

**Vestavia Hills
City Council Agenda
January 26, 2015
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Anna Curry Gualano, Vestavia Hills Library Board
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Investment Reports – Melvin Turner III, Finance Director
9. Approval of Minutes – January 12, 2015 (Regular Meeting)

Old Business

10. Resolution Number 4675 - A Resolution Authorizing The Purchase Of Radio Equipment From E-911 Funds
11. Ordinance Number 2552 – Conditional Use Approval For Home Occupation – 702 Hampden Place Circle; Lisa Eaker, Owner

New Business

12. Resolution Number 4676 - A Resolution Changing The Date Of The Regularly Scheduled Council Meeting For May 25, 2015 To May 28, 2015 In Observance Of Memorial Day

New Business (Requesting Unanimous Consent)

First Reading (No Action Taken At This Meeting)

13. Ordinance Number 2553 – An Ordinance Amending Section 6-16 Of The Vestavia Hills Code Of Ordinances, Republished 2013 Entitled “Codes Adopted;” To Repeal Ordinance Number 2013 And Adopting The 2015 International Fire Prevention Code For The City Of Vestavia Hills, Alabama

14. Ordinance Number 2554 – An Ordinance Accepting The Cahaba Heights Village Plan,
Being The 2015 Amendment To The 2008 Cahaba Heights Community Plan
15. Citizens Comments
16. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JANUARY 12, 2014

The City Council of Vestavia Hills met in regular session on this date at 5:00 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

Mayor Alberto C. Zaragoza, Jr.
Steve Ammons, Mayor Pro-Tem
George Pierce
John Henley

MEMBERS ABSENT:

Jim Sharp

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, Finance Director
George Sawaya, Deputy Treasurer
Dan Rary, Police Chief
Jim St. John, Fire Chief
Terry Ray, Deputy Fire Chief
Marvin Greene, Deputy Fire Chief
Taneisha Tucker, Library Director
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Lori Beth Kearley, Asst. City Engineer

Invocation was given by Karen Odle, President, Vestavia Hills Chamber of Commerce, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Mayor Zaragoza stated that Mr. Sharp was unable to make the meeting due to the passing of his mother-in-law. He asked that everyone keep the Sharp family in his thoughts and prayers.
- Mr. Ammons welcomed Tommy Coggin, Park Board President, to the meeting.

CITY MANAGER REPORT

- Mr. Downes asked Chief Rary to give an update regarding crime in the City.
 - Chief Rary reported that crime statistics in the past year have declined to figures below 1989 despite a 44% increase in population for the City. He highlighted the City's current statistics and commended his staff for their hard work and integrity.
- Mr. Downes announced that the City has received a \$2,500 grant from the Alabama Historical Society for use at the Temple.
- Paving has commenced and was begun on the western side of the City. Mr. Downes stated that the City is attempting to pave 13 miles of streets this year and that Dunn Construction has already completed 3.5 miles. Work is now delayed because of cold weather but will resume as soon as possible.
- The I-65/Highway 31 Gateway project has begun and will move rapidly toward completion.
- Construction on the City Hall facility is moving briskly and appears to be ahead of schedule.
- The library parking lot has experienced some delays due to utility relocations but is appearing to pick up in the last few days. Mr. Downes stated that he feels that lot will be opening soon.
- Mr. Downes stated that the City administrative offices will be closed on January 19 in observance of Martin Luther King Jr. Day.

COUNCILOR REPORTS

- Mayor Zaragoza stated that the May 25th meeting of the Council needed to be rescheduled since that's Memorial Day and City offices would be closed. After discussion, it was decided to move the meeting to Thursday, May 28.
- The Mayor announced that Winn Dixie will be hosting a grand reopening to celebrate the remodeling of their store. He invited everyone to attend.
- The Mayor announced that the Council and City Manager will participate in a retreat at Guntersville State Park Lodge on Thursday and Friday of this week. The work session is open to the public.
- Mr. Ammons stated that Sunrise Rotary partnered with the City's Police Department to raise funds for a prescription drop box and plans to put others in the Jefferson County area with a website showing box locations.
- Mr. Henley stated that Leadership Vestavia Hills hosted the 2nd annual "Helping Vestavia Hills" public event, which was designed to help parents of tweens and teens to recognize and cope with drug addictions. There will be other programs held throughout the year.

