CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA
JANUARY 10, 2019
6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: December 13, 2018

Final Plats

Consent Agenda

(1) P-1218-57 Suzanne Mosley Is Requesting Final Plat Approval For Resurvey of Lot 76 of Nicholls Canyon Subdivision on Woodlane Circle. The Purpose for This Request Is to Subdivide Lot Into four Lots. The Property Is Owned By Suzanne Mosley and Is Zoned Vestavia Hills R-2.

(2) P-1218-60 Wedgworth Reality, Inc. Is Requesting Final Plat Approval For Resurveying of Walnut Hill Subdivision. The Purpose for This Request Is to Resurvey Lot at 1644 Shades Crest Road Into Thirteen Single Family Residential Lots. The Property Is Owned By Wedgworth Reality, Inc. and Is Zoned Vestavia Hills R-2.

Rezoning/Conditional Use Recommendations


(4) P-0119-02 Village Gardens, LLC Is Requesting Rezoning for 3945 Crosshaven Dr., 3955 & 3959 Wall St. from Vestavia Hills R-4 to Vestavia Hills B-2 For The Purpose Of New Commercial Development.
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: Erica Barnes, Chair
Blaine House, Vice-Chair
Fred Goodwin
Cheryl Cobb
Johnathan Romeo
Greg Gilchrist

MEMBERS ABSENT: Rusty Weaver
Lyle Larson
Hasting Sykes

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner
Christopher Brady, City Engineer

APPROVAL OF MINUTES

Mr. Larson stated that the minutes of the meeting November 8, 2018 are presented for approval.

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

Mr. Goodwin – yes
Mr. Romeo – yes
Mr. House – yes
Mr. Gilchrist – yes
Ms. Cobb – yes
Mrs. Barnes – yes

Motion carried.

Final Plats

Consent Agenda
City of Vestavia Hills Is Requesting Final Plat Approval For Resurvey of Lot at 1290 Montgomery Hwy. The Purpose for This Request Is to Resurvey Existing Lots. The Property Is Owned By the City of Vestavia and Is Zoned Vestavia Hills B-2.

Overton Village Condos, LLC Is Requesting Final Plat Approval For Resurvey Of Lot 1 of Overton Village. The Purpose for This Request Is to Subdivide Lot 1 Into two Lots. The Property Is Owned By Overton Village Condos, LLC and Is Zoned Vestavia Hills B-2.

MOTION Mr. Gilchrist made a motion to approve P-1218-58 & P-1218-59. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes
Mr. Romeo – yes Ms. Cobb – yes
Mr. House – yes Mrs. Barnes – yes
Motion carried.

Rezoning/Conditional Use Recommendations:

Annexations

P-1218-50 Barbara French Is Requesting Rezoning for 3421 Coventry Drive from Jefferson County R-1 to Vestavia Hills R-2 For The Purpose Of Annexation

P-1218-51 Alan & Patricia Foster Are Requesting Rezoning for 3531 Valley Circle from Jefferson County R-1 to Vestavia Hills R-2 For The Purpose Of Annexation

P-1218-52 Jason Sparks Is Requesting Rezoning for 2532 Skyland Drive from Jefferson County R-1 to Vestavia Hills R-2 For The Purpose Of Annexation

Mr. Garrison explained the background and location of the requests and stated the City was obligated to approve these rezoings.

Mrs. Barnes opened the floor for a public hearing. There being no one to address the Commission concerning this request, Mrs. Barnes closed the public hearing and opened the floor for motions.

MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 3421 Coventry Drive from Jefferson County R-1 to Vestavia Hills R-2. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes
Mr. Romeo – yes Ms. Cobb – yes
Mr. House – yes Mrs. Barnes – yes
Motion carried.

MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 3531 Valley Circle from Jefferson County R-1 to Vestavia Hills R-2. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes
Mr. Romeo – yes Ms. Cobb – yes
Mr. House – yes Mrs. Barnes – yes

Motion carried.

MOTION Mr. Gilchrist made a motion to recommend rezoning approval for 2532 Skyland Drive from Jefferson County R-1 to Vestavia Hills R-2. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes
Mr. Romeo – yes Ms. Cobb – yes
Mr. House – yes Mrs. Barnes – yes

Motion carried.


Mr. Garrison explained the background of the request and stated since both projects are adjacent and somewhat similar.

Charles Kessler, the applicant for Fairhaven Dr. spoke first. He stated that there would be seven townhomes split between the two lots. He stated he developed much of the surrounding property and feels that this project would be complimentary. Additionally, the lots have a senior living center in-between and not compatible for single family development.

Marc Pearlman, applicant for Poe Dr. stated this townhome project would tie-in to an adjacent condo project in Mountain Brook and would allow for greater connectivity between Poe Dr. and Fairhaven Dr.

Ms. Barnes opened the floor for a public hearing.

Karl & Sophia Moor, 316 Overton Cove, spoke in opposition due to construction concerns and road conditions.

Jon Hinds, 3794 Poe Dr., spoke and was concerned about traffic.
Brad Livingston, 3776 Fairhaven Dr., was concerned about traffic.

Chandiwala Hafiz, 3787 Poe Dr., was concerned about traffic and density.

Craig Huger, 3774 Fairhaven Dr., spoke in support.

Brad Livingston, 3776 Fairhaven Dr., was concerned about traffic.

Ben Bradley, 3760 Crosshaven Dr., was concerned about run-off.

Julie McDonald, 3794 Fairhaven Dr., asked why single family home could not be constructed.

Ms. Barnes closed the public hearing.

Mr. Kessler stated that property costs are too great to build single family housing.

Mr. Pearlman stated the traffic study showed no negative effects from his proposed development.

Mr. Brady gave an update on road improvements and stated the City generally not make improvements until construction has been completed.

Mr. Gilchrist stated that this was a good example of transitional development and zoning.

Mr. House stated that this has been the best plan presented for the neighborhood and will be an overall improvement.

Mrs. Barnes closed the public hearing and opened the floor for motions

**MOTION**  Mr. Gilchrist made a motion to recommend rezoning approval for 3771 & 3783 Fairhaven Drive from Vestavia Hills INST to Vestavia Hills R-9. Second was by Mr. House. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes  Mr. Gilchrist – yes
Mr. Romeo – yes  Ms. Cobb – yes
Mr. House – yes  Mrs. Barnes – yes

Motion carried.

**MOTION**  Mr. Gilchrist made a motion to recommend rezoning approval for 3791 Poe Drive from Vestavia Hills B-2 to Vestavia Hills R-9. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes  Mr. Gilchrist – yes
Mr. Romeo – yes  Ms. Cobb – yes
Mr. House – yes  Mrs. Barnes – yes

Motion carried.

Conrad Garrison, City Planner
CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: DECEMBER 13, 2018

- **CASE:** P-1218-57
- **REQUESTED ACTION:** Final Plat Approval For Resurvey Of Lots 76 of Nicholls Canyon Subdivision.
- **ADDRESS/LOCATION:** Woodlane Circle
- **APPLICANT/OWNER:** Suzanne Moseley
- **REPRESENTING AGENT:** Mike Moseley

**GENERAL DISCUSSION:** Plat is to resurvey lot 76 into four lots (Lots 1, 2, 3, & 4). Lots will be accessed by a 40’ private street. Lot 2 & Lot 4 will have new fire line easements for turnarounds, while, all existing easements will remain. The existing house on Lot 3 will remain. Covenants for the private street are attached.

**VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium density residential.

**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: Suzanne R. Mosley as Trustee of the Linda M. Nicholls Management Trust FBO Suzanne R. Mosley

ADDRESS: 2709 Woodlane Circle, Vestavia Hills, AL 35216

MAILING ADDRESS (if different from above) 2553 Mountain Woods Drive, Vestavia Hills, AL 35216

PHONE NUMBER: Home 205.213.4280 Office Same

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Ralph C. Moseley

(Mike)

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Acquire approval for the subdivision of the existing 3.5 ac property into four lots

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

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

2709 Woodlane Circle, Vestavia Hills, AL 35216

Lot 76, Vestavia Forest, 3rd sector, Map book 43, Pg. 73

Property size: 314 feet X 367 feet. Acres: 3.5 ac.

2018 NOV 28 P 3:01

VI. ZONING/REZONING:

The above described property is presently zoned: R2

* We will maintain the current zoning
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.

Suzanne Moreley 11-28-18
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal this 28th day of Nov., 2018.

Sandra H. Duggan
Notary Public

My commission expires 3rd day of Mar., 2020.
Nicholls Canyon Subdivision

Being a Resurvey of Lot 76, VESTAVIA FOREST THIRD SECTOR, recorded in Map Book 43, Page 73 in the Office of the Judge of Probate, Jefferson County, Alabama.

JOSEPH A. MILLER, III
PELS 17054
M.T.M.
ENGINEERS, INC.
2217 10th Ct. So.
Bham, Al. 35205

1" = 200'

November 27th, 2018
KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS, O. L. STEPHENSON PROPERTIES, INC., a corporation, is the owner of the following described lots and parcels of land lying and being in Jefferson County, Alabama:

Lots 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, Lot 120, 121, 122, 123, 124, 125 in the Survey of VESTAVIA FOREST, Third Sector, located in Section 36, Township 18 South, Range 2 West. Map of which is recorded in Map Book 43, Page 73 in the Probate Office of Jefferson County, Alabama.

WHEREAS, the said corporation is desirous of establishing certain building restrictions and limitations applicable to all lots in said survey;

NOW THEREFORE, the undersigned does hereby adopt the following building restrictions and limitations which shall be applicable to all lots in said Survey of Vestavia Forest, Second Sector, which building restrictions and limitations are as follows:

LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

ARCHITECTURAL CONTROL. No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. The Committee shall have the power to alter setback lines on corner lots and other irregularly shaped lots when in its judgment such exception would not adversely affect the value of adjoining property or conflict with Zoning Regulations. Approval shall be as provided in Section entitled "Architectural Control Committee."

DWELLING COST, QUALITY AND SIZE. No dwelling shall be permitted on any lot at a cost of less than $16,000 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1500 square feet for a one-story dwelling, nor less than 1900 square feet for a dwelling of more than one story.

BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to any side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 50 feet to the front lot line, or nearer than 50 feet to any side street line, except that the Architectural Control Committee may make certain exceptions as provided in Section entitled "Architectural Control." No building shall be located nearer than 15% of the width of the lot to an interior lot line, except that a 5-foot minimum side yard shall be permitted for a garage to other permitted accessory building located 50 feet or more from the minimum building setback line. No dwelling shall be located on any interior lot so that the rear yard would contain not less than 30% of the total lot area. For the purposes of this covenant, stairs, steps, and open porches shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 80 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 15,000 square feet.

BASEMENTS. Basements to each individual lot for installation and maintenance of utilities and drainage facilities are reserved on the rear eight feet of the lot and as shown on the recorded plat, plus an adjacent twelve foot strip three feet wide on
each side lot line where overhead guys are necessary. The granting of this easement or right of access shall not prevent the use of the area by the owner for any permitted purpose except for buildings. A right of pedestrian access by way of a driveway or open lawn area shall also be granted on each lot, from the front lot line to the rear lot line, to any utility company having an installation in the easement.

NOISINESS. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

LIVESTOCK AND Poultry. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

SEWAGE DISPOSAL. No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of both state and local public health authorities. Approval of such system as installed shall be obtained from such authority.

SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 50 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

LAND NEAR PARKS AND WATER COURSES. No building shall be placed nor shall any material or refuse be placed or stored on any lot within 20 feet of the property line of any park or edge of any open water course, except that clean fill may be placed nearer if provided that the natural water course is not altered or blocked by such fill.

ARCHITECTURAL CONTROL COMMITTEE:

The architectural control committee is composed of the following:

Jack P. Stephenson, John G. Darber, John O. Russell,
Lil North 21st Street, Birmingham, Alabama.

A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor.
Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then-record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

PROCEDURE. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

GENERAL PROVISIONS

TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

RESPONSIBILITY. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the said O. L. Stephenson Properties, Inc., a corporation, by Jack F. Stephenson, its President, who is duly authorized to execute this instrument, has hereto set its signature and corporate seal, this the 30th day of September, 1955.

O. L. STEPHENSON PROPERTIES, INC.

ATTEST:

[Signature]

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned Notary Public in and for said County in said State, hereby certify that Jack F. Stephenson, whose name as President of the O. L. Stephenson Properties, Inc., a corporation, is signed to the foregoing instrument, and who is known to me, acknowledge before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 30th day of September, 1955.

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

Date: DECEMBER 13, 2018

- **CASE:** P-1218-60

- **REQUESTED ACTION:** Final Plat Approval For Resurveying of Walnut Hill Subdivision.

- **ADDRESS/LOCATION:** 1644 Shades Crest Road

- **APPLICANT/OWNER:** Wedgworth Reality, Inc

- **REPRESENTING AGENT:** Michael W. Wedgworth

- **GENERAL DISCUSSION:** Plat is finalizing Walnut Hill rezoning/subdivision.

- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the plan for medium density residential.

- **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: Wedgworth Realty, In

ADDRESS: 4154 Crosshaven Drive

Birmingham, Alabama 35216

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home 205 365-4344 Office 205 379-6051

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:
Michael W. Wedgworth

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Final Record Map Approval

"Walnut Hill"

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

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

1644 Shades Crest Road

Property size: See Plat feet X feet. Acres: 5.02 Acres

VI. ZONING/REZONING:

The above described property is presently zoned: R-2
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.

Michael W Wedgworth

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 20th day of November, 2018.

[Signature]
Notary Public

October

My commission expires 10.

day of 25th, 2021.
CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: JANUARY 10, 2019

• CASE: P-0417-15

• REQUESTED ACTION: Conditional Use Approval for a home based business

• ADDRESS/LOCATION: 727 Hampden Place Circle

• APPLICANT/OWNER: Mary Teresa Yates

• GENERAL DISCUSSION: The applicant wishes to conduct a home based business in Liberty Park. As required by the Liberty Park PUD a conditional use permit is required for a home based business. A description of the applicant’s business, as well as an approval letter from Liberty Park is attached. The property is zoned PR-1.

• LIBERTY PARK MASTER PLAN: This request is consistent with the procedures of the Liberty Park PUD.

• STAFF REVIEW AND RECOMMENDATION:

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

  City Planner Recommendation: I recommend the Commission recommend approval 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.

2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.

3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.

4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.
CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

(1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.

(2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than 25 working days prior to the scheduled meeting at which it shall be considered. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which it shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.

(3) This application must be filled out in its entirety complete with zip codes.

(4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of $100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. **No permits will be issued until all fees have been paid.

(5) Appropriate plats and maps with proper legal description shall accompany this application. Please refer to attached checklist.

II. APPLICANT INFORMATION: (owner of property)

NAME: Mary Teresa Yates dba All About Advertising, LLC

ADDRESS: 727 Hampden Place Circle

Vestavia, AL 35242

MAILING ADDRESS (if different from above) SAME

PHONE NUMBER: Home 205-563-1750 Office 205-563-1750

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: N/A
III. ACTION REQUESTED

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

Current Zoning of Property: ________________________________________________________________

Requested Conditional use For the intended purpose of: _________________________________________

(Example: From “VH R-1” to “VH O-1” for office building)

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

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

_____________________________________________________________________________________

Property size: _________ feet X __________ feet. Acres: ___________________________

V. INFORMATION ATTACHED:

[ ] Attached Checklist complete with all required information.

[ ] Application fees submitted.

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

[Signature]
Owner Signature/Date 11-20-18

[Signature]
Representing Agent (if any)/date

Given under my hand and seal this ________ day of November, 2018.

[Signature]
Notary Public
My commission expires ________ day of ________, 20_____.

JAMIE JOHNSON
My Commission Expires July 14, 2020
November 12, 2018

Rebecca Leavings, City Clerk
City of Vestavia Hills
Vestavia Hills City Hall
Vestavia Hills, Alabama 35216

Re: M. Teresa Yates
727 Hampden Place Circle
Vestavia Hills, AL 35242

Dear Ms. Leavings:

We are writing in connection with the above matter. We understand Teresa Yates is in the process of applying for a conditional use within the PR-1 (Planned Single-Family Residential) classification of the Liberty Park PUD to allow him to conduct a home occupation as a consultant in his residence.

We have no objection to the granting of the conditional use to allow a home occupation in this case, provided such use is made subject to the following restrictions:

1. There shall be no customer, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
2. There shall be no pick ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick ups and deliveries by overnight courier services and pick ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

The foregoing restrictions are in keeping with the intent and spirit of the Liberty Park PUD and with the overall plan of development for Liberty Park as addressed in the Covenants, Conditions and Restrictions that are applicable to the subject property.

Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

If you have questions or comments regarding this matter, or if we can assist in any other way, please call me at 205-945-6459.

Very truly yours,

LIBERTY PARK JOINT VENTURE, LLP

By: [Signature]
Vice President
an Authorized Representative
CITY OF VESTAVIA HILLS, ALABAMA BUSINESS APPLICATION

The City Does Not Impose the Business License Tax in its Police Jurisdiction

Application Type: New X Owner Change ___ Name Change ___ Location Change ___

Legal Business Name: All About Advertising LLC

Trade Name: (if different from above) Promotional Products & Apparel

Type of Business: Firm

Business Activities: (Brief description - Retail clothing sales, contractor, specialty trade contractor, rental of industrial equip., computer consulting, etc) Sell promo/apparel items per customer order

Physical Address: 727 Hampden Place Circle, Vestavia AL 35242

Mailing Address: 727 Hampden Place Circle, Vestavia AL 35242


Name & Phone # for Contact Person (owner) M. Teresa Yates 205-563-1750

Email address for contact: tyates@allaboutadvertisingllc.com

Owner(s), Partners, or Officers (Attach separate sheet if necessary)

Name: M. Teresa Yates

Residence Address: 727 Hampden Place Circle, Vestavia AL 35242

SSN (if not publicly traded co.): 418.90.6049

Date Business Activity Initiated or Proposed in Vestavia Hills: 11-1-18  # of Employees in Vestavia Hills: Self

Date 10-31-18 Signature M. Teresa Yates Title Owner

THIS AREA FOR MUNICIPAL USE ONLY

NAICS # _____ # _____ # _____ # License Clerk:

PHYSICAL LOCATION: □ CITY □ POLICE JURISDICTION □ OUTSIDE CORP LIMITS & PJ

Tax Types: □ Sales/Seller's Use □ Consumer Use □ Rental □ Lodgings □ Alcohol

□ Occupational □ Tobacco □ Gas/Motor Fuel □ Business License

Tax Filing Frequency: □ Monthly □ Quarterly □ Annual □ Other

Business Type: □ Retail □ Wholesale □ Building Contractor □ Service □ Professional

□ Manufacturer □ Rental □ Other

Pan Eaton

Liberty Park: Sales Office 945-6401, 945-6458
OCCUPANCY RELEASE

To be completed by Owner:

Business Name: All About Advertising, LLC

Business Address: 727 Hampden Place Circle

Vestavia AL 35242

City State Zip

Type of Business: Promotional Products Apparel

***Home Occupations, Please Complete Page 4 of Application if located in City Limits***

To be completed by the City Clerk’s Office:

Current Zoning

Approved: Disapproved:

City Clerk/Zoning Inspector:

Comments:

To be completed by Building/Fire Department:

[ ] Business [ ] Mercantile [ ] Office [ ] Storage [ ] Assembly

[ ] Residential [ ] Institutional [ ] Education [ ] Industrial [ ] Other

Building Construction: Type: 1 2 3 4 5

Construction Required: Type: 1 2 3 4 5

Approved: Disapproved:

Building Official:

Fire Official:

Improvements Required:
HOME OCCUPATION INFORMATION

To be completed by owner:

Are you the primary resident in the home in which you will be conducting business: Yes

Are there any employees in your business? No

If yes, do the employees come to/go from your home? N/A

Do Customers come to/go from your home? No

Do you have inventory to be stored on-premise? Yes (only self promo items)

Do you have frequent and/or large deliveries to your home? No

Do you do any type of repair from your home? No

Does your business require any outdoor or large machinery (i.e. lawn mowers, etc)? No

If yes, where is this machinery stored when not in use? N/A

*** Please note, this home occupation questionnaire DOES NOT apply to residents of LIBERTY PARK. Home occupations in the residential areas of Liberty Park can only be approved by the Vestavia Hills City Council by Conditional Use Approval. For Details on Conditional Use Approval, please contact the Vestavia Hills City Clerk, 205-978-0131.

Signed: [Signature]
Owner of Business
CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: JANUARY 19, 2019

- **CASE:** P-0119-02
- **REQUESTED ACTION:** Rezoning From Vestavia Hills R-4 to Vestavia Hills B-2
- **ADDRESS/LOCATION:** 3945 Crosshaven Dr. & 3955 Wall St.
- **APPLICANT/OWNER:** Village Gardens, LLC
- **REPRESENTING AGENT:** Todd Rogers

**GENERAL DISCUSSION:** Applicant is seeking to rezone 3945 Crosshaven Dr. & 3955 Wall St. from Vestavia Hills R-4 to Vestavia Hills B-2 for a Chick-fil-A restaurant. A portion of the land of the land required is already zoned B-2 and is exempt from the request. The proposed request meets all the requirements for the B-2 zoning, including parking.

The project takes into account the expansion improvements on Crosshaven Dr. Additionally; CFA will be responsible for a left turn lane into the site as required by a traffic study. On the frontage facing Wall St., fencing and landscaping will buffer the edge with no access granted. Access to the Rite-Aid has been stubbed but will not be used at this time.

**CAHABA HEIGHTS COMMUNITY PLAN:** The plan calls for Retail/Mixed Use for the frontage along Crosshaven Dr. and for High Density Residential along Wall St. The request is less intense than what the plan call for along Wall St. since there will be no access granted.

**STAFF REVIEW AND RECOMMENDATION:**

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

   **City Planner Recommendation:** No recommendation

2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.

4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.
CITY OF VESTAVIA HILLS
APPLYING TO ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

1. The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.

2. All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than 25 working days prior to the scheduled meeting at which it shall be considered. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.

3. This application must be filled out in its entirety complete with zip codes.

4. All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of $100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. **No permits will be issued until all fees have been paid.

5. Appropriate plats and maps with proper legal description shall accompany this application. Please refer to attached checklist.

II. APPLICANT INFORMATION: (owner of property)

NAME: Village Gardens, LLC

ADDRESS: 2817 Cahaba Road, Mountain Brook, AL 35223

MAILING ADDRESS (if different from above) Corporate Property Services, Inc.

1239 E. Newport Center Drive, Suite 113, Deerfield Beach, FL 33442

PHONE NUMBER: Home Office 954-426-5144

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Kristen Ferrari, CPS Planning Manager (As Chick-fil-A, Inc./Lessee's Agent)
III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: R-4 (Medium Density Residential)

To: B-2 (General Business)

For the intended purpose of: Construct a fast food restaurant with drive-thru

(Example: From "VH R-1" to "VH O-1" for office building)
**if additional information is needed, please attached full description of request**

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

3949 Crosshaven Drive, Vestavia Hills, AL 35243

Property size: _______ feet X _______ feet. Acres: 1.60

V. INFORMATION ATTACHED:

☑ Attached Checklist complete with all required information.

☑ Application fees submitted.

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

[Signatures]

Owner Signature/Date

[Signature]

Representing Agent (if any)/date

[Signature]

Notary Public

Given under my hand and seal this 5 day of December, 2018.

[Signature]

Notary Public

My commission expires 23 day of Jan, 2019.
NOTE: ANY WORK OUTSIDE THE BOUNDARY (WITHIN THE ROW OF CROSSHAVEN DR.) SHALL BE CONSTRUCTED USING TRAFFIC DESIGN PLANS BY SAIN AND ASSOCIATES. CONCEPT ONLY SHOWN FOR DISCUSSION.
Subject Parcel
Mr. Garrison, we understand that you will pass along the following email to each commission member prior to the meeting on January 10:

Dear commission members,

We urge you not to rezone Wall Street on January 10, 2019.

A decision by the Planning and Zoning Commission to rezone Wall Street from residential to commercial would be a significant step with detrimental consequences for our neighborhood. We trust you will consider the following concerns:

1. Our hope was and remains that in due time— with your patience and vision—a builder will purchase the entire side of Wall Street at issue and build lovely homes as they’re now doing throughout Cahaba Heights! We were encouraged by such prospects when one dilapidated home on Wall Street was recently demolished. Rezoning, therefore, would eliminate any chance of residential developers enhancing our neighborhood and attracting others to reside in Cahaba Heights.

2. We appreciate your position and financial concerns but are confident that the City of Vestavia Hills can obtain comparable revenue on commercially zoned Crosshaven Drive (which runs parallel to Wall Street) in accordance with the Cahaba Heights Master Plan and without encroaching our valuable property. Five homes in our gated community of Westminster Lane back up to Wall Street. We, too, have financial concerns and have invested in the hope that Wall Street would always remain residential.

3. Neighbors were taken aback and saddened to learn when Zaxby’s was allowed to build on Crosshaven that “drive thru” fast food restaurants were acceptable to the commission. Many of us moved to Cahaba Heights from Mt. Brook and had believed it would one day resemble Crestline Village or Mt. Brook Village rather than Green Springs Highway.

Thank you for your consideration.

Joan and Henry Kendall
3931 Westminster Lane
(205) 968-6697
Conrad please print for file and advise
P&Z

Thanks

Sent from my iPhone

Begin forwarded message:

From: Lester Susan <susanjlester@yahoo.com>
Date: January 2, 2019 at 6:35:53 PM CST
To: rleavings@vhal.org
Subject: January 10, 2019 rezoning hearing

Ms. Leavings,

My name is Susan Lester and I am a resident of 2813 Cahaba Circle Vestavia Alabama, 35243. I received a certified mail notice in my mailbox last week regarding the rezoning of property between Cross Haven and Wall Street from residential to commercial. I am absolutely opposed to this rezoning. It does not fall inline with the 2008 development plan for Cahaba Heights, where Crosshaven is described as an image corridor. I don’t think anyone ever envisioned a series of drive-through window restaurants on Crosshaven. I don’t want it to become Green Springs Highway. Equally important is the traffic issue. If you’ve been to the Chick-fil-A on Highway 31 you would know that it can barely handle the traffic there, much less on a “widened” Crosshaven. It is especially important to protect Wall Street, which has residential areas on both sides.

Once again, I object to the rezoning. Thank you for your time.

Susan Lester

Sent from Yahoo Mail for iPad