



**Vestavia Hills
Planning and Zoning Commission Agenda
July 13, 2023
6:00 PM**

1. Roll Call
2. Pledge Of Allegiance
3. Approval Of Minutes

Final Plats

Consent Agenda

Rezoning

4. RZ-23-8 The City of Vestavia Hills Is Requesting **Rezoning** For **2100, 2118, & 2198 Columbiana Rd.** from **JC C-1 to Vestavia Hills B-2** For Commercial Development.

SPECIAL NOTICE CONCERNING PLANNING AND ZONING MEETINGS

Due to the COVID-19 safety advice given by the ADPH, the P&Z Commission's meetings are available via video-conference and teleconference. If you choose not to attend in person, you may still participate. Following are instructions for options to participate remotely.

COMPUTER PARTICIPATION (view/participate in real time)

To participate in by videoconference, click <https://us02web.zoom.us/j/7970217974>. When the Zoom.us window opens in your browser, click "Allow" so that the page may open to a waiting room. The host will open the meeting and bring all into the meeting room at that time. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, activate the "Raise Hand" feature and unmute yourself by toggling the mute button. When the Chairman recognizes you and gives you the floor, state your name and address for the record and then you may address the Commission.

Using the icons on the Zoom screen, you can:

- Mute/unmute your microphone (far left)
- Turn on/off camera ("Start/Stop Video")
- View Participants – opens a pop-out screen that includes the "Raise Hand" icon that you may use to raise a virtual hand
- Change your screen name displayed in the participant list and video window
- Toggle between "speaker" and "gallery" views – "Speaker view" shows the active speaker; "Gallery view" tiles all of the meeting participants

TELEPHONE PARTICIPATION (view/participate in real time)

To participate by telephone, dial 312.626.6799 and enter the meeting ID: 7970217974. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, press *6 on your phone keypad to unmute yourself. Then state your name and wait for the Chairman to recognize you. When the Chairman recognizes you and gives you the floor, state your name and address for the record and then address the Council.

Zoom meetings may be recorded. By participating in the meeting, you are consenting to be recorded. Zoom-bombing is a cyber-crime and is punishable by law. In the event of an attendee intruding into any City of Vestavia Hills Zoom meeting, the online broadcast will be ended immediately. Council and/or board members may be readmitted but online attendees will not. Although Zoom-bombing is not a frequent occurrence, those wishing to make public comment should attend the meeting in person.

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION
MINUTES

JUNE 6, 2023

6:00 P.M.

The Planning & Zoning Commission of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the Commission digitally attending the meeting via remote computer locations utilizing a Zoom.com application. Staff and general public/audience members also were invited to attend via Zoom.com following publication pursuant to Alabama law. Chairman Vercher called the meeting to order and the City Planner called the roll with the following:

MEMBERS PRESENT:

Mike Vercher, Chairman
Ryan Farrell
Jonathan Romeo
Rusty Weaver
Rick Honeycutt
Lyle Larson
David Maluff

MEMBERS ABSENT:

Erica Barnes
Hasting Sykes

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Cinnamon McCulley, Asst. City Manager
Christopher Brady, City Engineer

**Appeared via Zoom*

APPROVAL OF MINUTES

Mr. Vercher stated that the minutes of the meeting May 11, 2023 are presented for approval.

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

Mr. Farrell – yes	Mr. Romeo – yes
Mr. Larson – yes	Mr. Weaver– yes
Mr. Honeycutt – yes	Mr. Maloof-yes
Mr. Vercher– yes	

Motion carried.

Rezoning

(1) **FP-23-7** Jessica Prier Is Requesting **Rezoning** For **709 Chestnut St.** from **Vestavia Hills R-2 to Vestavia Hills O-1** For Office Development.

Mr. Garrison explained the request was and stated staff had no issues.

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

MOTION Mr. Weaver made a motion to recommend Rezoning for 709 Chestnut St. from Vestavia Hills R-2 to Vestavia Hills O-1. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Farrell – yes	Mr. Romeo – yes
Mr. Larson – yes	Mr. Weaver– yes
Mr. Honeycutt – yes	Mr. Maloof-yes
Mr. Vercher– yes	

Motion carried.