APPROVAL OF MINUTES

The minutes of December 18, 2014 (Work Session) and December 22, 2014 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of December 18, 2014 (Work Session) and December 22, 2014 (Regular Meeting) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Ammons – yes

Mayor Zaragoza – yes
motion carried.

OLD BUSINESS

ORDINANCE NUMBER 2551

Ordinance Number 2551 – Rezoning – 4325 Dolly Ridge Road; Rezone From Vestavia Hills R-4 (Residential District) To Vestavia Hills B-1.2 (Neighborhood Mixed Use District)

MOTION Motion to approve Ordinance Number 2551 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained that this is a request for rezoning of a piece of property owned by the City located adjacent to the Vestavia Hills Cahaba Heights Elementary School. The request is to locate a dermatology clinic on the corner with a new street to be constructed on the school's property, which would be a joint partnership between the City and the schools. He explained the project in detail and showed how the development complies with the newly adopted Cahaba Heights Village plan.

Mr. Ammons asked about consistency with the plan and if this was also consistent with the school's master plan.

Mr. Downes explained how the City had worked with the school and the developer to work out a project consistent enough to meet everyone's needs. He indicated that the concept of shared parking for this after hours use was also contemplated in this development.

Thornton Hyding and Sorrell Chew were present in regard to the request.

The Mayor opened the floor for a public hearing.

Janis George, 2719 Pruett Place, expressed concern of the speed of the approval of the project and indicated she didn't feel this would be beneficial to her as a property owner.

Mr. Boone gave a brief description of municipal contracts.

There being no one to address the Council concerning this request, he closed the floor and asked for the question.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes
	motion carried.

RESOLUTION NUMBER 4667

Resolution Number 4667 – A Resolution Authorizing the City Manager To Execute and Deliver An Agreement With Volkert, Inc. For Consulting Services For The Sicard Hollow Pedestrian Tunnel Design Services

MOTION Motion to approve Resolution Number 4667 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes stated that the City is the beneficiary of a \$473,000 grant for a pedestrian tunnel to be located underneath Sicard Hollow Road. He stated that since this is a federal grant, a consultant needed to be retained to handle all the design and the distinct paperwork needed to complete the construction. Volkert has proposed to do these needed services for \$74,300 which is part of the total project cost.

Discussion ensued and the Mayor indicated that an amendment was needed in order to adopt the agreement as revised by Mr. Boone. He then opened the floor for a motion.

MOTION Motion to amend Resolution Number 4667 with the agreement as revised by City Attorney Patrick Boone was by Mr. Pierce and second was by Mr. Ammons. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes
	motion carried.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, he closed the floor and asked for the question.

Roll call vote as follows:

Mr. Pierce – yes
Mr. Ammons – yes

Mr. Henley – yes
Mayor Zaragoza – yes
motion carried.

RESOLUTION NUMBER 4669

Resolution Number 4669 – A Resolution Forming A Health Authority And Appointing Directors To The Authority

MOTION Motion to approve Resolution Number 4669 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes stated that this Resolution is to establish a Health Care Authority to grant tax preferred funding for certain projects. This one is for a non-profit counseling which is being brought through Compass Bank. He recognized Kathryn Ottensmeyer who was in the audience as the representative for Compass to answer any questions regarding the authority.

The Mayor indicated that this was discussed at length in a previous work session and that the Council had three questions they wanted answered before acting.

Mr. Boone explained the details of the agreement within the Resolution and indicated that it meets Alabama and Federal law. He answered the questions that the Council had asked.

Discussion ensued and regarding the number of voting members, whether or not the City should have representatives on the membership board, etc.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, he closed the floor and asked for the question.

MOTION Motion to amend Resolution Number 4669 to expand the membership to two additional members: one being the Mayor or his proxy and the other being the City Attorney was by Mr. Ammons and second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes
Mr. Ammons – yes

Mr. Henley – yes
Mayor Zaragoza – yes
motion carried.

The Mayor asked for the question.

