



**Vestavia Hills
City Council Agenda
November 10, 2025
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation - Steve Dedmon, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Proclamation - Small Business Saturday, November 22, 2025
7. Announcements, Candidates and Guest Recognition
8. City Manager's Report
9. Councilors' Reports
10. Approval Of Minutes - October 20, 2025, regular work session minutes; October 27, 2025, regular meeting minutes; and November 3, 2025 organizational meeting minutes

Old Business (Public Hearing)

New Business

11. Resolution Number 5603 - A Resolution declaring certain personal property as surplus and authorizing the City Manager to sell/dispose of said property.

New Business Requesting Unanimous Consent (Public Hearing)

First Reading (No Action To Be Taken At This Meeting)

12. Public Hearing - Resolution Number 5599 - A Resolution authorizing the installation of a new support structure for a small cell facility to be located in the right-of-way at 3801 Crosshaven Drive U1; AT&T owners, Allison Crows, Mastec, contractors
13. Public Hearing - Ordinance Number 3300 - Rezoning - 3122, 3128, 3134 and 3136 Sunview Drive; Rezone from Vestavia Hills B-1.2 to Vestavia Hills B-1.2 with a revised plan for a bank

14. Public Hearing - Ordinance Number 3301 - Rezoning - 3951 Wall Street; Rezone from Vestavia Hills B-2 to Vestavia Hills R-9; KSA Holdings, LLC, owners; Jason Kessler, representing
15. Citizens Comments
16. Time Of Adjournment

PUBLIC HEARING PROCEDURES

The following procedures shall be followed for every public hearing of the City Council:

- All comments shall be limited to **3 minutes**. A countdown clock will be provided on the video screens.
- Do not duplicate comments made by previous speakers. For example, if traffic is mentioned as an issue, do not readdress that issue.
- All comments shall be directed to the Mayor and/or presiding officer. Do not address the audience or the applicant.
- Each speaker shall identify himself, including full name and address.

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

If you prefer not to attend a City Council meeting or work session in person, you may participate remotely:

- **Videoconference:** To participate by videoconference, you may access the meeting via Zoom at <https://us02web.zoom.us/j/5539517181>. When the Zoom.us window opens in your browser, click "Allow" to be placed in a virtual "waiting room." The host will open the meeting and allow all participants to join the meeting 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 "video" feature and unmute yourself by toggling the mute button. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then you may address the Council. Some useful Zoom functions include: microphone Mute/Unmute; Start/Stop Video; and View Participants – opens a pop-out screen that includes the "Raise Hand" icon that you may use to raise a virtual hand.
- **Teleconference:** To participate by telephone, dial 312.626.6799 and enter the meeting ID: 5539517181. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, unmute yourself by pressing *6 on your keypad. Then state your name and wait for the Mayor to recognize you. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then address the Council.

Meetings may be recorded. By participating in the meeting, you are consenting to be recorded.

"Zoom-bombing." 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 terminated 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.

WHEREAS, the government of Vestavia Hills, Alabama celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, as of 2023, 33.3 million small businesses exist across the country, employing more than 61.6 million people; and

WHEREAS, in 2024, Alabama had 449,024 small businesses which represents 99.4% of all businesses in the state according to the U.S. Small Business Administration Office of Advocacy; and

WHEREAS, in 2023, American consumers spent an estimated \$17 billion on Small Business Saturday, with over 112 million shoppers participating; and

WHEREAS, for every dollar spent at a small business, an estimated \$0.68 stays in the local community; and

WHEREAS, over 80% of consumers believe small businesses are essential to their communities; and

WHEREAS, advocacy groups, as well as public and private organizations, in Alabama have endorsed the Saturday before Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim November 22, 2025 as Small Business Saturday and the month of November 2025 as

SMALL BUSINESS NOVEMBER

and urge the residents of Vestavia Hills to Shop, Dine, Play in Vestavia Hills and to support small businesses and merchants this month and throughout the year.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused
the Seal of the City of Vestavia Hills to
be affixed this the 10th day of
November 2025.

Ashley C. Curry, Mayor



**Vestavia Hills
City Council Minutes
October 20, 2025
5:00 PM**

1. Call to Order

The City Council of Vestavia Hills met in regular work session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. A number of staff and members of the public also attended virtually, via Zoom.com, following publication pursuant to Alabama law. The Mayor called the meeting to order and the City Clerk called the roll with the following:

2. Clerk Checks the Roll

Roll call was as follows:

MEMBERS PRESENT: Mayor Ashley Curry, Mayor Pro-Tem Rusty Weaver, City Councilors Kimberly Cook* and George Pierce, Councilor-Elect Ali Pilcher, and Councilor-Elect Mike Vercher

MEMBERS ABSENT: Councilor Paul Head

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager; Patrick H. Boone, City Attorney; Cinnamon McCulley, Asst. City Manager; Rebecca Leavings, City Clerk; Shane Ware, Police Chief; Melvin Turner, Finance Director; Umang Patel, Court Director

*participated via Zoom, joined late

3. Pledge Of Allegiance

Organizational Meeting and Ordinance

4. Organizational Meeting - November 3, 2025, at 10am to include oath of office administered by the Honorable Greg Cook, Associate Justice of the Alabama Supreme Court. A reception will follow.

Mayor Curry announced the November 3 organizational meeting which is scheduled for 10 AM. Associate Justice Greg Cook will administer the Oath of Office followed by a reception. He presented his recommendations for the appointments in Municipal Court and his reasons why he believes that Judge Sturdivant and Prosecutor Waddell should

remain. Umang Patel, Court Director, supported this recommendation. He stated both of these officials have done well and he also recommends their reappointment. He detailed the advantages and advancement that they have adopted in Municipal Court and how well those advantages have helped in assisting individuals with payment of their fines. The Mayor pointed out that these are things that many other cities do not offer.

5. Potential Organizational Ordinance amendments

The Mayor presented a red-line copy of his suggestions for amendments to the Organizational Ordinance. He stated that, in 2016, the times of Council meetings were changed to 6pm in the hopes that attendance would improve. He indicated that attendance did not increase, so he proposes to move it back to 5pm. He also pointed out that a regular work session never really worked, so he proposes that work sessions be held on an "on call" basis with notification as provided by law.

6. Council Appointments, Liaison, etc., announcements and/or discussions led by Mayor Curry

- 1 Mayor Pro-Tempore - Rusty Weaver**
- 2 City Attorney - Patrick H. Boone**
- 3 Municipal Judge - James Sturdivant**
- 4 Municipal Prosecutor - Nick Waddell**
- 5 Municipal Indigent Defenders - Melissa Doggett and Brian Pace**
- 6 Board of Education Liaison - Ali Pilcher**
- 7 Planning and Zoning Liaison - Rusty Weaver**
- 8 Chamber of Commerce Liaison - Mayor Ashley Curry**
- 9 Parks and Recreation Board Liaison - Mike Vercher**
- 10 Library Board Liaison - Kimberly Cook**
- 11 Annexation Committee - Kimberly Cook, Chair; Mike Vercher, member**

Other Business

7. Key position retirements and appointments - Jeff Downes

Mr. Downes explained that there are two significant retirements coming up which also have dual roles with the Personnel Board and the City Council.

He stated that Melvin Turner, III, serves as Finance Director and City Treasurer. He recommends the Council appoint Zach Clifton, currently Assistant Finance Director, as City

Treasurer, starting in January, following Mr. Turner's retirement. This will open up the Assistant Finance Director position that is currently posted and for which interviews are underway.

Rebecca Leavings, City Clerk and Zoning Official, will retire one month later. The Personnel Board will be posting the position soon and her replacement will be named later. The new appointment will take place in January. Even though the Clerk does many tasks, he'd like to bring in and incorporate a City-wide innovation individual to assist all departments in moving forward with technology and AI.

8. Discussion on Legislative Matters and Representation - Rusty Weaver

*At this point, Mrs. Cook joined remotely, by Zoom.

Mr. Weaver stated that he has previously discussed with area legislative leaders how to get in on state funding that other cities are getting. Feedback was that you "have to be in the right place at the right time", which means having a consistent physical presence in Montgomery. He recommends that the city retain a consultant to assist the City in matters that center around the legislature and the business carried on in Montgomery. He hopes that the City can move forward quickly to retain an individual to fill this role as there is already funding in the budget.

Mr. Pierce stated that he will be planning on being in Montgomery much more once he is not on the Council any longer. He will not be a registered lobbyist but plans to spend more time down there.

Mr. Downes stated that he has heard from officials at Liberty Park seeking permission for an entertainment district. Right now, the law limits cities to only three districts per city, and we already have designated those three areas. To expand the number of districts, the City will need additional legislation and, if this is the will of the Council, this new person could assist in asking the Legislature to allow four districts. He also knows the Mayor has some legislative changes that he'd like to see.

The Mayor stated that legislation moves fast, and if you don't have someone there, it is difficult to participate.

Discussion ensued as to the Alabama League of Municipalities' participation, ways to get an exception to allow an additional entertainment district, and other topics.

9. Board Appointment Interviews for Library and Park Board applicants (November 18, 20, December 3, 4)

The Mayor asked the Council to provide feedback on proposed dates for Library and Park Board applicants. Council members made comments and Mrs. Leavings said she would review feedback and make a recommendation to the Mayor for the scheduling of interviews.

10. Time of Adjournment

There being no further business, the Mayor adjourned the meeting at 5:30pm.

Ashley C. Curry, Mayor

ATTESTED BY:

Rebecca Leavings, City Clerk



**Vestavia Hills
City Council Minutes
October 27, 2025
6:00 PM**

1. Call to Order

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. A number of staff and members of the general public also attended virtually, via Zoom.com, following publication pursuant to Alabama law. The Mayor called the meeting to order and the City Clerk called the roll with the following:

2. Roll Call

Roll call was as follows:

MEMBERS PRESENT: Mayor Ashley Curry, Mayor Pro-Tem Rusty Weaver*, City Councilors Kimberly Cook, Paul Head, and George Pierce

MEMBERS ABSENT: None.

OTHER OFFICIALS PRESENT: Cinnamon McCulley, Asst. City Manager; Patrick H. Boone, City Attorney; Rebecca Leavings, City Clerk; Shane Ware, Police Chief; Melvin Turner, Finance Director; Zachary Clifton, Asst. Finance Director; Lori Beth Kearley, Public Works Director; Sandi Wilson, Parks and Recreation Superintendent; Jamie Lee, Director of Parks and Leisure Services; Marvin Green, Fire Chief; Umang Patel, Court Director; Keith Blanton, Building Safety Director; Ali Pilcher, Councilor-elect; Mike Vercher, Councilor-Elect; Umang Patel, Court Director*; James Randall, Human Resources*

**participated via Zoom*

3. Invocation - Butch Williams, Vestavia Hills Chaplain

4. Pledge Of Allegiance

5. Approval Of The Agenda

The Mayor opened the floor for a motion to approve the agenda as presented.

MOTION: Approve the agenda as presented. Motion By: George Pierce. Seconded By: Paul Head.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.

No: None. Abstain: None. Motion passed.

6. Announcements, Candidates and Guest Recognition

1 Certificates of Recognition for State Masters Game Participants - Mayor Curry

Sandi Wilson, Parks and Recreation Superintendent, explained the State Masters Games, which is an Olympic-style friendly sport for seniors. Participants compete by county districts and by age division. The four individuals being recognized participated in district and state competitions and won various medals.

Mayor Curry and Ms. Wilson presented Certificates of Recognition for the State Masters Games. Mrs. McCulley read the certificates and announced the medals as the Mayor and Ms. Wilson presented a certificate to each of the following:

- Kelly Levasseur: Gold - Table Tennis and Basketball free throw; Silver - Bowling; and Mile Walk Medal
- Charles Farrell: Gold - Cornhole (triple overtime); Mile Walk Medal
- Margaret Farrell: Mile Walk Medal
- John Self: Gold - Cornhole, Softball Throw (155.8 feet) and table tennis; Bronze - Basketball free Throw and Nerf Ball Throw

Mr. Farrell stated that there were over 330 contestants and commended Ms. Wilson for taking charge of these games and the professionalism she showed to ensure that the program was a great experience.

2 Upcoming Vacancy on the Vestavia Hills Parks and Recreation Board; Deadline for application is Monday, November 10, 2025; an appointment will be announced at the first meeting in December. Applications may be found on the City's website under "online services"

Mr. Head stated that applications are open on the City's website for both Library Board and Park Board, and close November 10 at 5pm.

3 Upcoming Vacancy on the Vestavia Hills Library Board; Deadline for application is Monday, November 10, 2025; an appointment will be announced at the first meeting in December. Applications may be found on the City's website under "online services"

The Mayor reiterated applications are being accepted on the City's website, and he urged people to apply.

7. Special Recognition - George Pierce, Council Member, Place Number 4

Mayor Curry and the Council presented Mr. Pierce with a plaque commemorating and thanking him for his 17 years of service on the City Council along with service on BZA for 13 years and other committees 3 years. Mrs. McCulley read a personal message from Mr. Downes, the City Manager, also thanked him for his service.

8. Special Recognition - Paul Head, Council Member, Place Number 3

The Mayor called the Council to the floor for a special presentation to retiring Council members Paul Head and George Pierce.

Mrs. McCulley read a personal message from Mr. Downes, the City Manager, who could not be present due to his attendance at a conference.

Mr. Downes thanked George Pierce for his service, dubbing him the "People's Councilor" with his finger on the pulse of the community, helping staff to remain "connected and responsive" to the needs of citizens.

Mr. Downes thanked Paul Head for his quiet, thoughtful approach to making decisions, and his ability to turn complex issues into practical guidance.

Mayor Curry and the Council presented Mr. Head with a plaque commemorating and thanking him for his 9 years of service on the City Council along with serving on the Parks and Recreation Board for that entire time.

The Mayor and Mrs. Cook also took a moment to thank both Mr. Pierce and Mr. Head for their service and friendship throughout the years.

Mrs. Cook commended Mr. Head's engagement as a valuable member of the team, bringing, particularly, his knowledge of the construction industry and cost controls, as the City embarked, during his term, on the largest park building program in the city's history. His relationships within the recreation and athletics community have been invaluable. Despite his reluctance to be in the spotlight or take the microphone, Mr. Head was always present and ready for even the long work sessions, including long days of interviews of applicants and budget hearings. She appreciates his support for listening to community input, something she stressed during the Community Spaces process.

Mrs. Cook commended Mr. Pierce's commitment to listening to residents to discover their desires and needs when making decisions. She learned from him that one cannot just rely on one's own opinions and judgment, but must truly respect the input of the public. As the longest serving member of the current Council, he deserves our respect and thanks. The leadership of Mr. Head and Mr. Pierce was a part of what made this Council a winning team, but she looks forward to serving with Mr. Vercher and Mrs. Pilcher in the coming years.

Mr. Pierce thanked his wife, Kacy, for all her support through the years and for urging him to run. He recognized his grandchildren who were present, saying, "This is the future of Vestavia." He recognized his daughter, Ali Pierce Pilcher, who will be taking his seat on the Council. He thanked the citizens for allowing him to serve and for giving honest feedback. He looks forward to supplying the unexpired term of Mike Vercher on Planning and Zoning. In 2008, police cars were riding in cars, sitting on boat cushions, and today they all have brand new take-home vehicles. He is excited about the future of the city and applauds our form of government, and the value of citizen engagement to make Vestavia better.

Mr. Head introduced his family, and said it has been fun and he is going to miss it. We have the greatest city, have accomplished tremendous things, and he is proud of it. His family has supported and encouraged him to run. We have the greatest city manager, assistant city manager, and are in great hands with Mrs. Pilcher and Mr. Vercher coming on Council.

Mr. Pierce recognized Grant Thomas, who is present representing the Chamber of Commerce Board.

9. City Manager's Report

- Mrs. McCulley announced that the city recently wrapped up this year's United Way with \$45,523 from 290 donors, the most we have ever collected. The fire department led donations in excess of \$18,000. This is a great sign of positive morale and generosity of employees. Mayor Curry commended the generosity of the employees and how much they participate in various charitable and civic endeavors within the community.

10. Councilors' Reports

- Mrs. Cook just attended the Board of Education meeting and noted that Jason Bostik will be the new IT director, stepping away from his role managing data and assessments. The financial report shows a 1.76 months in reserves which is a bit less than hoped because of a challenge in the cost of lunches, requiring a transfer from one fund to the Child Nutrition Program fund in order to keep the required reserve in that account. This has presented an unexpected challenge for school system finances. She discussed Mr. Bostic's report on student scores on different assessments, which are important measures of success. In the student body, approximately 41% take at least one AP course over the course of high school, which is remarkable. Average ACT score was 23.9 last year, and has been going up each year.. In 3 of the last 4 years, Vestavia Hills has led the state in the number of merit finalists and remains in the top two in the state. The evidence of Vestavia Hills can be found in the Friday night games including homecoming. Mrs. Cook stated she announced that Ali Pilcher will be taking over as the Board of Education liaison for the new administration. She stated she's looking forward to the Library Board.
- Mr. Pierce attended the Chamber Board meeting, and stated that he has been with the Chamber Board for 17 years, through good and bad times. The ballroom at the Vestavia Country Club is being remodeled, so the luncheons in 2026 will be in various different venues. He commended the Chamber for being an integral part of the growth of our city's economy. He recognized Katherine McRee, from the Chamber Board, for the board's efforts to gain more Chamber members from within the community, with 65% of members now being Vestavia residents or operating businesses within the city limits. He has been blessed to serve on the Board for so many years, and now Mayor Curry will take over this role.
- Mr. Head stated that the last Parks and Recreation meeting was "all things pool heater," the installation of which was discussed at length, including future projects and how to structure pool memberships. Mr. Vercher will be taking over this role as liaison on the Board.
- Mayor Curry commended Mr. Head's role as liaison to the Board and stated that he was the right man for the job over the past 9 years.

