9.2.3.b.

### OWNERS

LPJV is the sole owner of the Remaining Undeveloped Land.

Within the Developed Areas, approximately 1700 single family residential lots/houses are owned by residential owners and/or builders. A list of such single family lot/homeowners will be provided to the City if requested. In addition, there are approximately 26 owners of commercial properties in the Urban Center, which is not affected by this Amendment Application. A list of Urban Center owners will be provided to the City if requested. Listed below are the owners of the remaining commercial or institutional properties in the Developed Areas Liberty Park:

- 8001 Liberty Parkway, LLC
- 8844 Project, LLC
- ARG EHBIRAL001, LLC
- Board of Education of the City of Vestavia Hills, Alabama (Liberty Park Elementary and Middle School)
- CMF 15 Portfolio, LLC
- City of Vestavia Hills, Alabama (Liberty Park Sports Complex)
- Community Bank of Mississippi
- Corporate Woods Partners, LLC
- Enviro Services, LLC
- Fairway-Prominence, LLC
- Encompass Health Corporation
- High Noon, LLC
- KADD, LLC
- Liberty Park Joint Venture, LLP
- LP Development, LLC
- LPP II, LLC
- Main Street South Fulton, LLC
- Moore Oil Co., Inc.
- Parker Ophthalmic Properties, LLC
- RTR Partners, LLC
- STAS Networks, LLC
- Vestlake Communities Property Owners' Association, Inc.
- WK Services Co., LLC
- Woodlawn Baptist Church, Inc. (The Church at Liberty Park)

**SECTION 6.9.2.3.c.**

**REVISED LIBERTY PARK PUD MAPS**

A Revised Land Use Districts Map is attached hereto as Exhibit 6.9.2.3.c.(1), showing the location of the various land uses by PUD land use districts, the location of existing and proposed public or private streets, greenbelts, buffers, natural or man-made open spaces, schools, park and community service areas within and adjacent to the Liberty Park PUD and the location of any proposed gates for control of access on private streets.

A Revised Site Topographical Map is attached hereto as Exhibit 6.9.2.3.c.(2) showing known waterways, flood plains, forest cover and wetlands.

All of the property in Liberty Park may previously have been subject to subsurface or surface mining activities.

**SECTION 6.9.2.4.a.**

**PLANNING CRITERIA OF THE LIBERTY PARK PUD**

**LEGAL DESCRIPTION OF APPLICABLE PORTIONS OF LIBERTY PARK PUD**

No change is made to the legal description of the Developed Areas of Liberty Parkas set forth in the existing Liberty Park PUD.

A depiction and legal description for the Remaining Undeveloped Land is attached as Exhibit 6.9.2.4.a.

**SECTION 6.9.2.4.b.**

**PLANNING CRITERIA OF THE LIBERTY PARK PUD**

**GENERAL DESCRIPTION OF AREAS SURROUNDING LIBERTY PARK**

No change is made to the general description areas surrounding Liberty Park from that set forth in the existing Liberty Park PUD.

## SECTION 6.9.2.4.c.

### PLANNING CRITERIA OF THE LIBERTY PARK PUD

#### STATEMENT OF PLANNING OBJECTIVES

##### 1. Planning Objectives

No change is made to the planning objectives for the Developed Areas of Liberty Park from that set forth in the existing Liberty Park PUD.

The Remaining Undeveloped Land is planned to include a mixed-use component that incorporates both residential and commercial uses in a town center (the “**Town Center**”). The Town Center shall incorporate traditional design principles to encourage walkability and convenience and include the following:

- An organized street and block network which incorporates open spaces, promotes flexibility and adaptability, and allows the Town Center and its public spaces to evolve, change and grow over time.
- Arrangement of streets, sidewalks, public spaces, and walkways connecting to parking facilities and surrounding areas. Elements which reinforce one another and work together to create gathering spaces and sidewalk areas where retail and leisure meet.
- Sidewalks sized for their intended use – wider sidewalks where restaurants and al fresco will be concentrated and narrower sidewalks planned on less intensively used streets.
- Scale that is comfortable for pedestrians with buildings that engage the street through windows, awnings, store signage and lighting. Storefronts shall avoid commonality and banality and allow for differentiation.
- On street parking convenient to retail and commercial buildings.
- Landscaping and hardscaping to enhance streetscapes and public places.

LPJV will finalize design guidelines (“**Design Guidelines**”) in the Town Center that implement the planning objectives above to serve as a guideline for development of individual projects in the Town Center. LPJV will consider in good faith all suggestions of the City’s Design Review Board which are in furtherance of the design principles set forth in this Section 6.9.2.4.c. prior to finalizing the Design Guidelines. The covenants for both the residential and commercial projects in the Town Center will incorporate the Design Guidelines by reference.



Without limitation on the foregoing, the following are the planning objectives for the Remaining Undeveloped Land:

A. Permit more flexible and, consequently, more creative and imaginative design in order to accommodate planned residential developments and planned office, commercial, retail, civic, institutional, and recreational developments within the context of a topographically difficult site;

B. Permit flexibility in land use densities in conjunction with provisions for more expansive functional open space and community services;

C. The combination and coordination of uses, building types, building relationships, and architectural systems within the Remaining Undeveloped Land;

D. The preservation and enhancement of existing natural features, their scenic qualities and amenities to the greatest extent possible, and the utilization of such features in a harmonious fashion; and,

E. The exception of the Liberty Park development from the conventional zoning regulations of the City Zoning Ordinance regarding setbacks, minimum yard sizes, minimum green belts, landscape regulations, off-street parking regulations minimum floor areas, and other regulations enabling LPJV to achieve the foregoing planning objectives.

## **2. Character of Liberty Park PUD**

No change is made to the character of the Developed Areas of Liberty Park from that set forth in the existing Liberty Park PUD.

The Liberty Park PUD is or will be subject to recorded protective and restrictive covenants as listed in Section 6.9.2.4.k. of this Amendment Application, including, without limitation, the Watershed Covenants listed in Section 6.9.2.4.k. of this Amendment Application.

With authority granted by the Liberty Park Restrictive Covenants, the ARCs have review and approval rights for all plans and modifications relating to development in Liberty Park, as set forth in the respective Liberty Park Restrictive Covenants. In general, the overall character of the Liberty Park PUD will be one that complements and harmonizes with the existing natural and man-made environment of the area.

It is contemplated that there will be a variety of Residential Dwelling Units within the Remaining Undeveloped Land. These may include attached and detached Single-Family Units (which may include cluster residential, Cottage Homes, garden homes, duplexes, and townhouses), and Multi-Family Rental Units, to include Age-Restricted Rental Units, Market-Rate Rental Units, and Senior Housing Rental Units, subject to the limitations and conditions set forth in the Annexation Amendment. A mix of Residential Dwelling Units within the Remaining Undeveloped Land serves to provide diverse living spaces for families in various stages of life and income levels.

It is also contemplated that there will also be a variety of commercial building types and character within the Remaining Undeveloped Land, including retail, commercial, and hotel. A second elementary school site is located within the Remaining Undeveloped Land.

It is also contemplated that the Town Center will be constructed around a “Great Lawn” which will provide a park/gathering area to hold events such as farmer’s markets and holiday markets. In addition, it is contemplated that there will be other small parks and natural areas throughout the Remaining Undeveloped Land, as well as community connectivity improvements in the form of multi-use trails and sidewalk for walking, jogging, biking, and other forms of pedestrian traffic that will connect with the developed sectors of Liberty Park.

All of Liberty Park, including the Remaining Undeveloped Land, is organized to be self-governing through the Associations. The Associations established to date are listed in Section 6.9.2.4.(k) below. The Associations regulate matters of common area maintenance.

*Other than* those within Old Overton (which is a gated community with private roads maintained by the applicable Association), all roads within the Remaining Undeveloped Land (including all improvements within the rights-of-way of such roads other than pedestrian walkways (sidewalks/multi-use trails)) may, at LPJV’s option, be dedicated to the City upon final completion thereof in accordance with the City’s subdivision ordinances and the City’s acceptance of such roads. Additionally, LPJV may also transfer and convey to the City, in accordance with the City’s subdivision ordinances and upon the City’s acceptance of same, all of its right, title and interest in and to any other green space, parks, or other similar spaces intended for use by the general public within the Town Center (including, without limitation, the Great Lawn).

The Cahaba River borders and/or traverses Liberty Park. The Development has been planned from inception to protect, and will be continue to be planned, with this valuable asset in mind. Maintaining practical building setbacks along the Cahaba River frontage, along with other water quality designs within the Development, is a primary strategy that has been, and will continue to be, used.

### **3. Assumptions and Rationale for Remaining Undeveloped Land.**

LPJV has assumed and projected the following in regard to the development of the Remaining Undeveloped Land:

A. Liberty Park lies in a growth area of the Birmingham metropolitan area and in one of the most desirable areas of the metropolitan area, i.e. the “Over the Mountain” area of the south Jefferson County area. The location of Liberty Park with the City places the community in a city with a national reputation for excellence in education. The great potential for growth in the Liberty Park area can be witnessed by the local indicators--the growth of adjacent and surrounding communities, the Summit development, the continued growth of the north Shelby County area, and the continued growth of the City.