Roll call vote as follows:

Mr. Pierce – yes
Mr. Ammons – yes

Mr. Henley – yes
Mayor Zaragoza – yes
motion carried.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

RESOLUTION NUMBER 4673

Resolution Number 4673 - A Resolution Declaring Certain Personal Property As Surplus And Authorizing The Sale/Disposal Of Said Property

MOTION Motion to approve Resolution Number 4673 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes stated that this declares some specialty turf equipment as surplus to allow for the sale of said items. He indicated that the previous action made the equipment of no use to the City.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

RESOLUTION NUMBER 4674

Resolution Number 4674 – A Resolution Changing Signatures At Regions Bank On The City’s Court Bond Account

MOTION Motion to approve Resolution Number 4674 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes stated that this Resolution changes signers on the City’s court bond account due to some personnel changes.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council’s next regularly scheduled meeting on January 26, 2015 at 5 PM.

- Resolution Number 4675 - A Resolution Authorizing The Purchase Of Radio Equipment From E-911 Funds
- Ordinance Number 2552 – Conditional Use Approval For Home Occupation – 702 Hampden Place Circle; Lisa Eaker, Owner

CITIZENS COMMENTS

Patrick Dewees, 3028 Asbury Park Place, asked the Council to purchase a piece of property near his home and to construct a passive park for the use of the community.

Mr. Ammons asked him if he was aware of the planned construction of a nearby passive park.

Mr. Dewees indicated he thought that was to be an active athletic park, not a passive park.

Karen Odle invited everyone to Winn Dixie's grand re-opening on January 24, 2015 beginning at 5:30 PM.

MOTION Motion to adjourn was by Mr. Henley and second was by Mr. Ammons. Meeting adjourned at 6:15 PM.

Alberto C. Zaragoza, Jr.
Mayor

Attested by:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4675

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE RADIO EQUIPMENT WITH E-911 SPECIAL FUNDS

WHEREAS, the Fire and Police Departments have identified a need to purchase radio equipment for the purpose of transmitting and receiving dispatch calls in the amount of \$45,162.80 as requested in a memorandum from the Fire Chief to the City Manager dated January 7, 2015, a copy of which is marked as "Exhibit A," attached to and incorporated into this Resolution Number 4675 as though written fully therein; and

WHEREAS, the Fire Department has requested that the expense be charged to the E-911 Special Funds account; and

WHEREAS, the City Manager has reviewed the request and recommended acceptance of said purchase and reimbursement; and

WHEREAS, the Mayor and the City Council feel it is in the best public interest to accept the request as presented and recommended by the City Manager.

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

1. The City Manager is hereby authorized to purchase radios in the amount of \$45,162.80 to be expensed to the E-911 Special Funds account; and
2. This Resolution Number 4675 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 26th day of January, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

**VESTAVIA HILLS FIRE DEPARTMENT
513 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216
(205) 978-0225
(205) 978-0205 (FAX)**

**JAMES R. ST. JOHN
FIRE CHIEF**

MEMORANDUM

TO: Jeff Downes, City Manager
FROM: Jim St. John, Fire Chief
DATE: January 7, 2015
RE: Request to purchase radio equipment from E-911 funds

I am requesting the City Council, as the ECD board, approve the expenditure of \$45,162.80 from E-911 funds for the purchase of radio equipment. The purchase will include radios for the new police motorcycle, new fire administration vehicle, six dual-band handheld radios, replacement of radio headsets, and installation of an existing radio.

While this expenditure is not in the FY 2015 budget, it will not cause a negative fund balance through the end of the fiscal year.

VOLENS ET POTENS

ORDINANCE NUMBER 2552

AN ORDINANCE GRANTING A CONDITIONAL USE APPROVAL FOR A HOME OCCUPATION

WHEREAS, on October 16, 2000 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 1838 creating and establishing a P.U.D. (planned unit development) classification; and

WHEREAS, on February 19, 2001 the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 1864 to rezone 3,350 +/- acres from multiple Jefferson County and Vestavia Hills zoning classifications to Vestavia Hills P.U.D.; and

WHEREAS, Section 709.5.A.1.b of Ordinance Number 1838 classifies a “home occupation” permitted only as a “Conditional Use” and

WHEREAS, Ms. Lisa Eaker has submitted application for conditional use approval for a home occupation to be operated in her residence located at 702 Hampden Place Circle, Vestavia Hills, Alabama located in the Liberty Park PUD; and

WHEREAS, Ms. Eaker has indicated in her application for conditional use approval that she will operate her business “Start Somewhere Fitness LLC” with a series of workshops helping sedentary individuals on their way to an active lifestyle through private meetings in large spaces and meeting rooms outside of the residence, etc; and

WHEREAS, a copy of said application dated October 22, 2014 is attached and hereby incorporated into this Ordinance Number 2552.

