

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

FEBRUARY 9, 2017

6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: January 12, 2017

Final Plats

(1) **Consent Agenda:**

- A. **P-0217-05** AVCC, LLC Is Requesting **Final Plat Approval For Resurvey of Lots 11, 12, 27, and 28 Altadena Ridge.** The Purpose For This Request Is To Clarify Easements. The Property Is Owned By AVCC, LLC and Is Zoned Vestavia Hills R-9.

Time of Adjournment.

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION
MINUTES
JANUARY 12, 2017
6:00 P.M.

The Planning and Zoning Commission of the City of Vestavia Hills met in regular session on this date at 6:00 P.M. following posting/publication as required by Alabama law. The roll was called with the following:

MEMBERS PRESENT:

Lyle Larson, Chairman
Cheryl Cobb
Fred Goodwin
Deloye Burrell
Greg Gilchrist
Blaine House
Rusty Weaver
Jim Brooks

MEMBERS ABSENT:

Brian Wolfe

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Christopher Brady, City Engineer

APPROVAL OF MINUTES

Mr. Larson stated that the minutes of the meeting of December 8, 2016 are presented for approval.

MOTION Motion to approve minutes as presented was by Mr. Gilchrist and second was by Mr. Burrell. Voice vote as follows:

Mr. Goodwin – yes
Mr. Brooks – yes
Mr. Goodwin – yes
Mr. Cobb – yes

Mr. Burrell – yes
Mr. Weaver – yes
Mr. Gilchrist – yes
Mr. Larson – yes

Motion carried

Consent Agenda/Final Plats:

- A. **P-0117-01** Liberty Park Joint Venture, LLP Is Requesting **Final Plat Approval For Liberty Park Town Village Commercial Subdivision**. The Purpose For This Request Is To Subdivide Acreage Into One Lot and To Amend The Zoning Boundry. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PR-1, PB, & PNC.

- B. **P-0117-03** Terry Sparks Is Requesting **Final Plat Approval For Lot 45 Beacon Hill Sparks Resurvey**. The Purpose For This Request Is To Resurvey Lot. The Property Is Owned By Terry Sparks and Is Zoned Vestavia Hills R-3.

- C. **P-0117-04** Jeff Gentry Is Requesting **Final Plat Approval For Gentry's Resurvey**. The Purpose For This Request Is To Resurvey Lot. The Property Is Owned By Jeff Gentry and Is Zoned Vestavia Hills R-2.

The Commission asked that item A be pulled for further discussion.

MOTION Mr. Gilchrist made a motion to recommend approval of items B & C. Second was by Mr. Burrell. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Burrell – yes
Mr. Brooks – yes	Mr. Weaver – yes
Mr. Goodwin – yes	Mr. Gilchrist – yes
Mr. Cobb – yes	Mr. Larson – yes
Motion carried	

Mr. Garrison explained the portion of the Liberty Park PUD that applied to this plat.

MOTION Mr. Gilchrist made a motion to recommend approval of item A. Second was by Mr. Burrell. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Burrell – yes
Mr. Brooks – yes	Mr. Weaver – yes
Mr. Goodwin – yes	Mr. Gilchrist – yes
Mr. Cobb – yes	Mr. Larson – yes
Motion carried	

Rezoning/Conditional Use Recommendations:

- (2) **P-1216-48** Edward Jones & Marion Jones and Bobby & Judy Long Are Requesting **Rezoning** for **4557 & 4553 Pine Tree Circle** from **Vestavia Hills R-1 to Vestavia Hills B-1** For The Purpose Of Commercial Development.

Mr. Garrison explained the background and location of the request and went over the conditions staff recommended for approval

Derek Waltchack discussed the rezoning plan, site layout and building design.

Mr. Larson opened the floor for a public hearing.

Jeffrey Roe, 4561 Pine Tree Cir. was concerned about drainage.

Mr. Waltchack and Mr. Brady affirmed the drainage plan.

Mr. Larson closed the public hearing and opened the floor for motion.

MOTION Mr. House made a motion to recommend rezoning approval of 4557 & 4553 Pine Tree Circle from Vestavia Hills R-1 to Vestavia Hills B-1 with the following conditions:

- A. Approval be conditioned on the site plan presented;
- B. Building height limited to two (2) stories;
- C. Buildings be designed in a residential style;
- D. Developers either build a sidewalk along their frontage or contribute to City sidewalk fund;
- E. Lots must be resurveyed and plat recorded for zoning to take effect;
- F. Private clubs, convenience stores, and fast food restaurants are prohibited.

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

Mr. Goodwin – yes	Mr. Burrell – yes
Mr. Gilchrist – yes	Mr. Weaver – yes
Mr. House – yes	Mr. Brooks – yes
Mrs. Cobb – yes	Mr. Larson – yes
Motion carried	

- (2) **P P-0117-02** Eric Eitzen Is Requesting **Rezoning Conditional Use Approval** For A Home Occupation Located At **517 Lake Colony Dr.** The

Property Is Owned By Eric Eitzen And Is Zoned Vestavia Hills PR-1.

Mr. Garrison explained the background and location of the request and went over the conditions staff recommended for approval

Eric Eitzen discussed the rezoning plan, site layout and building design.

Mr. Larson opened the floor for a public hearing. There being no one to address the Commission concerning this requests, Mr. Larson closed the public hearing and opened the floor for motions.

MOTION Mr. Gilchrist made a motion to recommend conditional use approval for a home occupation at 517 Lake Colony Dr.with the following conditions:

1. Home occupations shall be conducted only in the principal dwelling. No more than twenty-five (25) percent, up to 500 sq. ft., of the dwelling may be used for a home occupation.
2. There shall be no outdoor display or storage associated with the home occupation and no commodities shall be sold on the premises other than by phone, mail or internet. No goods shall be delivered to a purchaser on the premises.
3. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
4. No home occupation shall be permitted if it creates noise, odors, vibrations or traffic congestion, which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.
5. In order to be a permitted home occupation, the use must be one which is habitually, customarily, and commonly established as a reasonable incidental, accessory, subordinate and secondary use. The existing dwelling shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.
6. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle.
7. No persons other than members of the family residing on the premises shall be employed by the home occupation.
8. Home occupations shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

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

Mr. Goodwin – yes
Mr. Gilchrist – yes
Mr. House – yes

Mr. Burrell – yes
Mr. Weaver – yes
Mr. Brooks – yes

Mrs. Cobb – yes
Motion carried

Mr. Larson – yes

Conrad Garrison, City Planner

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

Date: **FEBRUARY 9, 2017**

- **CASE:** P-0217-05
- **REQUESTED ACTION:** Final Plat Approval For Resurvey of Lots 11, 12, 27, and 28 Altadena Ridge
- **ADDRESS/LOCATION:** Altadena Valley Country Club
- **APPLICANT/OWNER:** AVCC, LLC
- **REPRESENTING AGENT:** Engineering Design Group
- **GENERAL DISCUSSION:** Request is for final plat approval to amend sewer easement descriptions on lots 11-12 and 27-28. The wrong page numbers were previously recorded and this plat will correct those mistakes.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** Altadena Valley Country Club is not located on any land use plan within the City.
-
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

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

II. APPLICANT INFORMATION: (owner of property)

NAME: AVCC, LLC

ADDRESS: 3112 Bluelake Drive #100
Birmingham, AL 35243

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home _____ Office 205-982-2896

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Rodney Cunningham - Engineering Design Group

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Resurvey of Lots 11, 12, 27 and 28
Altadena Ridge, Mb. 244, Pg. 26
if additional information is needed, please attached full description of request

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

Situated in the SE 1/4 of Sec. 33, Township 18 South, Range 2 West

Altadena Ridge Drive

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

VI. ZONING/REZONING:

The above described property is presently zoned: R-9

VI. OWNER AFFIDAVIT:

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

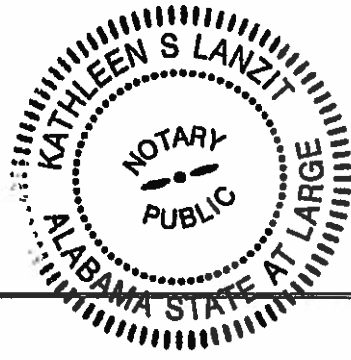
AVCC, LLC
by [Signature]
Owner Signature/Date
MEWZER

Representing Agent (if any)/date

Given under my hand and seal
this 22 day of December, 2016.

[Signature]
Notary Public

My commission expires 4
day of October, 2020.



RESURVEY OF LOTS 11, 12, 27 AND 28 ALTADENA RIDGE

BEING A RESURVEY OF ALTADENA RIDGE, AS RECORDED IN MB. 244, PG. 26, AS RECORDED IN JEFFERSON COUNTY, ALABAMA.

A SINGLE RESIDENTIAL SUBDIVISION
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 2 WEST,
JEFFERSON COUNTY, ALABAMA,

PURPOSE FOR RESURVEY:

CORRECT SEWER EASEMENT AND RECORDED DOCUMENTS SHOWN ON LOTS 11 AND 12 OF ALTADENA RIDGE, AS RECORDED IN MAP BOOK 244, PG. 26.

TO REMOVE SANITARY SEWER EASEMENT SHOWN ON LOTS 27 AND 28 OF ALTADENA RIDGE, AS RECORDED IN MAP BOOK 244, PG. 26.

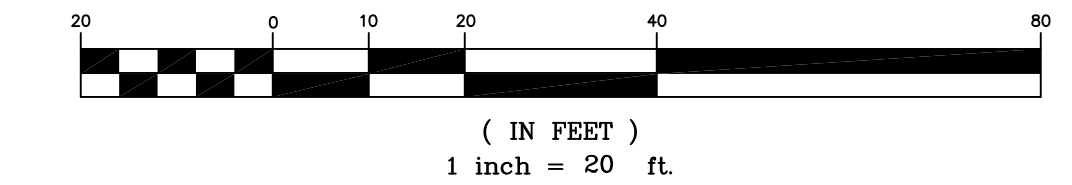
DEED BOOK 200001, PG. 8298 WAS CORRECTED BY DEED BOOK 200209, PG. 6954. THIS CORRECTION MOVED AND VACATED THE SEWER EASEMENT SHOWN ON LOTS 27 AND 28 OF ALTADENA RIDGE, AS RECORDED IN MAP BOOK 244, PAGE 26.

OWNER:
AVCC, LLC
3112 BLUELAKE DRIVE #100
BIRMINGHAM, AL 35243
(205) 982-2896
CONTACT: BROOKS HARRIS

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

ENGINEER:
ENGINEERING DESIGN GROUP, LLC
120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
(205) 403-9158
CONTACT: WADE LOWERY, P.E.

GRAPHIC SCALE



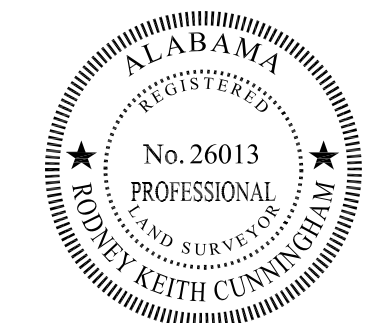
STATE OF ALABAMA
COUNTY OF JEFFERSON

THE UNDERSIGNED, RODNEY K. CUNNINGHAM, A REGISTERED LAND SURVEYOR, STATE OF ALABAMA, AND AVCC, LLC, OWNER, HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAT OR MAP WERE MADE AT THE INSTANCE OF SAID OWNER; THAT THIS PLAT OR MAP IS A TRUE AND CORRECT MAP OF LANDS SHOWN THEREIN AND KNOWN AS "RESURVEY OF LOTS 11, 12, 27 AND 28 ALTADENA RIDGE" SHOWING THE SUBDIVISIONS INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS, GIVING THE LENGTH, AND ANGLES OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, GIVING THE LENGTH, WIDTH AND NAME OF EACH STREET, AS WELL AS THE NUMBER OF EACH LOT AND BLOCK, SHOWING THE RELATIONS OF THE LANDS TO ALTADENA RIDGE, AS RECORDED IN MAP BOOK 244, PAGE 26, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA; AND THAT IRON PINS HAVE BEEN FOUND IRON OR SET AT ALL LOT CORNERS AND CURVE POINTS AS SHOWN AND DESIGNATED BY SMALL OPEN CIRCLES ON SAID PLAT OR MAP. SAID OWNER ALSO CERTIFIES THAT IT IS THE OWNER OF SAID LANDS AND THAT THE SAME IS NOT SUBJECT TO A MORTGAGE EXCEPT HELD BY REGIONS BANK.

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

SURVEYOR:

RODNEY K. CUNNINGHAM
ALABAMA LIC. NO. 26013

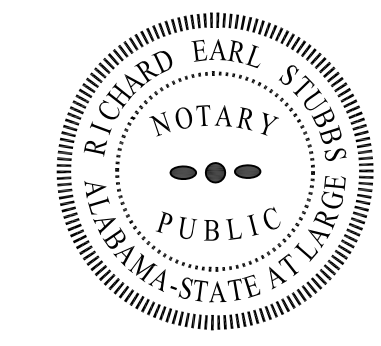


STATE OF ALABAMA
COUNTY OF SHELBY

I, RICHARD EARL STUBBS, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT RODNEY K. CUNNINGHAM, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, AND WHO IS KNOWN TO ME, ACKNOWLEDGE BEFORE ME ON THIS DATE THAT BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2017.

NOTARY PUBLIC MY COMMISSION EXPIRES FEB. 7, 2018



OWNER: AVCC, LLC

BY: J. BROOKS HARRIS - MEMBER

STATE OF ALABAMA
COUNTY OF _____

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT J. BROOKS HARRIS, WHOSE NAMES ARE SIGNED TO THE FOREGOING CERTIFICATE AS MEMBER OF AVCC, LLC, OWNER, AND WHO IS KNOWN TO ME, ACKNOWLEDGE BEFORE ME ON THIS DATE THAT BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, THEY EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2017.

NOTARY PUBLIC MY COMMISSION EXPIRES _____

MORTGAGEE: REGIONS BANK

BY: JESSICA NELSON - MANAGER

STATE OF ALABAMA
COUNTY OF _____

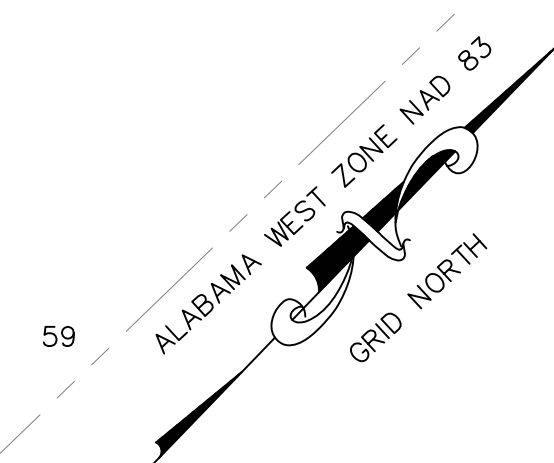
I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JESSICA NELSON, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS MANAGER OF REGIONS BANK, MORTGAGEE, AND WHO IS KNOWN TO ME, ACKNOWLEDGE BEFORE ME ON THIS DATE THAT BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2017.

NOTARY PUBLIC MY COMMISSION EXPIRES _____

NOTES

- NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAYS, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORD OF SAID COUNTY.
- ALL EASEMENTS AND RIGHT-OF-WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE OF HAVE BEEN SHOWN HEREON.
- ELEVATIONS OF ALL SANITARY LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF BUILDING TO BE SERVICES.
- CONTRACTOR AND/OR DEVELOPER ARE RESPONSIBLE FOR PROVIDING BUILDING SITES FREE OF DRAINAGE PROBLEM.
- NO FURTHER SUBDIVISION OF ANY PARCEL SHOWN HEREON SHALL BE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE CITY OF VESTAVIA PLANNING COMMISSION.
- ACCORDING TO THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR X, ALABAMA (COMMUNITY PANEL 01073C0586G, EFFECTIVE DATE 09/29/2006), AND (COMMUNITY PANEL 01117C0067E, AND 01117C0086E, EFFECTIVE DATE 02/20/2013) THIS SITE LIES WITHIN ZONE X, AND ZONE AE FLOODPLAIN.
- ZONING: R-9 SETBACKS: FRONT 10', SIDE MINIMUM OF 10' BETWEEN BUILDINGS, REAR 20'



APPROVED BY: _____ DATE: _____
CITY ENGINEER

APPROVED BY: _____ DATE: _____
VESTAVIA HILLS PLANNING & ZONING COMMISSION

APPROVED BY: _____ DATE: _____
MANAGER AND CITY CLERK

APPROVED IN FORMAT ONLY:

DIRECTOR OF ENVIRONMENTAL SERVICES DATE _____

ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT THIS DOCUMENT HAS BEEN REVIEWED FOR PROVISIONS OF FUTURE OR EXISTING SANITARY SEWERS; HOWEVER THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGE IN THE RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

REVISIONS	PROJECT: RESURVEY OF LOTS 11, 12, 27 AND 28 ALTADENA RIDGE
	TITLE: FINAL PLAT
DRAWN BY: MBA	CHECKED BY: RKC
PROJECT No.: HAR0003	DATE: January 3, 2017
SCALE: 1"=20'	
120 BISHOP CIRCLE, SUITE 300 PELHAM, AL 35124 TEL - (205) 403-9158 FAX - (205) 403-9175	
 ENGINEERING DESIGN GROUP, LLC CIVIL ENGINEERING • LAND SURVEYING (205) 403-9158	
SHEET NO.	1 OF 2