



**Vestavia Hills
Planning and Zoning Commission Agenda
October 12, 2023
6:00 PM**

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

Final Plats

4. FP-23-9 Vestavia 31 RE, LLC Is Requesting **Final Plat Approval** For **Vestavia Hills RE Resurvey**. The Purpose For This Request Is To Combine Lots. The Property Is Owned By Vestavia 31 RE, LLC and Is Zoned Vestavia Hills B-3.
5. FP-23-10 Taylor Burton Is Requesting **Final Plat Approval** For **Taylor Burton Addition To Grammercy Parc**. The Purpose For This Request Is To Resurvey Lot Lines. The Property Is Owned By Taylor Burton and Is Zoned Vestavia Hills O-1 And Jefferson County RG.

Conditional Use

6. CU-23-2 Patchwork Retail Venture, LLC Is Requesting **Conditional Use Approval** for a **Retail Plant Nursery** Located At 3010 Healthy Way. The Property Is Owned By Patchwork Retail Venture, LLC and Is Zoned Vestavia Hills PB.

SPECIAL NOTICE CONCERNING PLANNING AND ZONING MEETINGS

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

COMPUTER PARTICIPATION (view/participate in real time)

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

Using the icons on the Zoom screen, you can:

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

TELEPHONE PARTICIPATION (view/participate in real time)

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

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

CITY OF VESTAVIA HILLS
PLANNING AND ZONING COMMISSION
MINUTES

SEPTEMBER 14, 2023

6:00 P.M.

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

MEMBERS PRESENT:

Mike Vercher, Chairman
Lyle Larson
Ryan Farrell
Rusty Weaver
Hasting Sykes
Erica Barnes

MEMBERS ABSENT:

Jonathan Romeo
Rick Honeycutt
David Maluff

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner
Christopher Brady, City Engineer

**Appeared via Zoom*

APPROVAL OF MINUTES

Mr. Vercher stated that the minutes of the meeting August 19, 2023 are presented for approval.

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

Mr. Farrell – yes	Mr. Sykes – yes
Mr. Larson – yes	Mr. Weaver– yes
Mrs. Barnes – yes	Mr. Vercher– yes

Motion carried.

Final Plats

1. FP-23-7 Aubrey Day Is Requesting **Final Plat Approval For Warrens Resurvey Of Bham Heights**. The Purpose For This Request Is To Combine Lots. The Property Is Owned By Aubrey Day and Is Zoned Vestavia Hills R-2.
2. FP-23-8 Taylor Burton Is Requesting **Final Plat Approval For Bellwood Drive Townhomes**. The Purpose For This Request Is To Subdivide Six Lots. The Property Is Owned By Taylor Burton and Is Zoned Vestavia Hills R-9.

Mr. Garrison explained the requests were ministerial and that item 4 is nearly all in Jefferson County.

Mr. Vercher opened the floor for a public hearing.

George Jones had questions about FP-23-8, regarding traffic and access. Mr. Garrison stated that the applicant is present and they discuss outside of the meeting since the City has already rezoned property.

Mr. Vercher closed the public hearing and opened the floor for motions.

MOTION Mr. Weaver made a motion to approve items 4-6. Second was by Mr. Sykes. Motion was carried on a roll call; vote as follows:

Mr. Farrell – yes	Mr. Sykes – yes
Mr. Larson – yes	Mr. Weaver– yes
Mrs. Barnes – yes	Mr. Vercher– yes

Motion carried.

Conditional Use

- CU-23-1 Charlotte Trumbly Is Requesting Conditional Use Approval for Short-Term Rentals Located At 4525 Pine Tree Cir. The Property Is Owned

By Charlotte Trumbly and Is Zoned Vestavia Hills R-1.

Mr. Garrison explained the request was and stated it was for short-term rentals (AirBnb, VRBO).

Charlotte Trumbly and Delaine Crim were present to answer any questions.

Mr. Weaver asked if the home would be occupied when not rented. Mrs. Crim stated it would not.

Mr. Weaver suggested that a rezoning may be more appropriate since the house would no longer have a single-family use.

Mr. Garrison explained that the applicants applied for a Conditional Use based on the Home Sharing guide previously completed by the City but a rezoning could be appropriate.

The Commission agreed that Conditional Use permits for short-term rentals should only be applied for when the home is owner-occupied and rezonings for all other instances.

Ms. Trumbly and Ms. Crimm stated they had no issues postponing the case while working with staff on a rezoning application.

Case postponed until the October meeting.

Conrad Garrison, City Planner



VESTAVIA HILLS

Planning and Zoning Commission Planners Report

MEETING DATE

October 12, 2023

AGENDA ITEM

FP-23-9 Vestavia 31 RE, LLC Is Requesting **Final Plat Approval** For **Vestavia Hills RE Resurvey**. The Purpose For This Request Is To Combine Lots. The Property Is Owned By Vestavia 31 RE, LLC and Is Zoned Vestavia Hills B-3.

BACKGROUND

Plat will combine lots on old motor lodge site for commercial development. Plat will not be signed until an easement has been vacated and recorded with City Council.

PLANNER'S REVIEW/RECOMMENDATION

ATTACHMENTS

1. app
2. Survey-Resurvey_Plat-VESTAVIA_31_RE-R1-Unsigned_Tue_Oct_3_2023_16-08-09

Conrad Garrison
City Planner

10/4/23, 8:58 AM

about:blank

Final Plat Application

FP-23-9

Submitted On: Sep 26, 2023

Applicant

Chris Eckroate

205-423-5082

chris.eckroate@caprineeng.com

Primary Location

1467 MONTGOMERY HWY
VESTAVIA HILLS, AL 35216

Project Information

Property Address

1467 & 1458 Montgomery Hwy.

Legal Description

Lot A of Map of Emerald Petroleum Co's Survey, less & except a portion conveyed and recorded in RV.1925, PG.348, and Lot 2-A of resurvey of Lot 1 Motel Investors Inc.

Application Submission Date

9/13/23

Reason for Request

Resurvey of two properties into one.

Parcel ID Number

39-00-01-1-001-003.000 & 39-00-01-1-001-002.001

Current Zoning Classification

B-3

Acreage

1.88

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.

Owner Name

John Michael Bodnar

Mailing Address

3009 Pump House Road, Suite 100, Vestavia Hills, AL 35243

Phone Number

205-329-8476

Representative for Owner

Chris Eckroate

Email

chris.eckroate@caprineeng.com

Phone No. of Representative

205-423-5082

By clicking this box, I hereby declare that the above information is true and that am the current owner of this property and I will represent this case.

--

Company Name

Vestavia 31 RE, LLC

Owner Email

tobyr@bodnargroup.com

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

true

Company Name

Caprine Engineering LLC

Mailing Address of Representative

3 Office Park Circle, Suite 226, Birmingham, AL 35223

about:blank

Page 7 of 20

Surveyor Information

Name

Jason E. Bailey, PLS

Company

Bailey Land Group

Mailing Address

4121 Smokey Road, Alabaster, AL 35007

Phone Number

205-978-0080

Registration Number

28567

Email

jason@baileylandgroup.com

THE STATE OF ALABAMA
JEFFERSON COUNTY

The Undersigned Jason E. Bailey, Registered Land Surveyor, State of Alabama, and Vestavia 31 RE, LLC, owners, and _____ hereby certify that this plat or map was made pursuant to a survey made by said surveyor and this said survey and this plat or map were made at the instance of said owner(s); that this plat or map is a true and correct map of lands shown therein and known as "VESTAVIA 31 RE RESURVEY" showing the lands into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds; giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the relation of the lands described in a survey of Lot A of Map of Emerald Petroleum Co's Survey recorded in Map Book 79, Page 90, less and except that portion conveyed and recorded in Real Volume 1925, Page 348, and Lot 2-A of Resurvey of Lot 1 Motel Investors, Inc. as recorded in Map Book 251, Page 91, in the Probate Office of Jefferson County, Alabama; and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said owner also certify that it is the Owner of said lands and that the same are not subject to any mortgage.

Jason E. Bailey, PLS
AL Reg # 28567
Date _____

Mortgage Company
Address
Address
Date _____

Vestavia 31 RE, LLC
3009 Pump House Road, Suite 100
Vestavia Hills, AL 35243
Date _____

VESTAVIA 31 RE RESURVEY

A RESURVEY OF LOT A OF MAP OF EMERALD PETROLEUM CO'S SURVEY
RECORDED IN MAP BOOK 79 PAGE 90 LESS AND EXCEPT THAT PORTION
CONVEYED AND RECORDED IN REAL VOLUME 1925 PAGE 348 AND LOT
2-A OF RESURVEY OF LOT 1 MOTEL INVESTORS, INC.
RECORDED IN MAP BOOK 251 PAGE 91
SITUATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF,
SECTION 1, TOWNSHIP 19 SOUTH, RANGE 3 WEST,
JEFFERSON COUNTY, ALABAMA.

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____, as Notary Public in and for said County and State, do hereby certify that Jason E. Bailey, whose name is signed to the foregoing certificate as a surveyor, who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificates, the executed same voluntarily as such individuals (or in any other capacities) with full authority thereof.

Given under my hand and seal this _____ day of _____, 2019.

Notary Public

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____, as Notary Public in and for said County and State, do hereby certify that an authorized representative of Vestavia 31 RE, LLC, whose name is signed to the foregoing certificate as a owner, who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificates, the executed same voluntarily as such individuals (or in any other capacities) with full authority thereof.

Given under my hand and seal this _____ day of _____, 2019.

Notary Public

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____, as Notary Public in and for said County and State, do hereby certify that an authorized representative of (____ Mortgage Company____), whose name is signed to the foregoing certificate as a owner, who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificates, the executed same voluntarily as such individuals (or in any other capacities) with full authority thereof.

Given under my hand and seal this _____ day of _____, 2019.

Notary Public

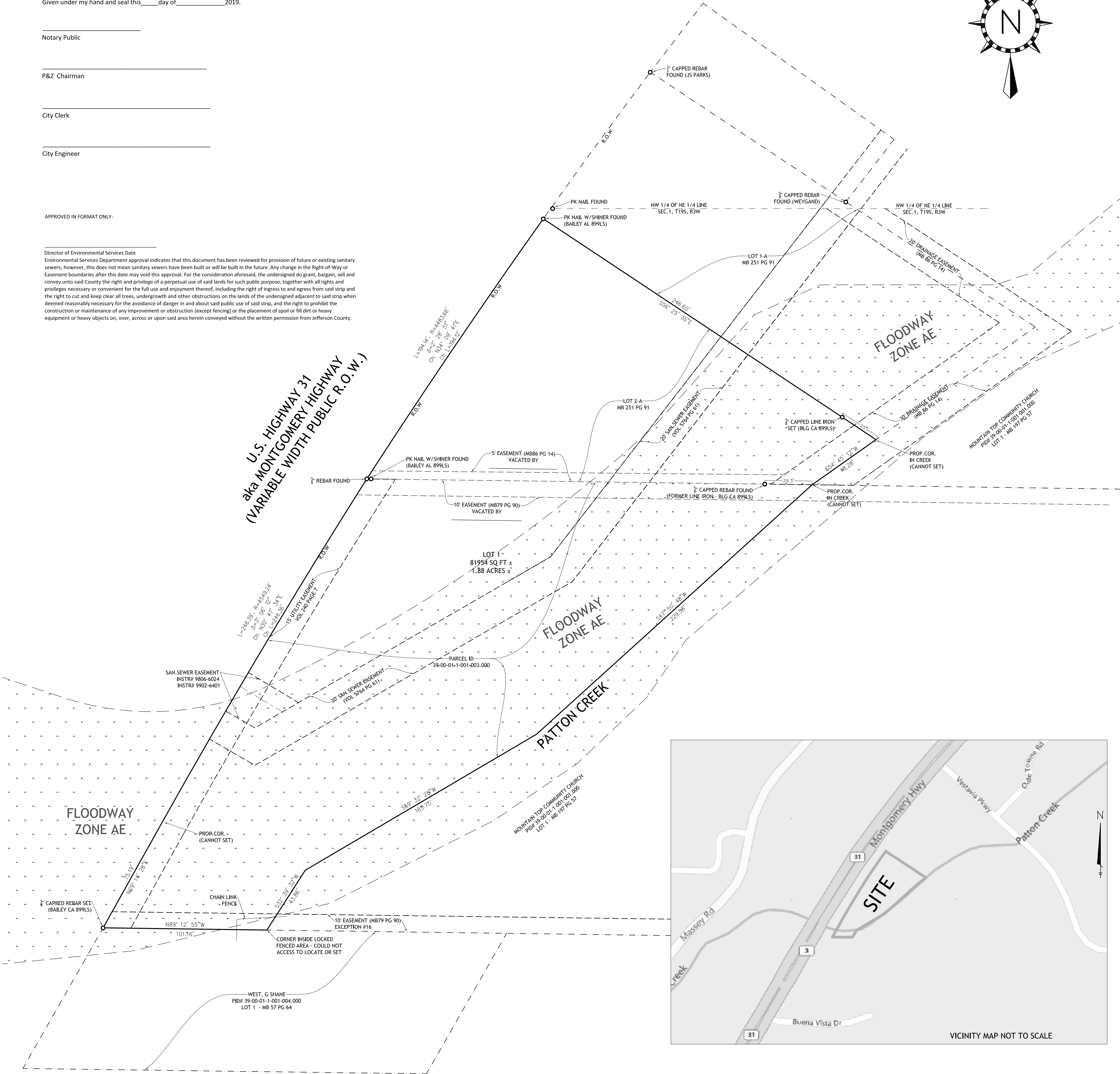
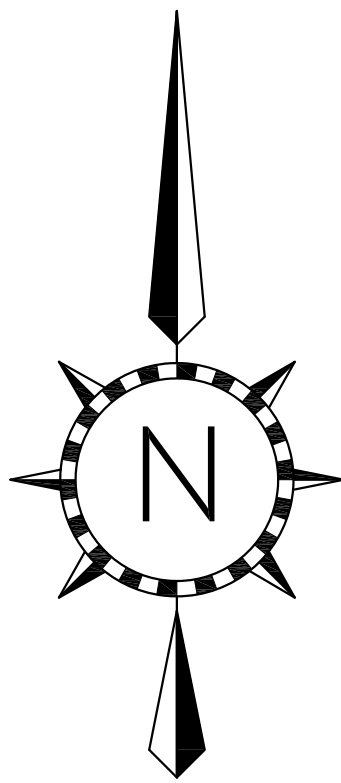
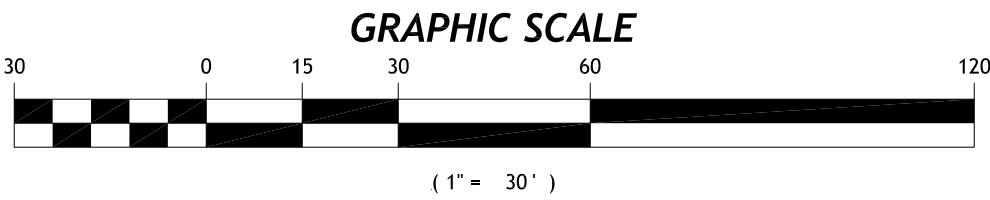
P&Z Chairman

City Clerk

City Engineer

APPROVED IN FORMAT ONLY:

Director of Environmental Services Date
Environmental Services Department approval indicates that this document has been reviewed for provision of future or existing sanitary sewers; however, this does not mean sanitary sewers have been built or will be built in the future. Any change in the Right-of-Way or Easement boundaries after this date may void this approval. For the consideration aforesaid, the undersigned do grant, bargain, sell and convey unto said County the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip, and the right to prohibit the construction or maintenance of any improvement or obstruction (except fencing) or the placement of spoil or fill dirt or heavy equipment or heavy objects on, over, across or upon said area herein conveyed without the written permission from Jefferson County.





VESTAVIA HILLS

Planning and Zoning Commission Planners Report

MEETING DATE

October 12, 2023

AGENDA ITEM

FP-23-10 Taylor Burton Is Requesting **Final Plat Approval** For **Taylor Burton Addition To Grammercy Parc**. The Purpose For This Request Is To Resurvey Lot Lines. The Property Is Owned By Taylor Burton and Is Zoned Vestavia Hills O-1 And Jefferson County RG.

BACKGROUND

Plat will finalize rezoning/annexation/de-annexation of Taylor Burton office project. Plat meets minimum requirements for zoning and will need to be signed by Jefferson County.

PLANNER'S REVIEW/RECOMMENDATION

ATTACHMENTS

1. app
2. TB_ADD_TO_GRAMERCY_REC_MAP_CITY_SUBMITTAL_Wed_Sep_27_2023_16-12-44

Conrad Garrison
City Planner

Final Plat Application**FP-23-10****Applicant**

 Del Romero
 205-822-7936
 del@taylorburton.com

Primary Location

2551 ROCKY RIDGE RD
VESTAVIA HILLS, AL 35243

Additional Locations

2553 ROCKY RIDGE RD, Vestavia Hills AL 35243

Project Information**Property Address**

2553 / 2551 Rocky Ridge Road

Parcel ID Number

--

Legal Description

NA

Current Zoning Classification

O1 & RG

Acreage

1.22

Application Submission Date

8/27/2023

Reason for Request

To Develop Taylor Burton Company Office Building on Rocky Ridge Road and to develop 2 lots in the Jefferson County Gramercy Park subdivision.

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.

By clicking this box, I hereby declare that the above information is true and that am the current owner of this property and I will represent this case.

true

Owner Name

Taylor Burton

Company Name

Taylor Burton Company

Mailing Address

3239 Lorna Road

Owner Email

taylor@taylorburton.com

Phone Number

205-369-7936

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.

false

Representative for Owner

--

Company Name

--

Email

del@taylorburton.com

Mailing Address of Representative

--

Phone No. of Representative

--

Surveyor Information

Name

Bob Easley

Company

Alabama Engineering

Mailing Address

1214 Alford Avenue, Suite 200, Hoover, AL 35216

Phone Number

205-441-8588

Registration Number

38795

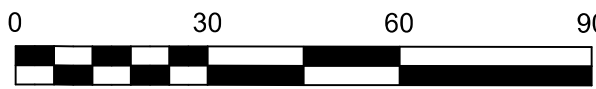
Email

bob@alaeng.com

TAYLOR BURTON ADDITION TO GRAMMERCY PARC

Being a resurvey of Lot-8 and Common Area 2 & Easement as recorded in Map Book 229 Page 20 in the Jefferson County Probate Office and acreage situated in the NW 1/4 of Section 32, Township 18 South, Range 2 West, Jefferson County, Alabama

SCALE : 1" = 30' GRAPHIC SCALE SEPTEMBER 7, 2023



OWNER/DEVELOPER: TAYLOR BURTON COMPANY, INC.

3239 LORNA ROAD
BRIMINGHAM, AL 35216
(205) 822-7936
CONTACT: Del Romero

SURVEYOR: ALABAMA ENGINEERING COMPANY, INC.

1214 ALFORD AVENUE, SUITE 200
HOOVER, ALABAMA 35226
(205) 803-2161
CONTACT: Bob Easley

APPROVED IN FORMAT ONLY:

DIRECTOR OF ENVIRONMENTAL SERVICES

DATE

Environmental Services Department approval indicates that this document has been reviewed for provision of future or existing sanitary sewers; however this does not mean sanitary sewers have been built or will be built in the future. Any change in the Right-of-Way or Easement boundaries after this date may VOID this approval.

APPROVED IN FORMAT ONLY:

DIRECTOR OF JEFFERSON COUNTY ROADS AND TRANSPORTATION/
JEFFERSON COUNTY ENGINEER

DATE

CITY ENGINEER, VESTAVIA HILLS

DATE

CHAIRMAN, JEFFERSON COUNTY PLANNING AND ZONING COMMISSION

DATE

CHAIRMAN, VESTAVIA HILLS PLANNING AND ZONING COMMISSION

DATE

DIRECTOR OF JEFFERSON COUNTY DEVELOPMENT SERVICES

DATE

CITY CLERK, VESTAVIA HILLS

DATE

NOTES:

1 SPECIAL FLOOD HAZARD AREA, ZONE X, F.I.R.M. PANEL 01073C0567J, EFFECTIVE DATE: 09/2/2021

2 SURFACE DRAINAGE NOT WITHIN THE ACCEPTED AND MAINTAINED COUNTY RIGHT-OF-WAY WILL NOT BE MAINTAINED BY JEFFERSON COUNTY

3 ALL RECORDING INFORMATION SHOWN IS FROM JEFFERSON COUNTY PROBATE OFFICE

4 EACH LOT OWNER IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO ANY FURTHER CONSTRUCTION ON THEIR LOT. SOIL OUTSIDE OF THE FOOTPRINT OF THE ORIGINAL HOUSE LOCATION MAY NOT BE SUITABLE TO SUPPORT HOUSE ADDITIONS, SWIMMING POOLS, ETC. BEFORE ANY FUTURE CONSTRUCTION IS PERFORMED, THE LOT OWNER SHOULD CONSULT A QUALIFIED GEOTECHNICAL ENGINEER TO DETERMINE IF SOILS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION. EACH LOT OWNER IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO ANY FURTHER CONSTRUCTION ON THEIR LOT. SOIL OUTSIDE OF THE FOOTPRINT OF THE ORIGINAL HOUSE LOCATION MAY NOT BE SUITABLE TO SUPPORT HOUSE ADDITIONS, SWIMMING POOLS, ETC. BEFORE ANY FUTURE CONSTRUCTION IS PERFORMED, THE LOT OWNER SHOULD CONSULT A QUALIFIED GEOTECHNICAL ENGINEER TO DETERMINE IF SOILS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION.

ROAD NOTES:

5 COLLINWOOD COURT IS A PRIVATE ROAD AND THE PRIVATE ROAD NOTES ON THE AMENDED PLAT OF GRAMMERCY PARC RECORDED IN MB 229, PG 20 APPLY TO THIS PRIVATE ROAD

6 THERE ARE NO CHANGES TO THE INGRESS & EGRESS EASEMENT FOR COLLINWOOD COURT CREATED BY THIS PLAT

7 THERE ARE NO NEW EASEMENTS CREATED BY THIS PLAT AND NO CHANGES TO ANY EXISTING EASEMENTS BY THIS PLAT

8 ANY DRIVEWAY CONNECTIONS TO ROCKY RIDGE ROAD REQUIRES APPROVAL FROM THE JEFFERSON COUNTY DEPARTMENT OF ROADS AND TRANSPORTATION

PROPERTY NOTES:

LOT	JURISDICTION	FRONT SETBACK GREATER OF: 23.5' FROM CL OF COLLINWOOD COURT OR 10' FROM BACK OF GUTTER	SIDE SETBACK	REAR SETBACK
1A	JEFFERSON COUNTY		5'	25'
2A	JEFFERSON COUNTY		5'	25'
8A	JEFFERSON COUNTY		5'	25'
C-1	VESTAVIA/ JEFFERSON COUNTY	PER ZONING	PER ZONING	PER ZONING

STATE OF ALABAMA
JEFFERSON COUNTY

THE UNDERSIGNED, ROBERT W. EASLEY, IV, REGISTERED LAND SURVEYOR, STATE OF ALABAMA, AND TAYLOR BURTON COMPANY, INC., OWNER, HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAT OR MAP WERE MADE AT THE INSTANCE OF SAID OWNER; THAT THIS PLAT OR MAP IS A TRUE AND CORRECT MAP OF LAND SHOWN THEREIN AND KNOWN AS OR TO BE KNOWN AS "TAYLOR BURTON ADDITION TO GRAMMERCY PARC"; SHOWING SUBDIVISION INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS; GIVING THE LENGTH AND THE ANGLES OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER; SHOWING THE STREETS, ALLEYS, AND PUBLIC GROUNDS; GIVING THE LENGTH, WIDTH, AND NAME OF EACH STREET, AS WELL AS THE NUMBER OF EACH LOT AND BLOCK; ALSO SHOWING THE RELATIONS OF THE LANDS TO THE GOVERNMENT SURVEY; AND THAT IRON PINS HAVE BEEN INSTALLED AT ALL LOT CORNERS AND CURVE POINTS AS SHOWN AND DESIGNATED BY SMALL OPEN CIRCLES ON SAID PLAT OR MAP. SAID OWNER FURTHER CERTIFIES THAT THEY ARE THE OWNER OF SAID PROPERTY.

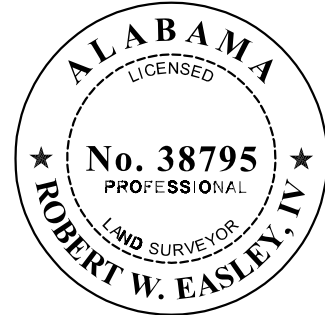
"I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF."

Robert W. Easley, IV, PLS
Surveyor Reg. No. 38795

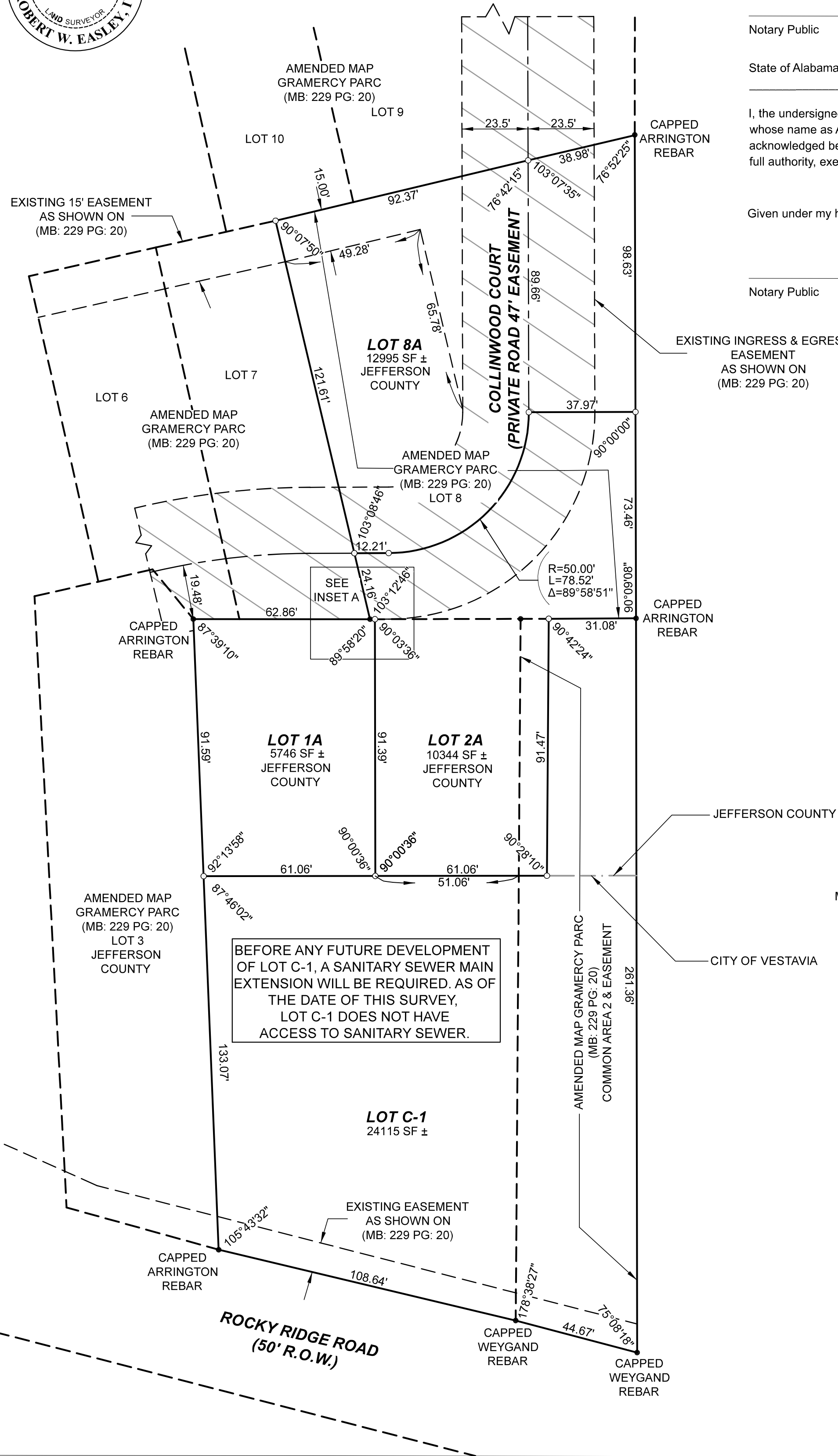
BY: _____, Authorized Representative
FOR TAYLOR BURTON COMPANY, INC.

PLAT ACKNOWLEDGED BY

NOBLE BANK



**DO NOT RECORD
FOR CITY REVIEW**



State of Alabama
Jefferson County

I, the undersigned, a Notary Public in and for said County and State hereby certify that Robert W. Easley, IV, whose name as surveyor is signed to the foregoing plat, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he executed the same voluntarily.

Given under my hand and seal this _____ day of _____, 2023.

Notary Public

My Commission Expires

State of Alabama
Jefferson County

I, the undersigned, a Notary Public in and for said County and State hereby certify that _____, whose name as Authorized Representative of Taylor Burton Company, is signed to the foregoing plat, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he as such persons and with full authority, executed the same voluntarily.

Given under my hand and seal this _____ day of _____, 2023.

Notary Public

My Commission Expires

State of Alabama
County

I, the undersigned, a Notary Public in and for said County and State hereby certify that _____, whose name as Authorized Representative of Noble Bank, is signed to the foregoing plat, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he as such persons and with full authority, executed the same voluntarily.

Given under my hand and seal this _____ day of _____, 2023.

Notary Public

My Commission Expires

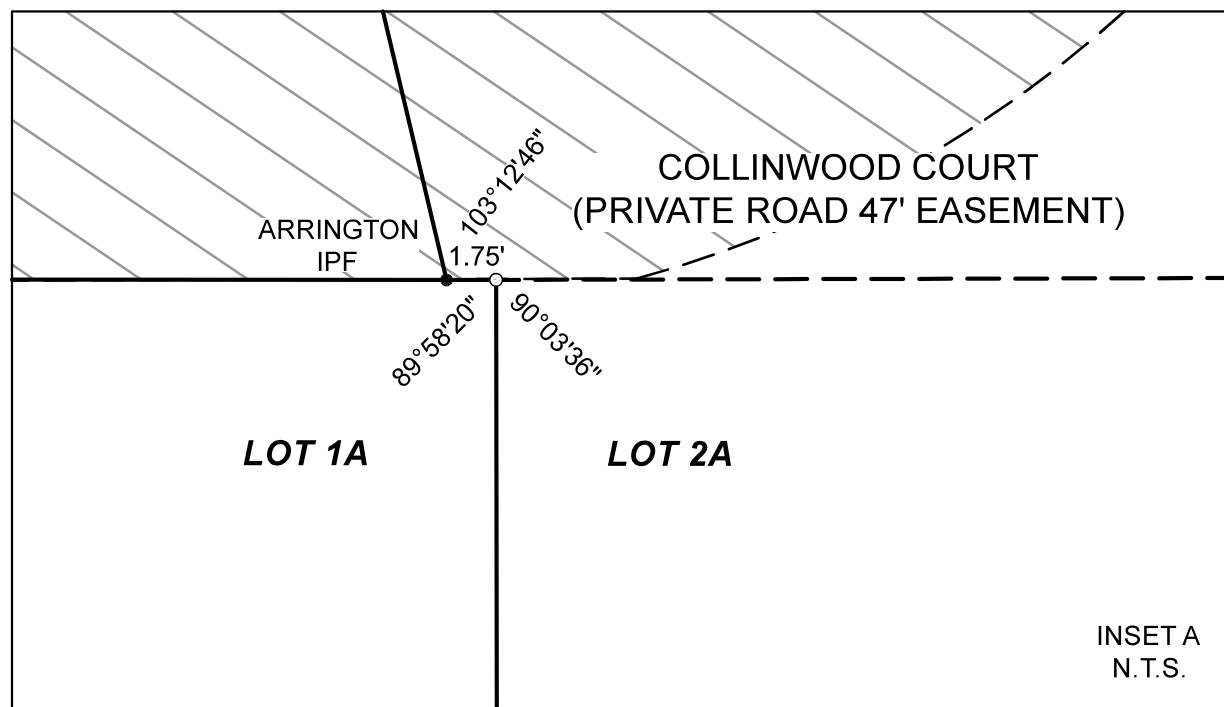
LEGEND

- L - LENGTH
- R - RADIUS
- R.O.W. - RIGHT-OF-WAY
- Δ - CENTRAL ANGLE
- TAN - TANGENT
- CL - CENTERLINE
- MB - MAP BOOK
- PG - PAGE
- N.T.S. - NOT TO SCALE
- ± - MORE OR LESS
- SF - SQUARE FEET
- - FOUND IRON
- - ALA ENG CAPPED REBAR SET

28-00-32-2-001-010.000
MOUNTAIN CHAPEL METHODIST
2541 ROCKY RIDGE ROAD
VESTAVIA, AL 35243

JEFFERSON COUNTY

CITY OF VESTAVIA



INSET A
N.T.S.



VESTAVIA HILLS

**Planning and Zoning Commission
Planners Report**

MEETING DATE

October 12, 2023

AGENDA ITEM

CU-23-2 Patchwork Retail Venture, LLC Is Requesting **Conditional Use Approval** for a **Retail Plant Nursery** Located At 3010 Healthy Way. The Property Is Owned By Patchwork Retail Venture, LLC and Is Zoned Vestavia Hills PB.

BACKGROUND

PLANNER'S REVIEW/RECOMMENDATION

Request is for Conditional Use approval for a retail nursery on an outparcel in Patchwork Farms. Nursery's are not a permitted use in a PB zone, however, non-listed uses may be allowed with a Conditional Use approval. The request has the approval of Patchwork Farms retail association. Site plan and relevant code sections are attached.

ATTACHMENTS

1. exh

Conrad Garrison
City Planner

Conditional Use Application

CU-23-2

Submitted On: Sep 7, 2023

Applicant

 Wade Lowery
 2054039158
 wade@edgalabama.com

Primary Location

3010 HEALTHY WAY
VESTAVIA HILLS, AL 35243

Owner Information

A notarized Owner's Affidavit must be submitted with this Conditional Use Application before it can be processed. Please prepare this affidavit prior to submission or it will not be properly filed. All documents must be filed prior to the application date to be considered on the next meeting date. If any required information is received after the application date, the application will be held until the next month.

Property Owner Telephone Number:

205-969-1000

Property Owner:

Patchwork Retail Venture, LLC

Mailing Address of Property Owner Including City, State, Zip Code:

700 Montgomery Highway, Suite 186, Vestavia Hills, AL 35216

Property Owner Email:

luke@blackwaterresources.com

Check Below if Property Owner is Responsible for Postage Costs

--

Representing/Responsible Party

Representing Agent:

Engineering Design Group, LLC

Representing Agent Email:

wade@edgalabama.com

Mailing Address of Representing Agent Including City, State, Zip:

120 Bishop Circle, Pelham, AL 35214

Representing Agent Telephone No.:

205-403-915

Check Below if Representing Agent is Responsible for Postage Charges

true

Property Information

Property Address:

3010 Healthy Way, Vestavia Hill, AL 35243

County Parcel ID Number:

28 00 34 2 000 001.009

Legal Description of Subject Property:

LOT 1 PATCHWORK FARMS RETAIL VENTURE RESURVEY OF LOT 1D PATCHWORK FARMS FINAL PLAT PB 242 PG 100

Current Zoning Classification of Subject Property:

PUD

Requested Conditional Use Including Intended Use, Citing Appropriate Section of the Zoning Code, etc.:

Construction of a plant nursery (retail sale of plants). See uploaded attachments accompanying this application.

Explanation of Reasons for Conditional Use

Upon acceptance of an application, the Commission shall consider the application during a public hearing. The Commission shall, after the public hearing, make a recommendation to the Council. Following the recommendation by the Commission, the Council shall hold a public hearing regarding the application and upon completion of said hearing, shall approve with conditions or deny the request within the time limit required by law. The recommendation by the Commission may be to approve or deny the application, which said recommendation shall be advisory only. Zoning is a legislative matter decided by the Council. The Council shall not be bound by the recommendation of the Commission. A Conditional Use approval shall lapse and be of no effect if, after the expiration of one (1) year from the date of Council approval, no construction or change in use pursuant to such Conditional Use has taken place, provided that the Council may, for good cause shown, specify a longer period of time in conjunction with its action to approve a Conditional Use.

Determination. Conditional Uses shall only be approved upon a finding by the Governing Body that all of the following criteria are satisfied. Please FULLY explain each of these conditions relative to this Conditional Use Request.

1. The use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area:

Correct. The use will include the retail sale of household plants and various related items.

2. The use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area:

Yes. The proposed use is in concert with the surrounding area.

3. The request is consistent with all applicable provisions of the Comprehensive Plan:

Yes. The request is related to a retail establishment well suited for the intended use as described in the comprehensive plan.

4. The request shall not adversely affect adjacent properties:

Correct. No adverse effects will be placed on adjacent properties.

5. The request is compatible with the existing or allowable uses of adjacent properties:

Correct. The request is related to a retail establishment and is compatible with adjacent properties and their uses.

6. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed:

Correct. The request is related to an outparcel of land within the Patchwork Farms development. All utilities area available to the site.

7. The request can demonstrate adequate provision for maintenance of the use and associated structures:

Correct. As with other retail establishments within the development, maintenance of the facility/structure will be performed.

8. The request has minimized, to the degree possible, adverse effects on the natural environment:

Yes. The use includes a plant nursery, and the enclosed conceptual site plan illustrates mitigation of storm water runoff. The proposed improvements will cause no additional adverse effects to the natural environment as the land is part of a developed retail center.

9. The request will not create undue traffic congestion:

Correct. The commercial development was designed with the anticipated development of the outparcel. the intended use develops very little traffic when compared to other uses (fast food, etc.).

That such development will comply with all applicable regulations and conditions specified within this Ordinance:

Correct. The enclosed conceptual site plan illustrates how the improvements will comply with the ordinance.

TRELLIS AT PATCHWORK FARMS

3010 HEALTHY WAY
VESTAVIA HILLS, ALABAMA

EDG
ENVIRONMENTAL DESIGN GROUP, P.C.
10000 N. ALABAMA AVE., SUITE 300
PUEBLO, CO 81008
(303) 799-1234
WWW.EDG-PC.COM

PRELIMINARY
NOT FOR CONSTRUCTION

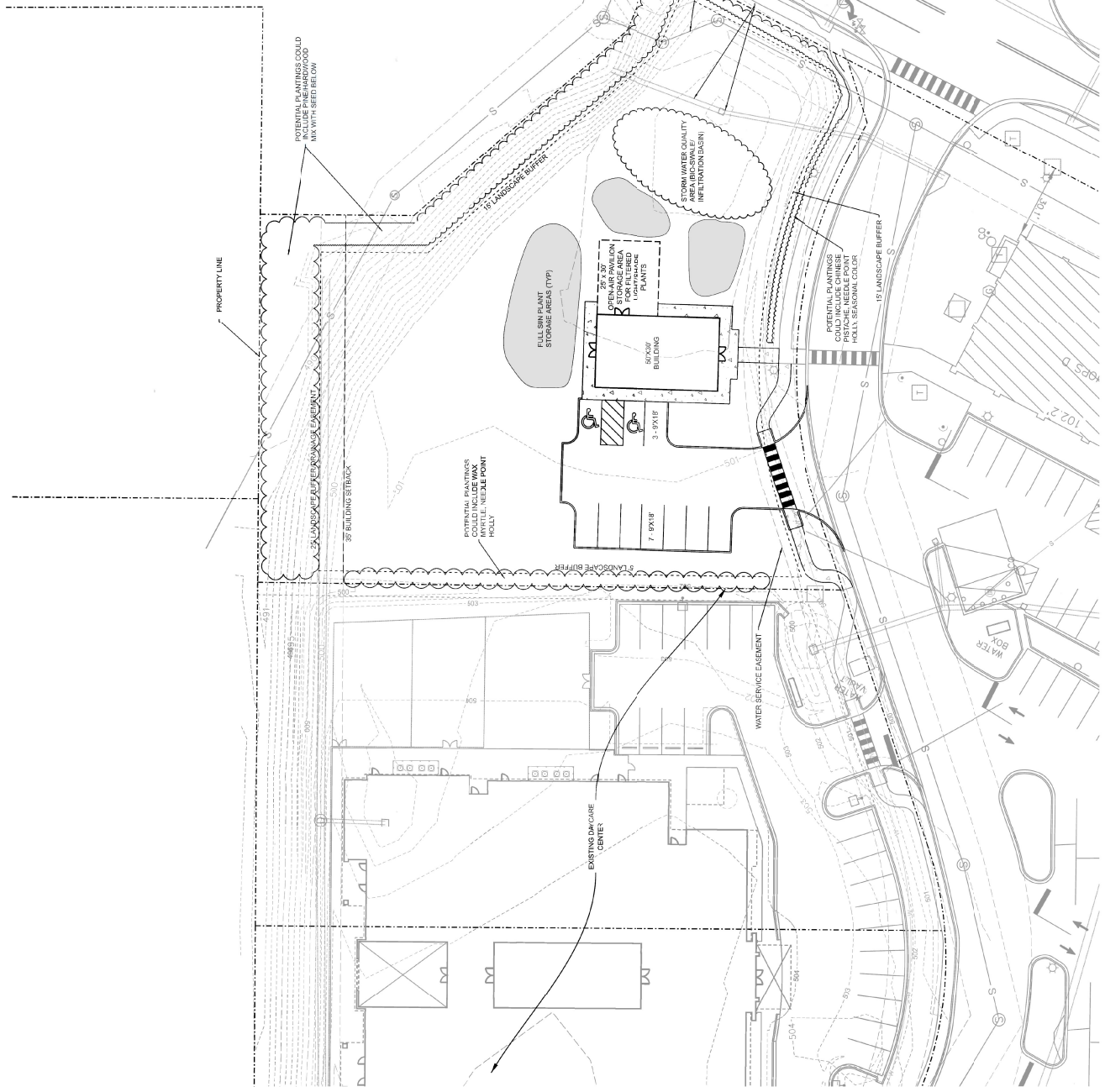
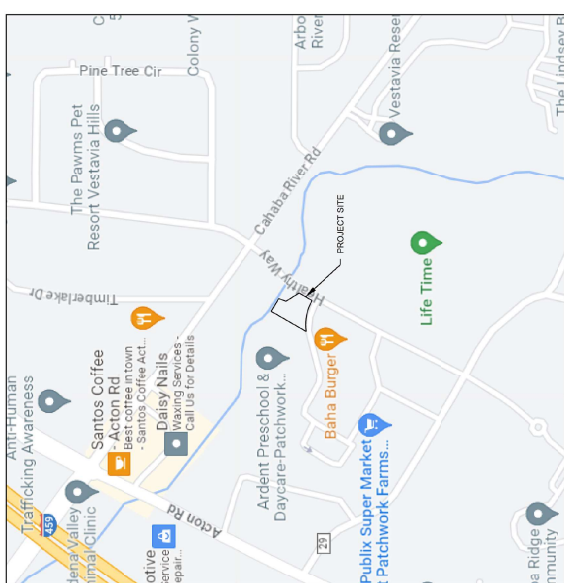
SITE DATA TABLE:	
PINCEL ID:	28 03/24 2 000 011 200
LOT SIZE:	1.00 AC
ZONING:	PUD
PROPOSED USE:	PLANT NURSERY (CONDITIONAL USE)
BUILDING SF:	1,500 SF
PARKING REQUIRED:	8 (1 SPACE PER 200 SF)
PARKING PROVIDED:	10 (INCLUDING 2 ADA SPACES)



GRAPHIC SCALE



1 inch = 50 ft





September 7, 2023

City of Vestavia Hills
Planning and Zoning Commission

Re: Conditional Use Application-Trellis at Patchwork Farms

Dear Planning Commission,

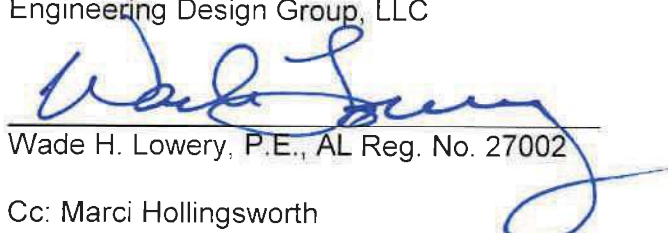
Engineering Design Group, LLC (EDG) has been retained by Marci Hollingsworth to provide professional services associated with proposed improvements to a parcel of land within the Patchwork Farms PUD. More specifically, the site is identified as 3010 Healthy Way, Vestavia Hills, AL 35243 (Parcel Identification Number 28 00 34 2 000 001.009). The parcel is currently un-developed/vacant land, and it is zoned PUD.

Proposed improvements include the construction of a retail plant nursery (approximately 1,200SF), necessary parking/access, and other appurtenances. The improvements are illustrated on the attached Conceptual Site Plan.

Per feedback received during a meeting with the City's staff, it is understood that the development of a plant nursery is not an expressly prohibited use within the current PUD. Conversely, a plant nursery is not specifically allowed/permitted by the PUD. Staff recommended a conditional use application for consideration by the Planning Commission.

Please accept this letter as our explanation/rationale for the request.

Respectfully submitted,
Engineering Design Group, LLC


Wade H. Lowery, P.E., AL Reg. No. 27002

Cc: Marci Hollingsworth

enclosure

5. Planned Business (PB).

a. Permitted Uses. Those permitted uses allowed by PR-1 and PNC; schools; retail establishments, including but not limited to, shopping centers; veterinary clinics (no outside kennels); auto dealerships; auto parts stores; building material sales; department stores; radio and TV stations; domestic equipment rental, furniture stores; motels or hotels; in-door motion picture theatres and/or auditoriums; hospitals; automotive gasoline service establishments which may also serve auto functions such as muffler, tire, battery, brake and transmission shops; establishments for the design and distribution of printed material, coin-operated laundromats; car washes; card/gift shops; cosmetic studios; craft or hobby shops; dance studios; photographic studios; duplicating or copying service; health food stores; interior decorating stores; opticians, medical clinics; shoe repair, audio video; tanning salons; assisted living care facilities; hardware stores; jewelry stores; sporting goods stores; sales showrooms for appliances, furniture, carpet, lighting fixtures, medical and office equipment; toy stores; indoor sports facilities (bowling, health club or spa, racquet club, skating rink); and factory outlet stores, and accessory structures and uses customarily incidental to such permitted uses.

 b. Conditional Uses. Those conditional uses allowed by PNC; commercial recreation and amusement facilities; self-service storage facilities; telecommunications facilities; and other uses not listed in this §6.9.5.5 as may be approved by the Council following recommendation by the Commission.

6. Planned Light Industrial (PI).

a. Permitted Uses. Those permitted uses allowed by PB; major auto repair or renovation facilities not housed in the same structure or accessory structure to an auto sales establishment; bottling plants; construction yards; distribution yards for gasoline and fuel or tanks; domestic animal kennels; farm machinery and farm supply sales; heavy equipment sales and service; highway maintenance yards and buildings; janitorial and maintenance service; laundry and dry cleaning plants; printing establishments; light industrial, fabricating, processing, assembling and manufacturing uses; sanitary sewage and/or waste water treatment facilities; research and development laboratory facilities; warehouses; water or liquid storage tanks; wood working shops; and self-service storage facilities and accessory structures and uses customarily incidental to such permitted uses.

b. Conditional Uses. Those conditional uses allowed by PB, except multi-family; live entertainment; telecommunications facilities; and other uses not listed in this §6.9.5.6, all as may be approved by the Council following recommendation by the Commission.

6.9.6. Requirements for Accessory Structures, Fences, Signs, Off-street Parking, Loading Areas, Landscaping, and Buffer Strips

It is intended that the development criteria submitted with the application for the PUD will set forth requirements for accessory structures, fences, landscaping, buffer strips, signs, off-street parking, and loading areas. If the application does not contain such information, then the provisions of [§4.4](#) Accessory Structures,

longer period of time in conjunction with its action to approve a Conditional Use.

2. When such use is abandoned or discontinued for a period of one (1) year, it shall not be reestablished, unless authorized by the Council. Conditional Use approval shall be revoked when the applicant fails to comply with the conditions imposed by the Council.

→ 13.3.4. Determination. Conditional Uses shall only be approved upon a finding that all of the following criteria are satisfied:

1. The use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area.
2. The use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
3. The request is consistent with all applicable provisions of the Comprehensive Plan.
4. The request shall not adversely affect adjacent properties.
5. The request is compatible with the existing or allowable uses of adjacent properties.
6. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
7. The request can demonstrate adequate provision for maintenance of the use and associated structures.
8. The request has minimized, to the degree possible, adverse effects on the natural environment.
9. The request will not create undue traffic congestion.

10. That such development will comply with all applicable regulations and conditions specified within this Ordinance.

The Council shall describe and have recorded in the minutes, the conditions imposed on the development to assure satisfaction of these criteria.

§13.4. Amendments

The provisions of this Ordinance, including the Zoning map, may from time to time be amended, supplemented, changed, modified, or repealed by the Council in accordance with Alabama Law.

- 13.4.1. Petition to Amend. Petitions to amend this Ordinance with respect to rezoning land may be initiated only upon filing of an application with the Commission by the owner of the land or the owner's authorized agent, in which case a notarized letter is required. Any member of the Council may initiate the rezoning of any land by introduction of a resolution for such purpose. An application for any change of zoning shall be filed in the office of the Commission at least twenty-five (25) working days prior to the next regularly scheduled meeting of the Commission. The petition shall state the nature of the proposed amendment, and a legal description of the property involved and the names and addresses of the owner(s) of the property. No application shall be taken out without descriptive information as to how the petitioner proposes to utilize the parcel of land (plot plan, drawings, sketches, et cetera).

- 13.4.2. Action on Petition. The Commission shall consider the petition at the first regularly scheduled meeting following the proper filing of the petition. The Commission shall, after the public hearing, make recommendations to the Council. The recommendations of the