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

1. Condition Use Approval is hereby approved for Ms. Lisa Eaker for a home occupation as described in the above referenced application for her residence

located at 702 Hampden Place Circle, Vestavia Hills, Alabama located in Liberty Park P.U.D. subject to the provisions outlined in Article 9 of the Vestavia Hills Zoning Code outlined as follows:

- (1) "Home occupation is defined as any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental, accessory, subordinate and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the dwelling itself or any part of parcel of property in the neighborhood surrounding said dwelling.
- (2) Home occupations shall be conducted only in the main dwelling building on the lot. No more than twenty-five percent (25%) of the said dwelling may be used for a home occupation.
- (3) There shall be no public display of goods and absolutely no commodities sold on the premises.
- (4) No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
- (5) No home occupation or profession shall be permitted if such occupation creates noise, odors, vibrations or traffic which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.
- (6) In order to be a permitted home occupation or profession, the use must be one which is habitually, customarily and commonly established as a reasonable incidental, accessory, subordinate and secondary use.

- (7) Operation of any and all other business of any nature in residential zones is expressly prohibited; and
- (8) The activity carried on as home occupation shall be limited to the hours between 7:00 AM and 10:00 PM.”
2. Conditional Use Approval is further conditioned upon and subject to all applicable private and restrictive covenants attached to the property located at 702 Hampden Place Circle, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
3. A City of Vestavia Hills Business License shall be issued upon application and payment by Ms. Eakerworking subject to the rules and regulations outlined in the Vestavia Hills Business License code and shall be renewed each year that the home occupation is operated from the location at 702 Hampden Place Circle, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
4. At any time should Ms. Lisa Eaker vacate the premises located at 702 Hampden Place Circle, Vestavia Hills, Alabama, discontinue or relocate her business, this conditional use approval shall be nullified and said Ordinance Number 2552 shall be automatically repealed.

ADOPTED and APPROVED this the 26th day of January, 2015.

Alberto C. Zaragoza
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 # 2552 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 26th day of January, 2015 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk

PUD PR-1

CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than 25 working days prior to the scheduled meeting at which it shall be considered. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ***No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: Lisa Marie Eaker

ADDRESS: 702 Hampden Place Circle
Vestavia, AL 35242

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-502-7219 Cell _____
Office 512-751-7095

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

2014 OCT 27 P 2 35

PUD PR-1

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III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section (see attached) of the Vestavia Hills Zoning Code.

Current Zoning of Property: VH PUD PR-1

Requested Conditional use For the intended purpose of: Start Somewhere Fitness LLC - offices (see attached)

(Example: From "VH R-1" to "VH O-1" for office building)

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

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

702 Hampden Place Cir 904^{Lot}, Hampden Place
PB 220 PG62 + Amended PB 221 PG31

Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

Application fees submitted.

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

Lisa Marie Eaker 10/22/14

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 22 day of October, 2014.

Denise R. Bowen
Notary Public

My commission expires January
day of 17th, 2018.



//

October 22nd, 2014

City of Vestavia Hills
Planning and Zoning Commission

To Whom It May Concern:

Regarding the property at:
702 Hampden Place Circle, 35242
Liberty Park


Thank you for your consideration for Conditional Use of my home as the address of record for Start Somewhere Fitness LLC. The primary business plan of Start Somewhere Fitness LLC is to host a series of workshops helping sedentary individuals on their way to an active lifestyle. I will also offer private meetings to those who need additional help or are not comfortable in a group environment. As owner and president of the company I will be seeking large spaces and meeting rooms outside of my home to hold workshops and plan to use smaller spaces at the same facilities or public spaces for the one on one meetings.

I have no plans or intention to do the following:

- To conduct workshops at my home
- To hold one on one sessions at my home
- To erect signage at or near my home or on my personal vehicles
- To promote my home as a place of business
- To utilize my home address in any marketing material related to doing business, this includes fliers, business cards, website presence, social media, direct mail pieces and any similar materials

Thank you again for your consideration.