5. Acceptance of **Highway 31 South Community Charrette & Master Plan Vision.**

Mr. Garrison explained the highlights of the plan and stated staff had no issues.

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

MOTION Mr. Weaver made a motion to adopt the Highway 31 South Community Charrette & Master Plan Vision. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Farrell – yes	Mr. Romeo – yes
Mr. Larson – yes	Mr. Weaver– yes
Mr. Honeycutt – yes	Mr. Maloof-yes
Mr. Vercher– yes	
Motion carried.	

Conrad Garrison, City Planner



VESTAVIA HILLS

Planning and Zoning Commission Planners Report

MEETING DATE

July 13, 2023

AGENDA ITEM

RZ-23-8 The City of Vestavia Hills Is Requesting **Rezoning** For **2100, 2118, & 2198 Columbiana Rd.** from **JC C-1 to Vestavia Hills B-2** For Commercial Development.

BACKGROUND

City is correcting an incorrect legal description when the property was originally zoned in 1996. Mistake was discovered during a purchase/sale agreement of property. No additional changes are being made.

PLANNER'S REVIEW/RECOMMENDATION

ATTACHMENTS

1. app
2. Columbiana_Crossings_Agreement_Thu_Jun_8_2023_13-44-04
3. Original_Ordinance_Tue_Jun_13_2023_08-53-37
4. Map
5. comp
6. zoning

Conrad Garrison
City Planner

From Existing Zoning Classification

C-1

To Requested Zoning Classification

B-2

For the Intended Purpose of:

Compatible rezoning clean up from the past. The originally approved rezoning was approved with an incorrect legal description. This rezoning cleans up the zoning ordinance with the correct legal description for the Columbiana Crossings Shopping Center.

Acreage of Subject Property

8.27

Acreage of Property to be Disturbed

0

Setbacks**Front**

--

Back

--

Side

--

Open Space

--

Lot Coverage Percentage

--

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

true

Owner Information

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

Property Owner Name

Victory Vision, LLC (2198 Columbiana Rd); Sugar Enterprises LLC (2118 Columbiana Rd), & Gardendale Development Group LLC (2100 Columbiana Rd)

Company Name

--

Owner Address City State Zip

2100, 2118, & 2198 Columbiana Road, Vestavia Hills, AL 35216

Owner's Phone Number

205 266-8228, 205-930-5123, & 205-212-8798

Email Address of Owner

salvarez884@gmail.com, joseph.bluestein@dentons.com, mlemak@meremhealth.com

By checking this box, I hereby affirm that I am the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case. If no authorization is provided, this application cannot be processed.

true

Owner Representative/Responsible Party

--

Company Name

--

Contact Email of Responsible Party

--

Mailing Address of Responsible Party

--

Phone No. of Responsible Party

--

Email Address of Responsible Party

--

Project Engineer Information (if applicable)

Name

--

Company

--

Mailing Address

--

Phone Number

--

Email

--

STATE OF ALABAMA

JEFFERSON COUNTY

AGREEMENT

WITNESSETH THIS AGREEMENT, made and entered into on this the 20th day of February, 1989, by and between Sentry Partners, I, and Stoney Brook Plaza Associates, a Delaware limited partnership, hereinafter referred to as "Property Owners", and the City of Vestavia Hills, Alabama, a municipal corporation, hereinafter referred to as "City".

WITNESSETH THESE RECITALS:

WHEREAS, the Property Owners presently own the real estate and improvements situated in Jefferson County, Alabama, along Columbiana Road, which said property is contiguous to the corporate limits of the City of Vestavia Hills, Alabama, and is commonly referred to as the "Columbiana Crossing Shopping Center property"; and

WHEREAS, Sentry Partners, I is the owner of a large portion of the Columbiana Crossing Shopping Center property, which said parcel is more particularly described as follows:

Part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 18 South, Range 3 West, Jefferson County, Alabama lying West of Columbiana Road and being more particularly described as follows: Commence at the Southwest Corner of said Section 25, said corner being the POINT OF BEGINNING; thence North along and with the West line of said Section 25, for a distance of 823.00 feet to a point; thence with a deflection of 90 degrees 00' 00" right, 587.18 feet to a point; thence with a deflection of 55 degrees 01' 25" left, 90.00 feet to a point; thence with a deflection of 90 degrees 00' 00" right, 36.00 feet to a point on the Northwesterly right of way margin of Columbiana Road, said point being 100 feet Northwesterly of said highway centerline; thence with a deflection of 90 degrees 00' 00" right, 144.91 feet along and with said right of way margin to a point, said point being 100 feet Northwesterly of said highway centerline; thence with a deflection of 05

degrees 22' 09" left, 106.87 feet along and with said right of way margin to a point, said point being 90 feet Northwesterly of said highway centerline; thence with a deflection of 03 degrees 56' 15" left, 257.66 feet along and with said right of way margin to a point, said point being 70 feet Northwesterly of said highway centerline; thence with a deflection of 07 degrees 53' 49" left, 104.99 feet along and with said right of way margin to a point, said point being 60 feet Northwesterly of said highway centerline; thence with a deflection of 03 degrees 17' 23" left to chord, along and with said right of way margin, said margin being in a curve to the left having a central angle of 13 degrees 30' 16", a radius of 1,492.7 feet, a chord length of 351.01 feet and an arc length of 351.82 feet to a point, said point being 60 feet Westerly of said highway centerline and on the south line of said Section 25; thence with a deflection from chord of 76 degrees 58' 01" right, along and with said South line of said Section 25 for a distance of 301.05 feet to the POINT OF BEGINNING said parcel containing 8.25 acres more or less; and

WHEREAS, Stoney Brook Plaza Associates, a Delaware limited partnership, is the owner of the remaining portion of the Columbiana Crossing Shopping Center property, which said parcel is more particularly described as follows:

A parcel of land situated in the Southwest Quarter of the Southwest Quarter of Section 25, Township 18 South, Range 3 West. Jefferson County, Alabama lying West of Columbiana Road and being more particularly described as follows: Commence at the Southwest Corner of said Section 25; thence North along and with the West line of said Section 25, for a distance of 502.50 feet to a point; thence with a deflection of 90 degrees 00' 00" right, 95.5 feet to the POINT OF BEGINNING; thence with a deflection of 90 degrees 00' 00" left, 200.00 feet to a point; thence with a deflection of 90 degrees 00' 00" right, 217.00 feet to a point; thence with a deflection of 90 degrees 00' 00" right, 200.00 feet to a point; thence with a deflection of 90 degrees 00' 00" right, 217.00 feet to the POINT OF BEGINNING, said parcel containing 1.00 acres more or less; and

WHEREAS, the property owned by Sentry Partners, I is outlined in yellow and shown on the map attached hereto, marked as Exhibit A and incorporated by reference as though set out fully herein. That portion of the property outlined in red is owned by Stoney Brook Plaza Associates, a Delaware limited partnership; and

WHEREAS, the Property Owners wish to annex the above described property known as the Columbiana Crossing Shopping Center property to the municipal corporate boundaries of the City of Vestavia Hills, Alabama, upon the terms, provisions and conditions of this Agreement; and

WHEREAS, the City of Vestavia Hills, Alabama, is willing to annex the above described property known as the Columbiana Crossing Shopping Center property pursuant to the terms, provisions and conditions hereinafter set forth below; and

WHEREAS, the Property Owners and City have agreed that it is in the best interest of the parties that this Agreement be reduced to writing.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That in consideration of the mutual covenants, premises and promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged by each of the parties hereto, the Property Owners and City mutually agree as follows:

1. The Columbiana Crossing Shopping Center property (including the property of Stoney Brook Plaza Associates), as shown on the map attached hereto and described above in the premises, shall be

annexed to the City as soon as possible under the two methods provided at Title 11-42-21, Code of Alabama, 1975, and Act No. 32 of the 1964 Legislature. The Petition for Annexation shall be executed by the Property Owners and delivered to the City simultaneously with the execution and delivery of this Agreement. A copy of said Annexation Petition is attached hereto and incorporated into this Agreement by reference as though set out fully herein. The City shall act on said Annexation Petition at the first regular scheduled meeting of the City Council following the execution and delivery of this Agreement.