B. The “planned mixed use” or “planned community” concept of development has been popular since the 1960s and has been found to be desirable for both residential and business markets. Liberty Park will offer the quality and uniqueness desired in a planned community and attract upscale residential and business markets.

C. The size, scale and projected development of Liberty Park will create a complete community, containing essentially all of the uses and services required in a suburban community, as contrasted to smaller planned developments

#### SECTION 6.9.2.4.d.

### PLANNING CRITERIA OF THE LIBERTY PARK PUD

#### PHASES OR STAGES OF DEVELOPMENT

The development of Liberty Park began with the development of The Urban Center at Liberty Park in the mid-1980s in unincorporated Jefferson County. LPJV was formed in 1990 and the development of the initial 2,500-acres of Liberty Park began in 1991 pursuant to the Jefferson County Planned Unit Development Zoning Ordinance. Liberty Park was annexed into the City in 1992, and other parcels acquired by LPJV since that date have been subsequently annexed into the City so that the development now contains approximately 3,596 acres. The development of Liberty Park has continued to this date. It is anticipated that development of Remaining Undeveloped Land will continue until it is fully developed.

**SECTION 6.9.2.4.e.**

**PLANNING CRITERIA OF THE LIBERTY PARK PUD**

**GENERAL DELINEATION OF LAND USE DISTRICTS**

Listed below are the gross acreage (more or less) planned for each land use district of the Liberty Park PUD:

Land Use District	Gross Acreage	% of Land
PR-1	2,697.3	75.0
PR-2	34.0	0.9
PO	115.3	3.2
PNC	128.2	3.6
PB	611.4	17.0
PI	9.8	0.3
TOTAL	3596.0	100.0

SECTION 6.9.2.4.f.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

CALCULATION OF RESIDENTIAL DENSITY

No change is made to the residential density calculation of the Developed Areas of Liberty Park from that set forth in the existing Liberty Park PUD.

Pursuant to the City Ordinance No. 3085:

1. The Residential Density Allowance for Liberty Park was increased to 3,870 Residential Dwelling Units;
2. The Multi-Family Density Allowance for Liberty Park was decreased to 870, to consist solely of Multi-Family Rental Units.
3. Of the reduced Multi-Family Density Allowance, Market-Rate Rental Units shall not exceed 270 units in the Remaining Undeveloped Land, with no more than 10% of the total additional Market Rate Rental Units to contain 3 bedrooms; and
4. Additional Market Rate Rental Units allowed by City Ordinance No. 3085 are to be located within the Town Center.

As used in this Section 6.9.2.4.f. of this Amendment Application, the following defined terms shall have the following meanings:

**“Age-Restricted Rental Units”** means Multi-Family Rental Units available for rent to individuals 55 years or older in compliance with the Housing for Older Persons Act of 1995.

**“Market-Rate Rental Units”** means Multi-Family Rental Units available for rent to the general public under The Fair Housing Act, 42 U.S.C. 3601 et. seq.

**“Multi-Family Rental Units”** means all multifamily units (including Senior Housing Rental Units) which are offered for rent. Multi-Family Rental Units shall not include individual units held for rent by an individual owner.

**“Residential Dwelling Units”** means all Single-Family Units and Multi-Family Rental Units.

**“Restricted Rental Units”** means Age-Restricted Rental Units and Senior Housing Rental Units.

**“Senior Housing Rental Units”** means rental units within a senior housing community which provide services marketed towards seniors or the elderly in a congregate setting such as independent living, assisted living, memory care, or skilled nursing care.

**“Single Family Units”** means residential dwellings for single family use.

SECTION 6.9.2.4.g.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

DEVELOPMENT CRITERIA

1. General. No change is made to the General Statement of the Development Criteria of Liberty Park from that set forth in the existing Liberty Park PUD.
2. [Intentionally Deleted].

3. **Development Criteria for PR-1 Land Use Districts in Developed Areas of Liberty Park.**

- A. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Building Height Limitations. No change is made to the maximum building height requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Off-Street Parking. No change is made to the off-street parking requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.



4. **Development Criteria for PR-1 Land Use Districts in the Remaining Undeveloped Land:**

- A. Minimum Setbacks. Setbacks for all lots upon which Single-Family Units in either the PR-1 or PB Land Use Districts of the Remaining Undeveloped Land are to be constructed (i) will be determined based on the type of Single-Family Unit planned for a particular sector or phase as set forth in the Design Guidelines, (ii) will be set forth on the subdivision plats for the various sectors or phases as development proceeds, and (iii) will be subject to the review and approval of the Planning Commission as part of its subdivision approval process as set forth in the 2022 Zoning Code.
- B. Floor Areas. The minimum floor area for Single-Family Units in either the PB or PR-1 Land Use Districts of the Remaining Undeveloped Land shall be 750 square feet.
- C. Building Height Limitations. Building heights for Single-Family Units in the PR-1 Land Use Districts of the Remaining Undeveloped Land shall conform to Section 6.9.5.1.c. of the PUD Ordinance.
- D. Off-Street Parking. The minimum off-street parking requirements for Single-Family Units in the PR-1 Land Use Districts of the Remaining Undeveloped Land shall be two (2) spaces per Single-Family Unit. The minimum off-street parking requirements for Single-Family Units in the PB Land Use Districts of the Remaining Undeveloped Land shall be one (1) space per Single-Family Unit if no dedicated on-street parking is provided. Parking shall only be allowed on paved surfaces specifically approved for such use by the applicable ARC.

5. **Development Criteria for Planned Multifamily Residential (PR-2) Districts in the Developed Areas of Liberty Park.**

- A. Conditional Use. No change is made to the Conditional Use requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Off-Street Parking. No change is made to the off street requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

6. **Development Criteria for the Multi-Family Residential Units in PB Land Use Districts in the Remaining Undeveloped Land:**

- A. Minimum Setbacks. Setbacks for all lots or parcels upon which Multi-Family Units in the PB Land Use District in the Remaining Undeveloped Land are to be constructed as set forth in the Design Guidelines and will be set forth on the subdivision plats for the various sectors or phases as development proceeds, and will be subject to the review and approval of the Planning Commission as part of its subdivision approval process as set forth in the 2022 Zoning Code.
- B. Floor Areas. The minimum floor areas for typical multi-family dwelling units in PB Land Use Districts in the Remaining Undeveloped Land shall be 650 square feet per unit. The minimum floor area for efficiency apartments/dwelling units in PB Land Use Districts in the Remaining Undeveloped Land shall be 450 square feet per unit.
- C. Building Height Limitations. Building heights of the Multi-Family Units in the PB Land Use Districts in the Remaining Undeveloped Land shall conform to Section 6.9.5.2.c. of the PUD Ordinance.
- D. Minimum Lot Width. There shall be no minimum lot width so long as such development complies with the setback requirements stated above.
- E. Off-Street Parking. The minimum off-street parking requirements for each Multi-Family Unit development in the PB Land Use Districts in the Remaining Undeveloped Land shall be 1.6 spaces per dwelling unit. Each Multi-Family Unit development in the PB Land Use Districts in the Remaining Undeveloped Land must contain adequate onsite parking with no dedicated on-street parking.
- F. Service Yard. Each Multi-Family Unit development in the PB Land Use Districts in the Remaining Undeveloped Land shall have a service yard or yards, adequate for the handling of waste and garbage and the loading and unloading of vehicles. Such service yards shall (i) be paved, (ii) have access to a street, alley or service road, and (iii) be located as approved by the ARC. The applicable ARC may, depending on various site planning characteristics, site lines and other related factors, require that such service yard or yards be enclosed by a structure with access through a gate, and adequate to conceal from visibility the service yard, equipment and material stored within such structure.

7. **Development Criteria for Planned Office (PO) Districts in the Liberty Park PUD.**

- A. Conditional Use. No change is made to the Conditional Use requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Off-Street Parking. No change is made to the off street requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

**8. Development Criteria for Planned Neighborhood Commercial (PNC) Districts in the Liberty Park PUD.**

- A. Conditional Use. No change is made to the Conditional Use requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Off-Street Parking. No change is made to the off street requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

9. **Development Criteria for Planned Business (PB) Land Use Districts in the Developed Areas of Liberty Park.**

- A. Principal or Conditional Use. No change is made to the Principal or Conditional Use requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Parking/Loading and Unloading Areas. No change is made to the parking/loading and unloading requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

**10. Development Criteria for the Planned Business District (PB) Land Use Districts in the Remaining Undeveloped Land:**

- A. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

The maximum land use density of the PB Land Use Districts of the Liberty Park PUD is further subject to the total density limitation of 7,500,000 square feet for office, commercial and retail uses in all of Liberty Park, pursuant to the original Annexation Agreement which is described in the Annexation Amendment.

- B. Minimum Setback/Yard. Setbacks for all lots or parcels within the PB Land Use Districts in the Remaining Undeveloped Land will be as set forth in the Design Guidelines and will be set forth on the subdivision plats for the various sectors or phases as development proceeds, and will be subject to the review and approval of the Planning Commission as part of its subdivision approval process as set forth in the 2022 Zoning Code.