11. Approval Of Minutes - October 13, 2025 regular meeting minutes

The Mayor announced that the minutes of the October 13, 2025, are being presented for approval. He opened the floor for a motion.

MOTION: Approve the minutes of the October 13, 2025, regular meeting as presented. Motion By: George Pierce. Seconded By: Paul Head.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Paul Head, George Pierce.
No: None. Abstain: Kimberly Cook. Motion passed.

Old Business (Public Hearing)

12. Public Hearing - Resolution Number 5585 - A Resolution vacating a portion of an alley adjacent to 929 Oaklawn Drive and 920 Granbury Road; Chris Burkhalter, owner

MOTION: Approve Resolution Number 5585 as presented. Motion by: Kimberly Cook. Seconded by: George Pierce.

Mrs. McCulley stated that the owner of the adjacent properties requested vacation of this unopened alley. All utilities have released the alley and engineering has recommended approval. Following this, the property will be resurveyed into a single lot.

The Mayor opened the floor for a public hearing for Resolution Numbers 5585 and 5586. There being no one present to address the Council on this issue, the Mayor closed the public hearing and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

13. Public Hearing - Resolution Number 5586 - A Resolution determining the value of right-of-way vacated by Resolution Number 5585

MOTION: Approve Resolution Number 5586 as presented. Motion by: Kimberly Cook. Seconded by: George Pierce.

The Mayor stated that the value of the property that was just vacated was based on appraisal, and the owner is purchasing the vacated property from the City.

The public hearing was previously held.

Mr. Pierce stated this property is in his neighborhood and that he is glad to see this coming forward. He asked about details on the house.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

14. Public Hearing - Ordinance Number 3299 - An Ordinance accepting a grant from the Alabama Department of Economic and Community Affairs (ADECA) through the Federal Highway Recreational Trails Program for trail improvements at Altadena Valley Park and Authorizing the Mayor and City Manager to Execute any and all documents necessary to secure said grant.

MOTION: Approve Ordinance Number 3299 as presented. Motion by: Kimberly Cook. Seconded by: Paul Head.

Mrs. McCulley stated that this is for an enhancement of trails at the park with an 80/20 match. She explained that there are three trails that will complete the connection of all trail segments in the park. When this is done the trail system will comprise over 6,000 linear feet of walking trails, and the project will remove two unsafe bridges.

The Mayor opened the floor for a public hearing. There being no one present to address the Council on this issue, the Mayor closed the public hearing and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.

No: None. Abstain: None. Motion passed.

New Business

15. Public Hearing - Resolution Number 5600 - A Resolution approving the transfer of an alcohol license to Spice Zen Vestavia LLC., d/b/a The Local, located at 633 Montgomery Hwy, Vestavia Hills, Alabama, for on-premise sale of 020 - Restaurant Retail Liquor; Pallavia Sunkavalli and Kanti Kiran Sunkavalli, Executives.

MOTION: Approve Resolution Number 5600 as presented. Motion by: George Pierce. Seconded by: Paul Head.

Kanti Sunkavalli was present for this request. He explained this is a small locally-owned business, and he uses local vendors whenever possible.

Mr. Pierce asked about training of employees to prevent sales of alcohol to minors.

Mr. Sunkavalli stated that their front-of-house staff and chefs have many years experience and are very strict on any alcohol sales. They ask for identification on every sale.

The Mayor opened the floor for a public hearing. There being no one present to address the Council on this issue, the Mayor closed the public hearing and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.

No: None. Abstain: None. Motion passed.

16. Resolution Number 5601 - A Resolution to declare certain personal property as surplus and authorize the City Manager to sell/dispose of said property.

MOTION: Approve Resolution Number 5601 as presented. Motion by: Kimberly Cook. Seconded by: Paul Head.

Mrs. McCulley explained that this is from Public Services and includes a vehicle and a heavy trailer, both of which are being replaced this year.

There being no further discussion, the Mayor called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce.
No: None. Abstain: None. Motion passed.

New Business Requesting Unanimous Consent (Public Hearing)

First Reading (No Action To Be Taken At This Meeting)

17. Citizens Comments

- Mr. Boone thanked Mr. Head and Mr. Pierce for their outstanding services for the past years. They have been valuable to the team and he has enjoyed serving with them. He stated he believes that their leadership added to the value of this team.

18. Time Of Adjournment

There being no further business, Mrs. Cook made a motion to adjourn. The Mayor adjourned the meeting at 6:49 PM.

Ashley C. Curry, Mayor

ATTESTED BY:

Rebecca Leavings, City Clerk



**Vestavia Hills
City Council Minutes
November 3, 2025
10:00 AM**

1. Call to Order

The City Council of Vestavia Hills met in special session on this date at 10:00 AM, following publication and posting pursuant to Alabama law. A number of staff and members of the public also attended virtually, via Zoom.com, following publication pursuant to Alabama law. The Mayor called the meeting to order, and the City Clerk checked the roll with the following:

2. Roll is checked by the City Clerk

Roll call was as follows:

MEMBERS PRESENT: Mayor Ashley Curry, Mayor Pro-Tem Rusty Weaver*, City Councilors Kimberly Cook, Ali Pilcher, and Mike Vercher**

MEMBERS ABSENT: None.

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager; Patrick H. Boone, City Attorney; Cinnamon McCulley, Asst. City Manager; Rebecca Leavings, City Clerk; Shane Ware, Police Chief; Melvin Turner, Finance Director; Zachary Clifton, Asst. Finance Director; Lori Beth Kearley, Public Works Director; Christopher Brady, City Engineer; Jamie Lee, Director of Parks and Leisure Services; Taneisha Tucker, Director of Library in the Forest; Marvin Green, Fire Chief; Umang Patel, Court Director; Keith Blanton, Building Safety Director; James Randall, Human Resources Director; Stephen Michael, Fire Department Logistics.

**arrived at 10:23 AM*

***left meeting at 10:30 and participated remotely via Zoom*

3. Invocation - Butch Williams, Vestavia Hills Chaplain and Othell Phillips. Introduction by Mayor Ashley C. Curry.

4. Pledge of Allegiance

Oath of Office - Administered by the Honorable Greg Cook, Associate Justice of the Alabama Supreme Court

- 5. Oath of Office - Michael Vercher, Council, Place Number 3**
- 6. Oath of Office - Office of the Mayor - Ashley C. Curry**
- 7. Oath of Office - Kimberly Cook, Council, Place Number 2**
- 8. Oath of Office - Rusty Weaver, Council, Place Number 1**
- 9. Oath of Office - Ali Pilcher, Council, Place Number 4**

New Business

10. Election of Mayor Pro-Tempore

Mayor Curry indicated that the Council has now been inducted, and he opened the floor for a motion for Mayor Pro-Tempore.

MOTION: Appointing Rusty Weaver as Mayor Pro Tempore. Motion By: Kimberly Cook. Seconded By: Ali Pilcher.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Ali Pilcher, Mike Vercher.
No: None. Abstain: None. Motion passed.

11. Resolution Number 5592 - A Resolution Appointing a City Attorney for the City of Vestavia Hills

MOTION: Approve Resolution Number 5592 as presented. Motion by: Kimberly Cook. Seconded by: Rusty Weaver.

The Mayor stated that this Resolution appoints Patrick H. Boone as the City Attorney. Before taking a vote, the Mayor shared a story from the first term in office back in 2016. He was doing his research to determine appointments for that organizational meeting, and he phoned Mike Bolin, former Associate Justice of the State of Alabama and former Jefferson County Probate Judge, and inquired about appointing Mr. Boone. The Mayor stated that he was told that "if he doesn't appoint Mr. Boone, it will be the biggest mistake of his life." With that, the Mayor stated that he has no regrets and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Ali Pilcher, Mike Vercher.
No: None. Abstain: None. Motion passed.

12. Resolution Number 5593 - A Resolution appointing a Municipal Judge for the City of Vestavia Hills

MOTION: Approve Resolution Number 5593 as presented. Motion by: Rusty Weaver. Seconded by: Kimberly Cook.

The Mayor explained that this appoints James Sturdivant as Municipal Judge. There being no further discussion, the Mayor called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Ali Pilcher, Mike Vercher.
No: None. Abstain: None. Motion passed.

13. Resolution Number 5594 - A Resolution appointing a Municipal Prosecutor for the City of Vestavia Hills

MOTION: Approve Resolution Number 5594 as presented. Motion by: Rusty Weaver. Seconded by: Ali Pilcher.

Mayor Curry explained that this Resolution appoints Nicholas Waddell as the City's Municipal Court Prosecutor. There being no further discussion, the Mayor called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Ali Pilcher, Mike Vercher.
No: None. Abstain: None. Motion passed.

14. Resolution Number 5602 - A Resolution appointing Indigent Defenders for the Municipal Court

MOTION: Approve Resolution Number 5602 as presented. Motion by: Rusty Weaver. Seconded by: Kimberly Cook.

Mayor Curry stated that this Resolution appoints the City's Indigent Municipal Court Defenders: Melissa Doggett and Brian Pace. There being no further discussion, the Mayor called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Ali Pilcher, Mike Vercher.
No: None. Abstain: None. Motion passed.

15. Resolution Number 5595 - A Resolution appointing a City Clerk for the City of Vestavia Hills

MOTION: Approve Resolution Number 5595 as presented. Motion by: Rusty Weaver. Seconded by: Kimberly Cook.

The Mayor stated that this Resolution appoints Rebecca Leavings as City Clerk. There being no further discussion, the Mayor called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Ali Pilcher, Mike Vercher.
No: None. Abstain: None. Motion passed.

16. Resolution Number 5596 - A Resolution appointing a City Treasurer for the City of Vestavia Hills

MOTION: Approve Resolution Number 5596 as presented. Motion by: Kimberly Cook. Seconded by: Rusty Weaver.

Mayor Curry stated that this Resolution appoints Melvin Turner, III, as City Treasurer. There being no further discussion, the Mayor called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Ali Pilcher, Mike Vercher.

No: None. Abstain: None. Motion passed.

17. Oath of Office of City Attorney, Municipal Judge, Municipal Prosecutor, Municipal Defenders, City Clerk and City Treasurer - Administered by the Honorable Justice Greg Cook

18. Ordinance Number 3303 - To establish the time and place for regular city council meetings; the procedure for calling special meetings; establish a quorum; establish conduct and procedures for council meetings of the City of Vestavia Hills, Alabama; repealing Ordinance Number 2983.

MOTION: Approve Ordinance Number 3303 as presented. Motion by: Rusty Weaver. Seconded by: Kimberly Cook.

The Mayor passed the gavel to Mayor Pro-Tem and recommended an amendment to move the Council meeting times to 5:30 PM. He explained that employees and department heads are required to come to the meetings, and a 6 PM starting time holds them long after their standard work hours. Council meeting start times were moved to 6 PM back in 2016, to encourage more public participation at the meetings. Later, in response to COVID, the Zoom option and a phone-in option were also offered to increase public participation. The virtual option makes it much easier to participate in Council meetings, and he feels that 5:30 is a more appropriate start time.

MOTION: Amend Ordinance Number 3303 from a meeting start time of 5:30 PM. Motion By: Ashley Curry. Seconded By: Ali Pilcher.

Mrs. Cook stated that, when she was elected in 2016, it was part of her platform to move meeting times to 6 PM. She stated that Mr. Vercher's difficulty in participating by Zoom has illustrated, in this very meeting, how uncertain and difficult it can be to participate by Zoom. She hears from residents that they want to attend in person when it is a matter that is important to them, but work hours make it difficult for citizens to attend before 6pm. Being in person is much better. She reviewed the meeting start time of the area's sister cities: Homewood and Hoover have 6 PM meetings, and Mountain Brook has 7 PM meetings. She opposes changing the 6 PM start time.

There being no further discussion, the Mayor Pro-Tem called for the question on the amendment.

VOTE: Yes: Ashley Curry, Rusty Weaver, Ali Pilcher, Mike Vercher.

No: Kimberly Cook. Abstain: None. Motion passed.

There being no further discussion, the Mayor called for the question of Ordinance 3303 as amended.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Ali Pilcher, Mike Vercher.

No: Kimberly Cook. Abstain: None. Motion passed.

Mr. Boone thanked the Council for the opportunity to serve the new administration.

Mr. Pierce congratulated the new Council and challenged the new Council to continue the positive momentum that they began during his terms of office.

Adjournment

19. Motion to Adjourn to Reception

There being no further business, Mrs. Cook made a motion to adjourn. The Mayor adjourned the meeting at 11:08 AM.

Ashley C. Curry, Mayor

ATTESTED BY:

Rebecca Leavings, City Clerk



**CITY OF VESTAVIA HILLS
INFORMATION TECHNOLOGIES
INTER-DEPARTMENT MEMO**

November 10, 2025

To: Jeff Downes, City Manager

From: Andrew Phillips, IT Tech

Cc: Darrin Estes, IT Director
Rebecca Leavings, City Clerk

RE: Resolution Number 5603 - A Resolution declaring certain personal property as surplus and authorizing the City Manager to sell/dispose of said property.

Background:

The property listed in the attached exhibit is obsolete computer equipment that is no longer needed for use by the City pursuant to the life cycle policies of the City.

Recommendation:

na

Fiscal Impact:

na

Attachments:

1. Resolution 5603

2. Memo of disposal equipment

RESOLUTION NUMBER 5603

A RESOLUTION DETERMINING THAT CERTAIN PERSONAL PROPERTY IS NOT NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND DIRECTING THE SALE/DISPOSAL OF SAID SURPLUS PROPERTY

WITNESSETH THESE RECITALS

WHEREAS, the City of Vestavia Hills, Alabama, is the owner of personal property detailed in the attached “Exhibit A”; and

WHEREAS, the City has determined that it would be in the best public interest to sell or dispose of said property.

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

1. The City Manager is hereby authorized to sell or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 5603 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 10th day of November, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

City of Vestavia Hills

To: Rebecca Leavings
From: Andrew Phillips
cc: Darrin Estes
Date: 10/28/2025
Re: Disposal of obsolete IT equipment

We are disposing of some obsolete IT equipment. Here is the breakdown of the following items:

70 – HP PC's

27 – Various laptops

8 – Microsoft Surface Pro's

8 – Monitors

17 – Battery Backup

1 – Projector

5 – Various printers

1 – Fax machine

Mitel Desk Phones 5320e and others

Server Rack

Various printer toners and other small miscellaneous items



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

November 10, 2025

To: Jeff Downes, City Manager

From: Rebecca Leavings, City Clerk

Cc:

RE: Public Hearing - Resolution Number 5599 - A Resolution authorizing the installation of a new support structure for a small cell facility to be located in the right-of-way at 3801 Crosshaven Drive U1; AT&T owners, Allison Crows, Mastec, contractors

Background:

Request is for a 45' wood utility pole at a location in the Crosshaven Drive right-of-way as a support structure for a small cell facility. Location is shown in the attached documentation. The application was submitted by a contractor and the named cellular company is AT&T.

Recommendation:

na

Fiscal Impact:

na

Attachments:

1. Resolution 5599

2. Crosshaven Exhibit
3. 2023 Small Cell opinion
4. 2024 AG opinion concerning small cell facilities

RESOLUTION NUMBER 5599

A RESOLUTION AUTHORIZING THE INSTALLATION OF A NEW SUPPORT STRUCTURE FOR A SMALL CELL FACILITY TO BE LOCATED IN THE RIGHT-OF-WAY ADJACENT TO CERTAIN PROPERTIES IN THE CITY OF VESTAVIA HILLS

WHEREAS, on December 17, 2018, the City Council adopted and approved Ordinance 2814A to adopt regulations for small cell technology facilities (“Nodes”) in the City of Vestavia Hills, Alabama; and

WHEREAS, §2.B.7 recommends that said Nodes shall be collocated when possible, however, when not possible the request shall be recommended by the City Manager and then approved by the City Council following a public hearing; and

WHEREAS, on the 22nd day of September, 2025, Allison Crows, on behalf of AT&T and Mastec, submitted applications for a new support structure to be located in the right-of-way (“ROW”) adjacent to the following properties as detailed in Exhibit A which is attached and incorporated into this Resolution Number 5599 as if written therein; (1) 3801 Crosshaven Dr U1; and

WHEREAS, a sign was erected on the ROW and the surrounding property owners were notified of the request and contact information on in November 2025 and a public hearing to be held on November 24, 2025 regarding said new support request; and

WHEREAS, the City Manager and the City Staff have reviewed the application and recommend approval of said request; and

WHEREAS, the Mayor and the City Council feel it is in the best public interest to accept the recommendation and authorize installation of said new support structure.