2. The Property Owners shall receive a ten-year exemption for the payment of local municipal ad valorem taxes on the property described in the premises above under Act No. 416 adopted by the Alabama Legislature on May 5, 1977, and Act No. 787 adopted by the Alabama Legislature on May 23, 1977, commencing with the tax year, beginning October 1989.

3. Any and all buildings or improvements present, under construction, or built in the future shall be built in accordance with the rules and regulations of Jefferson County, Alabama. The City warrants that it will not require the Property Owners to construct any buildings or improvements on the subject property more than the minimum requirements of the Fire and Building Rules and Regulations of Jefferson County or the State of Alabama.

4. The present uses of the property constituting the Columbiana Crossing Shopping Center are, and the same are, hereby grandfathered. In other words, any and all uses of the property on the date of this

Agreement shall be permitted and allowed subsequent thereto notwithstanding any ordinance, rule or regulation of the City of Vestavia Hills, Alabama, to the contrary.

5. The Property Owners may construct and install, at their sole expense, a forced main sanitary sewer system which shall extend from the Columbiana Crossing Shopping Center property to a manhole at Linda Vista Drive. Under no circumstances shall the City be required to pay any portion of the cost incurred for constructing and installing said sewer line. Any and all cost for future maintenance, repair, construction or reconstruction of said sewer system shall be paid solely by the Property Owners and the City shall have no liability or obligation whatsoever therefor. The City expressly agrees that the said forced main sewer system may be connected to the City sewer system at Linda Vista Drive as aforesaid without any connection fee or charge by the City to the Property Owners. The City further agrees that property contiguous to the Columbiana Crossing Shopping Center property may have access to and connect on to the forced main sewer system without charge.

6. Any waiver, alteration or modification of any of the provisions of this Agreement or cancellation or replacement of this Agreement shall not be valid unless in writing and signed by the parties hereto. This Agreement may be amended at any time by written agreement of the parties signatory hereto.

7. This Agreement shall be interpreted, construed and governed according to the laws of the State of Alabama.

8. This contract shall be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

9. This Agreement shall inure to the benefit of, and shall be binding upon the City and Property Owners and their successors and assigns.

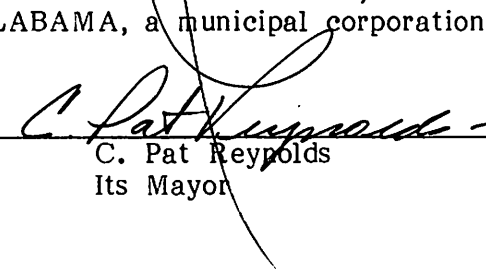
10. In the event any provision of this contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

11. This written contract contains the entire agreement between the City and the Property Owners.

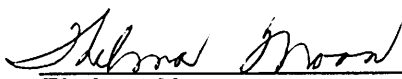
IN WITNESS WHEREOF, the City of Vestavia Hills, Alabama, a municipal corporation, and Sentry Partners, I, and Stoney Brook Plaza Associates, a Delaware limited partnership, have caused this Agreement to be executed by their duly authorized officers and their respective seals to be affixed hereto on this the 20th day of February, 1989.

CITY OF VESTAVIA HILLS,
ALABAMA, a municipal corporation

By


C. Pat Reynolds
Its Mayor

ATTESTED BY:


Thelma Moon
City Clerk

SENTRY PARTNERS, I

By Donald L. Besecker, Jr.
Its GENERAL PARTNER

WITNESS
ATTESTED BY:

[Signature]

STONEY BROOK PLAZA ASSOCIATES,
a Delaware limited partnership

By [Signature]
Its General Partner

Witness:
ATTESTED BY:

Janice L. Adams

STATE OF ALABAMA

JEFFERSON COUNTY

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that C. Pat Reynolds, whose name as Mayor of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing Agreement and who is known to me, acknowledged before me on this day that, being informed of the contents of the said agreement, he, as such officer and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal, this the 20th day of FEBRUARY, 1989.

