



**Vestavia Hills
City Council Agenda
November 4, 2024
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation - Tom Bryson, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Proclamation - November 2024 as National Epilepsy Awareness Month
7. Proclamation - November 2024 Small Business November
8. Announcements, Candidates and Guest Recognition
9. City Manager's Report
10. Councilors' Reports
11. Approval Of Minutes - October 28, 2024 work session and October 28, 2024 regular meeting minutes

Old Business (Public Hearing)

12. Public Hearing - Ordinance Number 3251 - An Ordinance authorizing the Mayor and City Manager to execute and deliver a License Agreement with TDG Vestavia, LLC, granting non-exclusive and permissive use of City property to provide tenants of AVIA Apartments access to and from the Apartments and the Vestavia Hills Civic Center.

New Business

New Business Requesting Unanimous Consent (Public Hearing)

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

13. Public Hearing - Ordinance Number 3249 - Rezoning - 3128 Blue Lake Drive; Lot 9A, Resurvey of Lots 8 & 9, Topfield Subdivision; Rezone from Vestavia Hills R-1 to Vestavia Hills B-2 for a plant nursery; Robert Fuqua, owner
14. Public Hearing - Ordinance Number 3250 - Rezoning - a 25' wide strip traversing Lot 1, The Bray at Liberty Park, First Addition; Rezone from Birmingham holding to Vestavia Hills PUD PB, planned business; Liberty Park Joint Venture, owners
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, 1 in 10 people will have a seizure and 1 in 26 will develop epilepsy during their lifetime; and

WHEREAS, there are 3.4 million people living with epilepsy in the United States and 470,000 of them are children; and

WHEREAS, epilepsy is a neurological disorder that can affect any one of us regardless of race, age or gender; and

WHEREAS, seizures are a symptom of epilepsy and not all seizures are the same and many people with epilepsy have more than one type of seizure; and

WHEREAS, misunderstanding and misinformation about seizures contribute to continued feelings of stigmatization and negative outcomes for people with epilepsy which can lead to shame about their condition and fear of discrimination if they talk about it; and

WHEREAS, the call to action and this year's theme during National Epilepsy Awareness Month is "*Share Your Purple Power*" which celebrates the unwavering strength, resilience and courage of epilepsy warriors alongside their families, caregivers and advocates; and

WHEREAS, focusing on four key themes to increase awareness and support of the epilepsy community can ensure that no one faces epilepsy alone: **Belonging**, creating a supportive and inclusive community; **Strength**, celebrating the resilience of those impacted by epilepsy; **Change**, driving progress through education and advocacy; and **Impact**, making a meaningful difference by raising awareness and breaking down stigma.

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 2024 as

EPILEPSY AWARENESS MONTH

in the City of Vestavia Hills in support of individuals with epilepsy. I encourage all citizens to support the initiatives of organizations working to ensure people with epilepsy have a more inclusive, supportive and empowered community.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused
the Seal of the City of Vestavia Hills to be
affixed this the 4th day of November 2024.

Ashley C. Curry, Mayor

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, Americans have applied to start more than 14.6 million new businesses since 2021; and

WHEREAS, small businesses create two-thirds of net new jobs, and account for 40% of our nation's economic output; they are job creators that drive innovation and competition; and

WHEREAS, according to results of its 2022 *Small Business Saturday Consumer Insights Survey* in which 72% of shoppers said Small Business Saturday makes them want to shop and dine at small, independently owned retailers and restaurants all year long; and

WHEREAS, in 2022, Small Business Saturday drove an estimated \$17.9 billion based on projections from U.S. consumer reported spending; and

WHEREAS, with more than two-thirds (72%) of shoppers strongly agreeing they will continue to Shop Small throughout the holiday season because of the impact it has on their local community; 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 23, 2024 as Small Business Saturday and the month of November 2024 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 4th day of November 2024.

Ashley C. Curry
Mayor



**Vestavia Hills
City Council Minutes
October 28, 2024
5:00 PM**

1. Call to Order

The City Council of Vestavia Hills met in work session on this date at 5:00 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 Pro-Tem 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 Pro-Tem Rusty Weaver, City Councilor Kimberly Cook, City Councilor Paul Head, City Councilor George Pierce

MEMBERS ABSENT: Mayor Ashley Curry

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

Executive Session

3. Executive Session

Mr. Downes indicated that an Executive Session is needed for the following: (1) matters of commerce and trade; (2) matters of threatened or pending litigation and (3) criminal investigations or revealing undercover agents. The City Attorney has written an opinion that these are permissible for said session. He stated that the Executive Session is expected to last 55 minutes and that no additional business would be discussed after that Executive Session. He opened the floor for a motion. The Mayor Pro-Tem opened the floor for a motion.

MOTION: Adjourn into executive session for an estimated 55 minutes for the purpose of the

following: (1) matters of commerce and trade; (2) matters of threatened or pending litigation and (3) criminal investigations or revealing undercover agents for an estimated 55 minutes. Motion by: Kimberly Cook. Seconded by: George Pierce.

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

No: None. Abstain: None. Motion passed.

At 5:03 PM, the Council exited the Chamber and moved into Executive Session. At 5:56 PM, the Council re-entered the Chamber and the Mayor called the meeting/work session back to order.

Other Issues of the City

4. Time Of Adjournment

There being no further business, Mr. Pierce made a motion to adjourn. The Mayor Pro-Tem adjourned the meeting at 5:57 PM.

Ashley C. Curry, Mayor

ATTESTED BY:

Rebecca Leavings, City Clerk



**Vestavia Hills
City Council Minutes
October 28, 2024
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 Pro-Tem 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 Pro-Tem Rusty Weaver, City Councilor Kimberly Cook, City Councilor Paul Head, City Councilor George Pierce

MEMBERS ABSENT: Mayor Ashley Curry

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; Marvin Green, Fire Chief, Umang Patel, Court Director*; Keith Blanton, Building Safety Director*

3. Invocation - Don Richards, Vestavia Hills Chaplain

4. Pledge Of Allegiance

5. Approval Of The Agenda

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

MOTION: Approve the agenda as presented. Motion By: George Pierce. Seconded By: Kimberly Cook.

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

No: None. Abstain: None. Motion passed.

6. Announcements, Candidates and Guest Recognition

- Mr. Pierce welcomed Donnie Dobbins to the meeting representing the Chamber of Commerce Board. He stated that Mr. Dobbins is a past chairman of the Board and will be chairing the Viva Vestavia event that'll be held in February.
- Mr. Head announced an upcoming vacancy on the Parks and Recreation Board with a deadline for application at 5 PM, November 4. Interviews will be conducted on Wednesday, November 6 and, if needed, Wednesday, November 13. Applications can be found on the City's website.
- Mr. Head announced an upcoming vacancy on the Library Board with a deadline for application at 5 PM, November 4. Interviews will be conducted on Wednesday, November 6 and, if needed, Wednesday, November 13. Applications can be found on the City's website.
- Mr. Weaver announced that the annual Vestavia Hills High School baseball dinner is scheduled for January 15, 2025, honoring Senator Jabo Waggoner. He stated that this will be a special event.

7. City Manager's Report

- Mr. Downes stated that there are a number of projects commencing in the City which have been anticipated and there might be some inconvenience as part of these, but the City will try to mitigate issues as they arise.
 - The intersection of Highway 31 and Columbiana Road in coordination with Jefferson County. The County is the lead of this project. He stated that in order to avoid challenges with rush hour traffic, work will be done at night.
 - Jefferson County will pave Dolly Ridge Road from Rocky Ridge Road to Cahaba River Road in the mid-November timeframe, which is a heavily traveled two-lane roadway. They want to do the work at night, complete with milling and pavement for the safety of traffic that travels during the daytime. While there might be some noise in residential areas, this makes the work much faster and less hazardous.
 - The long awaited Massey Road project is scheduled to begin in early December. The first part will be a retaining wall behind the Red Roof Inn, which is within the ROW but outside the travel lane.
- A citizens survey is done biennially, and it will come out sometime mid-December and January in order to have results back for the February strategic session.
- Mr. Downes called on Mrs. McCulley to go over the Holiday in the Hills celebration.
 - Mrs. McCulley gave the listing of events beginning with Deck the Heights with a large one called Light Up Vestavia Hills for residents to put up a tree or menorah with white lights. She highlighted the remaining celebrations (see attachment to these minutes) and indicated that more information can be found online.

8. Councilors' Reports

- Mrs. Cook stated that she participated in a Girl Scouts merit meeting last Saturday here at City Hall. She explained that it was in regards to civic government and was a lot of fun.
- Mrs. Cook stated that she participated in a Jefferson County Councilors Coalition

meeting with Mr. Pierce and other Councilors from across Jefferson County. The meeting was hosted here at City Hall where discussions occurred among the participants along with a presentation from Jefferson County Greenways Commission.

- Mrs. Cook stated she participated in interviews for applicants to the BZA.
- Mr. Pierce stated that he attended a Rocky Ridge Business District tailgate party, which was well received. He stated he thinks it will only get bigger. It included a big screen to watch the VHHS football game.
- Mr. Pierce stated he also participated in the BZA interviews.
- Mr. Pierce pointed out the number of trails in the city and within the vicinity of the city. They are well organized, and he encouraged everyone to use them.
- Mr. Weaver stated he was the halftime guest for the broadcast of the homecoming football game against Tuscaloosa County. He told the Council and administration that he reflected on the past years with this Council and commended all of them on all that they have been able to accomplish in the City during these last 2 administrations.

9. Approval Of Minutes - October 14, 2024 regular meeting minutes

The Mayor Pro-Tem announced that the minutes of the October 14, 2024 regular meeting are being presented for approval. He opened the floor for a motion.

MOTION: Approve the minutes of the regular meeting of October 14, 2024, as presented.
Motion By: Kimberly Cook. Seconded By: George Pierce.

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

Old Business (Public Hearing)

10. Public Hearing - Ordinance Number 3248 - Rezoning - 4244 White Oak Drive; Rezone from Vestavia Hills Agriculture to Vestavia Hills R-9 (Planned Residential District) for construction of three single family detached homes; Jon Hinds, Sweet Home Group, LLC, Owner

MOTION: Approve Ordinance Number 3248 as presented. Motion by: George Pierce.
Seconded by: Kimberly Cook.

The Mayor Pro-Tem stated that this request was heard by the Planning and Zoning Commission at their September meeting and was unanimously recommended approval to rezone from Agriculture to R-9 for construction of 3 single-family homes subject to private restrictive covenants relative to the common drive.

Nathan Spence, Foresite Group, the project's engineer, was present representing the request. Mr. Spence stated that he was there to answer any questions. Their request is for construction of three homes with a single drive to the rear for access.

The Mayor Pro-Tem opened the floor for a public hearing.

Shereen Zaidan, 4243 Millhaven Drive, stated that the area in which they want to build these homes is very small and is in an area where kids riding bikes on the road. No

neighbor wants these homes because they'll bring in more traffic. The roads are inadequate to handle more traffic.

Mrs. Cook asked if residents appeared at the Commission's meeting. Mr. Weaver stated there were some comments regarding traffic in the entire area, but not specifically at this property or because of this development.

Mr. Spence stated the difference in traffic between one and three homes is minimal in the area and the stormwater is under the diligence of the City Engineer.

Mr. Weaver stated that the stormwater was much more of a concern to residents and the engineers show this would actually decrease the water runoff to other properties.

Mr. Pierce asked about the size of the property to ensure no variances are needed and what the square footage is.

Mr. Spence stated that the footprint of each home would be 2400 SF with total square footage dependent on the size of the upper store and access to the rear of the homes. A site plan was presented to the Council.

Mrs. Cook noted that this property is zoned agriculture, which isn't common in residential areas. She asked if the site plan meets the requirements of the zoning code. Mr. Weaver stated it does.

Mr. Pierce asked if a traffic study was done and if they met with residents. Griffin Walker, Walker Building Company, stated that he did meet with the adjacent neighbors, and they were happy with it and there's a very large home that is under construction just around the corner, and it was being built with several approved variances.

There being no one present to address the Council on this issue, the Mayor Pro-Tem closed the public hearing and called for the question.

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

No: None. Abstain: None. Motion passed.

New Business

11. Resolution Number 5534 - A Resolution accepting dedication of excess right-of-way located at the intersection of Dolly Ridge Road and Cahaba Heights road being offered by Jefferson County Commission

MOTION: Approve Resolution Number 5534 as presented. Motion by: Kimberly Cook. Seconded by: George Pierce.

Mr. Downes explained that Jefferson County has offered some surplus right-of-way located at the intersection of Dolly Ridge Road and Cahaba Heights Road for dedication.

Mr. Pierce stated that this is being done in coordination with the Cahaba Merchants Association.

Mr. Downes explained.

VOTE: Roll call vote as follows: Yes: 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)

12. Public Hearing - Ordinance Number 3251 - An Ordinance authorizing the Mayor and City Manager to execute and deliver a License Agreement with TDG Vestavia, LLC, granting non-exclusive and permissive use of City property to provide tenants of AVIA Apartments access to and from the Apartments and the Vestavia Hills Civic Center.

13. Citizens Comments

- None.

14. Time Of Adjournment

There being no further business, Mrs. Cook made a motion to adjourn. The Mayor Pro-Tem adjourned the meeting at 6:25 PM.

Ashley C. Curry, Mayor

ATTESTED BY:

Rebecca Leavings, City Clerk



Mark your calendar for this year's
Holiday in the Hills events!

For more information, visit
<https://vhal.org/community/city-events>.

Saturday, November 16

Deck the Heights, 2-7pm

Cahaba Heights/The Heights Village

Monday, November 18

Holiday Photo Booth Opens, Regular library hours

Reservation required: appt.link/holidaystudio

Library in the Forest, 1021 Montgomery Hwy.

(Open until January 4, 2025)

Sunday, December 1

Light Up Vestavia Hills!

City-wide

Tuesday, December 3

Tree Lighting Festival, 6pm

City Hall Complex, 1032 Montgomery Hwy.

Thursday, December 5

All is Bright, 6-8pm

Vestavia City Center, 700 Montgomery Hwy.

Sunday, December 8

Holiday Parade & Party in the Park, 2pm

Liberty Park (Rain Date: December 15)

Tuesday, December 10

VHCS Celebrate the Season, 11am

VHHS Theater, 2235 Lime Rock Rd.

Tuesday, December 10

Family Night with Santa, 6pm

Library in the Forest, 1021 Montgomery Hwy.

Saturday, December 14

Breakfast with Santa, 7:30-10am

Civic Center, 1090 Montgomery Hwy.

Thursday, December 19

Gingerbread House Contest, 4pm

Library in the Forest, 1021 Montgomery Hwy.

Saturday, December 21

Reindeer Dash 5k & Fun Run, 7:30am

Olde Towne Plaza, 100 Old Town Rd.

Monday, December 30

Menorah Lighting, 5:30pm

City Hall, 1032 Montgomery Hwy.



**CITY OF VESTAVIA HILLS
PUBLIC SERVICES
INTER-DEPARTMENT MEMO**

November 4, 2024

To: Jeff Downes, City Manager

From: Ethan Fisher, City Engineer

Cc: Lori Beth Kearley, Public Services Director

RE: Public Hearing - Ordinance Number 3251 - An Ordinance authorizing the Mayor and City Manager to execute and deliver a License Agreement with TDG Vestavia, LLC, granting non-exclusive and permissive use of City property to provide tenants of AVIA Apartments access to and from the Apartments and the Vestavia Hills Civic Center.

Background:

TDG Vestavia is pursuing a pedestrian connection from AVIA Apartments to the Vestavia Hills Civic Center. Mr. Boone has drafted a license agreement to facilitate the construction of the pathway across and on to City-controlled property.

Recommendation:

Engineering recommends approval.

Fiscal Impact:

NA

Attachments:

1. Ordinance 3251
2. 2024-08-14 AVIA Apartments License Agreement
3. AVIA

ORDINANCE NUMBER 3251

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER A LICENSE AGREEMENT WITH TDG VESTAVIA, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR AN ACCESS FROM THE AVIA APARTMENTS TO THE VESTAVIA HILLS CIVIC CENTER

WHEREAS, TDG Vestavia, LLC, a Delaware limited liability company (“Licensee”) is desirous of creating a pedestrian access thorough the adjacent AVIA Apartments to the Vestavia Hills Civic Center; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to approve said request for access through a License Agreement, a copy of which is marked as Exhibit a, attached to and incorporated into this Ordinance Number 3251 as if written fully therein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS;

1. The Mayor and City Manager are hereby authorized to execute and deliver the License Agreement in the attached Exhibit A; and
2. This license agreement shall be recorded in the Jefferson County Judge of Probate and a copy retained by the City Clerk; and
3. This Ordinance Number shall be effective immediately up on adoption and approval following posting/publishing pursuant to Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 4th day of November, 2024.

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 3251 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 4th day of November, 2024 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 _____, 2024.

Rebecca Leavings
City Clerk

This Instrument Was Prepared By:
Patrick H. Boone; Attorney at Law
705 New South Federal Savings Building
215 Richard Arrington, Jr. Boulevard North
Birmingham, Alabama 35203-3720
Telephone No. 205-324-2018

STATE OF ALABAMA

JEFFERSON COUNTY

LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("Agreement") is made and entered into on this the _____ day of August, 2024, by and between the City of Vestavia Hills, Alabama, a municipal corporation ("Licensor") and TDG Vestavia, LLC, a Delaware limited liability company ("Licensee").

WITNESSETH THESE RECITALS:

WHEREAS, the City of Vestavia Hills, Alabama, a municipal corporation, is the "Licensor" in this License Agreement; and

WHEREAS, TDG Vestavia, LLC, a Delaware limited liability company, is the "Licensee" in this License Agreement; and

WHEREAS, Licensee is the owner of the real estate and improvements used and known as Avia Apartment Homes situated on and at 1922 Tree Top Lane in the City of Vestavia Hills, Jefferson County, Alabama; and

WHEREAS, the City of Vestavia Hills, Alabama, Licensor, is the owner in fee simple of the real estate consisting of approximately 0.07± acres or 3,169 square feet more or less particularly described in Exhibit 1 and situated in the City of Vestavia Hills, Jefferson County, Alabama; and

WHEREAS, Licensee has requested that Licensor grant to it the non-exclusive and permissive use of the property described in Exhibit 1 in order to provide tenants of Avia Apartments access to and from said Apartments and the City of Vestavia Hills Civic Center; and

WHEREAS, Licensor is willing to allow Licensee to use the property described in Exhibit 1, without charge, pursuant to and in accordance with the terms, conditions, provisions, restrictions and limitations of this Agreement and set forth below; and

WHEREAS, Licensor and Licensee wish to reduce their agreement to writing.

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

1. **RECITALS.** The recitals set forth above are incorporated herein by reference as though set out fully herein.

2. **EXHIBIT.** Exhibit 1 is attached hereto and is incorporated into this License Agreement by reference as though set out fully herein.

3. **LICENSE REVOCABLE AT WILL.** Licensors and Licensee agree that this License Agreement is revocable at will by Licensors.

4. **GRANT OF LICENSE.** Licensors hereby grants to Licensee the non-exclusive right to use, improve and maintain the property described in Exhibit 1 attached hereto (the "property") for the uses described herein.

5. **USE OF PROPERTY.** The use of the property by Licensee shall be limited to pedestrian access to and from Avia Apartment Homes and the City of Vestavia Hills Civic Center and to plantings and landscaping purposes authorized in single-family zoning districts pursuant to City of Vestavia Hills Zoning Code Ordinance Number 3099 and for no other purpose. During the term of this Agreement, Licensee shall be solely responsible for the maintenance, repair and upkeep of the property. The Licensors shall have no responsibility whatsoever for the upkeep, repair and maintenance of the property.

During the term of this Agreement, Licensee shall make no other improvements to the property.

6. **CANCELLATION AND TERMINATION:** Licensors shall have the right in its sole and absolute discretion to cancel and terminate this License Agreement at any time, for any reason or no reason. In other words, this License Agreement is revocable at the will of the Licensors.

7. **CONSIDERATION:** During the term of this Agreement, Licensee shall not be required to pay any monetary consideration to the Licensors for the permission to use the property described in Exhibit 1 of this Agreement.

8. **INDEMNITY:** Licensee shall indemnify and save harmless the Licensors, its Mayor, City Manager, individual City Council members, servants, agents, employees and representatives from any and all claims, demands, controversies, actions, causes of action, liabilities of action, lawsuits, liabilities, damages and losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from property damage, personal injury and/or death suffered or alleged to have been suffered by any person as a result of the use of the property by Licensee, its tenants and its successors and assigns. This indemnification shall extend to all claims, damages, losses and expenses for injury or damage to adjacent or

neighboring property, or persons injured thereon, that arise out of, relate to or result from the use of the property by Licensee, its tenants and their successors, heirs and assigns.

9. LIABILITY INSURANCE: Licensee shall during the entire term of this License Agreement, at Licensee's own expense keep in force by advance payment of premiums, public liability insurance in an amount of not less than \$1,000,000.00 for injury to or death of one person or as a result of one occurrence and not less than \$2,000,000.00 for injury to or death of more than one person as a result of one occurrence and for damage to property in the amount of \$100,000.00, or single limit of \$2,000,000.00, insuring Licensor, the City of Vestavia Hills, Alabama and its Mayor, City Manager, individual City Council members, servants, agents, employees and representatives (as an additional insured) against any liability that may accrue against them or either of them on account of any occurrences in or about the property during the term or in consequence of Licensee's use thereof and resulting in personal injury or death or property damage. Licensee shall on request furnish to Licensor certificates of all insurance required under this Section 9.

10. COMPLIANCE WITH GOVERNMENTAL REQUIREMENTS: Licensee shall, at their sole cost and expense, comply in all respects with any and all applicable federal, state and local statutes, regulations, ordinances, rules, judicial decisions, governmental permits and approvals and all other laws now or hereafter in effect for and during the term of this License Agreement.

11. MISCELLANEOUS

A. GOVERNING LAW: This License Agreement and the rights and obligations of the parties hereto shall be governed by and construed in accordance with the laws of the State of Alabama. The jurisdiction and venue for the resolution of any dispute shall be in Jefferson County, Alabama.

B. BINDING AGREEMENT: This License Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

C. SURVIVAL: All representations and warranties of this License Agreement shall survive the execution and delivery of this License Agreement.

D. TIME OF THE ESSENCE: Time is of the essence of this License Agreement.

E. NO WAIVER: The failure of either party to exercise any rights under this License Agreement shall not constitute a waiver of any right, nor excuse the other party's full performance. No express waiver of any matter shall affect any other matter under this License Agreement. Express waivers are only effective if in writing.

F. CONSTRUCTION OF TERMS: Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision. Any ambiguities of this License Agreement shall be construed fairly and equitably regardless of the

participation of either party in drafting this License Agreement. The reference in terms to gender and number shall be modified as may be appropriate.

G. SEVERABILITY: In case of any of the provisions of this License Agreement shall for any reason be held invalid, illegal or unenforceable by any court of competent jurisdiction in any respect, the remaining provisions shall remain in effect and the License Agreement be performed in a fair and equitable manner as to any uncertainties arising from the unenforceable provisions.

H. DATES: If any date provided in this License Agreement falls on a Saturday, Sunday or holiday, the date shall be the next business day.

I. EXECUTION IN COUNTERPARTS: This License Agreement may be executed simultaneously in any number of counterparts, each of which shall be an original, but all of which shall constitute but one and the same instrument.

J. OTHER PROVISIONS: Licensee may not assign any of its rights or obligations under this License Agreement to any party without the prior written consent of Licensors, which consent may be given or withheld in the sole and absolute discretion of Licensors.

K. ENTIRE AGREEMENT: This written License Agreement contains the entire agreement between the parties, incorporating all prior agreements, and may only be amended in writing executed by both parties.

IN WITNESS WHEREOF, the City of Vestavia Hills, Alabama, a municipal corporation, as Licensors, and TDG Vestavia, LLC, a Delaware limited liability company, as Licensee, have hereunto caused this License Agreement to be executed by their duly authorized officers and their respective seals to be affixed hereto as of the date first above written.

LICENSOR:

CITY OF VESTAVIA HILLS, ALABAMA

A Municipal Corporation

By

Ashley Curry

Its Mayor

By

Jeffrey D. Downes

Its City Manager

ATTESTED

By _____

LICENSEE:

TDG VESTAVIA, LLC,
A Delaware Limited Liability Company

By TDG Vestavia Partners, LLC,
A Delaware limited liability company,
Its Managing Member

By: TDG Development Company, LLC
A Delaware limited liability company,
Its Manager

By: The Dobbins Group, LLC
An Alabama limited liability company
Its Manager

By _____
William D. Dobbins, IV
Its Member

ATTESTED BY:

By _____

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that William D. Dobbins, IV, whose name as a Member of the Dobbins Group, LLC, the Manager of TDG Development Company, LLC, Manager of TDG Vestavia Partners, LLC, Manager Member of TDG Vestavia, LLC, a Delaware limited liability company, whose name is signed to the foregoing License Agreement and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he, as such member of such manager of such manager of such managing member, and with full authority, executed the same voluntarily for and as the act of said limited liability company as such manager of such manager of such managing member of such limited liability company.

Given under my hand and official seal, this the _____ day of August, 2024.

Notary Public

SEAL

My Commission Expires:

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

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

Given under my hand and official seal, this the _____ day of August, 2024.

Notary Public

My Commission Expires:

SEAL

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

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

Given under my hand and official seal, this the _____ day of August, 2024.

Notary Public

My Commission Expires:

SEAL

EXHIBIT 1

LICENSOR'S PROPERTY

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2, ACCORDING TO THE SURVEY OF CVS VESTAVIA, AS RECORDED IN MAP BOOK 213, PAGE 31, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA; THENCE RUN NORTH 01°07'43" WEST ALONG THE WEST LINE OF SAID LOT 2 A DISTANCE OF 45.00 FEET TO A POINT; THENCE LEAVING THE WEST LINE OF SAID LOT 2 RUN SOUTH 89°08'28" EAST A DISTANCE OF 55.00 FEET TO A POINT; THENCE RUN SOUTH 01°07'43" EAST A DISTANCE OF 47.21 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF A 10' ALLEY; THENCE RUN SOUTH 01°07'43" EAST A DISTANCE OF 11.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF A 10' ALLEY; THENCE RUN NORTH 86°59'35" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF A 10' ALLEY A DISTANCE OF 55.11 FEET TO A POINT; THENCE LEAVING SAID ROAD RIGHT-OF-WAY RUN NORTH 01°07'43" WEST A DISTANCE OF 11.61 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.07 ACRES OR 3169 SQ.FT. MORE OR LESS.



GENERAL LOCATION OF
AGREEMENT/ WORK



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

November 4, 2024

To: Jeff Downes, City Manager

From: Rebecca Leavings, City Clerk

Cc:

RE: Public Hearing - Ordinance Number 3249 - Rezoning - 3128 Blue Lake Drive; Lot 9A, Resurvey of Lots 8 & 9, Topfield Subdivision; Rezone from Vestavia Hills R-1 to Vestavia Hills B-2 for a plant nursery; Robert Fuqua, owner

Background:

Property requesting rezoning in order to construct a plant nursery with both indoor and outdoor plantings; Owner pledged to certain prohibited uses that might be detrimental to the area since much of the area is composed of office buildings.

Recommendation:

P&Z Commission recommended approval with certain uses prohibited which are set out in the ordinance.

Fiscal Impact:

na

Attachments:

1. Ordinance 3249

ORDINANCE NUMBER 3249

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 R-1 TO VESTAVIA HILLS B-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-1 (low density residential district) to Vestavia Hills B-2 (general business district):

3128 Blue Lake Drive; Lot 9A, Resurvey of Lots 8 & 9, Topfield Subd.
Robert Fuqua, Owner(s)

BE IT FURTHER ORDAINED, that said rezoning be effective with the following uses as prohibited: gas stations, automotive repair, automotive sales, car wash, convenience stores, laundromat/dry-cleaning establishments and fast-food restaurants.

APPROVED and ADOPTED this the 25th of November, 2024.

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 3249 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 25th day of November, 2024 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 _____, 2024.

Rebecca Leavings
City Clerk





City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-24-11

Owner Name: Robert Fuqua

Owner Address: 2712 Ossa Wintha Dr, Vestavia Hills, AL
35243

Representative: Wade Lowery

Rep. 120 Bishop Circle, Suite 300, Pelham,
Address: AL 35124

Project Address: 3128 Blue Lake Drive, Vestavia Hills, AL 35243

Legal Description: Lot 9-A, according to Acton's Resurvey of Lots 8-9 and 10 of Topfield Subdivision, as recorded in Map Book 56, page 40, in the Probate Office of Jefferson County, Alabama.

Parcel ID Number: 28-00-27-4-001-016.000

Current Zoning: R-1

Requested Zoning: B-2

Intended Purpose: A new plant nursery and retail store

MOTION Mr. Blackenburg made a motion to recommend Rezoning for 3128 Blue Lake Dr. from Vestavia Hills R-1 to Vestavia Hills B-2 with the following conditions:

1. Gas stations, automotive repair, automotive sales, car wash, convenience stores, laundromat/dry cleaning, and fast food restaurants are prohibited.

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

P&Z

Recommendation: Mr. Sykes – yes Ms. Cochran – yes
Mr. Romeo – yes Mr. Honeycutt – yes
Mr. Maloof – yes Mr. Blakenburg – yes
Mr. Vercher – yes
Motion carried.

Date of P&Z Meeting: October 10, 2024

Authorized by:

Issued by:

Vestavia Hills Planning and Zoning Commission,
Michael Vercher, Chair

Conrad Garrison, City Planner

Rezoning Application

RZ-24-11

Submitted On: Sep 3, 2024

Applicant

 Conner Stewart
 205-403-9158
 conner@edgalabama.com

Primary Location

3128 BLUE LAKE DR
VESTAVIA HILLS, AL 35243

Property Information

Subject Property Address

3128 Blue Lake Drive, Vestavia Hills, AL 35243

Tax Parcel ID Number

28-00-27-4-001-016.000

Legal Description

Lot 9-A, according to Acton's Resurvey of Lots 8-9 and 10 of Topfield Subdivision, as recorded in Map Book 56, page 40, in the Probate Office of Jefferson County, Alabama.

Existing Parking Spaces

0

Proposed Parking Spaces

9

Submission Date

09/03/2024

Type of Project

New Non-Residential Development/use

Action Requested:

From Existing Zoning Classification

R-1

To Requested Zoning Classification

B-2

For the Intended Purpose of:

A new plant nursery and retail store

Acreage of Subject Property

0.54

Acreage of Property to be Disturbed

.5

Setbacks

Front

30

Back

30

Side

10

Open Space

0.3

Lot Coverage Percentage

44

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

Property Owner Name

Robert Fuqua

way of a notarized letter and/or power of attorney.

Company Name

Epilogue I, LLC

Owner Address City State Zip

2712 Ossa Wintha Dr, Vestavia Hills, AL 35243

Owner's Phone Number

(205) 266-5368

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

Robert.Fuqua@ArenaAdvising.com

Owner Representative/Responsible Party

Wade Lowery

Company Name

Engineering Design Group, LLC

Contact Email of Responsible Party

wade@edgalabama.com

Mailing Address of Responsible Party

120 Bishop Circle, Suite 300, Pelham, AL 35124

Phone No. of Responsible Party

(205) 403-9158

Email Address of Responsible Party

wade@edgalabama.com

Project Engineer Information (if applicable)

Name

Conner Stewart

Company

Engineering Design Group, LLC

Mailing Address

120 Bishop Circle, Suite 300, Pelham, AL 35124

Phone Number

(205) 403-9158

Email

conner@edgalabama.com



Engineering Design Group
Trellis - Blue Lake Drive

3128 Blue Lake Drive, Vestavia Hills, Alabama 35243

REVISIONS

DATE:	August 29, 2024
SCALE:	As Indicated
DRAWN:	DKE
REVIEWED:	HWM
PROJECT NO:	DKE
	Project ID

PROJECT NO: **Tree Removal/
Preliminary
Landscape Plan**

SHEET NUMBER

L-1.0

IN-LANDSCAPE BUFFER REQUIREMENTS:

REQUIRED BUFFER TYPE B PROPOSED NENE -60,000 FT² ABUTTING EXISTING DETACHED SINGLE-FAMILY RESIDENTIAL LOT WITH A MINIMUM OF 10' BUFFER WIDTH WITHOUT FENCE; 20' FENCED SIDE (OUT) BUFFER; WIDE BUFFER SHALL BE COMPRISED OF EXISTING NATURAL VEGETATION SUPPLEMENTED WITH NEW TREESHALL PLANTINGS AS REQUIRED TO ACHIEVE COMPLIANCE WITH THE BUFFER OPENING IN A MINIMUM DEPTH OF 80 FT.

PROPOSED SIDE (OUT) BUFFER: BUFFER LENGTH: 157 LF; BUFFER WIDTH: 20 FT.
BETTER TREE SPECIES RECOMMENDATION TO IMPROVE IN SINGLE ROW PER 100 LF:
BETTER TREE SPECIES RECOMMENDATION TO IMPROVE DOUBLE ROW PER 100 LF:
PROPOSED SHRUB QUANTITY: 4-7 SHRUBS
PROPOSED SPREAD QUANTITY: 4-7 SHRUBS

III. BUILDING PERIMETER LANDSCAPING REQUIREMENTS:

MINIMUM PLANTING STRIP DEPTH: 6'-0"

PROPOSED PLANTING STRIP DEPTH: 6'-0", 11'-0" (VARIES BY LOCATION)

MINIMUM SUBLEIGNMENT: 10' HEAVE RANTS OR SHULDS PER 50 LF. BUILDING ELEVATION BUILDING FRONTAGE ELEVATION LENGTH 80 LF. REQUIRED SUBLEIGNMENT: 16' SHULDS

PROPOSED SUBLEIGNMENT: 16' SHULDS

MINIMUM TREE DENSITY: 1 CANOPY TREE PER 50 LF. / UNDERSTORY TREE PER 35 LF. REQUIRED TREE DENSITY: 1 CANOPY TREE PER 50 LF. / UNDERSTORY TREE PER 35 LF.

PROPOSED TREE QUANTITY: 2 TREES

PROPOSED TREE QUANTITY: 2 TREES (1 UNDERSTORY)

IL PARKING PERIMETER AND SCAPING REQUIREMENTS:

MANHOLE DITCHES TO BE CUT TO 8" O"
PROPOSED PLANTING SPACING: 6' O"

MINIMUM TREE DENSITY: 1) 3 GAL. SHALB PER 3 L.F. OR 1) 5 GAL. SHALB PER 6 L.F. PERMETER
REQUIRED SHALE QUANTITY NEEDED: 28-27 SHUBLES
REQUIRED SHALE QUANTITY NEEDED: 28-27 SHUBLES
PROPOSED SHRUB QUANTITY: 28 SHRUBS PER 6 L.F. UNIDENSTY TREE FOR 40 L.F.
PERMETER LENGTH: 140 L.F.
PROPOSED TREE QUANTITY: 28 CANOPY OR 40 UNIDENSTY TREES
PROPOSED TREE QUANTITY: 4 UNIDENSTY TREES

L FRONTAGE LANDSCAPING REQUIREMENTS:

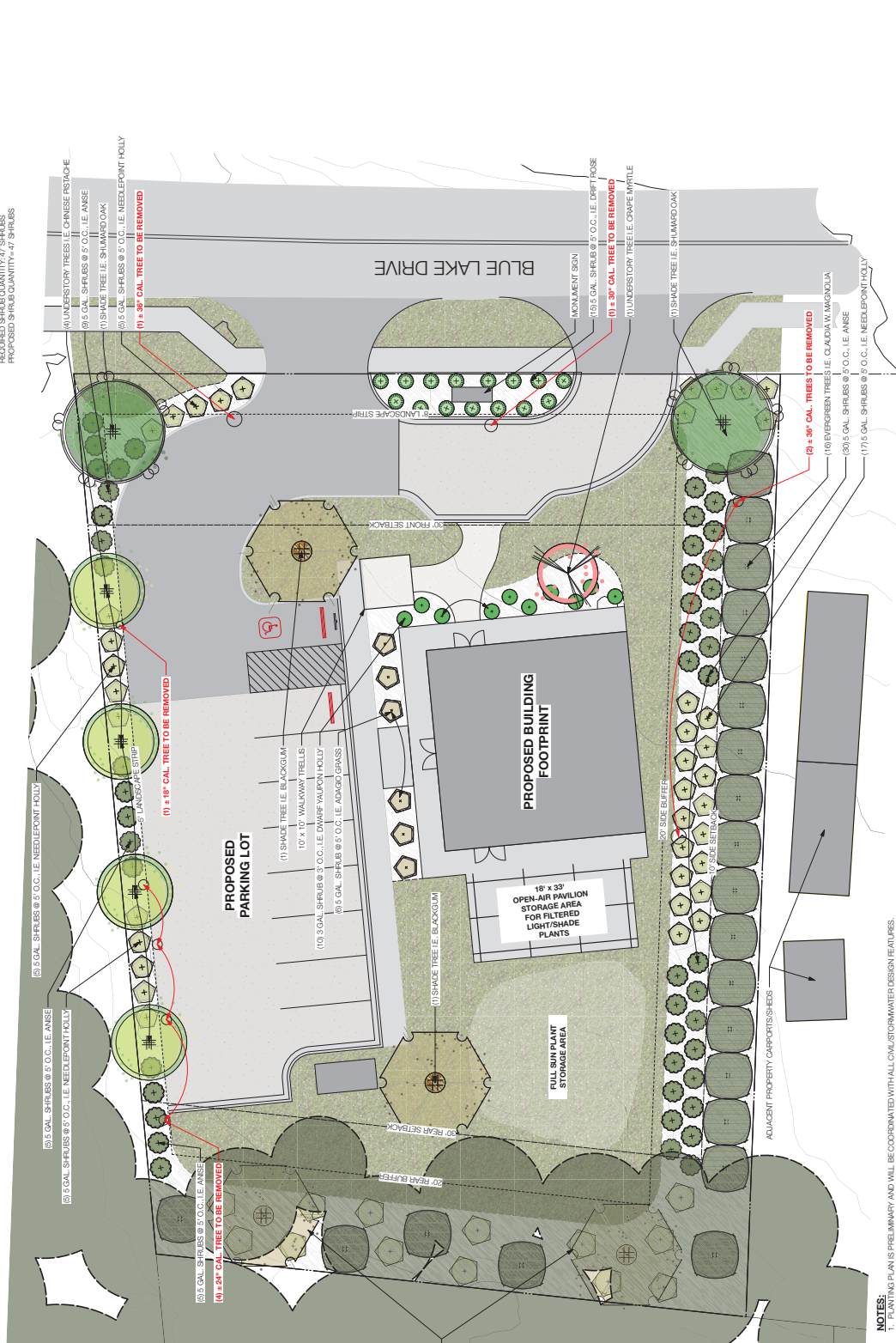
MINIMUM PLANTING SPECIFICATIONS: 8' H,
PROPOSED PLANTING STRIP WIDTH: 4'-0"

MINIMUM TREE DENSITY: (1) 3 GAL OR 1.5 GAL SHUB PER 3 L.F. OR (1) 5 GAL SHUB PER 3 L.F. FRONTAGE
(2) 1 GAL OR 0.5 GAL SHUB PER 3 L.F. FRONTAGE (MINIMUM PLANTING DENSITY: 40 P/LF.)

REQUIRED SHUB PLANT QUANTITY: 20-33 SHUBS PER
PROPOSED SHUB QUANTITY: 27 SHUBS

MINIMUM TREE DENSITY: 1 CANOPY TREE PER 40 L.F. / 1 UNDERSTORY TREE PER 40 L.F.
FRONTAGE LENGTH (EXCLUDING EXPRESSWAYS POINTS): 98 L.F.

PROPOSED TREE QUANTITY: 2 CANOPY TREES



NOTES:

1. PLANTING PLAN IS PRELIMINARY AND WILL BE COORDINATED WITH ALL CIVIL/STORMWATER DESIGN FEATURES.

NOTES:

1. PLANTING PLAN IS PRELIMINARY AND WILL BE COORDINATED WITH ALL.
2. CANOPY TREES SHALL BE MINIMUM 2 1/2" CALIPER AT INSTALLATION.
3. EVERGREEN TREES SHALL BE MINIMUM 8' HEIGHT AT INSTALLATION.

1 TREE REMOVAL / ORDINANCE PLANTING PLAN
Scale: 1" = 10'-0"

Scale: 1" = 10'-0"

[illegible]

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ASI - NO. 1

ASI No. 1 attached to the contract documents and city portal message for zoning approval:

Trellis Nursery

24042.00

Date: 09.03.24

To: City of Vestavia Hills

From: Hendon + Huckestein Architects, PC

Marci Hollingsworth, Owner of the property in question: 3128 Blue Lake Drive, Vestavia Hills, Alabama Agrees to limit the use of the property to prohibit the following: Gas Station; Automotive repair; Automotive Sales; Car Wash; Convenience Store; Laundromat or dry cleaning; Restaurant.

Ms. Hollingsworth has agreed to allow our firm to write this letter on her behalf.

Thank you,



Scott Boomhover, AIA, NCIDQ, NCARB

DISTRICT 020
 ESN_NUM 62
 PROPADD 3128 BLUE LAKE DR
 TAX_TOWNSH 28
 SECTION 27
 QSECTION 4
 BLOCK 001
 PARCEL 016000
 VH_ZONING R-1
 ZNG_ORD 1981
 ZNG_ORD_DT 03/21/2003
 ZNG_ORD2

Zoom to

Future Land Use

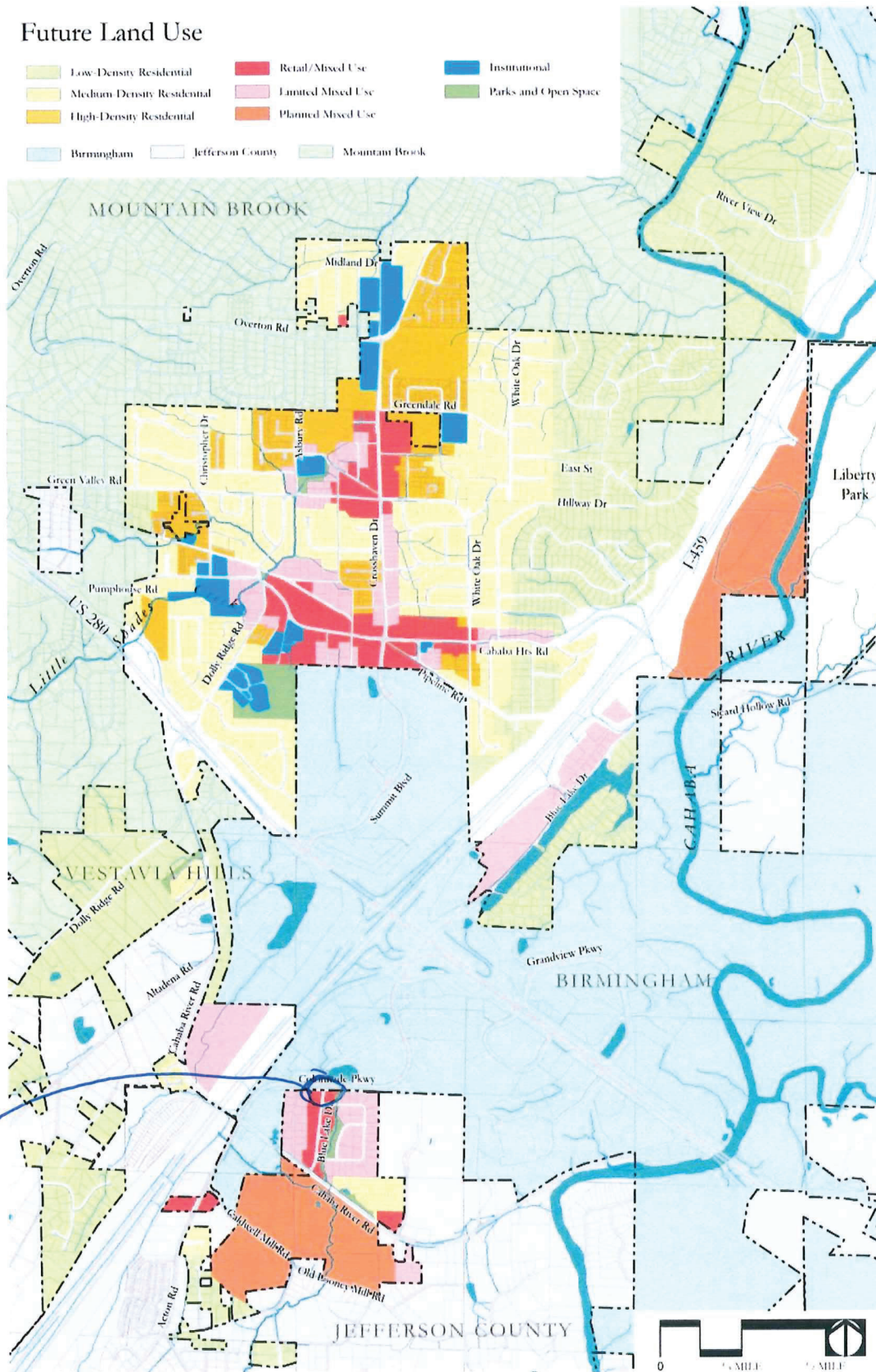


Figure 4: Future Land Use Map



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

November 4, 2024

To: Jeff Downes, City Manager

From: Rebecca Leavings, City Clerk

Cc:

RE: Public Hearing - Ordinance Number 3250 - Rezoning - a 25' wide strip traversing Lot 1, The Bray at Liberty Park, First Addition; Rezone from Birmingham holding to Vestavia Hills PUD PB, planned business; Liberty Park Joint Venture, owners

Background:

Liberty Park owns Lot 1, The Bray at Liberty Park and wishes to construct an office building on the property. However, there was an old 25' strip of property located in the City of Birmingham. Both Councils of Birmingham and Liberty Park did a series of annexation/de-annexation in order to relocate that Bham strip to run along I-459 and Vestavia annexed the 25' strip that traversed the center of the lot. This is to make the zoning consistent with the remainder of the property.

Recommendation:

Planning and Zoning Commission recommended approval.

Fiscal Impact:

na

Attachments:

1. Ordinance 3250

ORDINANCE NUMBER 3250

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 BIRMINGHAM HOLDING TO VESTAVIA HILLS PLANNED UNIT DEVELOPMENT, PLANNED BUSINESS

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 Birmingham Holding (temporary Birmingham) to Vestavia Hills Planned Unit Development PB (planned business):

A 25' wide strip traversing Lot 1, The Bray at Liberty Park First Addition
Liberty Park Joint Venture, Owner(s)

More particularly described as follows:

A part of Lot 1, The Bray at Liberty Park First Addition as recorded in Map Book 260, Page 22 in the Probate Office of Jefferson County, Alabama, and acreage situated in the N.E. 1/4 of the N.W. 1/4 of Section 13, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of the N.E. 1/4 of the N.W. 1/4 of Section 13, Township 18 South, Range 2 West, Jefferson County, Alabama and run in an Easterly direction along the North line of said 1/4-1/4 section a distance of 10.00 feet to the Point of Beginning of the property herein described: thence continue along the last described course in a, Easterly direction a distance of 25.01 feet to a point; thence 88°22'17" to the right in a Southerly direction a distance of 1115.10 feet to a point; thence 82° 31 '24" to the right in a Southwesterly direction a distance of 25 .21 feet to a point; thence 97°28'36" to the right in a Northerly direction a distance of 1119.09 feet to the Point of Beginning. Containing 27,927 square feet or 0.641 acre

APPROVED and ADOPTED this the 25th of November, 2024.

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 3250 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 25th day of November, 2024 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 _____, 2024.

Rebecca Leavings
City Clerk





City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-24-9

Owner Name: Reed Williams

Owner Address: 1000 Urban Center Drive, Suite 235,
Vestavia, AL 35242

Representative: Reed Williams

Rep. Address: 1000 Urban Center Drive, Suite 235,
Vestavia, AL 35242

Project Address: 10001 Liberty Parkway

Legal Description: Part of Lot 1, The Bray at Liberty Park First Addition, Map Book 260, Page 22 (spite strip)

Parcel ID Number: 28 00 13 2 000 001.007

Current Zoning: Holding Zone

Requested Zoning: PUD-PB

Intended Purpose: Spite strip previously deannexed by BHM, re-establishing zoning consistent with the remainder of the lot.

MOTION Mr. Honeycutt made a motion to recommend Rezoning for 10001 Liberty Pkwy. from Birmingham Holding to Vestavia Hills PUD-PB. Second was by Mr. Blakenburg. Motion was carried on a roll call; vote as follows:

P&Z	Mr. Sykes – yes	Ms. Cochran – abstained
Recommendation:	Mr. Romeo – yes	Mr. Honeycutt– yes
	Mr. Maloof – yes	Mr. Blakenburg– yes
	Mr. Vercher– yes	
	Motion carried.	

Date of P&Z Meeting: October 10, 2024

Authorized by:

Issued by:

Vestavia Hills Planning and Zoning Commission,
Michael Vercher, Chair
Conrad Garrison, City Planner

Rezoning Application

RZ-24-9

Submitted On: Aug 16, 2024

Applicant

 Jennifer Yates
 (205) 945-6428
 @jyates@libertypark.com

Primary Location

10001 LIBERTY PKWY
BIRMINGHAM, AL 35242

Property Information

Subject Property Address

10001 Liberty Parkway

Tax Parcel ID Number

28 00 13 2 000 001.007

Legal Description

Part of Lot 1, The Bray at Liberty Park First Addition, Map Book 260, Page 22 (spite strip)

Existing Parking Spaces

--

Proposed Parking Spaces

--

Submission Date

08/16/2024

Type of Project

New Commercial Development

Action Requested:

From Existing Zoning Classification

Holding Zone

To Requested Zoning Classification

PUD-PB

For the Intended Purpose of:

Spite strip previously deannexed by BHM, re-establishing zoning consistent with the remainder of the lot.

Acreage of Subject Property

?

Acreage of Property to be Disturbed

?

Setbacks

Front

--

Back

--

Side

--

Open Space

--

Lot Coverage Percentage

--

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

true

Owner Information

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

Property Owner Name

Reed Williams

rwilliams@drummondco.com

111

LEGAL DESCRIPTION
THE BRAY AT LIBERTY PARK FIRST ADDITION
BIRMINGHAM DE-ANNEXATION PARCEL I

A part of Lot 1, The Bray at Liberty Park First Addition as recorded in Map Book 260, Page 22 in the Probate Office of Jefferson County, Alabama, and acreage situated in the N.E. 1/4 of the N.W. 1/4 of Section 13, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of the N.E. 1/4 of the N.W. 1/4 of Section 13, Township 18 South, Range 2 West, Jefferson County, Alabama and run in an Easterly direction along the North line of said 1/4-1/4 section a distance of 10.00 feet to the Point of Beginning of the property herein described; thence continue along the last described course in a, Easterly direction a distance of 25.01 feet to a point; thence 88°22'17" to the right in a Southerly direction a distance of 1115.10 feet to a point; thence 82°31'24" to the right in a Southwesterly direction a distance of 25.21 feet to a point; thence 97°28'36" to the right in a Northerly direction a distance of 1119.09 feet to the Point of Beginning.

Containing 27,927 square feet or 0.641 acre.

BHM1 - DA



CITY OF VESTAVIA HILLS

INTER-DEPARTMENT MEMO

November 4, 2024

To: Jeff Downes, City Manager

From:

Cc:

RE: Citizens Comments

Background:

Recommendation:

Fiscal Impact:

Attachments:

None