Sincerely,



Lisa Eaker
Ph. 512-751-9095

liberty park
JOINT VENTURE, LLC

October 29, 2014

Rebecca Leavings, City Clerk
City of Vestavia Hills
Vestavia Hills City Hall
Vestavia Hills, Alabama 35216

Re: Lisa Eaker
702 Hampden Place Circle
Vestavia Hills, AL 35242

Dear Ms. Leavings:

We are writing in connection with the above matter. We understand Mrs. Lisa Eaker is in the process of applying for a conditional use within the PR-1 (Planned Single-Family Residential) classification of the Liberty Park PUD to allow her to conduct a home occupation as an interior designer in her residence.

We have no objection to the granting of the conditional use to allow a home occupation in this case, provided such use is made subject to the following restrictions:

1. There shall be no customer, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
2. There shall be no pick ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick ups and deliveries by overnight courier services and pick ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

The foregoing restrictions are in keeping with the intent and spirit of the Liberty Park PUD and with the overall plan of development for Liberty Park as addressed in the Covenants, Conditions and Restrictions that are applicable to the subject property.

Rebecca Leavings
October 29, 2014
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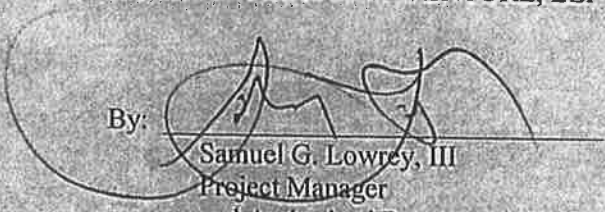
Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

If you have questions or comments regarding this matter, or if we can assist in any other way, please call me at 281-3542.

Very truly yours,

LIBERTY PARK JOINT VENTURE, LLP

By:



Samuel G. Lowrey, III
Project Manager
and Authorized Representative

cc: Kathryn Carver, Esq.

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

Date: DECEMBER 11, 2014

- **CASE:** P-1214-57
- **REQUESTED ACTION:** Conditional Use Approval for a home based business
- **ADDRESS/LOCATION:** 702 Hampden Place Circle.
- **APPLICANT/OWNER:** Lisa Maria Eaker. 702 Hampden Place Circle, Vestavia Hills
- **GENERAL DISCUSSION:** The applicant wishes to conduct a home based business in Liberty Park. As required by the Liberty Park PUD a conditional use permit is required for a home based business. Applicant indicates that only bookkeeping/accounting would be done at residence. Liberty Park has submitted four requested conditions.
- **LIBERTY PARK MASTER PLAN:** This request is consistent with the procedures of the Liberty Park PUD.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: I recommend the Commission recommend approval with the conditions requested by Liberty Park.
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Burrell made a motion to recommend approval of Conditional Use Approval for a home based business at 702 Hampden Place Circle with the following conditions:

1. There shall be no customers, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
2. There shall be no pick-ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick-ups and deliveries by overnight courier services and pick-ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

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

Mr. Goodwin – yes	Mr. House – yes
Mr. Sharp – yes	Mr. Wolfe – yes
Mr. Gilchrist – yes	Mr. Burrell – yes
Mr. Larson – yes	Motion carried.

RESOLUTION NUMBER 4676

**A RESOLUTION RESCHEDULING A REGULAR MEETING OF THE
VESTAVIA HILLS CITY COUNCIL**

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

1. The regularly scheduled meeting of the Vestavia Hills City Council scheduled for the Memorial Day holiday on Monday, May 25, 2015 is hereby rescheduled for Thursday, May 28, 2015 beginning at 5 PM; and
2. This Resolution Number 4676 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 26th day of January, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2553

TO AMEND SECTION 6-16, VESTAVIA HILLS CODE OF ORDINANCES, REPUBLISHED 2013 ENTITLED "CODES ADOPTED"; TO REPEAL ORDINANCE NUMBER 2031 AND ADOPTING THE 2015 INTERNATIONAL FIRE PREVENTION CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

SECTION 1. That the 2015 International Fire Prevention Code, with officially approved revisions and changes as detailed in "Exhibit A," a copy of which is attached to and incorporated into this Ordinance Number 2553 as though written fully there and thereto, said revised Code is hereby adopted by reference and incorporated as is set out and fully herein.

SECTION 2. Ordinance Number 2031 and any Ordinance or parts of Ordinances in conflict with the provisions contained herein are hereby repealed.

This ordinance shall become effective immediately following publishing/posting as required by Alabama law.

APPROVED and ADOPTED this the 9th day of February, 2015.