Shelma R. Moon
Notary Public

STATE OF PENNSYLVANIA
COUNTY OF DELAWARE

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that DONALD L. BESECKER JR., whose name as GENERAL PARTNER of Sentry Partners, I, is signed to the foregoing Agreement and who is known to me, acknowledged before me on this day that, being informed of the contents of the said agreement, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said Sentry Partners, I.

Given under my hand and official seal, this the 10th day of FEBRUARY, 1989.

MARY C. DEMPSEY, Notary Public
Radnor Twp., Delaware Co.
My Commission Expires Sept. 30, 1991

Mary C. Dempsey
Notary Public

STATE OF Florida
COUNTY OF Palm Beach

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that David Bernard, whose name as General Partner of Stoney Brook Plaza Associates, a Delaware limited partnership, signed to the foregoing Agreement and who is known to me, acknowledged before me on this day that, being informed of the contents of the said agreement, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said Stoney Brook Plaza Associates, a Delaware limited partnership.

Given under my hand and official seal, this the 10th day of February, 1989.

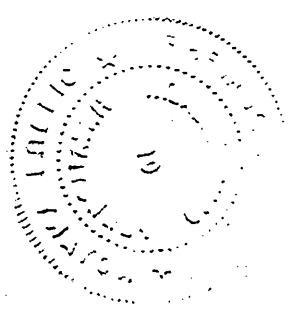
M. Kelly Passaniza
Notary Public

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. OCT 19, 1990
BONDED THRU GENERAL FNS. UND.

STATE OF DELAWARE
COUNTY OF NEW CASTLE

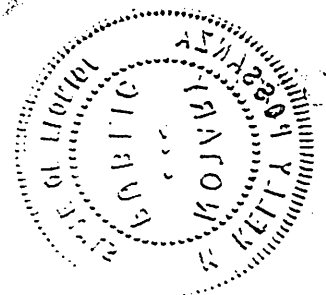
BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

MARY C. DEMPSEY, Notary Public
Rector Twy, Delaware Co.
My Commission Expires Sept. 30, 1991



WITNESSES my hand and seal of office this _____ day of _____, 1991.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office.



NOTARY PUBLIC STATE OF DELAWARE
COMMISSION EXPIRES SEPTEMBER 30, 1991

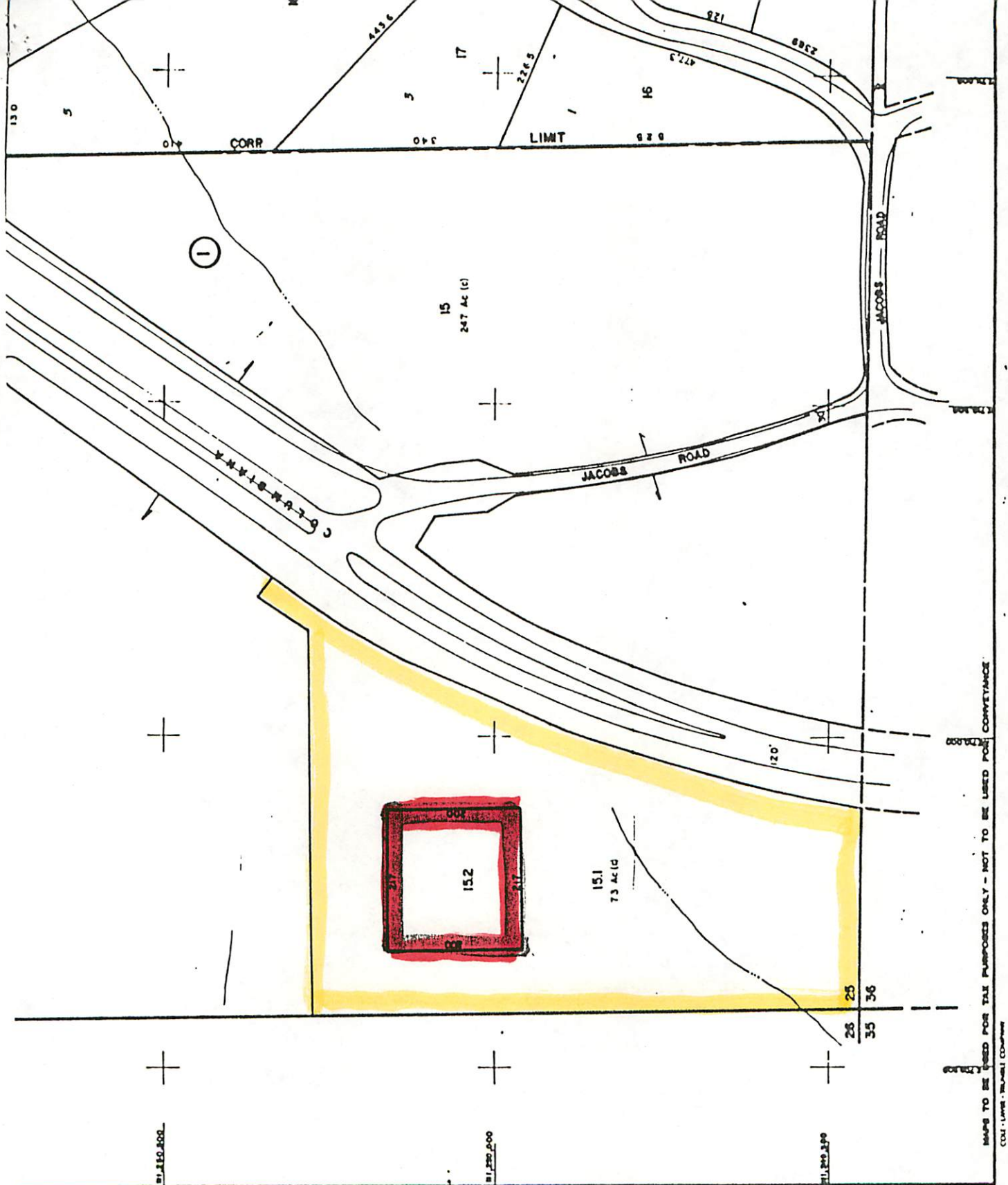


EXHIBIT A



ORDINANCE 1595

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 CHANGE THE CLASS OF DISTRICT ZONING OF A PARCEL OF PROPERTY FROM JEFFERSON COUNTY C-1 TO VESTAVIA HILLS B-2.

BE IT 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 so as to change the class of district zoning of the following described property from Jefferson County C-1 to Vestavia Hills B-2.

Columbiana Crossing Shopping Center

More particularly described as follows:

From the SW corner of said section 25, run thence in a northerly direction along the west line of said section for a distance of 823.00 feet to the pointing of beginning of the parcel herein described; from the point of beginning thus obtained continue on the same course as before in a northerly direction for a distance of 491.41 feet; thence turn an angle to the right of 91 degrees 20' 45" and run easterly along the north line of said quarter-quarter section for a distance of 959.47 feet to a point on the NW right-of-way line of the Green Springs Highway; thence turn an angle to the right of 123 degrees 37' 50" and run in a southwesterly direction along said right-of-way line for a distance of 507.45 feet; thence turn an angle to the right of 90 degrees 00' 00" and departing said right-of-way run northwesterly for a distance of 36.0 feet (deed) 36.05 (meas.); thence turn an angle to the left of 90 degrees 00' 00" and run in a southwesterly direction for a distance of 90.00 feet; thence turn an angle to the right of 55 degrees 01' 25" and run in a

westerly direction for a distance of 587.18 feet to the point of beginning. Said parcel contains 8.743 acres more or less.

APPROVED and ADOPTED this the 20th day of May, 1996.

Charles E. Davis
Council President

ATTESTED BY:

Thelma Moon
City Clerk

APPROVED BY:

C. Pat Reynolds
Mayor

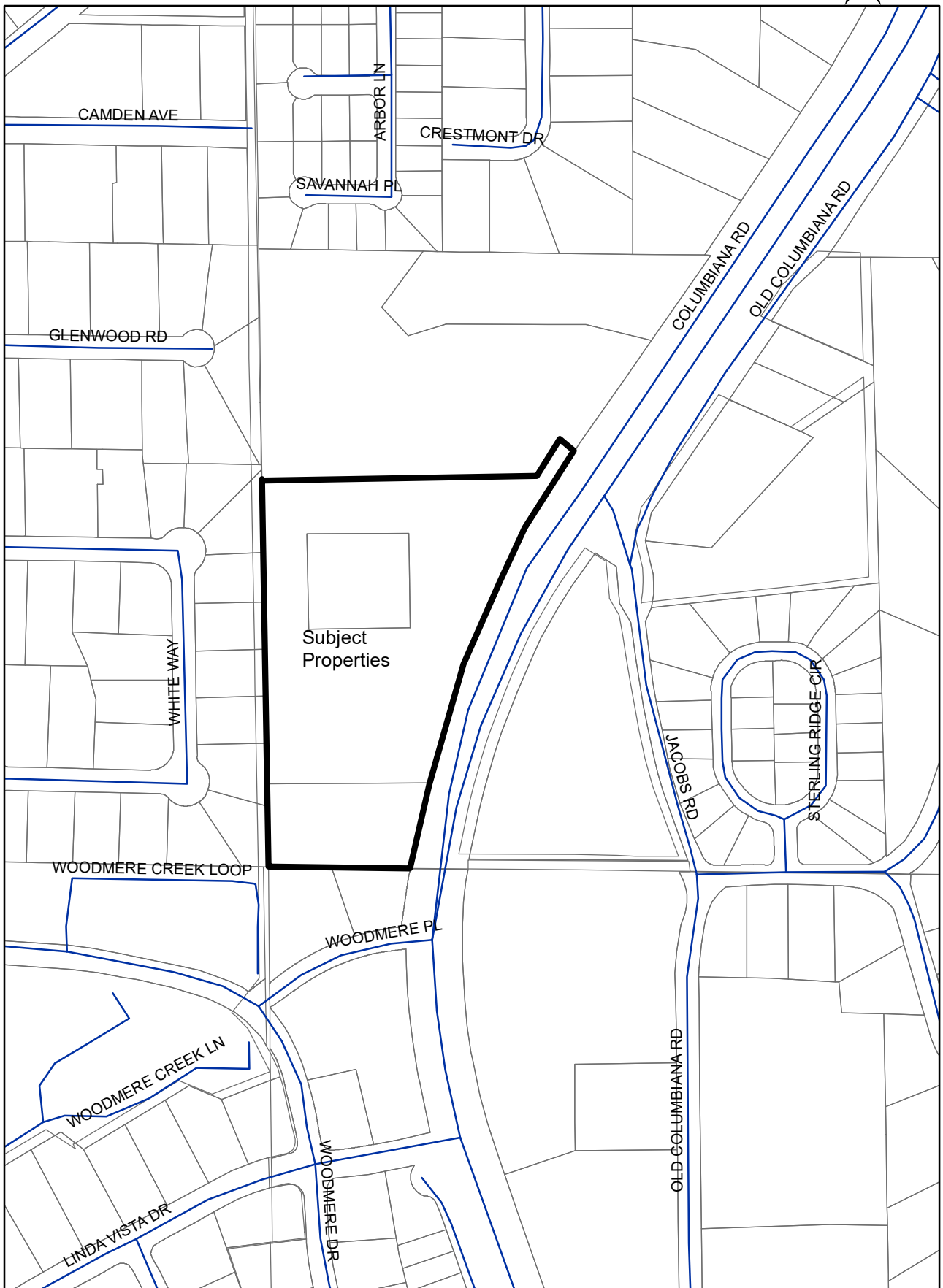
CERTIFICATION:

I, Thelma R. Moon, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 1595 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 20th day of May, 1996, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Richard M. Scrushy Public Library, Vestavia Hills Shopping Mall and Vestavia Hills Recreational Center this the _____ day of _____, 1996.

Thelma Moon
City Clerk

Columbiana Crossing Shopping Center



Subject Parcel

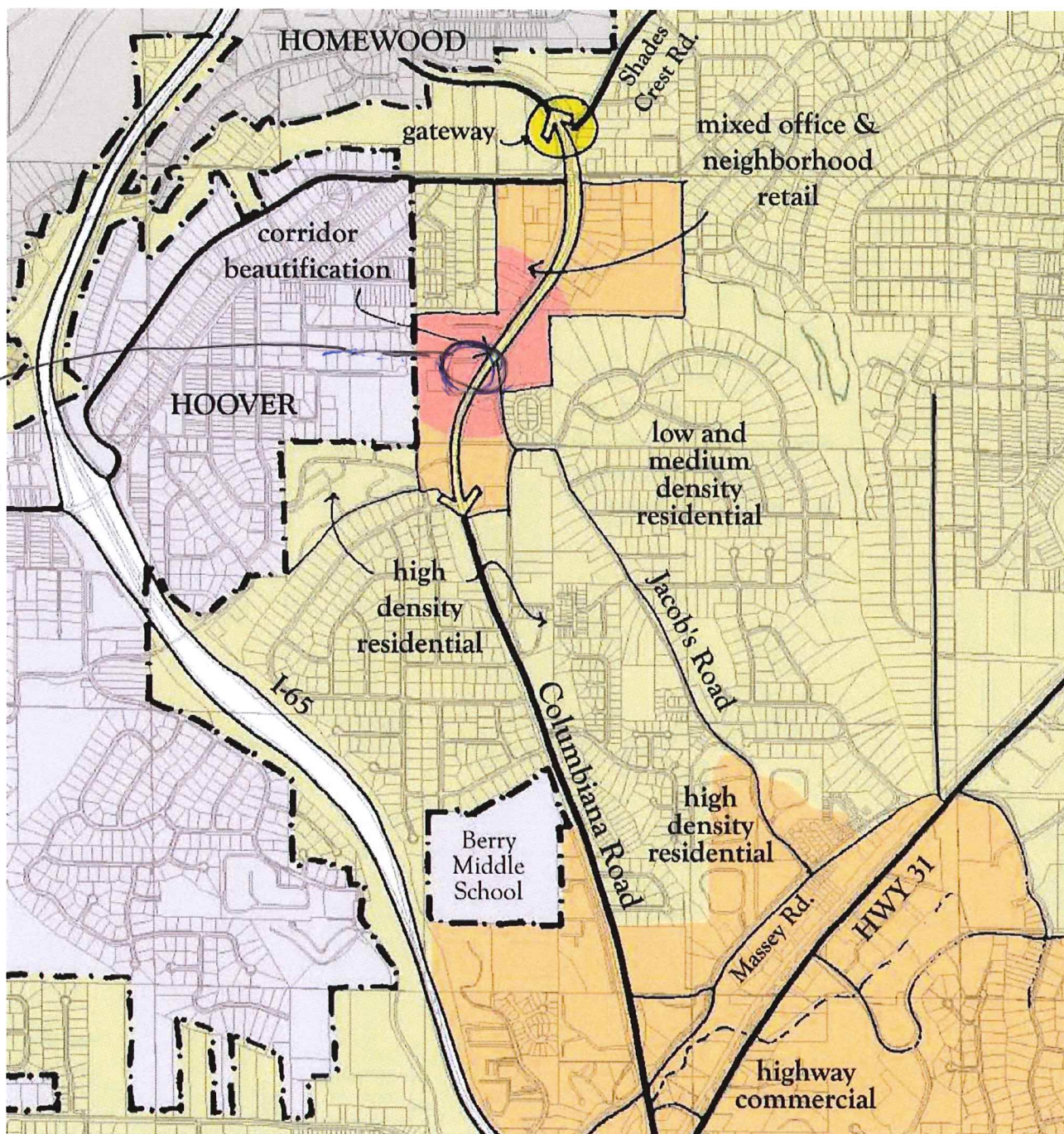
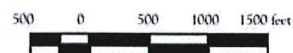


Figure 20: Columbiana Road
Land Use Analysis

- Neighborhood** - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center** - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core** - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes** - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.

- Professional Offices** - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space** - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.
- Trailheads** - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- Schools** - School facilities administered by the Vestavia Hills School System.





Zoning1

PARCELID	2900253001015029
DISTRICT	020
ESN_NUM	62
PROPADD	2198 COLUMBIANA RD
TAX_TOWNSH	29
SECTION	25
QSECTION	3
BLOCK	001
PARCEL	015029
VH_ZONING	B-2
ZNG_ORD	1595
ZNG_ORD_DT	05/22/1996
ZNG_ORD2	

[Zoom to](#)