CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION

AGENDA

SEPTEMBER 12, 2019
6:00 P.M.

Roll Call.

Pledge of Allegiance

Approval of Minutes: August 8, 2019

Preliminary Plats

(1) **P-0919-43** Liberty Park Joint Venture, LLP is requesting **Preliminary Plat Approval** for **Readjustment of Land Use Boundaries At Liberty Park**. The purpose for this request is to amend land use boundaries. The property is owned by Liberty Park Joint Venture, LLP and is zoned Vestavia Hills PR-1, PB, & PNC.

Final Plats

Consent Agenda

(2) **P-0918-42** Shealy Properties Investments is requesting **Final Plat Approval** for **Resurvey of the South Part of Lots 10 and 11 Block 1 of Map of First Addition to Shades Cahaba Estates**. The purpose for this request is to resurvey lot lines. The property is owned by Shealy Properties Investments and is zoned Vestavia Hills R-4.

(3) **P-0919-44** Liberty Park Joint Venture, LLP is requesting **Final Plat Approval** for **Liberty Park Town Village Commercial Subdivision No. 2 – Resurvey No. 2**. The purpose for this request is to subdivide one lot and right-of-way into twelve lots. The property is owned by Liberty Park Joint Venture, LLC and is zoned Vestavia Hills PB.

(3) **P-0919-45** Liberty Park Joint Venture, LLP is requesting **Final Plat Approval** for **The Bray At Liberty Park Easement Survey**. The purpose for this request is to dedicate easements for ingress, egress, & utilities. The property is owned by Liberty Park Joint Venture, LLC and is zoned Vestavia Hills PB.
CITY OF VESTAVIA HILLS

PLANNING AND ZONING COMMISSION

MINUTES

AUGUST 08, 2019

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: Erica Barnes, Chair
Lyle Larson
Greg Gilchrist
Mike Vercher
Jonathan Romeo
Rusty Weaver
Cheryl Cobb
Fred Goodwin

MEMBERS ABSENT: Hasting Sykes

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

APPROVAL OF MINUTES

Mrs. Barnes stated that the minutes of the meeting June 13, 2019; July 11, 2019 are presented for approval.

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

Mr. Goodwin – yes Mr. Vercher – yes
Mr. Romeo – yes Mr. Gilchrist – yes
Mr. Weaver – yes Ms. Cobb – yes
Mr. Larson – yes Mrs. Barnes – yes
Motion carried.

Final Plats
Consent Agenda

(1) P-0819-41 Liberty Park Joint Venture, LLC Is Requesting Final Plat Approval For Liberty Park Town Village Commercial Subdivision No. 2 – Resurvey No. 2. The Purpose for This Request Is to Subdivide One Lot Into Thirteen Lots. The Property Is Owned By Liberty Park Joint Venture, LLC and Is Zoned Vestavia Hills PB.

MOTION Mr. Gilchrist made a motion to approve item 1. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Romeo – yes
Mr. Gilchrist – yes Mr. Weaver – yes
Mr. Larson – yes Ms. Cobb – yes
Mr. Vercher – yes Mr. Sykes – yes
Mrs. Barnes – yes
Motion carried.

Rezoning/Conditional Use Recommendations:

P-0819-37 The Board Of Education Of Vestavia Hills Is Requesting Rezoning For 2647 Gresham Dr. from Jefferson County E-1 to Vestavia Hills Inst-1 For The Purpose Of Annexation.

Mr. Garrison explained the background of the request. He stated the property was purchased by the Board of Education to be part of the Board of Education property.

Mrs. Barnes opened the floor for a public hearing.

William Bowers stated he was an adjacent neighbor and stated he was concerned about buffering.

Mr. Garrison stated the Board of Education is immune from the requirements of local zoning ordinances.

Kim Gilmore spoke and stated she was upset with the first week or traffic.

A discussion ensued on the rights of the City to impose zoning regulations on Board of Education property. The Commission stated it’s concern about future use if the Board of Education no longer owned the property.

Mrs. Barnes closed the public hearing and opened the floor for a motion.

MOTION Mr. Weaver made a motion to recommend Rezoning from JC E-1 to Vestavia Hills-INST with the condition that the zoning revert to the compatible City zoning (Vestavia Hills E-2) if the property is no longer owned by the Vestavia Hills Board of Education for the property located At 2647 Gresham Drive. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:
Mr. Goodwin – yes  
Mr. Romeo – yes  
Mr. Weaver – yes  
Mr. Larson – yes  
Mr. Vercher – yes  
Mr. Gilchrist – yes  
Ms. Cobb – yes  
Mrs. Barnes – yes  
Motion carried.

**P-0819-39**  
Barbour Building, LLC Is Requesting **Rezoning** For 601 Vestavia Pkwy. from Jefferson County CP to Vestavia Hills O-2 For The Purpose Of Office Annexation.

Mr. Garrison explained the background of the request. He stated that when the property was annexed it was never properly rezoned.

Mrs. Barnes opened the floor for a public hearing.

Perry Towne stated he was an adjacent neighbor and asked if this was for a new building. Mrs. Barnes stated this was for the existing building.

Mrs. Barnes closed the public hearing and opened the floor for a motion.

**MOTION**  
Mr. Gilchrist made a motion to recommend Rezoning from JC-CP to Vestavia Hills O-2 with 3 Story Maximum Height Limit for the property located At 601 Vestavia Parkway. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes  
Mr. Romeo – yes  
Mr. Weaver – yes  
Mr. Larson – yes  
Mr. Vercher – yes  
Mr. Gilchrist – yes  
Ms. Cobb – yes  
Mrs. Barnes – yes  
Motion carried.

**P-0819-36**  

Mr. Garrison explained the background of the request. He stated that the request is for a new cell tower at SHAC.

Andy Rotenstreich presented the application to the Commission.

The Commission agreed that the proposal meets all requirements set forth in the Zoning Ordinance.

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 a motion.
MOTION  Mr. Gilchrist made a motion to recommend Conditional Use approval for a new wireless telecommunication facility with the condition that the easement must be recorded before conditional use is valid. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes  Mr. Vercher – yes
Mr. Romeo – yes  Mr. Gilchrist – yes
Mr. Weaver – yes  Ms. Cobb – yes
Mr. Larson – yes  Mrs. Barnes – yes
Motion carried.


Mr. Garrison explained the background of the request. He stated that the request is tear down and rezone the apartment building and construct single family homes.

Price Hightower was present and stated that his plan call for 11 single family homes.

Mr. Goodwin asked who would own the property and be responsible for maintenance. Mr. Hightower stated he would be,

Mrs. Barnes opened the floor for a public hearing.

Jennie Gable stated she lived behind the property and was concerned about drainage. Bart Carr, engineer for the applicant, explained the drainage plan and how the it should be approved. Mr. Brady concurred.

Robert De Buys spoke in opposition and stated the request doesn’t conform the Cahaba Heights Community Plan and is too dense.

A discussion ensued about zoning.

Mrs. Barnes closed the public hearing and opened the floor for a motion.

MOTION  Mr. Gilchrist made a motion to recommend Rezoning from Vestavia Hills R-5 to Vestavia Hills R-9 for the property located At 2961 Green Valley Rd. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes  Mr. Vercher – yes
Mr. Romeo – yes  Mr. Gilchrist – yes
Mr. Weaver – yes  Ms. Cobb – yes
Mr. Larson – yes  Mrs. Barnes – yes
Motion carried.
Mr. Garrison explained the background of the request. He stated that the parcel was one of the first to be rezoned in the Blue Lake area and have conditions attached (a two-story height limit and a shared parking agreement) that are no longer required.

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 a motion.

**MOTION** Mr. Gilchrist made a motion to amend Ordinance 2110, removing conditions 2 & 5, for the property located at 3100 Blue Lake Dr. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

- Mr. Goodwin – yes
- Mr. Romeo – yes
- Mr. Weaver – yes
- Mr. Larson – yes
- Mr. Vercher – yes
- Mr. Gilchrist – yes
- Ms. Cobb – 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: SEPTEMBER 12, 2019

- **CASE:** P-0919-43
- **REQUESTED ACTION:** Preliminary Plat Approval For Readjustment of Land Use Boundaries At Liberty Park
- **ADDRESS/LOCATION:** Liberty Pkwy. & South Liberty Rd.
- **APPLICANT/OWNER:** Liberty Park Joint Venture, LLP
- **REPRESENTING AGENT:** Schoel Engineering
- **GENERAL DISCUSSION:** Preliminary plat is to change land use for 1.81 acres from PR-1 to PNC; 35.79 acres from PR-1 to PB; 1.81 acres from PNC to PB; and 37.60 acres from PB to PR-1. The change is part of the new phases of Liberty Park and at the request of the new development group. The request is consistent and in accordance with the original annexation and zoning agreement and can be done by right.
- **LIBERTY PARK MASTER PLAN:** This request is consistent with the plan for Phase II.
- **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
PRELIMINARY MAP APPLICATION

II. APPLICANT INFORMATION: (owner of property)

NAME: Liberty Park Joint Venture, LLP

ADDRESS: 1000 Urban Center Drive, Suite 235

Vestavia, AL 35242

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home ______________ Office ______________

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

Schoel Engineering Company

III. ACTION REQUESTED

Preliminary Plat Approval

Explain reason for the request: Adjustment in land use boundaries

See attached exhibit

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

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

Property located in Section 13, 18S, 2W

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

VI. ZONING/REZONING:

The above described property is presently zoned: PB, PR-1 & PNC
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.

______________________________
Kenneth P. Dormett
Owner Signature/Date

______________________________
Representing Agent (If any)/Date

Given under my hand and seal this 19th day of August, 2019.

______________________________
Jennifer L. Yates
Notary Public

My commission expires 9th day of May, 2020.
CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: SEPTEMBER 12, 2019

• CASE: P-0919-42

• REQUESTED ACTION: Final Plat Approval For Resurvey of the South Part of Lots 10 and 11 Block 1 of Map of First Addition to Shades Cahaba Estates

• ADDRESS/LOCATION: 4133 North Cahaba Dr.

• APPLICANT/OWNER: Shealy Properties Investments

• GENERAL DISCUSSION: Plat was previously approved on 2/12/15 but never recorded. Applicant is changing the configuration of two lots. The lots will still conform to all zoning requirements with the new configuration. Property is zoned Vestavia Hills R-4.

• CAHABA HEIGHTS COMMUNITY PLAN: This request is consistent with the community plan for low/medium density.

• 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
PLANNING AND ZONING COMMISSION
FINAL MAP APPLICATION

II. APPLICANT INFORMATION: (owner of property)

NAME: Allen E. Shealy
ADDRESS: 4305 Fair Oaks Dr.
          Birmingham, AL 35213

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home 205 907 3008  Office 205 907 3008

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

III. ACTION REQUESTED

Final Plat Approval

Subdivision of this lot was approved about 5 yrs. ago and I didn't have
it recorded in the 6 months time frame.

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

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

Lot 11B on plat. At the intersection of
Cahaba Heights Rd and North Cahaba Dr.

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

VI. ZONING/REZONING:

The above described property is presently zoned: 

\[ R 4 \]
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.

[Signature]
Owner Signature/Date

Given under my hand and seal this 2nd day of August, 2019.

[Signature]
Notary Public

RESURVEY OF THE SOUTH PART OF LOTS 10 AND 11 BLOCK 1 OF MAP OF FIRST ADDITION TO SHADES CAHABA ESTATES
A SINGLE RESIDENTIAL SUBDIVISION SITUATED IN THE WEST 1/2 OF THE NW 1/4 OF SECTION 23 TOWNSHIP 18 SOUTH, RANGE 2 WEST, CITY OF WESTHAVIA HILLS, JEFFERSON COUNTY, ALABAMA

SCALE: 1" = 50'

LOFT 11A

LOFT 11B

CABABA HEIGHTS ROAD

CALHOUN CENTER

P0919-42//2800232011009.000
4133 North Cahaba Drive
Final Map
Allen Shealy
R4
CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: SEPTEMBER 6, 2019

- **CASE:** P-0919-44

- **REQUESTED ACTION:** Final Plat Approval To Resurvey Lot 4 of the Liberty Park Town Village

- **ADDRESS/LOCATION:** 3400 Lime Street

- **APPLICANT/OWNER:** Liberty Park Joint Venture, LLP

- **REPRESENTING AGENT:** Schoel Engineering Company, Inc.

- **GENERAL DISCUSSION:** Final Plat is to resurvey a lot in Liberty Park and subdivide it into 12 new lots. Plat was previously approved last month, however, while further developing building plans developer realized that the footprint needed some slight amendments. This development has been subjected to multiple Preliminary Plats to modify the zoning. Most recently, Lot 4 was rezoned from PNC to PR-1, pursuant to the townhome development. This resurvey completes the process for the development. There is an easement for storm drainage, utilities and sanitary sewer.

- **LIBERTY PARK MASTER PLAN:** This request is consistent with the plan for higher 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
II. APPLICANT INFORMATION: (owner of property)

NAME: Liberty Park Joint Venture, LLP

ADDRESS: 1000 Urban Center Drive, Suite 235

Vestavia, AL 35242

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home  Office

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

School Engineering Company, Inc.

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: Resurvey 1 existing lot and a portion of Lime Street into 12 new lots

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

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

Lot 4, Liberty Park Town Village Commercial Subdivision No. 2- Resurvey No. 1

Property size: _________ feet X _________ feet. Acres:

VI. ZONING/REZONING:

The above described property is presently zoned: __________________
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.

[Signature]
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal this 27th day of August, 2019.

[Signature]
Notary Public

My commission expires 9th day of May, 20

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

Date: SEPTEMBER 6, 2019  

• **CASE:** P-0919-45  

• **REQUESTED ACTION:** Final Plat Approval For The Bray At Liberty Park Easement Survey  

• **ADDRESS/LOCATION:** Liberty Pkwy  

• **APPLICANT/OWNER:** Liberty Park Joint Venture, LLP  

• **REPRESENTING AGENT:** Schoel Engineering Company, Inc.  

• **GENERAL DISCUSSION:** Final Plat is to dedicate easements for ingress, egress, and utilities. Easements are needed for the continued commercial development on Liberty Park.  

• **LIBERTY PARK MASTER PLAN:** This request is consistent with the plan for higher 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: Liberty Park Joint Venture, LLP

ADDRESS: 1000 Urban Center Drive, Suite 235
Vestavia, AL 35242

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home ______________ Office ______________

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:
Schoel Engineering Company, Inc.

III. ACTION REQUESTED

Final Plat Approval

Explain reason for the request: To dedicate easements for ingress, egress, and utilities

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

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

Property size: __________ feet X __________ feet. Acres:

VI. ZONING/REZONING:

The above described property is presently zoned: ____________________
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.

[Owner Signature/Date]

Representing Agent (if any)/date

Given under my hand and seal this 27th day of August, 2019.

[Notary Public]

My commission expires 9th day of May, 2020.