- C. Parking, Loading and Unloading Areas. The minimum requirements for off-street parking, loading and unloading areas for developments in the PB Land Use Districts in the Remaining Undeveloped Land shall be as follows:

- (1) Parking shall be as set forth in Section 3 above for Single-Family Unit developments in the PB Land Use Districts in the Remaining Undeveloped Land (except to the extent such parking is covered by a shared use parking agreement as set forth below) and as set forth in Section 4 above for Multi-Family developments in the PB Land Use Districts in the Remaining Undeveloped Land. Other uses permitted in the PB Land Use Districts in the Remaining Undeveloped Land shall comply with the applicable parking requirements set forth in (3) below (except to the extent such parking is covered by a shared use parking agreement as set forth below). No parking shall be permitted on any street or drive, or any place other than approved parking spaces.
- (2) Except where common loading areas are designated on an approved site plan, loading areas shall not encroach into setback areas or be visible from any street or highway unless specifically approved by the applicable ARC. Loading docks shall be set back and screened to minimize the effect of their appearance from neighboring sites.
- (3) Parking for an establishment may be provided either by spaces located physically within the lot or parcel or by the provision of adjacent or shared parking with cross or shared parking agreements. Developments with cross agreements must provide the minimum number of spaces as herein stipulated when tabulated as a whole or by dedicated on street parking. The Developments with shared parking arrangements (i) shall comply with the

City's shared parking calculations set forth in Table 8.1.1. of the Zoning Code or (ii) may have reduced parking required from those otherwise specified based the review and approval of the recommendations of qualified parking consultant.

- (4) Retail developments require a minimum of four (4) parking spaces per 1,000 square feet of retail space. Non-integer numbers of spaces computed from this relationship shall be rounded to the next higher number;
- (5) Office developments require a minimum of two and one-half (2 ½) parking spaces per 1,000 square feet of office space. Non-integer numbers of spaces computed from this relationship shall be rounded to the next higher number
- (6) Restaurants, cafes, nightclubs or similar recreational or amusement establishments require a minimum of six (6) parking spaces per 1,000 square feet of floor area;
- (7) For all those land uses not covered above or elsewhere in this Amendment Application, the provisions of Article 8, "Regulations for Off-Street Parking" of the City Zoning Ordinance shall apply.

- E. Service Yard. Except where common service yards are designated on an approved site plan, each PB development in the Remaining Undeveloped Land (other than a Single-Family development) shall have a service yard or yards, adequate for the handling of waste and garbage and the loading and unloading of vehicles, or shall have access to a shared or central waste/garbage facility. Such service yards shall (i) be paved, (ii) have access to a street, alley, or service road, (iii) be located to the side or rear of a development and/or building. The applicable ARC may, depending on various site planning characteristics, sight lines and other related factors, require that such service yard or yards be enclosed by a structure with access through a gate, and adequate to conceal from visibility the service yard, equipment and material stored within such structure. Common service yards shall (i) be paved, (ii) have access to a street, alley, or service road, and (iii) be enclosed by a structure approved by the ARC with architecture compatible with the applicable buildings.



11. **Development Criteria for Planned Light Industrial (PI) Land Use District of Liberty Park.** No change is made to the Development Criteria for any of the Planned Light Industrial (PI) Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

**13. Generally Applicable Development Criteria and Land Use Districts**

(1) Signage. Development in any land use district within the Remaining Undeveloped Land shall be subject to the applicable signage standards to be set forth in the Design Guidelines.

(2) Sidewalks. Sidewalks will be allowed, but not required, in any land use district within the Liberty Park PUD.

(3) Underground Utilities. To the extent practical, all units, buildings and/or structures constructed in any land use district within the Liberty Park PUD will be served by underground utilities. Infrastructure utilities may be underground or above ground, pursuant to separate agreements with the various utility companies.

(4) Accessory Structures, Fences and Buffer Strips. Any accessory structures, fences and/or buffer strips within any land use district of the Liberty Park PUD shall be governed by the Liberty Park Restrictive Covenants and subject to the review and approval of the ARC pursuant thereto.

(5) Watershed Covenants. Development in any land use district within the Liberty Park PUD shall be subject to the Watershed Covenants.

(6) Multi-Use Trails. Multi-Use trails will be allowed, but not required in the Remaining Undeveloped Land. Sidewalks and multi-use trails will be owned by the applicable Association. Any sidewalks or multi-use trails located within a City right-of-way that is to be dedicated will be subject to an easement in favor of the applicable Associations and its members for the use of such sidewalks and trails.

## **SECTION 6.9.2.4.h.**

### **PROPOSED OPEN SPACE**

The Proposed Open Space Network is shown on Exhibit 6.9.2.4.h.(1) attached hereto. The open space in the Remaining Undeveloped Land will total approximately 150 acres, representing approximately 18% of the Remaining Undeveloped Land and 4% of the overall Liberty Park PUD. The open space in the overall Liberty Park PUD will total approximately 843 acres, representing approximately 23% of the overall Liberty Park PUD.

#### SECTION 6.9.2.4.i.

##### **AVAILABILITY OF TRANSPORTATION AND UTILITIES**

Listed below are the utilities presently serving Liberty Park; however, such providers may change from time to time and other technologies may be developed which may affect the list of utility providers and services for Liberty Park:

1. Water: Birmingham Water Works.
2. Power: Alabama Power Company.
3. Telephone: AT&T and Spectrum.
4. Natural Gas. Spire.
5. Sewer: Enviro Services, LLC.
6. Cable television: Spectrum among other providers.

No regularly scheduled public transportation serves Liberty Park at this time.

**SECTION 6.9.2.4.j.**

**OWNERSHIP AND MAINTENANCE OF COMMON AREAS**

All roads *other than* those within Old Overton (which is a gated community with private roads maintained by the applicable Association) within the Remaining Undeveloped Land (including all improvements within the rights-of-way of such roads other than pedestrian walkways (sidewalks/multi-use trails)), may, at LPJV's option, be dedicated to the City upon final completion thereof in accordance with the City's subdivision ordinances and acceptance by the City.

Additionally, LPJV may also transfer and convey to the City, in accordance with the City's subdivision ordinances and the City's acceptance thereof, all of its right, title and interest in and to any other green space, parks, or other similar spaces intended for use by the general public within the Town Center (including, without limitation, the Great Lawn).

All other common areas within the Remaining Undeveloped Land will be privately owned by LPJV and/or various Associations, subject to the provisions of paragraph immediately following below. Funding for the maintenance and repair of such common areas in Remaining Undeveloped Land will be provided through dues, assessments, maintenance charges and other fees paid to the Associations by the members thereof.

**SECTION 6.9.2.4.k.**

**PROTECTIVE COVENANTS, ASSOCIATIONS AND  
ARCHITECTURAL REVIEW COMMITTEES**

1. Liberty Park is or will be subject to the following restrictive covenants which affect some or all parts of the Remaining Undeveloped Land:

A. As to the commercial areas: Declaration of Protective Covenants for the Commercial Development Area at Liberty Park, recorded as Instrument Number 9307/4579 in the Office of the Judge of Probate of Jefferson County, Alabama, as amended by Supplementary Declaration to the Original Covenants, recorded as Instrument Number 9309/4645 in said Probate Office; as further amended by Amendment No. 1 to the Original Covenants, recorded as Instrument Number 9313/3250 in said Probate Office; as further amended Amendment No. 2 to the Original Covenants, recorded as Instrument Number 9315/6020 in said Probate Office; as further amended by Amendment No. 3 to the Original Covenants, recorded as Instrument Number 9505/1755 in said Probate Office; as further amended by Amendment No. 4 to the Original Covenants, recorded as Instrument Number 9507/2675, and re-recorded as Instrument Number 9508/8221 in said Probate Office; as further amended by Amendment No. 5 to the Original Covenants, recorded as Instrument Number 9509/2804 in said Probate Office; as further amended by Amendment No. 6 to the Original Covenants, recorded as Instrument Number 9709/1114 in said Probate Office; as further amended by Amendment No. 7 to the Original Covenants, recorded as Instrument Number 9805/8300 in said Probate Office; as further amended by Amendment No. 8 to the Original Covenants, s recorded as Instrument Number 9807/0024 in said Probate Office; as further amended by Amendment No. 9 to the Original Covenants, recorded as Instrument Number 9810/3035 in said Probate Office; as further amended by Amendment No. 10 to the Original Covenants, recorded as Instrument Number 9810/4463 in said Probate Office; as further amended by Amendment No. 11 to the Original Covenants, recorded as Instrument Number 9815/9602 in said Probate Office; as further amended by Amendment No. 12 to the Original Covenants, recorded as Instrument Number 200003/0549 in said Probate Office; as amended by Amendment No. 13 to the Original Covenants, recorded as Instrument Number 200108/0736 in said Probate Office; as further amended by Amendment No. 14 to the Original Covenants, which is recorded as Instrument Number 201009/27432 in said Probate Office; as further amended by Amendment No. 15 to the Original Covenants, which is recorded as Instrument Number 2017129486 in said Probate Office and re-recorded as Instrument Number 2017131920 in the Probate Office of Jefferson County, Alabama, which said Amendment No. 15 was amended and restated in the Amended and Restated Fifteenth Amendment dated March 30, 2018, recorded as Inst. # 2018032286 in the Probate Office, which was then vacated, terminated, and declared null and void ab initio by Amendment No. 16 dated May 18, 2018, recorded as Inst. # 2018051538 in the Probate Office; as further amended by Amendment No. 17 dated August 29, 2018, recorded as Inst. # 2018091727 in the Probate Office; as further amended by Amendment No. 18 dated November 16, 2018, recorded as Inst. # 2018118326 in the Probate Office; as further amended by Amendment No. 19 dated August 17, 2021, recorded as Inst. # 2021095644 in the Probate Office, and as further amended by Amendment No. 20 dated March 1,

2022, recorded in Inst. # 2022024428 in the Probate Office (as amended, the “**Commercial Covenants**”).

B. As to the residential areas within The Bray sector of the Remaining Undeveloped Land: The Bray Single-Family Residential Declaration of Covenants, Conditions, and Restrictions, dated on or about the date hereof and to be recorded in the Office of the Judge of Probate of Jefferson County, Alabama (as the same may hereafter be amended, the “**Bray Residential Covenants**”).

C. As to the residential areas with Old Overton: Old Overton Ridge Covenants, Conditions, and Restrictions, recorded in Book 9313, Page 8012 in the Office of the Judge of Probate of Jefferson County, Alabama (as amended, the “**Old Overton Covenants**”).

D. As to all of the land within the Liberty Park PUD is subject to the Declaration of Watershed Protective Covenants for Liberty Park, dated 5/1/91, recorded in Real 4037, page 122, in the Probate Office of Jefferson County, Alabama, as amended by that certain Supplementary Declaration of Watershed Protective Covenants for Liberty Park recorded in Instrument 2017112666, in the Probate Office of Jefferson County, Alabama (as amended, the “**Watershed Covenants**”).

Additional restrictive covenants may be adopted from time to time to govern future development in Liberty Park.

2. **Associations.** The following Associations currently exist and are applicable to Liberty Park (or portions thereof):

A. The Bray Single-Family Residential Property Owners' Association, Inc., an Alabama not-for-profit corporation. This Association provides services to its members in connection with the residential areas known as The Bray located in the PB and PR-1 land use districts of the Remaining Undeveloped Land.

B. Old Overton Single-Family Residential Property Owners' Association, Inc., an Alabama not-for-profit corporation. This Association provides services to its members in connection with the residential areas known as the Old Overton Communities, including those portions of the Remaining Undeveloped Land located within the Old Overton gated community (PR- 1 District).

C. Liberty Park Commercial Development Area Owners' Association, Inc., an Alabama not-for-profit corporation. This Association provides services to its members in connection the commercial, office, and retail areas of Liberty Park (PO, PB, and PNC districts), other than The Urban Center at Liberty Park.

D. Liberty Park Master Owners’ Association, Inc., an Alabama not-for-profit corporation. This Association is primarily responsible for maintenance and upkeep of the private roadways and streets within Liberty Park (except the streets within the interior of The Urban Center at Liberty Park. Such streets are maintained by The Urban Center at

Liberty Park Owners' Association, Inc.) and certain other common areas as set forth in the Liberty Park Restrictive Covenants.

Additional owners' associations may be created from time to time as the Remaining Undeveloped Land continues to develop.

3. **Architectural Review and/or Control Committees.**

A. With authority granted by the applicable Liberty Park Restrictive Covenants, the following architectural review committee and architectural control committee (sometimes herein collectively referred to as the “**ARC**”) have review and approval rights for all plans relating to development in Liberty Park, as set forth in the Liberty Park Restrictive Covenants. Liberty Park Architectural Review Committee performs such functions as to all property within the Remaining Undeveloped Land.

B. The ARC, in its sole and absolute discretion, shall have the exclusive right to grant variances with respect to any of the development requirements set forth in any of the Liberty Park Restrictive Covenants. The ARC will provide the City with copies of all written variances approved by the ARC for its records.

C. All of the covenants and related documents listed in this Section 6.9.2.4.k. are private; therefore, the City has no right or obligation to enforce any of such covenants, instruments, and documents. Nothing in this Amendment Application or the approval hereof shall be interpreted to infer any such right or obligation of enforcement insofar as the City is concerned. Non-residential developments are subject to the City’s Design Review Board processes after approvals have been obtained from the ARC.



**SECTION 6.9.2.4.m.**

**PLANNED INTERIM USES**  
**WITHIN THE REMAINING UNDEVELOPED LAND**

LPJV may make use of the undeveloped land within the PB Land Use District in the Remaining Undeveloped Land until such time as the land or area of said interim or temporary land use is permanently developed, provided such uses will not be detrimental to its planned permanent use. Such planned interim uses may include, without limitation:

1. Plant/landscape nursery(s) for stocking, growing and maintaining plants and necessary landscape equipment, garages, tools, and building(s) to be used in the development of Liberty Park.
2. Construction material storage area(s) to store construction material, including dirt rock, equipment, machinery, etc. LPJV will keep such areas as orderly as possible.
3. Borrow and fill areas for the purpose of mass grading operations on any portion of the Remaining Undeveloped Land and the preparation of lots/areas in the Remaining Undeveloped Land.
4. Information and sales center.

**SECTION 6.9.2.4.n.**

**TRAFFIC STUDY**

**[ON FILE WITH THE CITY]**

**SECTION 6.9.2.4.o.**

**LANDSCAPING CRITERIA**

All landscaping within the Remaining Undeveloped Land will be subject to the criteria set forth in the applicable Liberty Park Restrictive Covenants, and rules, regulations and standards relating to landscaping as adopted from time to time by the applicable ARC. The applicable ARC also has the rights of review and approval with respect to any and all landscaping plans in connection with development in all land use districts of the Remaining Undeveloped Land.

Landscaping for non-residential developments are subject to the City's Design Review Board processes after approvals have been obtained from the ARC.

SECTION 6.9.2.4.p.

**PROPOSED MODIFICATION OF SUBDIVISION REGULATIONS**

**STREET/ SUBDIVISION DESIGN  
STANDARDS FOR THE REMAINING UNDEVELOPED LAND**

All roads *other than* those within Old Overton (which is a gated community with private roads maintained by the applicable Association) within the Remaining Undeveloped Land (including all improvements within the rights-of-way of such roads other than pedestrian walkways (sidewalks/multi-use trails)) may be dedicated to the City upon final completion thereof in accordance with the City’s subdivision ordinances and acceptance by the City.

As noted above, roadways, streets and alleys within Old Overton are privately owned and maintained by the applicable Association. The use of such roadways, streets and alleys by the public is granted by recorded easement document. The upkeep and maintenance of such roadways, streets and alleys is the responsibility of various Associations. The street/subdivision design standards and regulations for the private roadways, streets and alleys within Old Overton shall be generally the same as subdivision regulations of the City. However, LPJV may request that the City allow certain road designs that differ from the current Subdivision Regulations of the City. Such differences would typically include such things as reduced rights-of-way, reduced pavement widths, eliminations of curbs and gutters, and variations in inlet types. Such design changes are intended to reduce the effects of the Remaining Undeveloped Land development on the environment and to allow for the reasonable development of topographically difficult land as is typical of many areas of the Remaining Undeveloped Land.

Where differences exist between the design as proposed and City standards, the differences will be noted on the plans submitted for approval before the Planning and Zoning Commission of the City as a part of the subdivision plat approval process (when required). Approval of such differences shall not be unreasonably withheld, assuming adequate provision is made for safety and for the access of emergency vehicles.

The overall development plan for Liberty Park contemplates using alleys to provide access to certain lots for better traffic control, safety and aesthetics.

Approval of the Remaining Undeveloped Land application shall not constitute approval of any such modification, each of which must be submitted to and approved by the Planning and Zoning Commission of the City as part of the subdivision plat approval process.

**Typical Standards Employed Within Liberty Park**

**Street Right-of-Way (Common Area) Widths**

Parkways 4 lane	100 feet
Parkways 2 lane	60 feet
Local streets	50 feet
Minor streets	40 feet (minimum)

Cul-de-sacs	96 foot diameter (minimum)
Alleys	20 feet

Notes: Rights of ways may have variable dimensions to accommodate variations in streetscapes due to median widths, walkways, or other improvements.

Street Pavement Widths

Standard street 24 feet of paving with 18” curb and gutter= 27 feet back-to back(b/b) width  
 22 feet of paving with 30” valley gutter =27 feet b/b

Minor street width 20 feet of paving with 18” curb and gutter= 23 feet bib

20 feet of paving with 24” valley gutter= 24 feet b/b

20 feet of paving (no edge treatment)

\*18 feet of paving plus 24” valley gutter = 22 feet b/b

\* This section to be used where topographic constraints call for a reduced pavement and roadway cross-section. In no instance will less than 20' be allowed (measured to the center of the gutter, or to the face of the curb, as applicable).

Parkways 4 lane (2) lanes of 24 feet of paving with 18” curb and gutter = 27 feet b/b

Parkways 2 lane 24 feet of paving with 18” curb and gutter = 27 feet b/b

Bifurcated residential 14 feet of paving with 18” curb and gutter or 24” valley

Streets gutter

Alleys 16 feet of paving with no edge treatment

Cul-de-sac 96 foot diameter to back of gutter or curb (minimum)

Roadway Grades

Maximum roadway grades for roadways within Liberty Park shall normally not exceed 15%. Exceptions to this maximum shall be reviewed on a case by case basis and shall only be allowed where topographic considerations dictate.

IN WITNESS WHEREOF, LPJV has caused this Amendment Application to be executed  
as of August 2, 2022.

**LIBERTY PARK JOINT VENTURE, LLP**  
an Alabama limited liability partnership

By: Richard Mullen  
Name: Richard Mullen  
Title: Its MANAGER

TAB 1

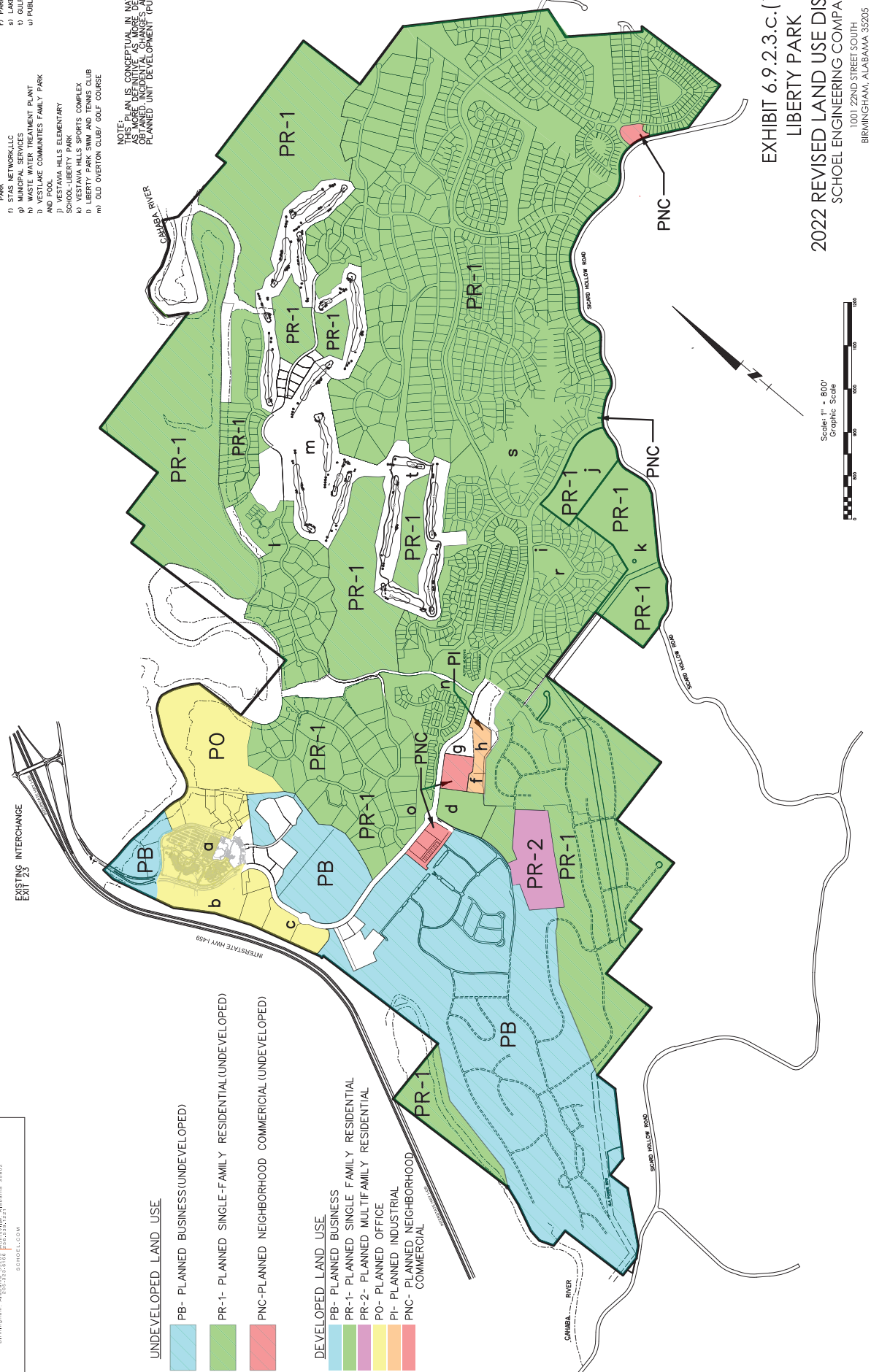
**Exhibit 6.9.2.3.c.**  
Revised Land Use District Map

[See Attached]

- LEGEND**
- a) THE URBAN CENTER AT LIBERTY PARK
  - b) FEDERAL RESERVE BANK OF ATLANTA
  - c) ENCOMPASS HEALTH
  - d) LIBERTY PARK BAPTIST CHURCH
  - e) LIBERTY PARK BAPTIST CHURCH
  - f) LIBERTY PARK BAPTIST CHURCH
  - g) LIBERTY PARK BAPTIST CHURCH
  - h) LIBERTY PARK BAPTIST CHURCH
  - i) LIBERTY PARK BAPTIST CHURCH
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  - v) LIBERTY PARK BAPTIST CHURCH
  - w) LIBERTY PARK BAPTIST CHURCH
  - x) LIBERTY PARK BAPTIST CHURCH
  - y) LIBERTY PARK BAPTIST CHURCH
  - z) LIBERTY PARK BAPTIST CHURCH

**NOTE:**  
 THIS PLAN IS CONCEPTUAL IN NATURE AND WILL BE UPDATED  
 AS MORE DEFINITIVE AS MORE DEFINITIVE INFORMATION IS  
 OBTAINED FOR THE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE.

- UNDEVELOPED LAND USE**
- PB- PLANNED BUSINESS (UNDEVELOPED)
  - PR-1- PLANNED SINGLE-FAMILY RESIDENTIAL (UNDEVELOPED)
  - PNC- PLANNED NEIGHBORHOOD COMMERCIAL (UNDEVELOPED)
- DEVELOPED LAND USE**
- PB- PLANNED BUSINESS
  - PR-1- PLANNED SINGLE FAMILY RESIDENTIAL
  - PR-2- PLANNED MULTIFAMILY RESIDENTIAL
  - PO- PLANNED OFFICE
  - PI- PLANNED INDUSTRIAL
  - PNC- PLANNED NEIGHBORHOOD COMMERCIAL





TAB 2

**Exhibit 6.9.2.3.c.**  
**Revised Site Topographical Map**

[See Attached]



TAB 3

**Exhibit 6.9.2.4.a.**  
**Depiction and Legal Description of Remaining Undeveloped Land**

[See Attached]

1001 27th Street South  
 Birmingham, AL 35205  
 205.321.8100 | 205.321.8100  
 SCHOEL.COM

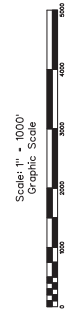
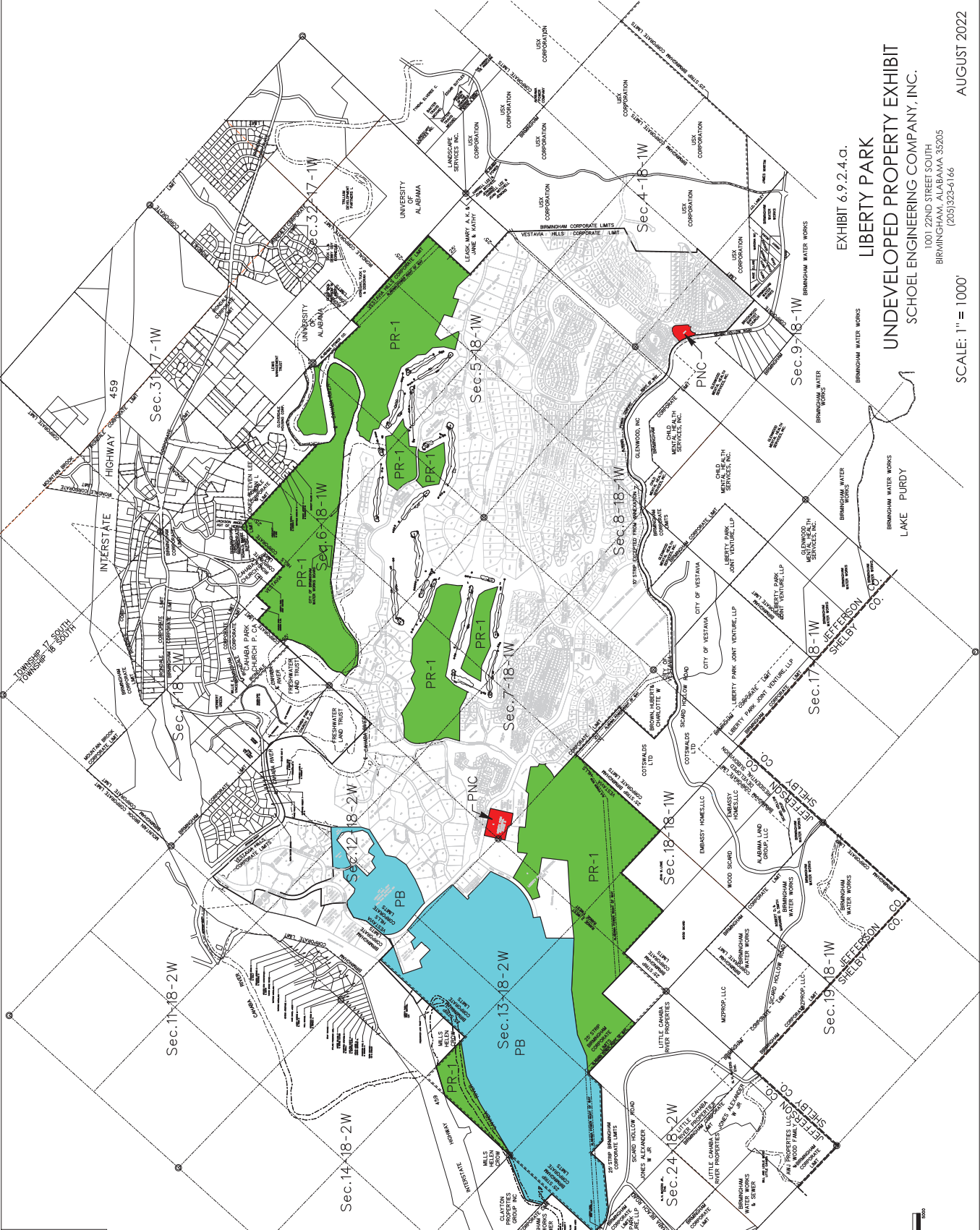


EXHIBIT 6.9.2.4.c.

**LIBERTY PARK**  
**UNDEVELOPED PROPERTY EXHIBIT**  
**SCHOEL ENGINEERING COMPANY, INC.**  
 1001 27th Street South  
 Birmingham, Alabama 35205  
 (205) 323-4166

SCALE: 1" = 1000'

AUGUST 2022



**EXHIBIT 6.9.2.4.a.**

**LEGAL DESCRIPTION  
LIBERTY PARK  
UNDEVELOPED PROPERTY**

Lot 1, Liberty Park Joint Venture Survey, as recorded in Map Book 256, Page 69 in the Probate Office of Jefferson County, Alabama.

Lot 1K, Corporate Woods Addition to Liberty Park Resurvey No. 6, as recorded in Map Book 248, Page 46 in the Probate Office of Jefferson County, Alabama.

Lot 1G-A and Lot 1G-B, Corporate Woods Addition to Liberty Park Resurvey No. 5, as recorded in Map Book 230, Page 52 in the Probate Office of Jefferson County, Alabama.

Lot 2, Liberty Park Commercial Phase 1, as recorded in Map Book 192, Page 63 in the Probate Office of Jefferson County, Alabama.

Lot 2, Liberty Park Commercial Phase 2, as recorded in Map Book 194, Page 25 in the Probate Office of Jefferson County, Alabama.

AND the following acreage, broken down by Section, Township and Range:

**Section 12, Township 18 South, Range 2 West**

That part of the Southwest 1/4 and the Southeast 1/4 being bounded on the North by Liberty Parkway, on the East by Lot 1-C, The Bray at Liberty Park Resurvey No. 1, as recorded in Map Book 252, Page 4 in the Probate Office of Jefferson County, Alabama, and bounded on the East by Iron Drive.

That part of the Southwest 1/4 bounded on the North by Liberty Parkway, bounded on the East by Highwall Drive, and bounded on the West by the Corporate Limits of the City of Birmingham.

### **Section 13, Township 18 South, Range 2 West**

The East 1/2 of the Northwest 1/4, less and except Lots 1-A, 1-B and 1-C, The Bray at Liberty Park Resurvey No. 1, as recorded in Map Book 252, Page 4 in the Probate Office of Jefferson County, Alabama, Highwall Drive, and that portion lying within the Corporate Limits of the City of Birmingham.

That part of the Northeast 1/4 being bounded on the North and East by Iron Drive, Lime Street, and South Liberty Road, and by Lot 3, Liberty Park Commercial Phase 1, as recorded in Map Book 192, Page 63 in the Probate Office of Jefferson County, Alabama. Also, that part of the Northeast 1/4 lying Southeast of said Lot 3, Liberty Park Commercial Phase 1.

The Southwest 1/4, less and except that portion lying within the right-of-way of Interstate Highway I-459 or lying within the Corporate Limits of the City of Birmingham.

The West 1/2 of the Southeast 1/4, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Northeast 1/4 of the Southeast 1/4.

The Northern 280 feet of the Southeast 1/4 of the Southeast 1/4, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Western 280 feet of the Southeast 1/4 of the Southeast 1/4, less and except that portion lying within the Corporate Limits of the City of Birmingham.

### **Section 23, Township 18 South, Range 2 West**

That part of the Northeast 1/4 of the Northeast 1/4 lying East of the Centerline of the Cahaba River.

### **Section 24, Township 18 South, Range 2 West**

The Northwest 1/4 of the Northwest 1/4, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Southwest 1/4 of the Northwest 1/4 lying Northwesterly of a line lying 325 Feet more or less Southeasterly of and parallel to the diagonal of said 1/4 - 1/4 Section, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Northeast 1/4 of the Northwest 1/4 lying Northwesterly of a line lying 325 Feet more or less Southeasterly of and parallel to the diagonal of said 1/4 - 1/4 Section, less and except that portion lying within the Corporate Limits of the City of Birmingham.

### **Section 5, Township 18 South, Range 1 West**

The West 1/2 of the Northeast 1/4 lying North of Old Overton River Estates First Sector, as recorded in Map Book 208, Page 53 and North of Lot 413-A, Old Overton River Estates First Sector Resurvey No. 1, as recorded in Map Book 244, Page 23, both in the Probate Office of Jefferson County, Alabama, less and except that portion lying within the Corporate Limits of the City of Birmingham. Also, that part of the Southwest 1/4 of the Northeast 1/4 lying between Lot 414 and Lot 413-A of the respective aforementioned record plats.

That part of the Northeast 1/4 lying North of the boundary of Old Overton Club Golf Course and East of the Cahaba River, less and except the North 200 feet, more or less, of the Northwest 1/4 of the Northwest 1/4 (owned by Alabama Power Company), less and except Lot 413-A, Old Overton River Estates First Sector Resurvey No. 1, as recorded in Map Book 244, Page 23 in the Probate Office of Jefferson County, Alabama, and less and except that portion lying within the Corporate Limits of the City of Birmingham.

That part of the Northwest 1/4 lying West of the centerline of the Cahaba River.

That part of the Southwest 1/4 of the Northwest 1/4 lying South and West of the boundary of Old Overton Club Golf Course.

That part of the West 1/2 of the Southwest 1/4 lying West of the boundary of Old Overton Club Golf Course, less and except that part lying within the right-of-way of Old Overton Club Drive.

### **Section 6, Township 18 South, Range 1 West**

That part of the Southeast 1/4 of the Northeast 1/4 being bounded on the North and West by the boundary of Old Overton Club Golf Course.

That part of the Southeast 1/4 of the Northeast 1/4 being bounded on the South by the boundary of Old Overton Club Golf Course and bounded on the North and West by the Cahaba River.

That part of the South 1/2 of the Northeast 1/4 lying North of the centerline of the Cahaba River, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Northeast 1/4 of the Northeast 1/4 lying South of the centerline of the Cahaba River, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Northwest 1/4 of the Northeast 1/4 lying East of the centerline of the Cahaba River, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Southeast 1/4 of the Northwest 1/4 Southeasterly of a line lying 850 feet, more or less, Northwesterly of the diagonal line of said 1/4 - 1/4, less and except that portion lying in the Corporate Limits of the City of Birmingham.

That part of the Southwest 1/4 lying North of the centerline of the Cahaba River, less and except a parcel being 400 feet by 400 feet, more or less, lying in the Northwest corner, and less and except that portion lying in the Corporate Limits of the City of Birmingham

That part of the Northwest 1/4 of the Northwest 1/4 lying North of the centerline of the Cahaba River.

That part of the East 1/2 of the Southeast 1/4 being bounded on the Northwest by the boundary of Old Overton Club Golf Course, bounded on the West by a Resurvey of Old Overton First Sector, as recorded in Map Book 182, Page 57 in the Probate Office of Jefferson County, Alabama, and bounded on the South by the boundary of Old Overton Club Golf Course, less and except that part lying within the right-of-way of Old Overton Club Drive.

### **Section 7, Township 18 South, Range 1 West**

That part of the Northwest 1/4 of the Northwest 1/4 lying North of the centerline of the Cahaba River.

That part of the Northwest 1/4 bounded on the Northwest by Old Overton Ridge Resurvey No. 3, as recorded in Map Book 180, Page 87 in the Probate Office of Jefferson County, Alabama, and the boundary line of Old Overton Club Golf Course, bounded on the Southeast by the boundary line of Old Overton Club Golf Course, Tartan Glen Resurvey No. 1, as recorded in Map Book 184, Page 7 and Tartan Glen, as recorded in Map Book 182, Page 44, both in the Probate Office of Jefferson County, Alabama, and bounded on the East by Old Overton Club Drive.

That part of the Southeast 1/4 of the Northwest 1/4 bounded on the North, West, and South by the boundary lines of Old Overton Club Golf Course.

Two parcels in the Northeast 1/4 both bounded on the Northwest, East, and Southeast by the boundary lines of Old Overton Club Golf Course.

That part of the North 1/2 of the Southwest 1/4 being bounded on the Southeast by Tartan Glen, as recorded in Map Book 182, Page 44 in the Probate Office of Jefferson County, Alabama, and on the Southwest by Old Overton Club Drive.

That part of the South 1/2 of the Southwest 1/4 being bounded on the Northwest by Amended Map Liberty Park Waste Water Treatment Plant Survey, as recorded in Map Book 237, Page 89 in the Probate Office of Jefferson County, Alabama, and by the boundary line of Willow Lake, bounded on the East by Lake Run Drive and by Vestlake Village First Sector - First Addition Resurvey No. 1, as recorded in Map Book 193, Page 47 in the Probate Office of Jefferson County, Alabama, less and except that portion lying within the Corporate Limits of the City of Birmingham.

### **Section 9, Township 18 South, Range 1 West**

That part of the Northwest 1/4 of the Northwest 1/4 bounded on the South by Sicard Hollow Road, bounded on the West by Liberty Park Lane, bounded on the Northeast by Provence Drive, and bounded on the East by Provence – Phase I, as recorded in Map Book 236, Page 40 in the Probate Office of Jefferson County, Alabama, less and except that portion lying within the Corporate Limits of the City of Birmingham.



**Section 18, Township 18 South, Range 1 West**

That part of the Northwest 1/4 bounded on the West and Northwest by Liberty Park Commercial Phase 1, as recorded in Map Book 192, Page 63, Liberty Park Commercial Phase 2, as recorded in Map Book 194, Page 25, and Amended Map Liberty Park Waste Water Treatment Plant Survey, as recorded in Map Book 237, Page 89, all in the Probate Office of Jefferson County, Alabama, less and except that portion lying within the Corporate Limits of the City of Birmingham.

The Northwest 1/4 of the Southwest 1/4, less and except that portion lying within the Corporate Limits of the City of Birmingham.





TAB 4

**Exhibit 6.9.2.4.h.**

**Proposed Open Space Network**

[See Attached]

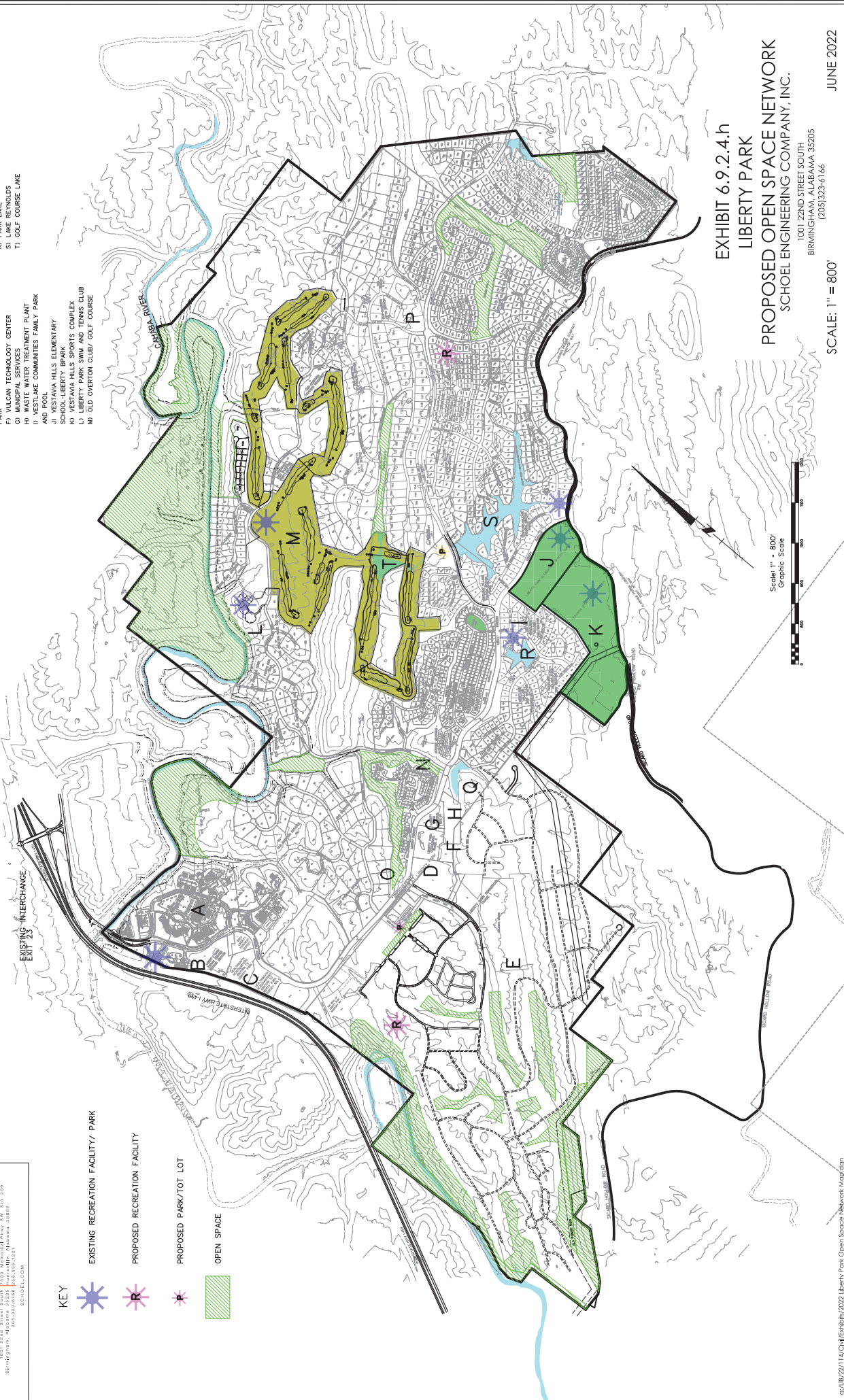
1100 27th Street South | 35208 Birmingham, Alabama  
 858-949-0000 | 205-323-4166 | 205-323-4167  
 SCHOBEL.COM

- KEY**
-  EXISTING RECREATION FACILITY / PARK
  -  PROPOSED RECREATION FACILITY
  -  PROPOSED PARK/TOT LOT
  -  OPEN SPACE

- LEGEND**
- A) THE URBAN CENTER AT LIBERTY PARK
  - B) FEDERAL RESERVE BANK OF ATLANTA
  - C) BAPTIST HEALTH SYSTEMS
  - D) LIBERTY PARK BAPTIST CHURCH
  - E) COLONIAL GRAND APARTMENTS AT LIBERTY PARK
  - F) MORGAN TECHNOLOGY CENTER
  - G) MUNICIPAL SERVICES
  - H) WASTE WATER TREATMENT PLANT AND POOL
  - I) VESTLAKE COMMUNITIES FAMILY PARK
  - J) VESTAVIA HILLS ELEMENTARY
  - K) VESTAVIA HILLS SPORTS COMPLEX
  - L) LIBERTY PARK SWIM AND TENNIS CLUB
  - M) OLD OVERTON CLUB/ GOLF COURSE

- N) GATE AT OLD OVERTON CLUB DRIVE- MAN ENTRANCE
- O) GATE AT FOUNDERS DRIVE
- P) FUTURE GATE
- Q) WILLOW GATE
- R) PARK LAKE
- S) GOLF COURSE
- T) GOLF COURSE LAKE

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND WILL BE UPDATED AS THE PROJECT DEVELOPS. ANY CHANGES OBTAINED UNDER THE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE.

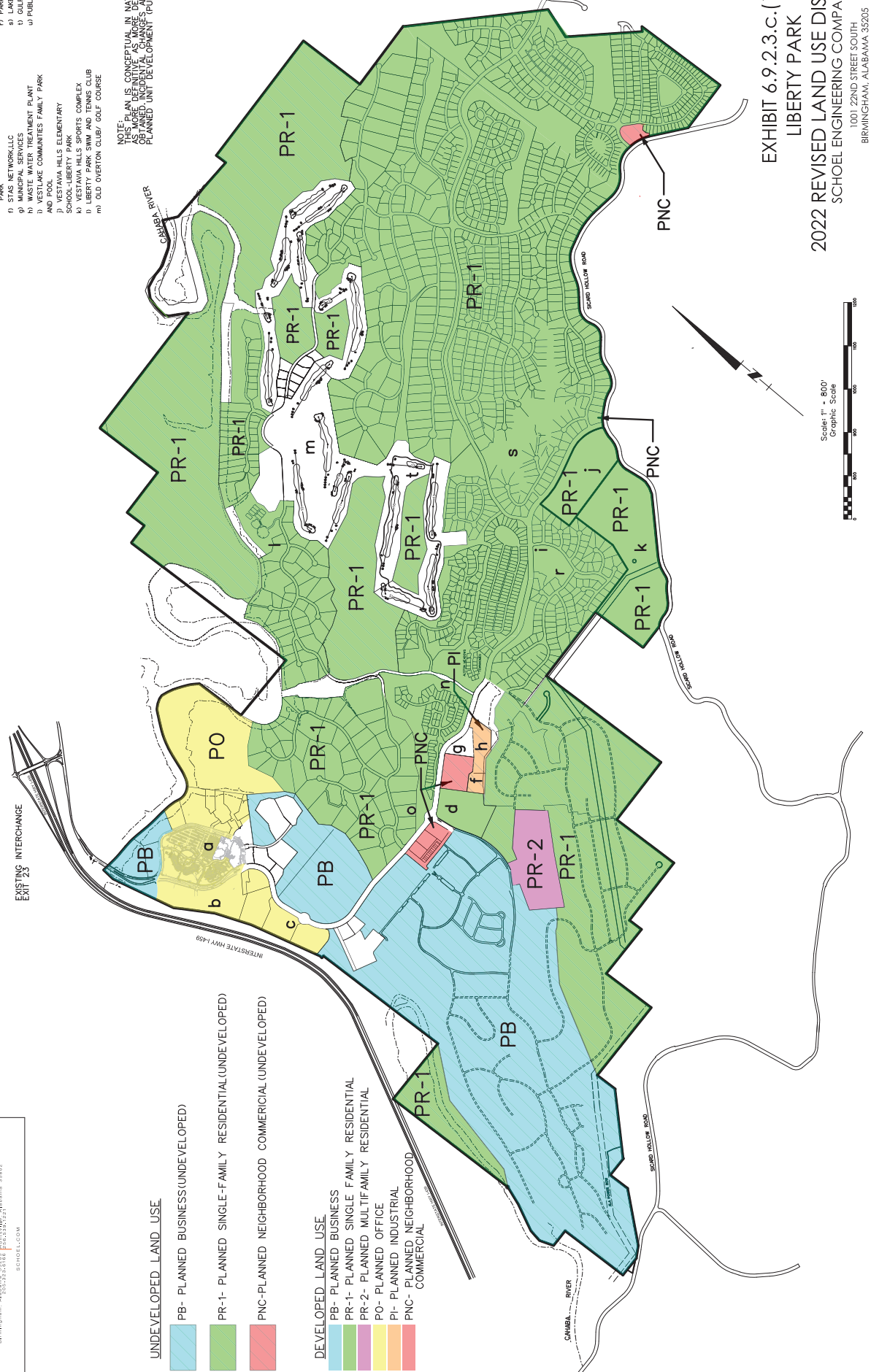


**EXHIBIT 6.9.2.4.h**  
**LIBERTY PARK**  
**PROPOSED OPEN SPACE NETWORK**  
 SCHEDEL ENGINEERING COMPANY, INC.  
 1001 22ND STREET SOUTH  
 BIRMINGHAM, ALABAMA 35205  
 (205)323-4166  
 SCALE: 1" = 800'  
 JUNE 2022

- LEGEND**
- a) THE URBAN CENTER AT LIBERTY PARK
  - b) FEDERAL RESERVE BANK OF ATLANTA
  - c) ENCOMPASS HEALTH
  - d) LIBERTY PARK BAPTIST CHURCH
  - e) LIBERTY PARK BAPTIST CHURCH
  - f) LIBERTY PARK BAPTIST CHURCH
  - g) LIBERTY PARK BAPTIST CHURCH
  - h) LIBERTY PARK BAPTIST CHURCH
  - i) LIBERTY PARK BAPTIST CHURCH
  - j) LIBERTY PARK BAPTIST CHURCH
  - k) LIBERTY PARK BAPTIST CHURCH
  - l) LIBERTY PARK BAPTIST CHURCH
  - m) LIBERTY PARK BAPTIST CHURCH
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  - p) LIBERTY PARK BAPTIST CHURCH
  - q) LIBERTY PARK BAPTIST CHURCH
  - r) LIBERTY PARK BAPTIST CHURCH
  - s) LIBERTY PARK BAPTIST CHURCH
  - t) LIBERTY PARK BAPTIST CHURCH
  - u) LIBERTY PARK BAPTIST CHURCH
  - v) LIBERTY PARK BAPTIST CHURCH
  - w) LIBERTY PARK BAPTIST CHURCH
  - x) LIBERTY PARK BAPTIST CHURCH
  - y) LIBERTY PARK BAPTIST CHURCH
  - z) LIBERTY PARK BAPTIST CHURCH

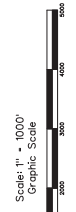
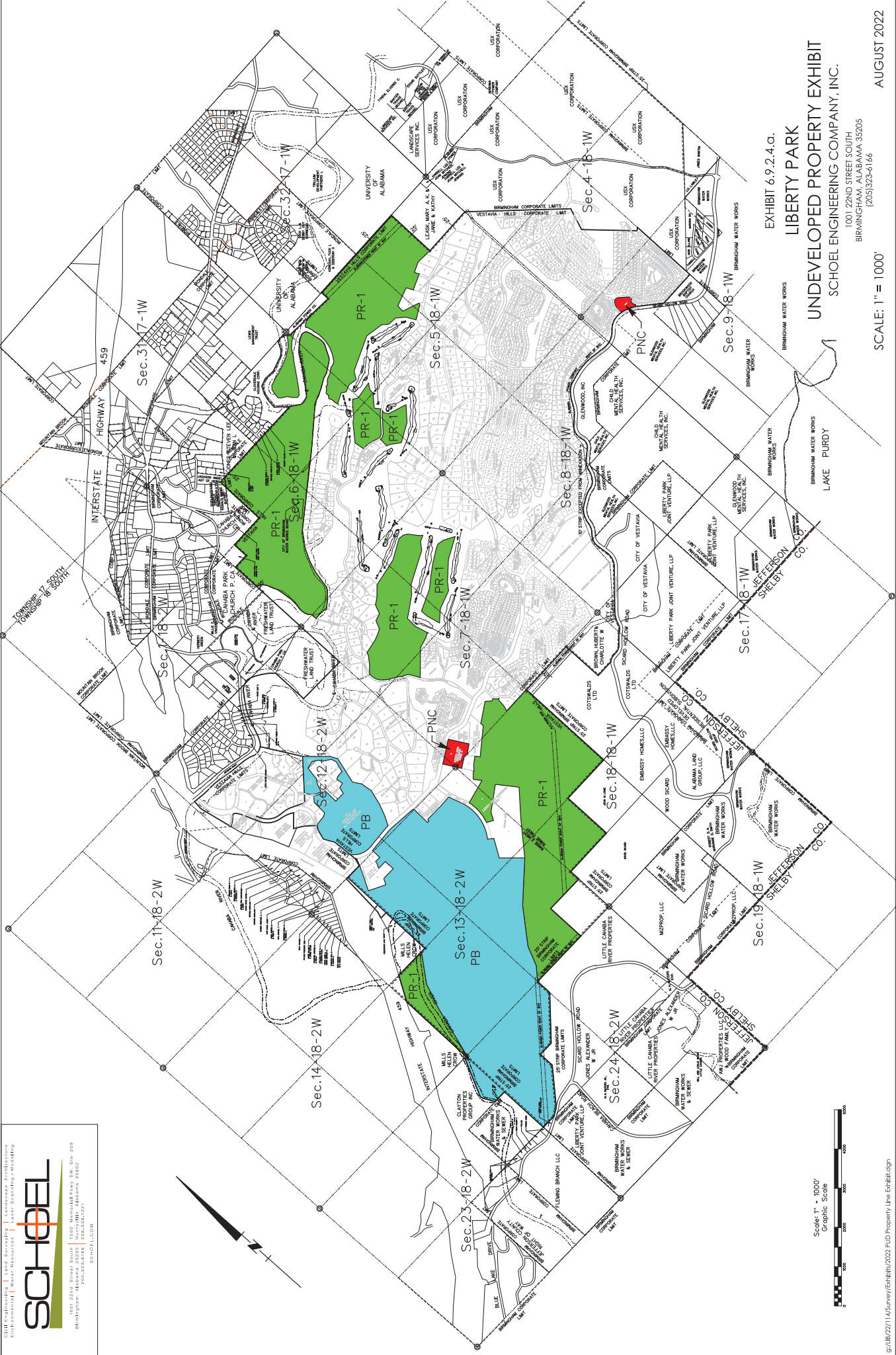
**NOTE:**  
 THIS PLAN IS CONCEPTUAL IN NATURE AND WILL BE UPDATED  
 AS MORE DEFINITIVE AS MORE DEFINITIVE INFORMATION IS  
 OBTAINED FOR THE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE.

- UNDEVELOPED LAND USE**
- PB- PLANNED BUSINESS (UNDEVELOPED)
  - PR-1- PLANNED SINGLE-FAMILY RESIDENTIAL (UNDEVELOPED)
  - PNC- PLANNED NEIGHBORHOOD COMMERCIAL (UNDEVELOPED)
- DEVELOPED LAND USE**
- PB- PLANNED BUSINESS
  - PR-1- PLANNED SINGLE FAMILY RESIDENTIAL
  - PR-2- PLANNED MULTIFAMILY RESIDENTIAL
  - PO- PLANNED OFFICE
  - PI- PLANNED INDUSTRIAL
  - PNC- PLANNED NEIGHBORHOOD COMMERCIAL





1001 27th Street South  
 Birmingham, AL 35205  
 205.323.6100 | 205.323.6100  
 SCHOEL.COM



Scale: 1" = 1000'  
Graphic Scale

EXHIBIT 6.9.2.4.c.

**LIBERTY PARK**  
**UNDEVELOPED PROPERTY EXHIBIT**  
**SCHOEL ENGINEERING COMPANY, INC.**  
 1001 27th Street South  
 Birmingham, Alabama 35205  
 (205) 323-6166

SCALE: 1" = 1000'

AUGUST 2022