Alberto C. Zaragoza, Jr.
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 # 2553 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 9th day of February, 2015 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Vestavia Hills, hereinafter referred to as “this code.”

108 Delete section 108 in its entirety (including sections 108.1 through 108.3 thereunder) and replace with the following:

108 Board of Appeals

108.1 General. Appeals of orders, decisions, and determinations made by the fire official related to the application and interpretation of this code shall be heard by the Vestavia Hills Board of Zoning Adjustment pursuant to and according to the appeal procedures set forth therein. Appeals shall be filed with the City Clerk’s Office within twenty (20) days following the date of the decision of the code official for which appeal is sought.

108.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed.

109.4 Delete section in its entirety (subsection 109.4.1 shall not be affected by this deletion and shall remain a part of the Fire Code adopted by the City of Vestavia Hills) and replace with the following:

109.4 Violation penalties. Persons who shall violate a provision of the Fire Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of the Fire Code, shall be guilty of an offense against the City of Vestavia Hills punishable as provided in Section 1-5 of the *Municipal Code of the City Vestavia Hills*. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.4 Delete section 111.4 in its entirety and replace with the following:

111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punished by fine as set forth Section 1-5 of the *Municipal Code of the City of Vestavia Hills, Alabama*.

1103.5.1 Group A-2 Delete this section in its entirety without replacement.

The geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:

5704.2.9.6.1 Limits in which the storage of class I and class II flammable liquids in above ground tanks outside of buildings is prohibited is as specified in the Fire Code and its referenced documents and is limited to the first fire district if all related requirements of the Fire Code and its referenced documents are met and meet approval of the Fire Marshal.

5706.2.4.4 Limits in which the storage of class I and class II flammable liquids in above ground tanks is prohibited is as specified in the Fire Code and its referenced documents and is limited to the first fire district if all related requirements of the Fire Code and its referenced documents are met and meet approval of the Fire Marshal.

5806.2 Limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited as specified in the Fire Code and its referenced documents and is limited to the first district if all related requirements of the Fire Code and its referenced documents are met and meet the approval of the Fire Marshal.

6104.2. Limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas is as specified in the Fire Code and its referenced documents and meet the approval of the Fire Marshal.

ORDINANCE NUMBER 2554

AN ORDINANCE TO ACCEPT THE CITY OF VESTAVIA HILLS CAHABA HEIGHTS VILLAGE PLAN BEING THE 2015 AMENDMENT TO THE 2008 CAHABA HEIGHTS COMMUNITY PLAN

WHEREAS, pursuant to Section 11-52-8 of the *Code of Alabama, 1975*, it shall be the function and duty of the City of Vestavia Hills Planning and Zoning Commission to make and adopt a master plan for the physical development of Vestavia Hills, Alabama, and;

WHEREAS, the City of Vestavia Hills Planning and Zoning Commission has made a careful study of the comprehensive plan prepared and submitted by the Cahaba Heights Charrette Committee headed by Cheryl Morgan, FAIA; and;

WHEREAS, the City of Vestavia Hills Planning and Zoning Commission unanimously approved a resolution to adopt the Cahaba Heights Village Plan being the 2015 Amendment to the 2008 Cahaba Heights Community Plan (the "Plan") designated as a "living document which will serve as a guide for the City of Vestavia Hills Planning and Zoning Commission, and which can be amended, extended or added to from time to time as changing conditions may require"; and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama has studied and reviewed the Plan and concurs with the Vestavia Hills Planning and Zoning Commission in determining that the document meets the general requirement of guiding and accomplishing a coordinated, adjusted and harmonious development of a portion of the Cahaba Heights area of the City of Vestavia Hills and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, and;

WHEREAS, the Plan is a living document which will serve as a guide for the City of Vestavia Hills Planning and Zoning Commission as well as other city entities, and which can be amended, extended or added to from time to time as changing conditions may require.

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

1. The planning document entitled “City of Vestavia Hills Cahaba Heights Village Plan being the 2015 Amendment to the 2008 Cahaba Heights Community Plan” and all official maps pertaining thereto, as amended, are hereby accepted the 9th day of February, 2015; and
2. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law; and
3. Said Ordinance shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law.

DONE, ORDERED and APPROVED this the 9th day of February, 2015.

Alberto C. Zaragoza, Jr.
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 # 2554 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 9th day of February, 2015, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk