

**ORDINANCE NUMBER 3123**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO APPROVE THE THIRD AMENDMENT TO PATCHWORK FARM PLANNED UNIT DEVELOPMENT ZONING APPLICATION AND DEVELOPMENT PLAN DATED JULY 12, 2022, TO INCREASE THE NUMBER OF ATTACHED DWELLING UNITS WITHIN CERTAIN PROPERTY WITHIN THE PATCHWORK FARM PLANNED UNIT DEVELOPMENT TO A MAXIMUM OF 37 UNITS**

**WHEREAS**, on February 23, 2009, the City Council of the City of Vestavia Hills, Alabama adopted and approved Ordinance Number 2253 to rezone 87 +/- acres known as Patchwork Farms pursuant to the Patchwork Farm Planned Unit Development Zoning Application Development Plan dated December 3, 2008 (revised 2/26/09) (the “Patchwork Farms PUD Plan”); and

**WHEREAS**, on September 14, 2014, the City Council adopted and approved Ordinance Number 2532 to adopt the First Amendment to the Patchwork Farms Planned Unit Development Plan dated July 10, 2014; and

**WHEREAS**, on November 26, 2018, the City Council adopted and approved Ordinance Number 2807 to adopt the Second Amendment to the Patchwork Farms Planned Unit Development Plan dated September 6, 2018; and

**WHEREAS**, a owner of property subject to the Patchwork Farms PUD Plan has filed a Third Amendment to the Patchwork Farms PUD Plan dated July 12, 2022 (the “Third Amendment”) requesting, but not limited to, the following:

- As a result of a property owner’s desire to construct thirty-seven (37) attached residential units on property described as Lots 5A and 5C, Patchwork Farms Lot 5 Resurvey Final Plat “Christopher Property”, as recorded in Map Book 241, Page 37, Probate Office of Jefferson County, Alabama, the maximum attached residential units density under the Patchwork Farms PUD Plan will require a 7-unit increase for a total of 37 dwelling units.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Third Amendment, a copy of which is marked as Exhibit B, attached to and incorporated into this Resolution, be, and hereby is approved by the City Council of the City of Vestavia Hills, Alabama.

**BE IT FURTHER ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended, be further amended so as to allow the following described real property (which is subject to the Patchwork Farms PUD Plan) to construct seven (7) additional single family attached units for a total of 37 dwelling units and that all necessary easements be recorded and a copy submitted to the Office of the City Clerk to be affixed to this Ordinance prior to effective date of this Ordinance:

Lots 5A and 5C, Patchwork Farms Lot 5 Resurvey Final Plat "Christopher Property"  
Christopher, LLC, owner(s); and

**APPROVED and ADOPTED** this the 26<sup>th</sup> day of September 2022.

  
Ashley C. Curry  
Mayor

ATTESTED BY:

  
Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance #3123 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 26<sup>th</sup> day of September 2022 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills, New Merkle House and Vestavia Hills Recreational Center this the 4<sup>th</sup> day of August, 2022.

  
Rebecca Leavings  
City Clerk



3.c. Plan. A Master Development Plan of the PUD and any maps necessary to show the following information: (applicable to this property only)

(1) The direction of north, appropriate scale and topography (in no greater than ten (10) feet contour intervals), waterways, flood plains, wetlands, forest cover and known areas of subsurface mining or environmental hazards;

We have provided a full site survey as prepared by Southern Point Surveying in July 2021.

(2) The location of the various land uses by PUD land use districts as listed in §6.9.5 hereof;

Lot 5C: Mixed Use

- Planned Business (Retail)
- Planned Single-Family Residential (Condos)

(3) The location of any existing and proposed public or private streets and streets, greenbelts, buffers, natural or man-made open spaces, schools, parks and community service areas within and adjacent to the project area; and

The project is located at the intersection of two public streets, Caldwell Mill Road and Healthy Way. We have provided a site survey for the Boundary and Topographic features performed by Southern Point Surveying in July 2021. The requested information is indicated in that survey.

(4) The location of any proposed gates for control of access on public and private streets.

There are no proposed gates for control of access to any public or private streets.

4. Planning Criteria.

4.a. A legal description of the total site proposed for the PUD;

Lots 5A and 5C, according to the Survey of the Patchwork Farms Resurvey of Lot 5 Final Plat, as recorded in Map Book 241, Page 37 in the Office of the Judge of Probate of Jefferson County, Alabama.

4.b. A general description of the surrounding area, including current zoning and/or land uses;

Patchwork Farms provides a unique destination serving to attract a mixture of retail, dining, residential, and commercial uses that will increase the available revenue base the City utilizes to support community services and schools. The 82+/- acre property is ideally suited to accommodate this diversity of uses when comprehensively planned in accordance with the Planned Unit Development Zoning Classification established pursuant to the City Code.

The base zoning districts for Patchwork Farms Parcels are reflected in the attached Exhibits and provide as follows:

<u>Land Use District</u>	<u>Gross Acreage (approximate)</u>
Planned Single Family (PR-1)	3.09 Acres
<u>Planned Business (PB)*</u>	<u>78.79 Acres</u>
Total	82.46 Acres

The buildings and uses within Patchwork Farms shall generally comply with the Zoning Code of the City of Vestavia Hills, Alabama, the Patchwork Farms Planned Unit Development Zoning Application and

Development Plan and the First Amendment thereto, the Patchwork Farms Commercial Declaration of Covenants, Conditions and Restrictions and any amendments thereto, as applicable, except as specifically set forth herein.

4.c. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the over-all community growth;

The Patchwork Farms Plan has been conceived in accordance with the following planning objectives:

- To advance the vision for Patchwork Farms as contemplated by the Patchwork Farms Charrette by (i) creating a mixture of retail, commercial, institutional, residential, and recreational uses that will contribute to the vitality of the City of Vestavia Hills as a whole, (ii) providing opportunities for recreation and community activity, (iii) providing infrastructure to support contemplated development, and (iv) enhancing the shopping, dining, and entertainment choices in the City.
- To reinforce the character and vision for Patchwork Farms as a pedestrian friendly, community-oriented destination, while incorporating flexibility in design and operation that is critical to attract and maintain a strong core of retail, restaurant, and commercial tenants.
- To cultivate a family-friendly environment through amenities such as green spaces, walking trails, sidewalks, and plazas that will encourage and invite leisurely strolls, dining, shopping, and community activities.
- To design, construct, and operate Patchwork Farms in a manner that is appropriate for its surroundings and that attempts to minimize the impacts on adjacent neighborhoods by focusing on transitions between uses, setbacks, topography, vegetation, screening, and green space.
- To reinforce the positive image that is enjoyed by City of Vestavia Hills, by emphasizing architectural quality, providing attractive and pedestrian oriented streetscapes, and by maintaining rich landscaping and green space.
- To provide for efficient traffic circulation within Patchwork Farms by introducing street, infrastructure, and parking improvements focused on convenience, accessibility, and ease of movement.
- To minimize disruptions to the community through the efficient sequencing and scheduling of construction activity intended to minimize the time necessary for project delivery.
- To employ the efficient and economical arrangement of buildings, lots, uses, circulation, and supporting infrastructure than would otherwise be feasible under the traditional zoning classifications.

4.d. Of the development is to be in phases or stages, a general discussion of how the phases or staging is to proceed and an estimated date when the PUD will begin;

Depending on a variety of factors, construction would begin in December 2022/January 2023 with an 18-22 month construction window. Condos and retail spaces will be pre-sold and pre-leased. Construction will begin with the residences and parking deck, followed by the Hotel. The development should be completed by summer of 2024.

4.e. General delineation of the various land use districts within the PUD, indicating for each such district its general size in terms of estimated total number of acres, with the exact boundaries of each such area to be determined by plat approved by the Commission;

Land Use District  
Planned Single Family (PR-1)

Gross Acreage (approximate)  
3.09 Acres

<u>Planned Business (PB)*</u>	<u>78.79 Acres</u>
Total	82.46 Acres

4.f. A calculation of the residential density in dwelling units per gross acre including interior roadways, and including maximum density in units per acre, and densities for all other land use districts within the PUD;

Residences at Alta 37 units on 2 acres – ~18.5 units per acre.

4.g. Development criteria which shall include:

(1) setbacks or other location methods, minimum finished floor areas, sign criteria, building heights, off-street parking requirements for each proposed land use district, and/or any other development criteria which the applicant may propose,

Lot frontage along Healthy Way has a 5'-0" utility easement that will be maintained. 20'-0" Sanitary Sewer Easement straddling lots 5A and 5C shall be maintained. Building Heights may not exceed ten (10) stories as following regulations for Planned Office (PO) – per email exchange with Rebecca Leavings and Jack Wakefield in January of 2020. Off-street parking demands to follow typical demands for each use (within the mixed-use facilities) to be accommodated by new Parking Deck structure and new on-street parking between lots. No minimum finished floor areas. Signage to be integrated with landscape design or building design.

(2) a general discussion of loading areas, greenbelts and buffers;

Loading areas to be minimal – only to service the Hotel back of house and a possible adaptation to a pair of parking spaces along Healthy Way for future commercial tenancy. 5'-0" landscape buffers along property lines to be maintained on either side and in the front of each lot. Medjet parking that extends into either lot's rear will be maintained and utilized for the new development.

4.h. Proposed plans for open space;

No significant open space is proposed.

4.i. Availability and accessibility of transportation, water supply and sewage disposal to the property;

Existing roadways, water, and sewage from Healthy Way to be maintained and utilized by new development.

4.j. General statement regarding the ownership and maintenance of common areas and/or common open space;

There are two common areas related to the development of the hotel and condominiums: (1) the common areas within that property (shared by the hotel, retail, and condominiums), and (2) the common areas of the Patchworks PUD. For (1), the owners of the hotel, condominiums, and retail space will contribute to the common area maintenance ("CAM") on a prorata basis as part of the Master Declaration Agreement establishing the ownership entities. For (2), these same owners will be assessed their proportion of CAM by the Patchworks association according to the relative size of the new development and the existence of a structure, relative to the other entities within the Patchworks PUD.

4.k. Documentation of any protective and/or restrictive covenants, homeowner or business associations and architectural review committees, if any, and a discussion of their functions.

In connection with the preparation of schematic design documents for any building(s) or structure(s), the project owner shall, in accordance with the Patchwork Farms Conditions, Covenants, and Restrictions and City Code, submit preliminary plans (site plan, floor plans, elevations, lighting & landscaping, et. al) for review and approval by the Architectural Review Committee and Design Review Board ("Design Committee"). The respective entities shall review for compliance with the Design Standards and City Code, provide guidance as to required changes or modifications, if necessary for compliance, and ultimately provide notice of approval or rejection. Prior to commencing construction on any building, the project owner shall apply for a building permit in accordance with City Code. The zoning officer shall have the right to consult with the Design Committee to determine if the final plans comply with the Design Standards and approvals from the respective entities.

4.l. A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards;

Street and traffic signage to follow typical design for Vestavia Hills. Informational signage to be integrated into landscape design. A Master Signage Plan, created for the Patchwork Farms development, provides standards for street, way-finding, building, and monument signage. Project owners shall be required to submit proposed signage for review and approval by the Design Committee. Prior to erecting any sign or awning, each business within Patchwork Farms shall submit an application for a sign permit in accordance with City Code.

4.m. Any planned interim uses of any portion of the property;

A sales center installed on site to promote the condominiums and upcoming development.

4.n. A traffic study, if required by the City Engineer;

We have a civil engineer, Mark Gonzalez with Gonzalez Strength & Associates, to coordinate all roadway improvements and modifications. We have already presented a Site Plan to Christopher Brady and Lori Beth Kearley in May of 2021 outlining the scope of work.

4.o. Landscaping criteria;

Exterior areas to be developed complimentary to building design. Use of landscape walls, pedestrian courts, and multiple-use areas are encouraged.

4.p. Any proposed modification of existing subdivision regulations as applicable to the PUD.

Developer seeks an additional two (2) condominium units approved to achieve feasibility for the project.



**RESOLUTION NUMBER 5412**

**A RESOLUTION REAPPOINTING MEMBERS TO THE  
VESTAVIA HILLS DESIGN REVIEW BOARD**

**WHEREAS**, the Mayor has recommended the reappointment of Jeff Slaton to the Vestavia Hills Design Review Board in an memorandum dated September 14, 2022. A copy of said memorandum is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5412 as though written fully therein; and

**WHEREAS**, the Council concurs with the Mayor's recommendation.

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

1. Jeff Slaton is hereby reappointed to the Vestavia Hills Design Review Board effective immediately; and
2. Said appointment shall become effective on October 1, 2022 and shall expire on September 30, 2025; and
3. This Resolution Number 5412 shall become effective upon approval and adoption.

**APPROVED AND ADOPTED** this the 26<sup>th</sup> day of September, 2022.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



VESTAVIA HILLS  
MEMORANDUM

TO: Rebecca Leavings, City Clerk  
FROM: Ashley C. Curry, Mayor *acc*  
DATE: September 14, 2022  
RE: Reappointment to Design Review Board

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Jeff Slaton's term on the Design Review Board expires October 1, 2022. I would like to recommend Jeff Slaton be reappointed for a three year term which will expire on October 1, 2025.

Thank you.