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

1. The Mayor and City Council hereby accept the recommendation of the City Manager and authorize the installation of a new support structure to be located in the ROW adjacent to (1) 3801 Crosshaven Dr U1 as detailed in the supporting information marked as Exhibit A, attached to and incorporated into this Resolution 5599 as if written fully therein; and
2. This Resolution shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 24th day of November, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

OFFICIAL NOTICE OF A PUBLIC HEARING

October 6, 2025

This is an OFFICIAL NOTICE to inform you of the time, date and other details of the public hearing which will be held in the Vestavia Hills City Hall on the subject as follows:

TIME/DATE OF HEARING: 6:00 P.M. November 24, 2025 Monday

PLACE OF HEARING: Vestavia Hills City Hall
1032 Montgomery Highway

BOARD: Vestavia Hills City Council

ACTION REQUESTED: Consideration of Installation of 47' Wood Utility Pole with embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

LOCATION OF PROPERTY: ROW adjacent to 3801 Crosshaven Drive; See Enclosed Details for location and visual

NAME OF APPLICANT: AT&T

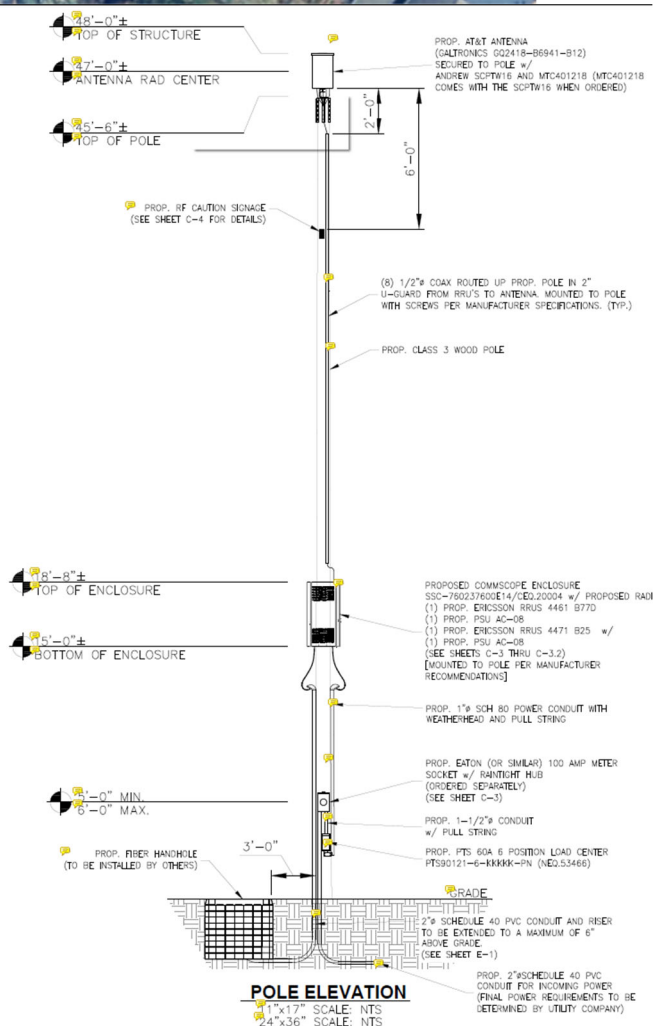
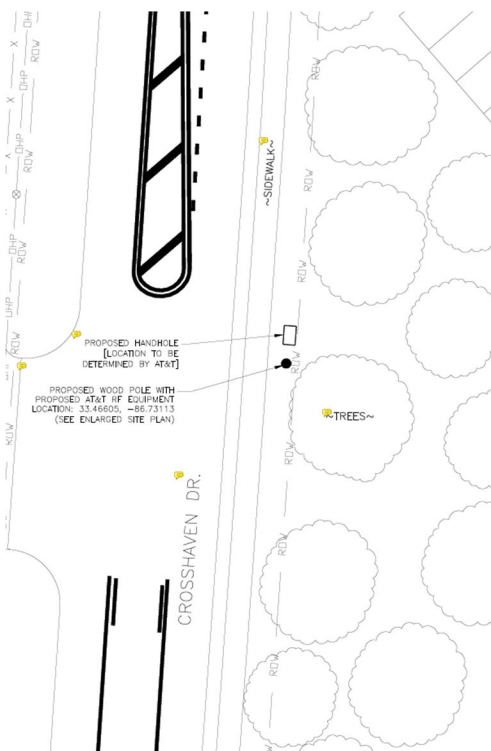
REPRESENTED BY: Michelle Fogle

Sincerely,



Umang Patel
Acting City Clerk

INDIVIDUALS WITH DISABILITIES NEEDING SPECIAL SERVICES TO PARTICIPATE IN APPLICATIONS, ACTIVITIES, PROGRAMS OR SERVICES ARE REQUESTED TO COORDINATE THEIR NEEDS IN ADVANCE, WHEN TIME PERMITS. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, PLEASE CONTACT THE CITY CLERK, (205) 978-0179.



PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

E-Mail: patrickboone@bellsouth.net

June 7, 2023

By Electronic Mail

Honorable Ashley C. Curry
Mayor of City of Vestavia Hills
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Federal and State Law Regarding the Installation of Small Cell Wireless Facilities

Dear Mayor Curry:

On June 5, 2023, you requested that I provide you with my written legal opinion regarding whether or not the City of Vestavia Hills, Alabama ("City") may deny a small cell wireless provider the right to collocate, mount or install small cell wireless facilities on or adjacent to existing new or replacement poles in the right-of-way owned by the City. The purpose of this letter is to comply with you request.

I. DEFINITION OF STREET

A. CODE OF ALABAMA, 1975:

1. Title 11-49-80(a)(2) and (4): Title 11-49-80(a)(2) and (4), *Code of Alabama, 1975*, defines the terms "municipal streets" and "street" as follows:

"§11-49-80. Generally.

(a) For the purposes of this article, the following terms shall have the following meanings:

(2) **Municipal Street.** A public street, road, or bridge that the municipality has the authority or responsibility to control, manage, supervise, regulate, repair, maintain, or improve.

(4) **Street.** A public street, road, bridge, or portion thereof."

2. **Title 32-1-1.1(75):** Title 32-1-1.1(75), *Code of Alabama, 1975*, defines the term “street” as follows:

“(75) **Street.** The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.”

B. **CITY OF VESTAVIA HILLS ZONING ORDINANCE NUMBER 3099:** The City of Vestavia Hills Zoning Ordinance Number 3099 defines the term “street” in Section 2.1.107 as follows:

“2.1.107. *Street.* Any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the applicable county tax assessor; (5) shown on the official map or adopted master plan. The term “street” includes the land between the street lines, but excludes alleyways that are 20’ or less in width, whether improved or not.”

II. **OWNERSHIP OF MUNICIPAL STREETS**

A. **CODE OF ALABAMA, 1975:** Title 35-2-51(b), *Code of Alabama, 1975*, provides that the recording in Probate Court of a properly prepared and approved subdivision plat or map, is deemed to convey title to the streets shown thereon in fee title to the municipality. That statute reads as follows:

“(b) The acknowledgment and recording of such plat or map shall be held to be a conveyance in fee simple of such portion of the premises platted as are marked or noted on such plat or map as donated or granted to the public, and the premises intended for any street, alleyway, common or other public use, as shown in such plat or map, shall be held in trust for the uses and purposes intended or set forth in such plat or map.”

B. **SUPREME COURT OF ALABAMA:** In 1913, the Supreme Court of Alabama decided the case of *Cloverdale Homes v. Town of Cloverdale*, 182 Ala. 419 (1913), and held that the “ultimate fee” to a dedicated street presumptively remains with the abutting landowners subject to the proposition that the town holds only a mere easement over the property on which the street was dedicated.

The Supreme Court decided the case of *City of Orange Beach v. Benjamin*, 821 So.2d 193, in 2001 and expressly overruled the *Cloverdale* case. Relying on the crystal clear language of Title 35-2-51, *Code of Alabama, 1975*, the court in the *Orange Beach* case held that the statutory dedication of a street is deemed to convey title in fee simple to the land underlying the dedicated street to the municipality.

III. CONSENT OF THE MUNICIPALITY IS A PREREQUISITE TO THE USE OF PUBLIC PROPERTY FOR PUBLIC UTILITY OR PRIVATE ENTERPRISE

A. ARTICLE XII, SECTION 220 OF THE CONSTITUTION OF ALABAMA 1901: Article II, Section 220 of the *Constitution of Alabama 1901* reads as follows:

“Sec. 220. Public corporations—Consent of municipal corporation prerequisite to use of public property for public utility or private enterprise purposes. No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys, or public places of any city, town, or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town, or village.”

B. CODE OF ALABAMA, 1975: Title 11-49-1(a), *Code of Alabama, 1975*, reads as follows:

“§11-49-1. Consent of municipality to certain uses of streets.

(a) No person, firm, association, or corporation shall be authorized to use the streets, avenues, alleys, and other public places of cities or towns for the construction or operation of any public utility or private enterprise without first obtaining the consent of the proper authorities of the city or town.”

C. SUPREME COURT OF ALABAMA: The Supreme Court of Alabama decided the case of *Operation New Birmingham v. Flynn*, 621 So.2d 1316, in 1993 and wrote,

“This Court has since reaffirmed that it is wholly within the province of the municipal authorities to grant the municipality’s consent or to withhold it from a certain group or individual seeking to use public streets for private or public enterprise. *Bush v. City of Jasper*, 247 Ala. 359, 24 So.2d 543 (1945). In *Crabtree v. City of Birmingham*, 292 Ala. 684, 299 So.2d 282 (1974), the Court summarized the effect of §220:

‘It is well settled in this state that the right to use the public streets for hire is not a right of public or private enterprise but is a privilege—generally called a franchise—subject to the consent and regulation of the municipality.... In such use of the public streets, it is wholly within the province of the municipal authorities under §220, Alabama Constitution, to grant its consent or withhold it to any person or group. Thus, the municipality, in the exercise of this authority granted by §220, coupled with the police powers granted municipalities by the state, has the irrevocable discretion to determine whether, and to what extent, a service is needed, and to fix and determine the streets and to name the grantee of such right.... [T]he municipalities are only limited in the exercise of such discretion by §§22 and 228 of the Constitution which restricts the power to grant franchises to those that are not exclusive or perpetual.’

292 Ala. At 689, 299 So.2d at 287 (citations omitted).”

IV. MANNER OF USE OF PUBLIC STREETS

A. TITLE 11-49-3, CODE OF ALABAMA, 1975: This statute, in essence, grants to municipalities, the authority to require any public utility using the streets to prescribe the manner in which they will use them.

B. TITLE 11-43-62, CODE OF ALABAMA, 1975: This statute similarly authorizes the municipal council to regulate the use of streets for the erection of telegraph, telephone and electric and all other systems of wires and conduits, and authorizes the municipality to require the same to be placed underground if deemed necessary for the public convenience and safety, and generally to control and regulate the use of streets for any and all purposes.

V. FEDERAL LAW PREEMPTS STATE LAW

The doctrine that federal law preempts state law derives from the supremacy clause in Article VI of the *Constitution of the United States*, which reads in part:

“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.”

The supremacy clause requires that all conflicts between federal and state law be resolved in favor of federal rule. *Richards v. Michelin Tire Corp.*, 786 F.Supp. 959 (1992). The supremacy clause of the *Constitution of the United States* also prohibits the Alabama Supreme Court from rejecting those federal policies with which it may disagree. *Title Max of Birmingham, Inc. v. Edwards*, 973 So.2d 1050 (2007).

VI. FEDERAL LAW REGARDING SMALL CELL WIRELESS FACILITIES

A. FEDERAL AGENCY. The Federal Communications Commission (FCC) made a declaratory ruling and Third Report and Order regarding the installation of small cell wireless facilities on a right-of-way owned by a state, county or municipality.

B. TITLE. “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.”

C. AUTHORITY. Telecommunications Act of 1996.

D. PURPOSE. To preempt state and local requirements related to the deployment of fifth generation (5G) wireless infrastructure.

E. DATE ISSUED. September 26, 2018.

F. EFFECTIVE DATE. January 14, 2019.

G. BASIS OF FCC RULING. In very general terms, the ruling provides as follows:

1. Material Inhibitions: States cannot inhibit a mobile service provider’s ability to provide small cell wireless service to an area.

2. Zoning--Aesthetics: Jurisdictions cannot impose zoning regulations that prohibit the installation of small cell wireless facilities.

3. Fees: Jurisdictions cannot charge excessive fees to small cell wireless providers that would inhibit or prohibit the installation of facilities.

4. Shot Clock: Cities must decide an application within sixty or ninety days depending upon whether the installation will be on an existing pole or a new pole.

H. PREEMPTION OF STATE LAW. The federal ruling preempts state law, including the laws set forth in Section III-A, B and C of this legal opinion.

I. SUMMARY. The federal ruling, in substance, provides that states may not inhibit or prohibit a wireless service provider from installing small cell wireless facilities on a public right-of-way.

VII. ALABAMA STATUTES REGARDING SMALL CELL WIRELESS FACILITIES

In accordance with federal law, the Alabama Legislature enacted Act Number 2021-5 to allow wireless providers to collocate, mount or install small cell wireless facilities on or adjacent to existing, new or replacement poles in the City right-of-way. The Act became effective February 19, 2021 and is now codified as Title 37-17-1 through Title 37-17-12, *Code of Alabama, 1975*. Some of the important terms, provisions and conditions of Act Number 2021-5 (the "Act") are set forth below.

A. DEFINITIONS (TITLE 37-17-1(5), CODE OF ALABAMA, 1975): The Act defines an "authority" as a municipality.

B. AUTHORIZATION OF WIRELESS PROVIDERS TO COLLOCATE, MOUNT OR INSTALL SMALL CELL WIRELESS FACILITIES (TITLE 37-17-2, CODE OF ALABAMA, 1975): The Act specifically provides,

"(a) An authority may not deny a wireless provider the right, as a permitted use subject to Section 37-17-3 and the authority's requirements not in conflict with this chapter or a then-existing final order of the Federal Communications Commission (FCC), to do either of the following:

(1) Collocate, mount, or install small wireless facilities on or adjacent to existing, new, or replacement poles in the right-of-way.

(2) Install, modify, or replace its own poles, or, with the permission of the owner, a third party's poles, associated with a small wireless facility, along, across, upon, and under the right-of-way controlled by the authority.

(b) For purposes of this section, any new or modified pole may not exceed the greater of either of the following:

(1) Ten feet in height above the tallest existing pole in place as of July 1, 2021, located within 500 feet of the new pole in the same right-of-way controlled by the authority.

(2) Fifty feet above ground level.

(c) The small wireless facilities and associated poles shall be installed and maintained in accordance with the authority's requirements not in conflict with this chapter or a then-existing final order of the FCC and as not to obstruct or hinder the usual travel and public safety on the right-of-way by utilities.

(d) A wireless provider may collocate a small wireless facility and install, maintain, modify, operate, and replace a pole that exceeds these height limits along, across, upon, and under the right-of-way, subject to applicable zoning regulations or other applicable requirements of the authority.”

C. ZONING REVIEW, APPROVAL EXEMPTIONS AND PERMITTING; SMALL WIRELESS FACILITIES (TITLE 37-17-3, CODE OF ALABAMA, 1975: The Act also provides,

“(a) Subject to the limitations established in this chapter, small wireless facilities and associated poles are not subject to zoning review or approval if they are located in the right-of-way under the control of an authority and otherwise comply with this chapter and a then-existing final order of the Federal Communications Commission.”

“(d) An authority shall approve an application if it complies with the authority’s requirements for deploying small wireless facilities and associated poles in the right-of-way that are written, generally applicable, and adopted in advance.”

VIII. CITY ORDINANCES ENACTED REGARDING REGULATIONS FOR SMALL CELL TECHNOLOGY FACILITIES IN THE CITY OF VESTAVIA HILLS, ALABAMA

In compliance federal law, the City Council of the City of Vestavia Hills enacted the following ordinances regarding the regulation for small cell technology facilities in the City of Vestavia Hills, Alabama:

A. ORDINANCE NUMBER 2814. On December 17, 2018, Ordinance Number 2814 entitled “An Ordinance to Adopt Regulations for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama.”

B. ORDINANCE NUMBER 2815. On December 17, 2018, Ordinance Number 2815 entitled “An Ordinance to Establish a Fee Structure for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama as Established by Ordinance Number 2814.”

C. ORDINANCE NUMBER 2814-A. On December 17, 2018, Ordinance Number 2814-A entitled “An Ordinance to Amend Chapter 16.5 Entitled “Telecommunications,” Article III Entitled “Small Cell Technology,” of the City of Vestavia Hills Code of Ordinances and to Amend Ordinance Number 2814 to Adopt Regulations for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama.”

D. **ORDINANCE NUMBER 2815-A.** On August 26, 2019, Ordinance Number 2815-A entitled "An Ordinance Amending Ordinance Number 2815 to Establish a Fee Structure for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama as Established by Ordinance Number 2814."

IX. LEGAL OPINION

Based upon the legal authorities cited above, it is my legal opinion that the City cannot inhibit or prohibit a wireless service provider from installing small cell wireless facilities on a City right-of-way. Federal law regarding this subject preempts state law and must be complied with by all states, counties and municipalities.

Please call me if you have any questions regarding any of the matters set forth in this legal opinion.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

cc: City Manager Jeffrey D. Downes (by e-mail)
City Clerk Rebecca Leavings (by e-mail)



**STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL**

STEVE MARSHALL
ATTORNEY GENERAL

501 WASHINGTON AVENUE
P.O. BOX 300152
MONTGOMERY, AL 36130-0152
(334) 242-7300
ALABAMAAG.GOV

December 27, 2023

Honorable Jeffrey D. Downes
City Manager, City of Vestavia Hills
Post Office Box 660854
Vestavia Hills, Alabama 35266-0854

**Municipalities – Right of Way –
Telecommunications – Jefferson County**

Section 37-17-2 of the Code of Alabama does not allow a city to deny a wireless provider the right to place Small Wireless Facilities in the city's rights-of-way if the wireless provider meets the city's permitting and fee requirements and any other requirements adopted by the city that are not in conflict with the state law or any final order of the FCC (Federal Communications Commission).

The City's requirements for small wireless facilities must also be in writing, generally applicable, and adopted in advance.

The City may not determine the exact location for the installation or placement of a new or replacement pole.

The wireless infrastructure provider, the wireless provider, or the wireless service provider is allowed to determine the exact location for the installation of a new or replacement pole.

Act 2021-5 allows the City to require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is reasonable, in writing, and adopted in advance. The City may not require underground placement and thus preclude pole placement.

Dear Mr. Downes:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Vestavia Hills ("City").

QUESTIONS ONE, TWO, & THREE

(1) Does Act 2021-5 allow the City to reject small cell facilities from being placed in the City rights-of-way and what conditions are valid reasons for such denial?

(2) Does the Act allow the City to determine the exact location for the installation of a new or replacement pole on a City right-of-way?

(3) Does the Act allow the wireless infrastructure provider, the wireless provider, or the wireless service provider to determine the exact location for the installation of a new or replacement pole on a City right-of-way?

FACTS AND ANALYSIS

Your request refers to section 220 of the Constitution of Alabama and section 11-49-1 of the Code of Alabama which provide that consent of a municipality is required before any public or private entity may the use of streets or public property. ALA. CONST. art. XII, § 220; ALA. CODE § 11-49-1(a) (Supp. 2022). Section 220 of the Constitution states as follows:

No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys, or public places of any city, town, or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town, or village.

ALA. CONST. art. XII, § 220.

Section 11-49-1(a) of the Code states as follows:

(a) No person, firm, association, or corporation shall be authorized to use the streets, avenues, alleys, and other public places of cities or towns for the construction or operation of any public utility or private enterprise without first obtaining the consent of the proper authorities of the city or town.

ALA. CODE § 11-49-1(a) (Supp. 2022).

Your request also references section 11-43-62 of the Code that states as follows:

The council shall regulate the use of the streets for the erection of telegraph, telephone, electric, and all other systems of wires and conduits and may require the same to be placed underground if deemed necessary for the public convenience and safety and generally to control and regulate the use of the streets for any and all purposes.

The council may sell or lease in such manner as it may deem advisable any franchise which it has power to grant, and the moneys received therefor shall be paid into the city treasury.

ALA. CODE § 11-43-62 (2008).

The provisions cited above require consent of a municipality before any public or private entity may use the street or public property. Act 2021-5 was enacted to allow wireless service providers to install small wireless facilities on the right-of-way and to set forth the conditions for allowing the installation. 2021 Ala. Acts No. 2021-5. The stated purpose of the Act is as follows:

(1) establish a procedure to authorize wireless providers to collocate, mount, or install small wireless facilities on existing poles on the right-of-way of the state or any agency, county, or municipality thereof; (2) to exempt small wireless facilities from certain zoning review and approval procedures; (3) to establish a procedure for the permitting of the development of small wireless facilities and poles in the rights-of-way of the state; and (4) to establish rates and fees for all permits for small wireless facilities.

2021 Ala. Acts No. 2021-5.

The Act is codified in sections 37-17-1 through 37-17-12 of the Code. ALA. CODE §§ 37-17-1 through 37-17-12 (Supp. 2022). A “Small Wireless Facility” is specifically defined in section 37-17-1(14) of the Code, and it must meet several conditions set forth therein. ALA. CODE § 37-17-1(14) (Supp. 2022). Section 37-17-3 of the Code sets the fees that an authority may charge for a small wireless facility. ALA. CODE § 37-17-3 (Supp. 2022). An “Authority” is defined as “[t]he state or any agency, county, *municipality*, district, or instrumentality thereof.” ALA. CODE § 37-17-1(5) (Supp. 2022) (emphasis added).

Section 37-17-2(a) and (c) of the Code states as follows:

(a) An *authority may not deny* a wireless provider the right, as a permitted use *subject to Section 37-17-3 and the authority's requirements not in conflict with this chapter or a then-existing final order of the Federal Communications Commission (FCC)*, to do either of the following:

(1) Collocate, mount, or install small wireless facilities on or adjacent to existing, new, or replacement poles in the right-of-way.

(2) Install, modify, or replace its own poles, or, with the permission of the owner, a third party's poles, associated with a small wireless facility, along, across, upon, and under the right-of-way controlled by the authority.

* * *

(c) The small wireless facilities and associated poles ***shall be installed and maintained in accordance with the authority's requirements not in conflict with this chapter or a then-existing final order of the FCC*** and as not to obstruct or hinder the usual travel and public safety on the right-of-way and adjacent roads and bridges or obstruct the legal use of the right-of-way by utilities.

ALA. CODE § 37-17-2(a) & (c) (Supp. 2022) (emphasis added).

We note that legislative acts are presumed to be valid and constitutional. *McInnish v. Riley*, 925 So. 2d 174, 178 (Ala. 2005). When interpreting a statute, the words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997).

The plain language of section 37-17-2 of the Code does not allow a City to deny a wireless provider the right to place Small Wireless Facilities in the City's rights-of-way if the wireless provider meets the City's permitting and fee requirements and any other requirements adopted by the City that are not in conflict with the state law or any final order of the FCC.

Based upon the language of the act, the City's permitting and fee requirements cannot conflict with the provisions set forth in section 37-17-3 of the Code or the final rulings of the FCC. The FCC issued a Declaratory Ruling and Third Report and Order on September 26, 2018, entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," pursuant to the Telecommunications Act of 1966, codified at 47 U.S.C. §§151, *et seq.* The FCC ruling became effective January 14, 2019, and is codified at 83 Fed. Reg. 51867 (2018).

Section 37-17-3(a) and (d) of the Code states:

(a) Subject to the limitations established in this chapter, small wireless facilities and associated poles are ***not subject to zoning review or approval*** if they are located in the right-of-way under the control of an authority and otherwise comply with this chapter and a then-existing final order of the Federal Communications Commission.

(d) An authority ***shall approve*** an application ***if it complies with the authority's requirements*** for deploying small wireless facilities and associated poles in the right-of-way that are ***written, generally applicable, and adopted in advance.***

ALA. CODE § 37-17-3(a) & (d) (Supp. 2022) (emphasis added).

The plain language of section 37-17-3 of the Code provides that an authority shall approve an application that complies with the authority's requirements for small wireless facilities that are written, generally applicable, and adopted in advance. Thus, the City's requirements for small wireless facilities must be in writing, generally applicable, and adopted in advance.

Section 37-17-10(b) of the Code also states as follows:

(b) Except as it relates to small wireless facilities ***subject to the permit and fee requirements established pursuant to this chapter***, and except as it relates to any activities of an electric provider, and except as it relates to regulations or requirements on communications service specifically established by the constitution or by state law, local law enacted by the Legislature, or federal law, ***an authority may not otherwise adopt or enforce regulations or requirements on the placement, operation, or maintenance of communications facilities*** by a communications service provider authorized to be in the rights-of-way; or otherwise impose or collect any additional or separate tax, fee, or charge for any service existing on July 1, 2021, or for the provision of additional communications services provided by a communications service provider that is authorized to be in the rights-of-way.

ALA. CODE § 37-17-10(b) (Supp. 2022) (emphasis added).

Pursuant to section 37-17-10(b) of the Code an authority is allowed to enforce regulations or requirements set by the constitution, by state law, by local law enacted by the Legislature, or federal law. Section 37-17-10(b) of the Code, however, specifically prohibits an authority from adopting or enforcing regulations or requirements on the placement, operation, or maintenance of

communication facilities by a communications service provider authorized to be in the rights-of-way.

With respect to who has the authority to determine the exact location of a new or replacement pole, it is noted that section 37-17-10(b) of the Code prohibits an Authority from adopting regulations or requirements as to the placement of facilities; thus, the City may not determine the exact location for the installation or placement of a new or replacement pole. The wireless infrastructure provider, the wireless provider, or the wireless service provider (as defined in section 37-17-1 of the Code) is allowed to determine the exact location for the installation of a new or replacement pole.

CONCLUSION

Section 37-17-2 of the Code does not allow a city to deny a wireless provider the right to place Small Wireless Facilities in the city's rights-of-way if the wireless provider meets the city's permitting and fee requirements and any other requirements adopted by the city that are not in conflict with the state law or any final order of the FCC (Federal Communications Commission). The city's requirements for small wireless facilities must also be in writing, generally applicable, and adopted in advance.

The City may not determine the exact location for the installation or placement of a new or replacement pole. The wireless infrastructure provider, the wireless provider, or the wireless service provider is allowed to determine the exact location for the installation of a new or replacement pole.

QUESTION FOUR

(4) If a new pole is installed on the City right-of-way, does the Act allow the City to require that the pole be a decorative pole to fit aesthetically with the neighborhood? If so, does the Act further preclude pole placement if the neighborhood has underground utilities and the small cell facility cannot be placed underground due to technical limitations?

FACTS AND ANALYSIS

As stated above, section 37-17-3 of the Code provides that an Authority may require a wireless provider to meet requirements that are written, generally applicable, and adopted in advance. Section 37-17-10(b) of the Code also states that “an authority may not otherwise adopt or enforce regulations or requirements on the *placement, operation, or maintenance* of communications facilities.” ALA. CODE § 37-17-10(b) (Supp. 2022) (emphasis added). This language does not prohibit an authority from adopting and enforcing regulations on the *design* of communication facilities; it only prohibits regulations on the placement, operation, and maintenance. Thus, the City may require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is in writing and adopted in advance. Furthermore, any requirements by the City for the design cannot be in conflict with the final rulings of the FCC.

The Attorney General does not interpret federal law and cannot determine whether local requirements are in conflict with federal law but offers the following for informational purposes. The FCC has issued a ruling with regard to underground requirements which states:

33. *Undergrounding requirements.* The Commission understands that some local jurisdictions have adopted undergrounding provisions that require infrastructure to be deployed below ground based, at least in some circumstances, on the locality's aesthetic concerns. A number of providers have complained that these types of requirements amount to an effective prohibition. In addressing this issue, the Commission first reiterates that while undergrounding requirements may well be permissible under state law as a general matter, any local authority to impose undergrounding requirements under state law does not remove the imposition of such undergrounding requirements from the provisions of Section 253. In this sense, the Commission notes that a requirement that *all* wireless facilities be deployed underground would amount to an effective prohibition given the propagation characteristics of wireless signals. Thus, undergrounding requirements can amount to effective prohibitions by materially inhibiting the deployment of wireless service.

83 Fed. Reg. 51867, at 51872 (2018). The federal courts have ruled that an ordinance requiring all facilities to be underground is preempted by the FCC's orders. *Crown Castle Fiber, L.L.C. v. City of Pasadena, Texas*, No. 22-20454, 2023 WL 4994300, at 8 (5th Cir. Aug. 4, 2023); *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied sub nom. City of Portland, Or. v. FCC*, 141 S. Ct. 2855 (2021). Thus, based upon case law, the FCC ruling prohibits regulations that require that all facilities must be placed underground.

The FCC also issued a ruling with regard to aesthetics which states:

29. *Aesthetics*. The Commission sought comment on whether deployment restrictions based on aesthetic or similar factors are widespread and, if so, how Sections 253 and 332(c)(7) should be applied to them. The Commission provides guidance on whether and in what circumstances aesthetic requirements violate the Act. This will help localities develop and implement lawful rules, enable providers to comply with these requirements, and facilitate the resolution of disputes. The Commission concludes that aesthetics requirements are ***not preempted if*** they are (1) ***reasonable***, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and ***published in advance***.

83 Fed. Reg. 51867, at 51871 (2018) (emphasis added).

The Ninth Circuit Court reviewed the FCC's aesthetic requirement conclusions as set forth above and held: (1) the requirement that aesthetics requirements be "reasonable" was not unduly vague, (2) the requirement that they be no more burdensome than those applied to other types of infrastructure deployments exceeded the scope of the FCC's authority, and (3) the requirement that aesthetic requirements be "objective" was unduly vague. *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied sub nom. City of Portland, Or. v. FCC*, 141 S. Ct. 2855 (2021). Thus, based upon this decision, the FCC ruling provides that aesthetic requirements adopted by an Authority must be reasonable and published in advance.

Again, the Attorney General does not make determinations as to whether actions or requirements are reasonable or in compliance with federal law. It is the opinion of the Attorney General that the Act allows the City to require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is reasonable, in writing, and adopted in advance. The Attorney General, however,

Honorable Jeffrey D. Downes
Page 10

does not make determinations as whether regulations are reasonable. Furthermore, the City may not require underground placement and thus preclude pole placement.

CONCLUSION

Act 2021-5 allows the City to require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is reasonable, in writing, and adopted in advance. The City may not require underground placement and thus preclude pole placement.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact me.

Sincerely,

STEVE MARSHALL
Attorney General

By:

A handwritten signature in black ink, appearing to read "Ben Baxley", written over the printed name.

BEN BAXLEY
Chief, Opinions Division

SM/BFS/as
3475107/239007



**CITY OF VESTAVIA HILLS
PLANNING & ZONING
INTER-DEPARTMENT MEMO**

November 10, 2025

To: Jeff Downes, City Manager

From: Rebecca Leavings, City Clerk

Cc: Conrad Garrison, City Planner

RE: Public Hearing - Ordinance Number 3300 - Rezoning - 3122, 3128, 3134 and 3136 Sunview Drive; Rezone from Vestavia Hills B-1.2 to Vestavia Hills B-1.2 with a revised plan for a bank

Background:

This request is to revised a business site plan to allow for construction of a bank on this location. The property was previously rezoned to B-1.2 for a different type of business. This request will revise the plan for the bank.

Recommendation:

This was presented to the P&Z Commission in October. Recommendation advisement is attached.

Fiscal Impact:

na

Attachments:

1. Ordinance 3300

ORDINANCE NUMBER 3300

**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 PROPERTY FROM VESTAVIA HILLS B-1.2 TO VESTAVIA
HILLS B-1.2 WITH A REVISED PLAN**

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 Vestavia Hills B-1.2 (planned neighborhood mixed use district) to Vestavia Hills B-1.2 (planned neighborhood mixed use district) with a revised plan:

3122, 3128, 3134, and 3136 Sunview Drive
Parris Holley, owner(s)

More particularly described as follows:

Parcel #1 - A parcel of land situated in the Southwest one-quarter of the Southeast one-quarter of Section 15, Township 18 South, Range 2 West, Jefferson County being more particularly described as follows:

Commencing at a found capped iron stamped EDG 804LS marking the Southeast corner of Lot 13, Block 2 Glass's Second Addition to New Merkle as recorded in Map Book 28, Page 51 in the Office of the Judge of Probate of Jefferson County, Alabama said point also lying on the Northerly right of way of Sunview Drive (right of way varies); thence run North 59 degrees 21 minutes 51 seconds West along said Northerly right of way and along the South lot lines and the extension thereof of Lots 13, 12, and 11 said Block 2 Glass's Second Addition to New Merkle for a distance of 189.04 feet to a set 5/8 inch capped rebar stamped GSA CA-560LS; thence run North 63 degrees 41 minutes 47 seconds West along said Northerly right of way for a distance of 84.87 feet to a found PK nail and the POINT OF BEGINNING of the Parcel herein described; thence run North 49 degrees 17 minutes 22 seconds West along said Northerly right of way for a distance of 29.25 feet to a set 5/8 inch capped rebar stamped GSA CA-560LS lying on a curve turning to the right, with a radius of 331.15 feet, with a delta angle of 08 degrees 33 minutes 56 seconds, with a chord bearing of North 37 degrees 16 minutes 00 seconds West, and with a chord length of 49.46 feet; thence run along the arc of said curve and along said Northerly right of way for a distance of 49.51 feet to a set 5/8 inch capped rebar stamped

GSA CA-560LS; thence run North 32 degrees 59 minutes 02 seconds West along said Northerly right of way for a distance of 71.55 feet to a found capped iron stamped EDG 804LS; thence leaving said Northerly right of way run North 41 degrees 48 minutes 11 seconds East for a distance of 4.49 feet to a found capped iron stamped EDG 804LS; thence run North 20 degrees 07 minutes 49 seconds East for a distance of 31.99 feet to a set 5/8 inch capped rebar stamped GSA CA-560LS; thence run North 47 degrees 54 minutes 46 seconds East for a distance of 32.36 feet to a set 5/8 inch capped rebar stamped GSA CA-560LS; thence run South 89 degrees 36 minutes 14 seconds East for a distance of 92.84 feet to a found capped iron stamped EDG 804LS; thence run South 01 degrees 08 minutes 01 seconds East for a distance of 45.56 feet to a found capped iron stamped EDG 804LS; thence run North 63 degrees 35 minutes 07 seconds West for a distance of 49.78 feet to a found 5/8 inch rebar; thence run South 01 degrees 29 minutes 30 seconds East for a distance of 149.54 feet to the POINT OF BEGINNING. Said parcel contains 11,322 square feet or 0.26 acres more or less.

Parcel #2 - A parcel of land situated in the Southwest one-quarter of the Southeast one-quarter of Section 15, Township 18 South, Range 2 West, Jefferson County being more particularly described as follows:

Commencing at a found capped iron stamped EDG 804LS marking the Southeast corner of Lot 13, Block 2 Glass's Second Addition to New Merkle as recorded in Map Book 28, page 51 in the Office of the Judge of Probate of Jefferson County, Alabama said point also lying on the Northerly right of way of Sunview Drive (right of way varies); thence run North 59 degrees 21 minutes 51 seconds West along said Northerly right of way and along the South lot lines and the extension thereof of Lots 13, 12, and 11 said Block 2 Glass's Second Addition to New Merkle for a distance of 189.04 feet to a set 5/8 inch capped rebar stamped GSA CA-560LS and the POINT OF BEGINNING of the parcel herein described; thence run North 63 degrees 41 minutes 47 seconds West along said Northerly right of way for a distance of 84.87 feet to a found PK nail; thence leaving said Northerly right of way run North 01 degrees 29 minutes 30 seconds West for a distance of 149.54 feet to a found 5/8 inch rebar; thence run South 63 degrees 35 minutes 07 seconds East for a distance of 49.78 feet to a found capped iron stamped EDG 804LS; thence run South 63 degrees 43 minutes 01 seconds East for a distance of 35.22 feet to a found capped iron stamped EDG 804LS; thence run South 01 degrees 27 minutes 45 seconds East for a distance of 149.40 feet to the POINT OF BEGINNING. Said parcel contains 11,227 square feet or 0.26 acres more or less.

Parcel #3 - A portion of vacated 20th Avenue situated in the Southwest one-quarter of the Southeast one-quarter of Section 15, Township 18 South,

Range 2 West, Jefferson County being more particularly described as follows:

Commencing at a found capped iron stamped EDG 804LS marking the Southeast corner of Lot 13, Block 2 Glass's Second Addition to New Merkle as recorded in Map Book 28, Page 51 in the Office of the Judge of Probate of Jefferson County, Alabama said point also lying on the Northerly right of way of Sunview Drive (right of way varies); thence run North 59 degrees 21 minutes 51 seconds West along said Northerly right of way and along the South lot lines of Lots 13, 12, and 11 said Block 2 Glass's Second Addition to New Merkle for a distance of 165.58 feet to a found capped iron stamped EDG 804LS marking the Southwest corner of said Lot 11 said point also lying on the Easterly vacated right of way of 20th Avenue and the POINT OF BEGINNING of the parcel herein described; thence run North 59 degrees 21 minutes 36 seconds West along said Northerly right of way for a distance of 23.46 feet to a set 5/8 inch capped rebar stamped GSA CA-560LS lying on the Westerly vacated right of way of 20th Avenue; thence leaving said Northerly right of way run North 01 degrees 27 minutes 45 seconds West said vacated right of way for a distance of 149.40 feet to a found capped iron stamped EDG 804LS; thence leaving said vacated right of way run North 86 degrees 10 minutes 14 seconds East for a distance of 22.48 feet to a found capped iron stamped EDG 804LS lying on the Easterly vacated right of way of 20th Avenue; thence run South 00 degrees 33 minutes 06 seconds East along said vacated right of way and along West lot line of Lots 10 and 11 said Block 2 Glass's Addition to New Merkle for a distance of 162.82 feet to the POINT OF BEGINNING. Said parcel contains 3,318 square feet or 0.08 acres more or less.

Parcel #4 - A parcel of land situated in the Southwest one-quarter of the Southeast one-quarter of Section 15, Township 18 South, Range 2 West, Jefferson County being more particularly described as follows:

Beginning at a found capped iron stamped EDG 804LS marking the Southeast corner of Lot 13, Block 2 Glass's Second Addition to New Merkle as recorded in Map Book 28, Page 51 in the Office of the Judge of Probate of Jefferson County, Alabama said point also lying on the Northerly right of way of Sunview Drive (right of way varies); thence run North 59 degrees 21 minutes 51 seconds West along said Block 2 Glass's Second Addition to New Merkle for a distance of 165.58 feet to a found capped iron stamped EDG 804LS marking the Southwest corner of said Lot 11 said point also lying on the Easterly vacated right of way of 20th Avenue; thence leaving said Northerly right of way run North 00 degrees 33 minutes 06 seconds West along said vacated right of way and along the West lot line of said Lot 11 for a distance of 116.79 feet to a set 5/8 inch capped rebar stamped GSA CA-50LS marking the Northwest corner of said Lot 11; thence leaving said vacated right of way run North 87 degrees 01 minutes

11 seconds East along the North lot line of said Lots 11, 12, and 13 for a distance of 132.41 feet to a found capped iron stamped EDG 804LS marking the Northeast corner of said Lot 13; thence run South 03 degrees 07 minutes 31 seconds East along the East lot line of said Lot 13 for a distance of 208.36 feet to the POINT OF BEGINNING. Said parcel contains 22,066 square feet, or 0.51 acres more or less.

This Ordinance Number 3300 shall become effective immediately upon adoption and approval following publishing/publication as required by Alabama law.

APPROVED and ADOPTED this the 24th day of November, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

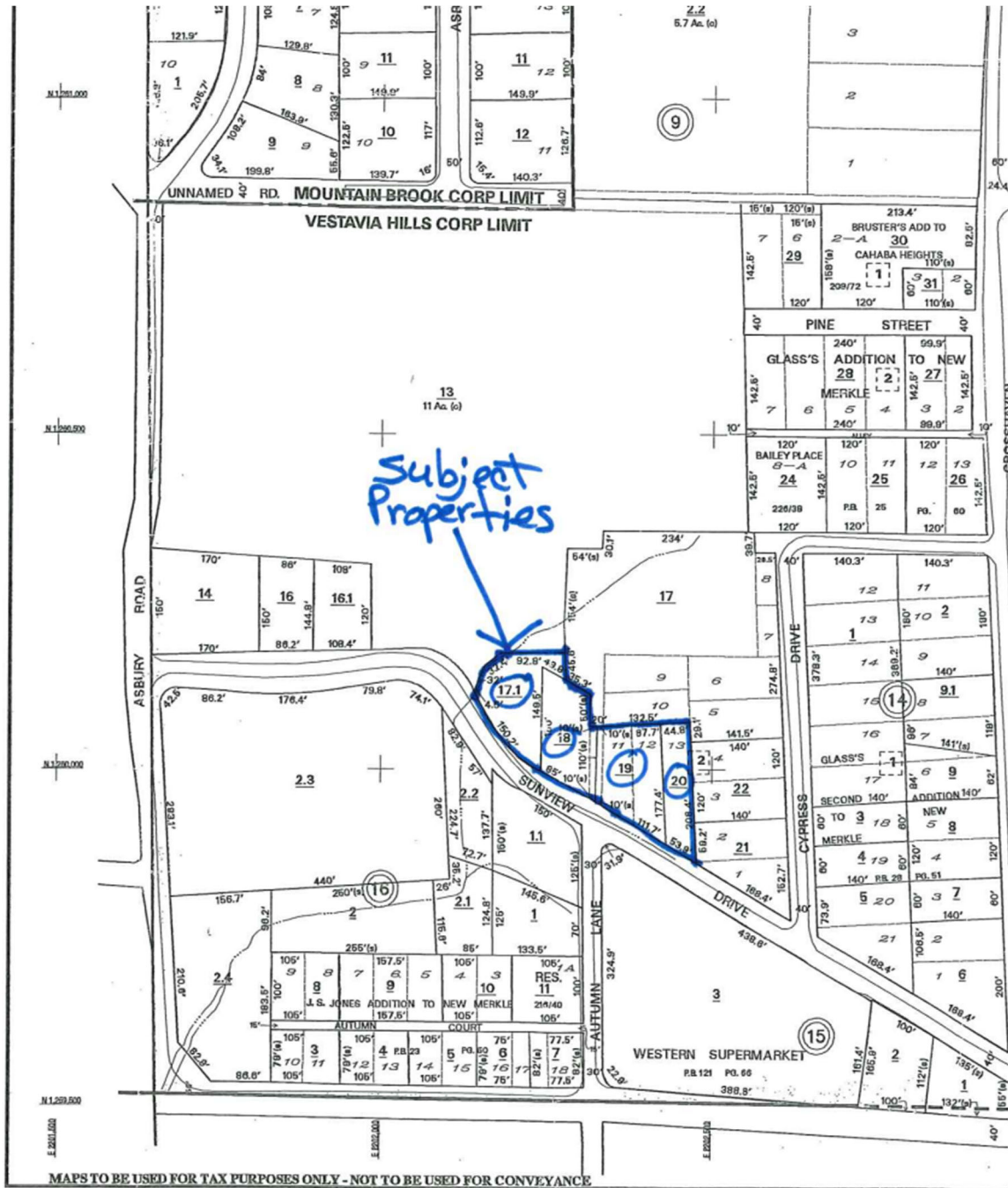
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3300 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 24th day of November, 2025 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills Civic Center and Vestavia Hills New Merkel House this the _____ day of _____, 2025.

Rebecca Leavings
City Clerk





City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-25-8

Owner Name: Parrish Holley

Owner Address: 164 Fairmont Drive, Mt. Brook, 35213

Representative: Todd Thompson

Rep. Address: 3 Riverchase Ridge, Hoover, Al 35244

Project Address: 3122, 3128, 3134 and 3136 Sunview Drive

Legal Description: Parcel #1

A parcel of land situated in the Southwest one-quarter of the Southeast one-quarter of Section 15, Township 18 South, Range 2 West, Jefferson County being more particularly described as follows:

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East along the North lot line of said Lots 11, 12, and 13 for a distance of 132.41 feet to a found capped iron stamped EDG 804LS marking the Northeast corner of said Lot 13; thence run South 03 degrees 07 minutes 31 seconds East along the East lot line of said Lot 13 for a distance of 208.36 feet to the POINT OF BEGINNING. Said parcel contains 22,066 square feet, or 0.51 acres more or less.

Parcel ID Number: 28-15-4-009-017.001, 018.000, 019.000 and 020.000

Current Zoning: B1.2

Requested Zoning: B1.2

Intended Purpose: NEW COMMERCIAL CONSTRUCTION - bBRANCH bANK WITH DRIVE UP TELLER

MOTION Mr. Romeo made a motion to recommend Rezoning for 3128 Sunview Dr. from Vestavia Hills B-1.2 to Vestavia Hills B-1.2

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

Mr. Farrell – yes Mr. Sykes – yes

Mr. Romeo – yes Mr. Maloof– yes

Mr. Blackenburg – yes Ms. Cochran– yes

Motion carried.

P&Z

Recommendation:

Date of P&Z
Meeting:

October 9, 2025

Authorized by:

Issued by:

Vestavia Hills Planning and Zoning Commission,
Lindsey Cochran, Chair
Conrad Garrison, City Planner

User Advisory

Property Information

Subject Property Address	Tax Parcel ID Number
3128 Sunview Drive	28-15-4-009-019.000
Legal Description	
Parcel 1, 2, 3 and 4 on the attached survey	
Existing Parking Spaces	Proposed Parking Spaces
0	20
Submission Date	Type of Project
08/30/2025	New Commercial Development

Action Requested:

From Existing Zoning Classification	To Requested Zoning Classification
B1.2	B1.2
For the Intended Purpose of:	
NEW COMMERCIAL CONSTRUCTION - bBRANCH bBANK WITH DRIVE UP TELLER	
Acreage of Subject Property	Acreage of Property to be Disturbed
1.10	0.92

Setbacks

Front	Back
0	30
Side	Open Space
0	89
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).
39	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

Parrish Holley

Company Name

--

Owner Address City State Zip

164 Fairmont Drive, Mt. Brook, 35213

Owner's Phone Number

7277096199

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

Email Address of Owner

tcorbett@floridaconceptsinc.com

Owner Representative/Responsible Party

Todd Thompson

Company Name

MTTR Engineers, inc.

Contact Email of Responsible Party

Tthompson@MTTReng.com

Mailing Address of Responsible Party

3 Riverchase Ridge, Hoover, Al 35244

Phone No. of Responsible Party

205-936-7993

Email Address of Responsible Party

Tthompson@MTTReng.com

Project Engineer Information (if applicable)

Name

Todd Thompson

Company

MTTR Engineers, inc.

Mailing Address

3 Riverchase Ridge, Hoover, Al 35244

Phone Number

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MTTR
ENGINEERS, INC.
CONSULTING ENGINEERS-LAND SURVEYORS
3 RIVERCHASE RIDGE, HOOVER, AL 35244
TELEPHONE (205) 320-0114



COVER SHEET

WEST ALABAMA BANK
SUNNIEW DRIVE
VESTAVIA HILLS, ALABAMA
FLORIDA CONCEPTS
TAMPA, FLORIDA

COVER SHEET

PROJECT

ENGINEER

[illegible]

DATE	REVISIONS

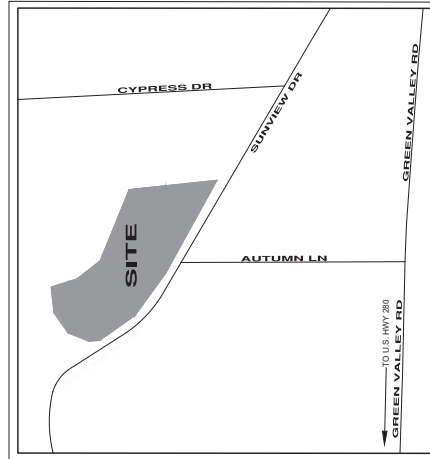
JOB NO:	25FC01
FILE NAME:	25F004-R1.DWG
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DRAWN:	
T.T.	
CHECKED:	
J.T.	
SCALE:	
1"=1'	
SHEET	

CO



Know what's below
Call before you dig.
Dial 811
Or Call 800-282-7411

C0	COVER SHEET
C1	EXISTING CONDITIONS
C2	DEMOLITION PLAN
C3	SITE LAYOUT PLAN
C4	GRADING AND DRAINAGE PLAN
C5A	BMP PLAN
C5B	BMP DETAILS
C6	UTILITY PLAN
C7	SECTIONS AND DETAILS



**VICINITY MAP
N.T.S.**

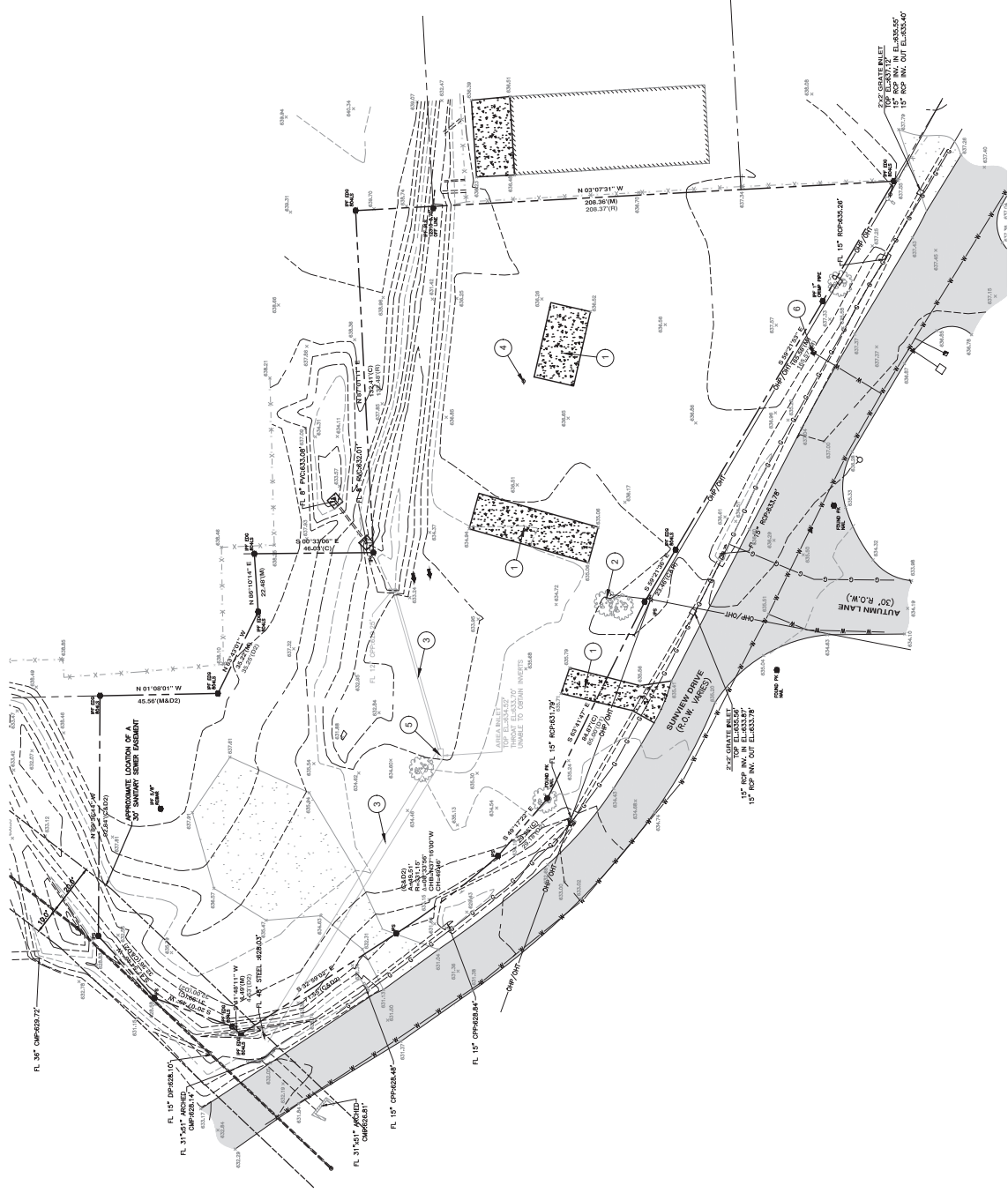
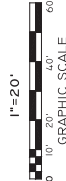
SITE DATA TABLE PROPERTY AREA = 1.0 AC. ZONING: B1.2 LAND USE: CURRENT VACANT PROPOSED: BANK / FINANCIAL INSTITUTION BUILDING SETBACKS: FRONT = 10' (MIN. 5' + 1' NO. 1 + 1' NO. 2) REAR = 30' SIDE = 10' (MIN. 5' + 1' NO. 1 + 1' NO. 2) MAX. BUILDING HEIGHT: 35 FT. OR 3 STORIES WHICHEVER IS LESS SITE PARKING DATA: PARKING REQUIRED: BANK WITH DRIVE THRU, 1 SPACE PER 400 SF GFA, 10 STACKING SPACES PER DRIVE THRU LANE. 0.242SP/400 = 12.1 + 6.5 TOTAL PARKING SPACES PROVIDED: 20 SPACES

DEMOLITION NOTES

1. CONTRACTOR SHALL PROTECT ALL PROPERTY CORNERS AND BENCHMARKS. IF DESTROYED DURING CONSTRUCTION, CONTRACTOR SHALL REPLACE AT HIS EXPENSE.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. ANY UTILITIES ADJACENT TO THE SITE PRIOR TO BEGINNING WORK. ALL UTILITIES SHOWN ARE APPROXIMATE.
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4. CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES WITHIN ADJACENT RIGHT-OF-WAY AND DEMOLITION LIMITS.
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DEMOLITION LEGEND

1. SAWCUT AND REMOVE CONCRETE SLAB ON GRADE
2. REMOVE EXISTING VEGETATION
3. REMOVE EXISTING STORM PIPE
4. REMOVE EXISTING OVERHEAD POWER SERVICE. CONTRACTOR SHALL COORDINATE WITH AL POWER CO FOR THE TERMINATION AND REMOVAL OF SERVICE LINES AND POLES
5. REMOVE EXISTING STORM STRUCTURES
6. REMOVE EXISTING WATERMETER



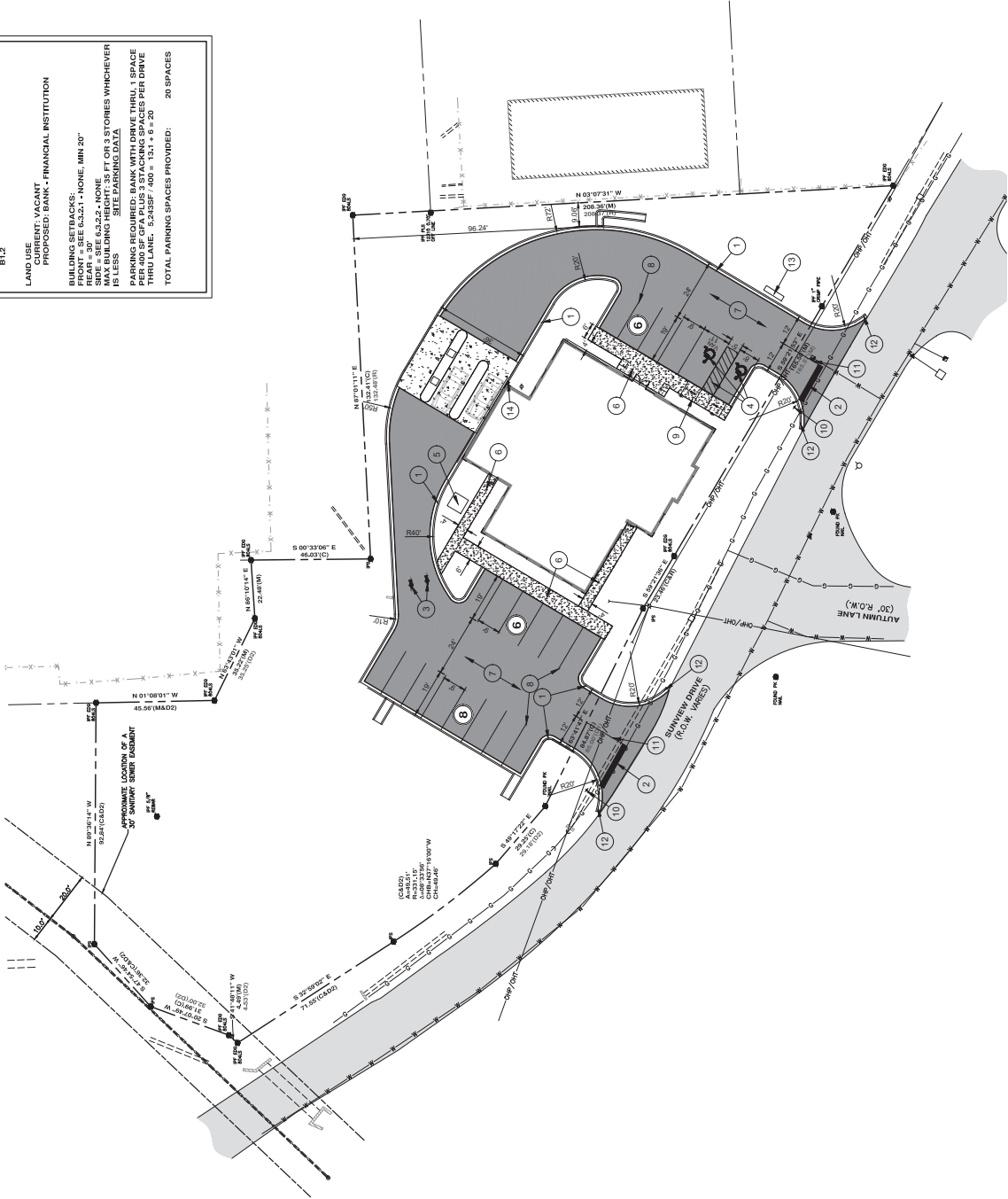
SITE DATA TABLE

PROPERTY AREA= 1.10 AC.

ZONING:
B1.2

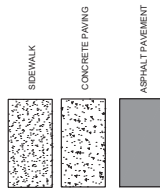
LAND USE:
COMMERCIAL VACANT
PROPOSED BANK - FINANCIAL INSTITUTION

BUILDING SETBACKS:
FRONT - SEE 6.2.2.1 - NONE, MIN 20"
SIDE - SEE 6.2.2.2 - NONE
REAR - SEE 6.2.2.3 - NONE
STREET LIGHTS - SEE 6.2.2.4 - NONE
PARKING REQUIRED: BANK WITH DRIVE THRU 1 SPACE
PER 400 SF GFA PLUS 3 STACKING SPACES PER DRIVE
THRU LANE. 5.24BSF / 400 = 13.1 * 5 = 20
TOTAL PARKING SPACES PROVIDED: 20 SPACES



KEY NOTE LEGEND

- 1" CONCRETE CURB AND GUTTER REQUIRED TYPICAL. SEE DETAIL.
- 2" 4" SOLID WHITE STOP BAR REQ'D. TYPICAL. SEE DETAIL.
- 3 DIRECTIONAL TRAFFIC CROWN REQ'D. TYPICAL.
- 4 ADA PARKING SPACE REQ'D. TYPICAL. SEE DETAIL FOR ADA SIGN, ARROW, AND SYMBOL. "V" INDICATES VEHICLE ACCESSIBLE SPACE.
- 5 4" WIDE DOUBLE YELLOW PAINT STRIPING REQ'D. CONSTRUCTION SHALL COORDINATE WITH POWER COMPANY FOR EXACT LOCATION, TIME, AND SIZE.
- 6 CONCRETE SIDEWALK REQ'D. SEE DETAIL.
- 7 STANDARD DUTY ASPHALT PAVEMENT REQ'D. SEE DETAIL.
- 8 4" WIDE SOLID WHITE PAINT STRIPING REQ'D.
- 9 ADA RAMP REQ'D. SEE DETAIL.
- 10 10' 1" STOP SIGN REQ'D. TYPICAL. SEE DETAIL.
- 11 4" WIDE DOUBLE YELLOW PAINT STRIPING REQ'D.
- 12 TRANSITION MARK OF CURB FROM 15' TO 5' IN FEET TYPICAL AT EACH CORNER.
- 13 PRIMAVER CERTIFICATION SIGN.
- 14 PIPE BOLLARD REQUIRED. SEE DETAIL.
- 15 STEEL GUY POLE BASE AND GUY WIRE TYPICAL - REFER TO PHOTOGRAPHIC PLAN.



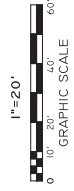
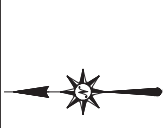
GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN AND FOR A SURVEY TO COMPLETE AND PROVIDE THE NECESSARY DATA FOR THE CONSTRUCTION OF THE PROJECT.
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SETBACKS:

1. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION WITHIN 90 DAYS OF COMPLETION OF THE PROJECT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN AND FOR A SURVEY TO COMPLETE AND PROVIDE THE NECESSARY DATA FOR THE CONSTRUCTION OF THE PROJECT.
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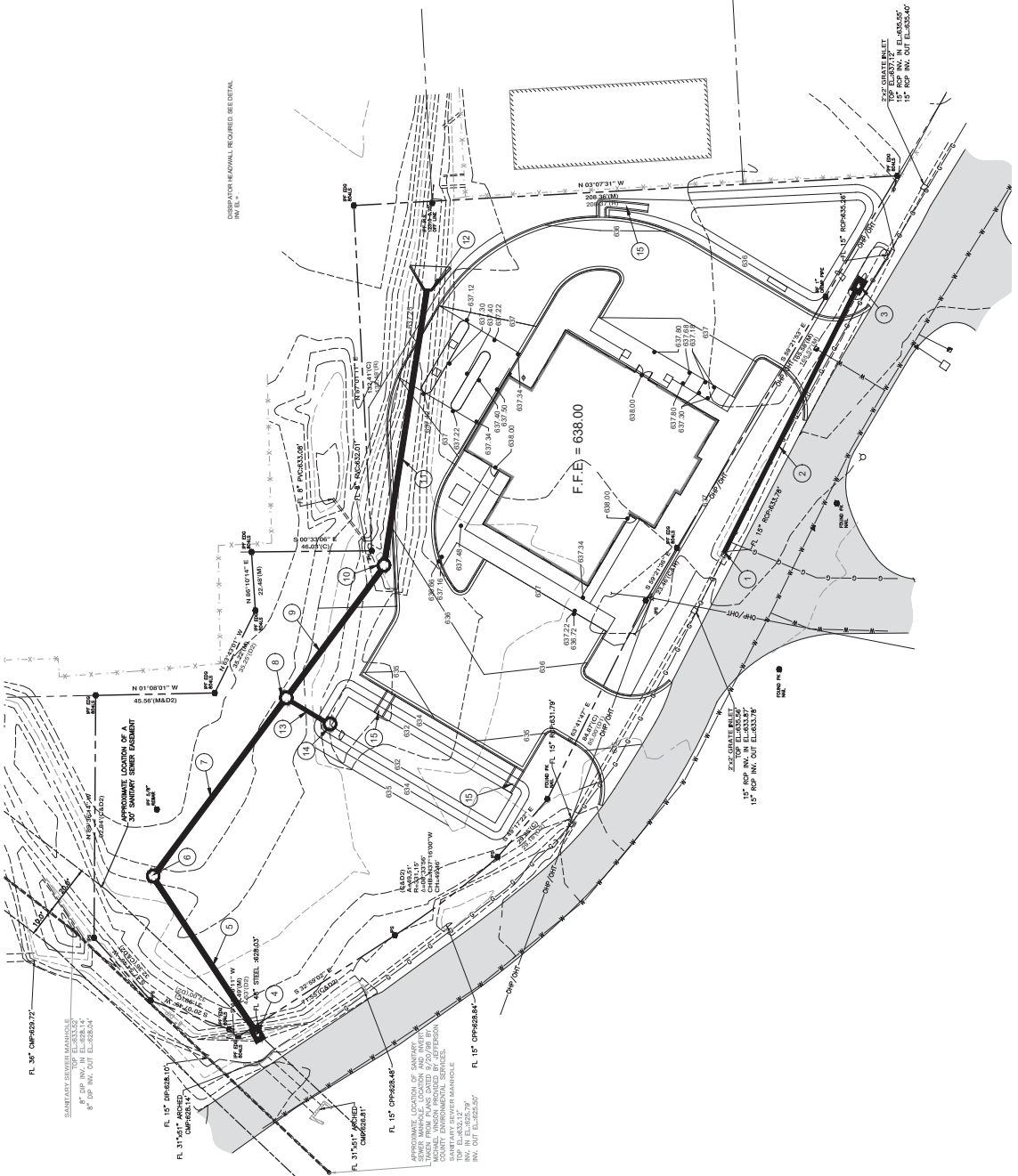
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KEY NOTE LEGEND

1. CONCRETE COLLAR REQUIRED AT JUNCTION OF EXISTING PIPE AND NEW PIPE
2. 12" F. - 15' RCP PIPE @ 0.5% SLOPE
3. SLOPED DITCHED HORIZONTAL REQUIRED SEE DETAIL INV. E.L. = 681.34
4. 12" F. - 15' RCP PIPE @ 0.5% SLOPE HORIZONTAL REQUIRED SEE DETAIL INV. E.L. = 681.34
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12. 12" F. - 15' RCP PIPE @ 0.5% SLOPE
13. 12" F. - 15' RCP PIPE @ 0.5% SLOPE
14. 12" F. - 15' RCP PIPE @ 0.5% SLOPE
15. 12" F. - 15' RCP PIPE @ 0.5% SLOPE

- GRADING NOTES
1. COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES SHALL BE PRIOR TO THE START OF THE CONSTRUCTION PERIOD. THE AREAS SHALL BE PROTECTED PRIOR TO ACCEPTANCE.
 2. EXISTING GRADES SHALL BE MAINTAINED UNLESS OTHERWISE NOTED OTHERWISE.
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Construction Entrance Notes:
1. A stabilized pad of A.D.O.T. #1 crushed stone will be leaving the construction site.
2. The entrance shall be maintained in a condition of no erosion, no rutting, no rutting or flooding of sediment onto public streets or roads.
3. All sediment spilled, dropped, washed or tracked shall be removed immediately.
4. THE CONSTRUCTION EXIT SHALL BE BERMED TO #1 CRUSHED STONE.
N.T.S.

SECTION

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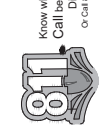
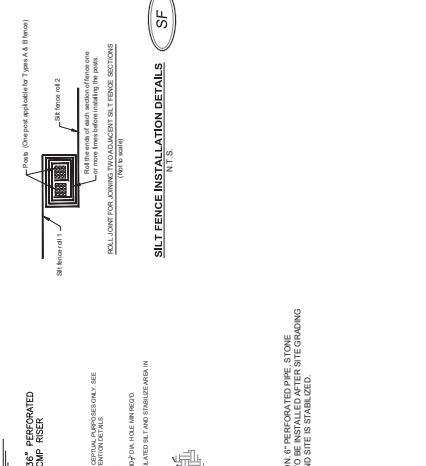
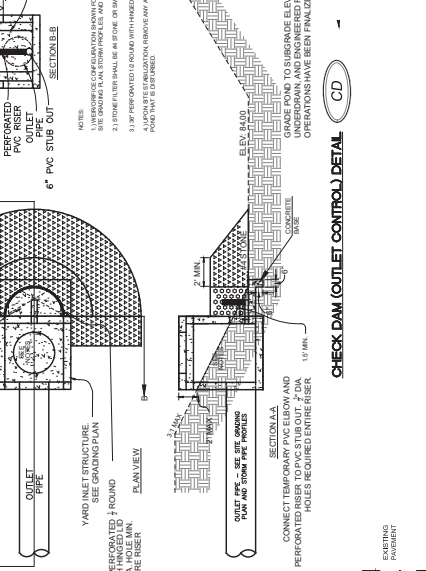
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PLAN VIEW

CE



N.T.S.



N.T.S.



- NOTE:** ALL PAYMENT ITEMS SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH LATEST EDITION OF THE ALABAMA STATE HIGHWAY SPECIFICATIONS.



- TION, AND AT ALL STRUCTURES.

TS.

JOB NO:
55FC01
FILE NAME:
55F004-R1.DWG
DATE:
DATE:
DRAWN:
I.T.
CHECKED:
I.T.
SCALE:
1/4"

TABLE 1

ENGINEER

PROJECT

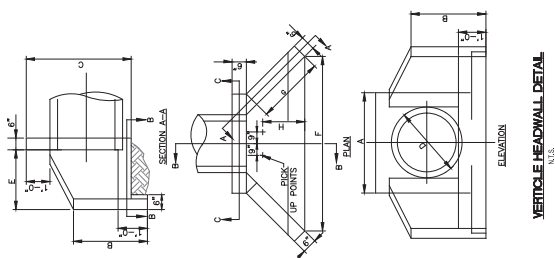
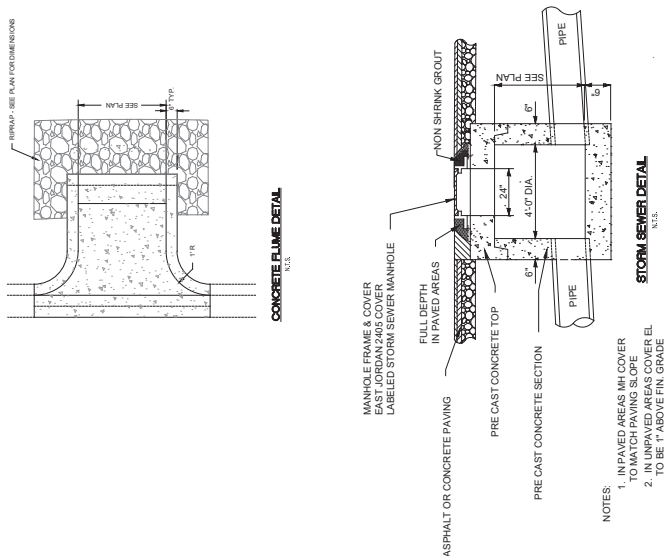
SECTIONS AND DETAILS
WEST ALABAMA BANK
SUNVIEW DRIVE
VESTAVIA HILLS, ALABAMA
FLORIDA CONCEPTS
TAMPA, FLORIDA

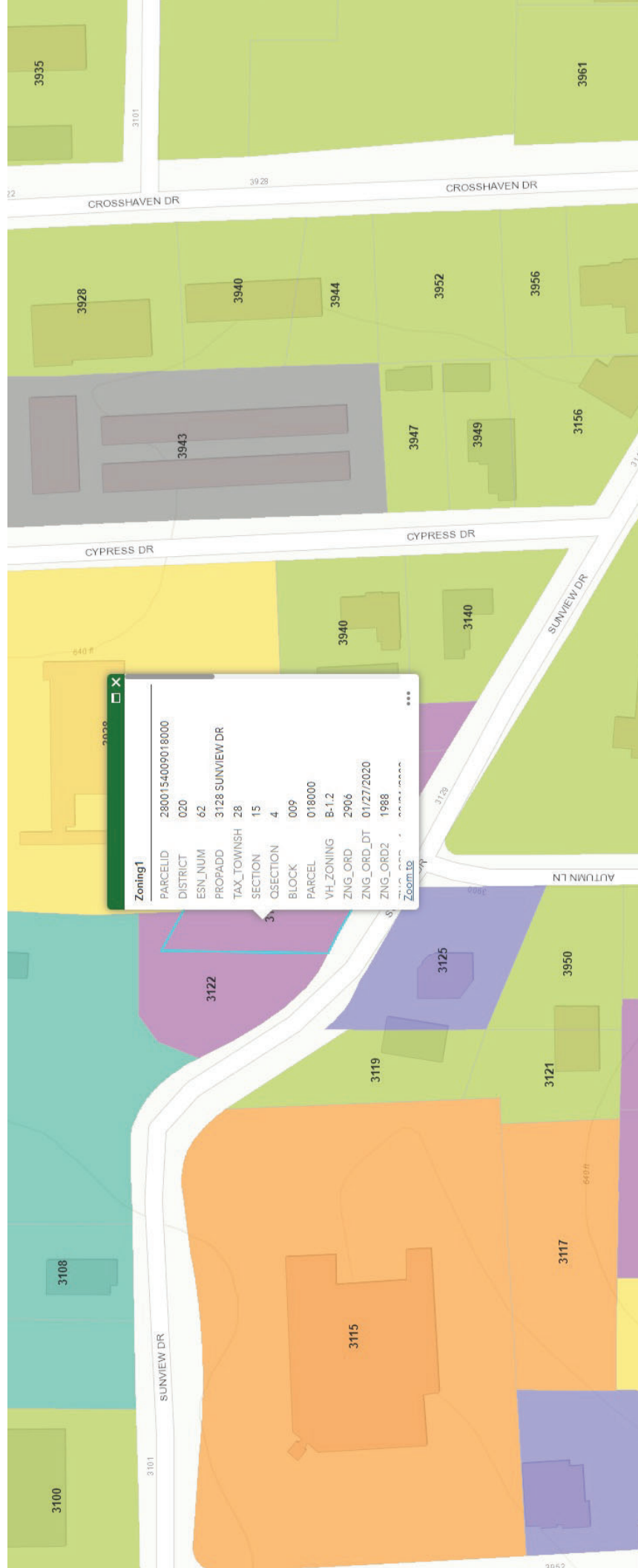


**MTI
CONSULTING ENGINEERS, INC.**
3 RIVERCHASE RIDGE, HOOVER, AL 35244
TELEPHONE (205) 320-0114



Know what's below
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Or Call 800-282-7411





Future Land Use

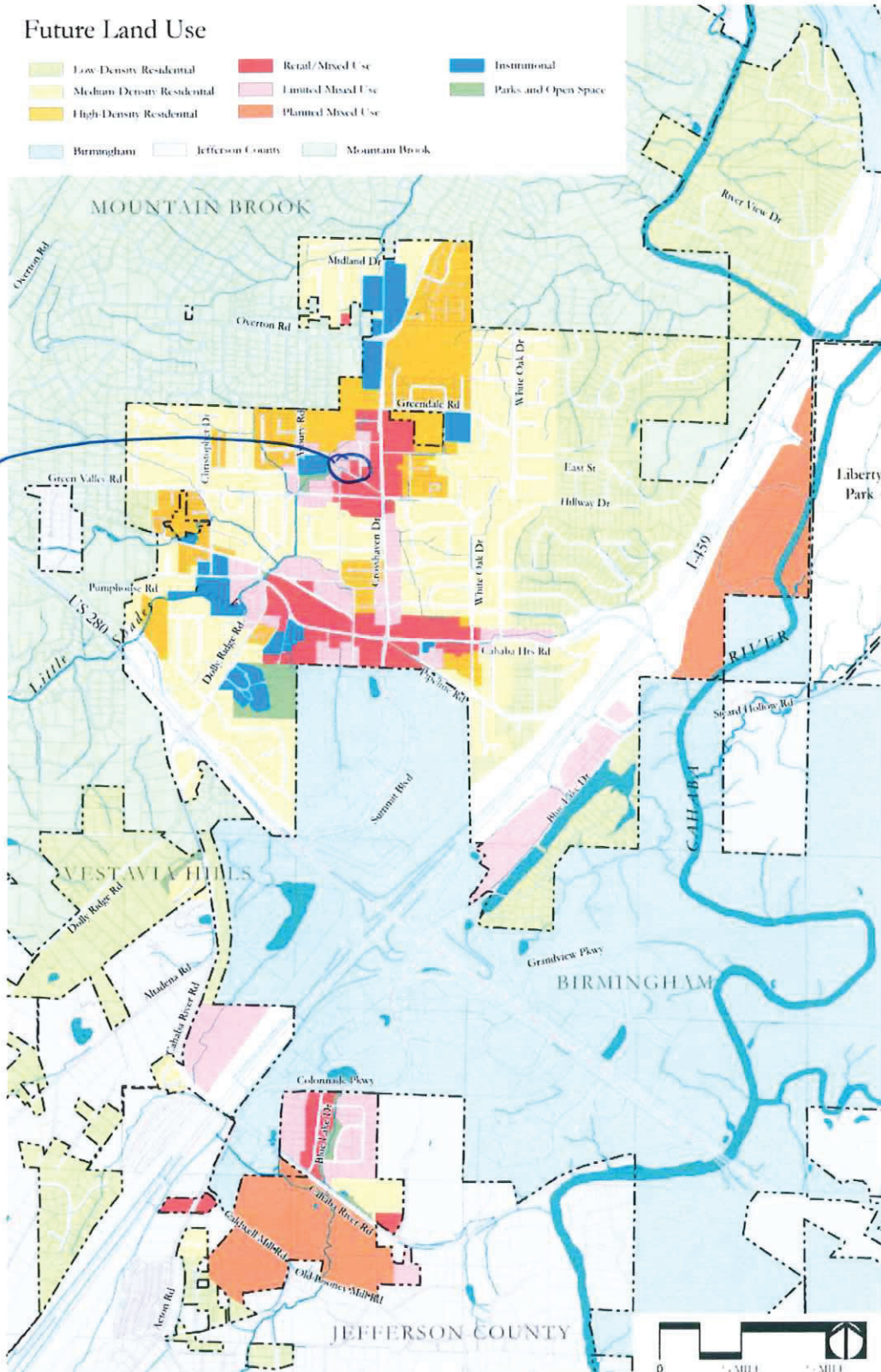
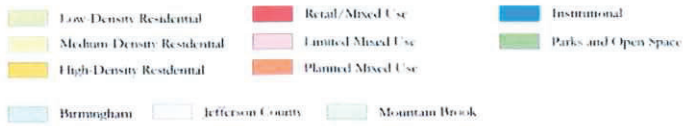


Figure 4: Future Land Use Map



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

November 10, 2025

To: Jeff Downes, City Manager

From: Rebecca Leavings, City Clerk

Cc: Conrad Garrison, City Planner

RE: Public Hearing - Ordinance Number 3301 - Rezoning - 3951 Wall Street; Rezone from Vestavia Hills B-2 to Vestavia Hills R-9; KSA Holdings, LLC, owners; Jason Kessler, representing

Background:

Property was previously rezoned to commercial for a private swim school. The property owner put the property back on the market. This request is for the construction of eight (8) townhomes. Rezoning requested is for planned residential which ties the request to the preliminary plat presented.

Recommendation:

This was heard by the P&Z Commission in October with recommendation for approval. See attached recommendation.

Fiscal Impact:

na

Attachments:

1. Ordinance 3301
2. Support letter

ORDINANCE NUMBER 3301

**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 PROPERTY FROM VESTAVIA HILLS B-2 TO VESTAVIA HILLS
R-9**

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 Vestavia Hills B-2 (general business district) to Vestavia Hills R-9 (planned residential district):

3951 Wall Street
KSA Holdings, LLC, owner(s)

More particularly described as follows:

A part of the SE 1/4 of SE 1/4 of Section 15, Township 18 South, Range 2 West described as follows: Begin at the SW corner of said SE 1/4 of SE 1/4 and run North 495 feet; thence East 296.00 feet for a point of beginning; thence North 165 feet; thence East 100 feet; thence South 165 feet; thence West 100 feet to the point of beginning.

Situated in Jefferson County, Alabama. Subject property is one and the same property conveyed in deeds recorded in Real 2419, Page 547 and Instrument 2019005646.

This Ordinance Number 3301 shall become effective immediately upon adoption and approval following publishing/publication as required by Alabama law.

APPROVED and ADOPTED this the 24th day of November, 2025.

Ashley C. Curry
Mayor

ATTESTED BY:

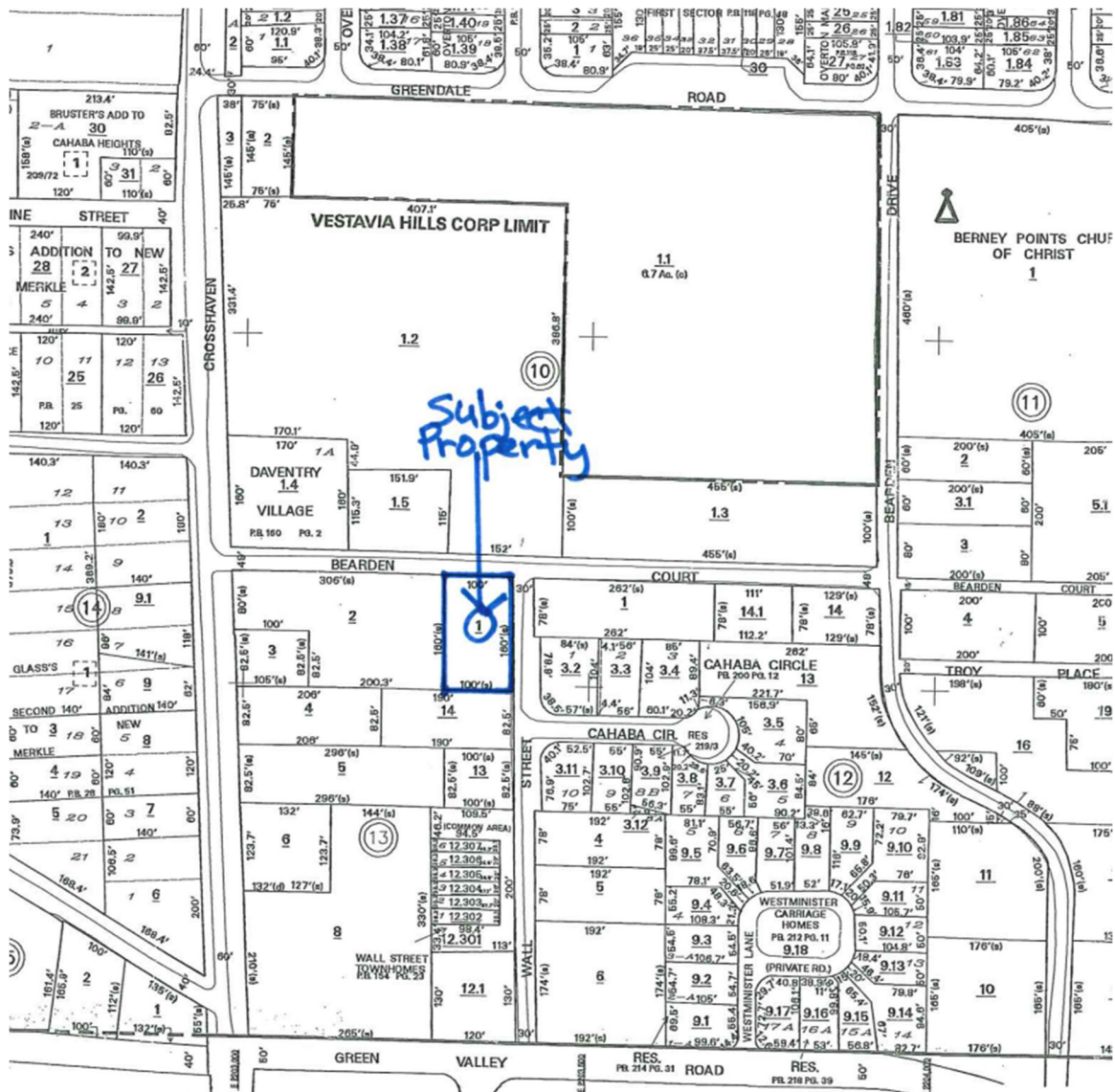
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3301 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 24th day of November, 2025 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills Civic Center and Vestavia Hills New Merkel House this the _____ day of _____, 2025.

Rebecca Leavings
City Clerk





City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-25-7

Owner Name: KSA Holdings, LLC

Owner Address: 3524 Brookwood Road Mountain Brook, AL
35223

Representative: Jason Kessler

Rep. 3505 Bent River Road Birmingham,
Address: AL 35216

Project Address: 3951 Wall Street

Legal Description: 28-00-15-4-013-001.000

Parcel ID Number:

Current Zoning: B2

Requested Zoning: R9

Intended Purpose: 6 townhomes

MOTION Mr. Sykes made a motion to recommend Rezoning for 3951 Wall St. from Vestavia Hills B-2 to Vestavia Hills R-9.

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

Mr. Farrell – yes Mr. Sykes – yes

Mr. Romeo – yes Mr. Maloof – yes

Mr. Blackburnburg – yes Ms. Cochran – yes

Motion carried.

P&Z

Recommendation:

Date of P&Z Meeting: October 9, 2025

Authorized by:

Issued by:

Vestavia Hills Planning and Zoning Commission,
Lindsey Cochran, Chair
Conrad Garrison, City Planner

User Advisory

Property Information

Subject Property Address	Tax Parcel ID Number
3951 Wall Street	--
Legal Description	
28-00-15-4-013-001.000	
Existing Parking Spaces	Proposed Parking Spaces
--	--
Submission Date	Type of Project
08/07/2025	New Residential Subdivision

Action Requested:

From Existing Zoning Classification	To Requested Zoning Classification
B2	R9
For the Intended Purpose of:	
6 townhomes	
Acreage of Subject Property	Acreage of Property to be Disturbed
0.38	0.38

Setbacks

Front	Back
20	15
Side	Open Space
5	--
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

KSA Holdings, LLC

Company Name

--

Owner Address City State Zip

3524 Brookwood Road Mountain Brook, AL 35223

Owner's Phone Number

205-870-8580

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

Email Address of Owner

ablair@lahcommercial.com

Owner Representative/Responsible Party

Jason Kessler

Company Name

KADCO Homes, LLC

Contact Email of Responsible Party

jdkessler84@gmail.com

Mailing Address of Responsible Party

3505 Bent River Road Birmingham, AL 35216

Phone No. of Responsible Party

205-369-5187

Email Address of Responsible Party

--

Project Engineer Information (if applicable)

Name

Bryan Presnell

Company

Forty 4 Engineering Design

Mailing Address

1703 McConnell Lane Mount Olive, AL

Phone Number

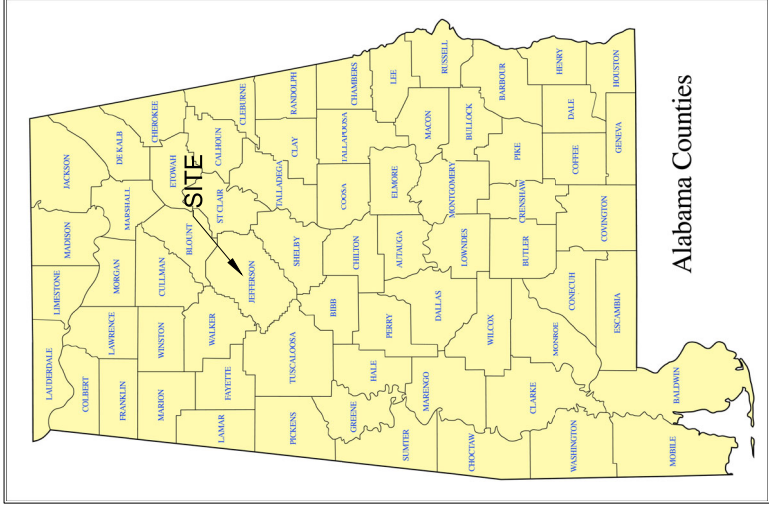
205-876-4335

Email

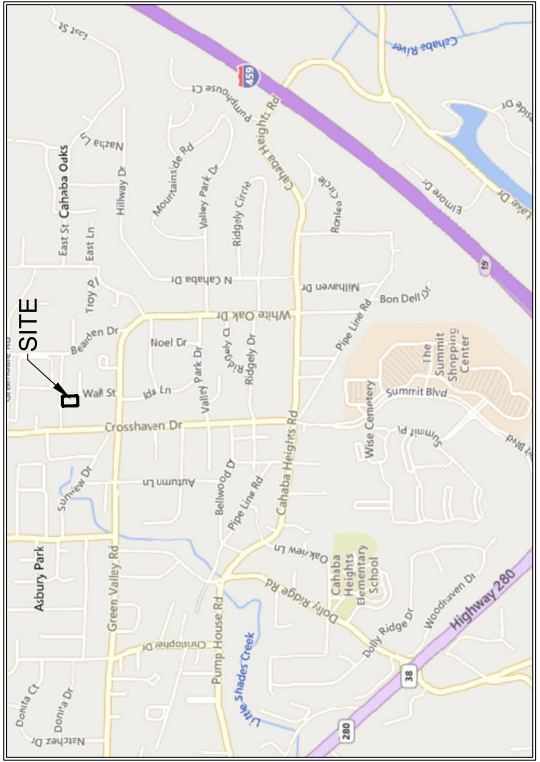
bryan@fortydot4.com

Wall Street Townhomes

3951 Wall St
Vestavia Hills, AL 35243
Sited in Section 15, Township 18 South and Range 2 West
Jefferson County, Alabama



Alabama Counties

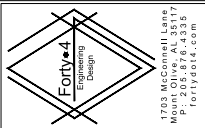


Vicinity Map
n.t.s.

Sheet #	Description
C0.0	Title Sheet
C1.0	Site Plan
C2.0	Utility Plan
C3.0	Grading Plan
C4.0	CBMP Plan
C5.0	Construction Details

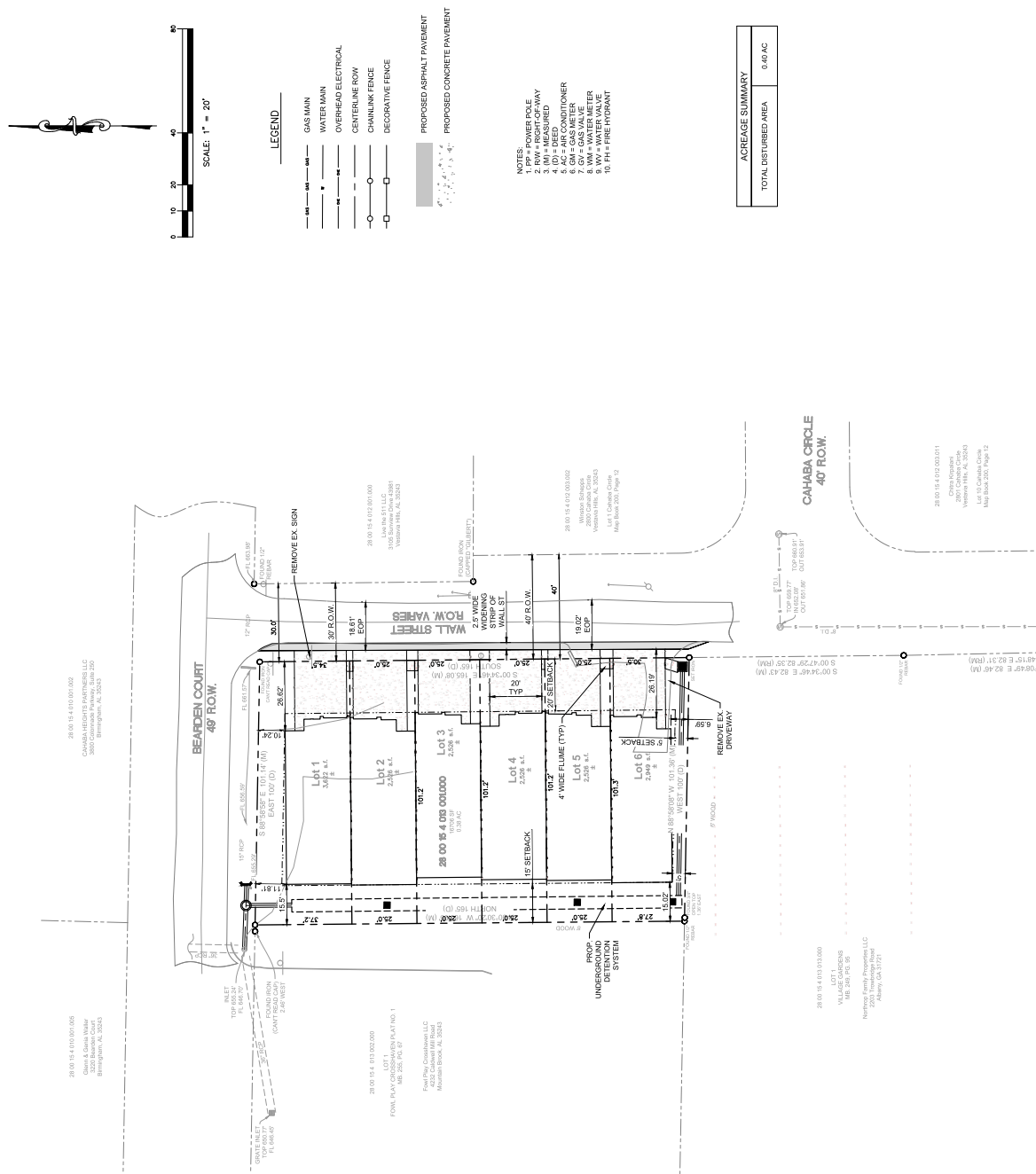
Wall Street Townhomes
3951 Wall St
Vestavia Hills, AL 35243
Sited in Section 15, Township 18 South and Range 2 West
Jefferson County, Alabama

Sheet Title:	Title Sheet
Revisions:	8/9/2025 - ALDOT Comments
File:	C-0.0 Cover Sheet
Date:	October 2, 2025
Scale:	NONE
Drawing:	C0.0



Engineer:
FOR REVIEW
NOT FOR
CONSTRUCTION
10/2/2025

1703 McConnell Lane
Birmingham, AL 35202
P: 205.876.4335
fortyfour4.com



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Drawing:

Scale:

Date: _____

Date: _____

Revisions:

Site Plan

Sheet Title:

ACREAGE SUMMARY	
TOTAL DISTURBED AREA	0.40 AC

NOTES:

PP = POWER POLE
RW = RIGHT-OF-WAY
(M) = MEASURED
(D) = DEED
AC = AIR CONDITIONER
GM = GAS METER
GV = GAS VALVE
WM = WATER METER
WV = WATER VALVE
FH = FIRE HYDRANT

W A I T I N G L I S T 1 9 9 1

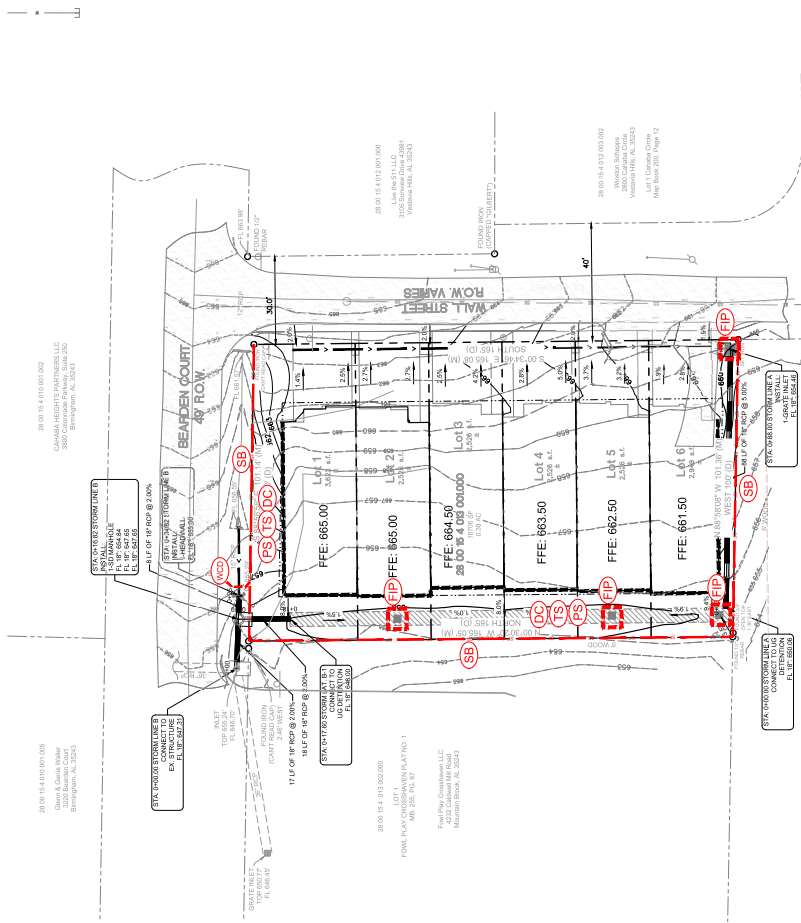
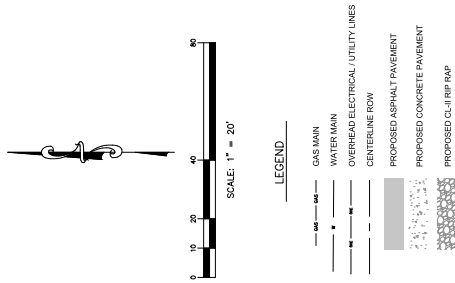
Vestavia Hills, AL 35243
situated in Section 15, Township 18 South and Range 2 West
Jefferson County, Alabama

10/2/2025

FOR REVIEW
NOT FOR
CONSTRUCTION

3 McConnell Lane
Mt Olive, AL 35117
205.876.4335
orlydot4.com





LEGEND

- | | |
|--------------|---|
| (SB) | SEGMENT BARRIER FENCE
TYPE "A", SEE DETAILS |
| (PS) | PERMANENTLY VEED OR SOO A
SEE LANDSCAPE PLAN FOR DET |
| (CEP) | CONSTRUCTION EXIT PAD |
| (DC) | DUST CONTROL
AS REQUIRED |
| (FIP) | FABRIC INLET PROTECTION |
| (TS) | TEMPORARY SEEDING |
| (WCD) | WATTLE CHECK DAM |
| (OP) | RIP RAP OUTLET PROTECTION |

Construction Sequence for Erosion Control

1. Contractor shall prepare and submit a CDMPMP and obtain a land disturbance permit from appropriate authority. Plan shall include requirements of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas.
2. Prior to clearing site, contractor shall begin by installing construction drive and all perimeter soil fences.
3. All existing streams shall be protected from all sediment by installation of measures such as silt fences, hay bales, & temporary sediment basins.
4. Contractor may now begin clearing, grubbing and other earthwork operations on the site.
5. Water from the site shall be directed to temporary sediment areas at locations determined by the qualified credentialed professional prior to being released to the stream.
6. Areas to receive parking, storage or building exposed all grades on new grade shall be protected with erosion control measures, such as straw mulch, straw wattles, or vegetation within 14 days of completing the grading activities. Temporary grassing or permanent grassing shall be installed to mitigate the effects of rain on the subgrade or finished grade.
7. Once all land disturbance has been completed and all disturbed areas are stabilized, contractor to notify permitting authority for final inspection of site.

ACREAGE SUMMARY	
TOTAL DISTURBED AREA	0.40 AC



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Sheet Title:

CBMP Plan

Revisions: 09/2025 - All DOT Comments.

File:

Date: 01.11.2000

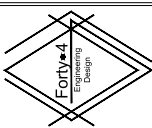
Scale: 1"=20'

C4.0

Wall Street | 3951 Wall St
Vestavia Hills, AL 35243
Sited in Section 15, Township 18 South and Range 2 West
Jefferson County, Alabama

FOR REVIEW
NOT FOR
CONSTRUCTION

1703 McConnell Lane
Mount Olive, AL 35117
P: 205.876.4335
fortydot4.com





Future Land Use

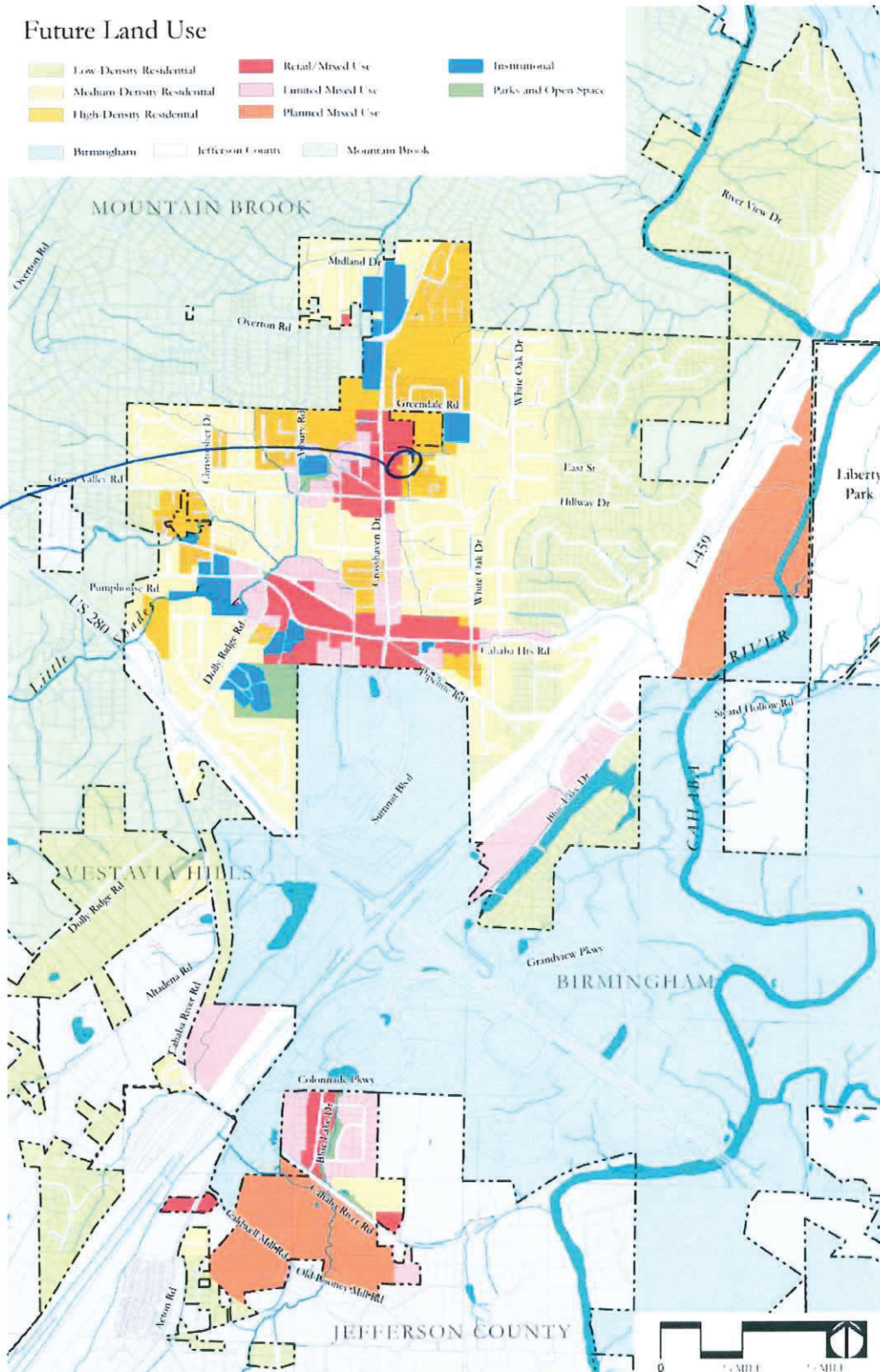


Figure 4: Future Land Use Map