

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: March 14, 2022
Time: 5:30 pm
Place: Hoover Municipal Center
Present: Mr. Mike Wood - Chairman
Ms. Jennifer Peace –Vice-Chairman
Mr. Mike Shaw
Mr. Allan Rice
Mr. Ben Wieseman
Mr. Jason Lovoy
Mr. Nathan Reed
Ms. Becky White

Also Present: Mr. Chris Reeves, City Engineer
Mr. Blake Miller, Assistant City Engineer
Mr. Richard Broome, Plans Examiner
Mr. Mark Thornton, Fire Marshal
Mr. Jihad Al-Dakka, Chief Operations Officer
Ms. April Danielson, Assistant City Attorney
Mr. Mac Martin, City Planner
Ms. Vanessa Bradstreet – Zoning Assistant

1. **CALL TO ORDER**

The meeting was called to order by Mr. Wood. Mr. Wood then asked the Secretary to call the roll in which a quorum was present.

2. Mr. Rice gave the invocation.

3. Ms. Peace led the Pledge of Allegiance.

4. Mr. Wood announced the minutes from the February 14, 2022, meeting had been distributed to the Board members and if there were no changes to the minutes, he would entertain a motion to approve as written. Mr. Ben Wieseman made a motion to approve with Mr. Mike Shaw seconding the motion. On voice vote, the minutes were approved unanimously.

5. **Requests for Preliminary and/or Final Map Approval:**

Mr. Wood announced the Planning Commission had the opportunity to go over the subdivision cases at the pre-meeting work session and satisfied themselves with any questions they might have. He explained these cases would be voted on as a block but if

anyone had a question regarding any of these cases, if they would raise their hand, that case would be moved to the end of the agenda. Mr. Wood asked if there were any questions. There were none.

- (a) **S-0322-10**- The City of Hoover is requesting **Final Plat** approval for **Tanner Resurvey** of property located at **5182 Greystone Way** . The purpose of this Resurvey is to vacate and relocate a drainage easement. Property owners are Chris and Elizabeth Tanner and the property is zoned **PUD PR-1 (Planned Single Family District)**. **(APPROVED)**

COMMENTS: RECOMMEND APPROVAL CONTINGENT ON RECEIVING THE SIGNED MYLAR.

Mr. Blake Miller, Assistant City Engineer replied the City of Hoover was present to represent this case. Mr. Wood asked Mr. Miller if he would be obtaining the mylar and he answered yes. Mr. Wood asked if there were any comments on this case and there were none.

- (b) **S-0322-11** – Mr. Scott Rohrer, Blackridge Partners, LLC, is requesting **Preliminary Plat** approval for **Blackridge South Phases 8 & 9**, a 106 residential lot subdivision located at the south end of Vivi Lane. Property owners are Blackridge Partners, LLC, and the property is zoned PUD PR-1 MD (Planned Single Family – Medium Density). **(APPROVED)**

COMMENTS: NO ISSUES. RECOMMEND APPROVAL.

Mr. Bob Easley, AL Engineering Co., Inc., was present to represent this case. Mr. Wood asked if there were any comments on this case and there were none.

Mr. Wood announced the following case would be continued until the next meeting, April 11, 2022, at 5:30 pm and no new notices would be sent out. Mr. Wood asked if there were any questions on this case. There were none.

- (c) **S-0322-12** – Mr. Jay Compton is requesting **Preliminary Plat** approval for **Friendly Estates (Woodmeadow Subdivision)**, a 6 lot subdivision located at 2560 Woodmeadow Lane. Limited Resources, LLC, is the property owner and the property is zoned R-2 (Single Family District). **(CONTINUED)**

COMMENTS: ADDITIONAL INFORMATION NEEDED. RECOMMEND CONTINUING THIS CASE.

- (d) S-0322-13 – Joey Miller, MTTR Engineers, Inc., representing Shades Mountain LLC (John Lemak) is requesting Final Plat approval for Shades Mountain Plaza 1st Addition Resurvey No. 1, being a resurvey of Lot 5-B, 1st Addition of Shades Mountain Plaza and acreage tract situated in the Northwest ¼ of Section 3 Township 19 South Range 3 West. The purpose of the plat is to create one retail lot and one mixed use office/retail lot from an acreage tract and a record lot. Shades Mountain LLC (John Lemak) is the property owner and the lots are zoned C-2 (Community Business District). **(APPROVED)**

COMMENTS: NO ISSUES. RECOMMEND APPROVAL.

Mr. Joey Miller, MTTR Engineers, Inc., was present to represent this case. Mr. Wood asked if there were any questions on this case and there were none.

- (e) S-0322-14 – SDP AL Hoover #1, LLC, is requesting Final Plat approval for the Amended Map Resurvey Lot 1-B Stadium Trace Village Plat No. 2, a two lot subdivision located on Amber Drive in Stadium Trace Village, Trace Crossings. The purpose of this plat is to modify the plat notes as recorded on Mapbook 50, Page 98. SDP AL Hoover#1, LLC, is the property owner and the property is zoned PUD-PC (Planned Commercial). **(APPROVED)**

COMMENTS: NO ISSUES. RECOMMEND APPROVAL.

Mr. Bill Miller was present to represent this case. Mr. Wood asked if there were any questions on this case and there were none.

Mr. Sam Richardson, 574 Elvira Road, asked about property in Case # S-0322-11, Blackridge South Phase 8 & 9. Mr. Richardson stated his property adjoins Blackridge South Phases 8 & 9, and he was interested in what was going on. Mr. Wood pointed him to the subdivision map on the screen. He stated he wasn't aware of Vivi Lane and didn't know where it was.

Mr. Martin explained to Mr. Richardson exactly where these phases were located and caught him up with the Blackridge development from the start to where it is now. Mr. Bob Easley, AL Engineering Co., also came down to the podium to point out on another site map where this was and talked to him about his property and how far these phases would go.

Mr. Wood further explained to Mr. Richardson the approval process of subdivision plats and how they must meet the subdivision regulations and adhere to the zoning ordinance. Mr. Wood stated if they did meet that criteria, they would most likely be approved and asked if he had any further questions.

Mr. Wood asked if there were any other questions. There being none, Mr. Wood asked for a motion. Mr. Rice made a motion to approve S-0322-10, S-0322-11, S-0322-13, and S-0322-14. Mr. Shaw seconded the motion. On voice vote, the

motion was unanimously approved.

6. C-0322-02 - Joey Miller, MTTR Engineers, LLC, is requesting *Conditional Use* approval for a mixed use retail office space to be located at 2154 Clearbrook Road and 775 Shades Mountain Plaza. The owner of the property is Shades Mountain LLC (John Lemak) and the property is zoned C-2 (Community Business District). (*APPROVED*)

RECOMMENDED CONDITIONS/REQUIREMENTS: RECOMMEND APPROVAL WITH THE FOLLOWING CONDITIONS:

- **THE SITE AND BUILDING ARE CONSTRUCTED IN SUBSTANTIAL CONFORMITY TO THE PLANS PRESENTED**

OTHER CONSIDERATIONS/COMMENTS: APPLICATIONS FOR SIGNS ARE TO BE SUBMITTED SEPARATELY

COMPREHENSIVE PLAN: SUPPORTS COMMERCIAL DEVELOPMENT IN THIS VICINITY.

Mr. Joey Miller, MTTR Engineers, LLC, 2500 Southlake Park, Hoover, AL 35244 was present to represent this case. Mr. Miller stated this location was on Clearbrook Road just south of where the new Piggly Wiggly was going in and adjacent to a small strip shopping center. Mr. Miller stated there was a parking lot that Mr. Lemak owned (both pieces of land) and what they had planned to do was resurvey the lot into 2 lots; the parking lot being one and they would have a mixed use, 3,000 sq ft of office and 2,400 sq ft of retail on the other. Mr. Miller stated they would use the existing driveway off Clearbrook and meet all the parking and landscape requirements. Mr. Miller stated they had not done the lighting plan but would use downdraft lighting to keep all the lights off the adjacent properties.

Mr. Wieseman asked what was being proposed on the southern lot. Mr. Miller stated there were existing retail shops already there and they would remain there. Mr. Miller stated this almost looked like a grass outparcel being vacant. Mr. Miller stated they are utilizing some of the existing parking places in the asphalt adjacent to the grass part of the property and they would have an access easement that goes out to Clearbrook. He stated their driveway would come off the access easement. Mr. Miller pointed out the retail space area and stated they would meet the city's parking requirements on both lots for retail and mixed office.

Mr. Wood asked if there were any other questions from the board or anyone in the audience. There being none, Mr. Wood asked for a motion. Mr. Mike Shaw made a motion to approve C-0322-02 with the recommended conditions. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

7. **C-0322-03** – American Pet Resorts, LLC, is requesting *Conditional Use* for a Pet Paradise facility, a pet grooming and boarding facility with outdoor runs, play areas, to include on-site veterinary care and residence quarters for a 24 hour on-site caretaker and approval of the site plan, to be located at **1014 Brocks Gap Parkway** in Trace Crossings. The owner of the property is U.S. Steel Corporation, A Delaware Corporation, and is zoned PI (Planned Light Industrial- Restricted). (*CONTINUED*)

RECOMMENDED CONDITIONS/REQUIREMENTS: RECOMMEND APPROVAL WITH THE FOLLOWING CONDITIONS:

APPROVAL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- **TO INCLUDE ALL THE CONDITIONS VOLUNTARILY PLACED IN THE APPLICATION BY THE APPLICANT; with the following amendments:**
- **1st being: no animals be outside after 6pm and before 6:30 am Monday through Saturday and before noon on Sunday. Thought process being: Discovery United Methodist Church is next door and they have programming starting at various times throughout the week after 6pm and also has Sunday services until noon, so they would try to work with that neighboring use so as not to have animals outside to disrupt the church services.**
- **THE AREA COMPRISING THE OUTDOOR PLAY AREA AND THE NUMBER OF ANIMALS OUTDOORS AT ANY GIVEN TIME SHOULD BE REDUCED BY 40%. (SEE COMMENTS BELOW)**
- **THE SITE AND BUILDING ARE CONSTRUCTED IN SUBSTANTIAL CONFORMITY TO THE PLANS PRESENTED. Mr. Martin added that as far as exterior appearance and perhaps building materials, this particular application would need to go to the Trace Crossings Business Association for their approval and meet all their covenants with regard to exterior appearance.**

OTHER CONSIDERATIONS/COMMENTS:

- **TATTERSALL LOCATION'S OUTDOOR PLAY AREA WAS SEPARATED FROM RESIDENTIAL BY APPROX. 665' OF DISTANCE, CONSIDERABLE ELEVATION CHANGE, AND WOODED AREA. THIS SITE IS WITHIN 400' OF RESIDENTIAL TO THE NORTHEAST AND 450' TO THE SOUTHWEST AND CONTAINS FEWER OBSTACLES TO SOUND TRAVEL. WITH A DISTANCE 40% LESS THAN THE TATTERSALL LOCATION FROM RESIDENTIAL PROPERTY, POTENTIAL REMEDY COULD CONSIST OF A 40% REDUCTION IN**

ANIMALS OUTSIDE (ADJUSTED TO 45) AND REDUCTION OF OUTSIDE PLAY AREA (CONVERT PORTION TO INDOOR).

- **APPLICATIONS FOR SIGNS ARE TO BE SUBMITTED SEPARATELY**

COMPREHENSIVE PLAN: SUPPORTS COMMERCIAL/MIXED USE DEVELOPMENT IN THIS VICINITY.

Mr. Charlie Beavers, Attorney, representing American Pet Resorts, LLC, was present to represent this case. Mr. Beavers stated this wasn't the first time Pet Paradise had been before the Planning Commission and was sure they were familiar with and recognized the quality of this program. Mr. Beavers stated this business had been around since 2004, are out of Jacksonville, FL, have over 1800 employees, have 50 operating resorts at this time with 14 under development. Mr. Beavers stated their services are upscale to include boarding, grooming, day camp, full veterinarian services for the outside community as well, not just dogs who are using the facility, with 24 hour caretaker on site for security. Mr. Beavers stated they had agreed to 75 dogs outside play maximum with play areas with a maximum of 20 dogs in each play area with a 30 minute per play shift in which they are very organized and supervised.

Mr. Beavers stated they did meet the parking requirements and did not attract much traffic due to the drop off/pick up feature of the business which was a low traffic generator. Mr. Beavers stated they had between 12-15 full time employees at each site. Mr. Beavers stated their typical business hours are Monday thru Friday: 6:30am until 7:00 pm, and Saturday & Sunday – 9am to 5pm with a 24 hour caretaker for security and safety.

Mr. Beavers then proceeded to explain the slide presentation. Mr. Beavers pointed out their measurements show between 450 to 500 feet from the area in which the animals would be out playing to the nearest residence across both the parkways.

Mr. Beavers explained the slide of the facility down in Jacksonville, FL, and noted this was exactly how this facility, if approved, would be configured. Mr. Beavers also showed a slide from where the Tattersall Pet Paradise was currently being built. Mr. Beavers showed pictures of the very high end interior areas where the dogs would be kept, as well as exterior views of the facility.

Mr. Beavers talked about the pet waste and how Pet Paradise made sure everything would be contained on site. Mr. Beavers stated that Mr. Mark Gonzalez, Gonzalez-Strength & Associates, engineer for Pet Paradise, would be happy to explain further with any questions they may have.

Mr. Beavers proceeded to explain the site plan in depth regarding the building layout, patio areas, walls, landscaping and the location of the day camp area on opposite side of building in relation to Stadium Trace Parkway.

Mr. Beavers stated there was a screening process for the dogs and any dog not well behaved would not be allowed to be there. Mr. Beavers stated there was a trainer to keep the dogs engaged in a play activity that helped keep the noise down as well.

Robin Gregory, Landscape Architect for Gonzalez-Strength and Associates came to the podium to discuss the types of landscape materials that would be used to screen the facility, such as a double row of magnolias, a variety of evergreen trees, oak trees and shade trees, with a double row of shrubs around the parking lot.

Mr. Shaw addressed Mr. Beavers to ask what they felt about the recommendations from the City Planner. Mr. Beavers stated they might have to work out some details regarding the evening hours and potty breaks. Mr. Beavers stated the number might need to be worked on considering the noise factors comparing this location to the Tattersall location.

Mr. Martin, City Planner, added that the conversations and presentation thus far, had been focused on residential areas to the northeast, but there was a preliminary plat submitted for a residential area known as Knox Square that was immediately to the west of Discovery United Methodist Church, in which the nearest residential property to be roughly 400 feet from the outdoor play area from the Knox Square residential.

Mr. Rice asked Mr. Martin to go back to the Site Plan that showed the different play areas to the facility. Mr. Rice was inquiring about how the interior play areas and how they worked. Mr. Beavers stated the total number was capped at 75 dogs and each play area could have no more than 20 dogs. Mr. Beavers then explained the day care area and the patio areas.

Mr. Mark Gonzalez, Civil Engineer, then addressed the waste and drainage portion of the facility. Mr. Gonzalez stated the waste was picked up and not allowed to lay outside and be exposed for an extended period of time.

Mr. Beavers concluded his presentation by saying they believed this would be a wonderful amenity for the area and one they could all be proud of.

Mr. Nathan Reed asked a question regarding the 8 foot buffer and asked what the material was being made of and what the materials were to aid in a sound barrier.

Mr. James Inman with Pet Paradise stated the entire facility would be completely screened from public view with an opaque screening. Mr. Reed emphasized what material the walls were made of to help with the sound barrier. Mr. Inman proceeded to explain how the wall was made from the inside out to the exterior. Mr. Beavers added to that explanation to say the 8 foot wall would be a sound continuator. Mr. Beavers stated that for aesthetic purposes, it would be masonry or brick, in according to the PUD requirements and they would be happy to have that as one of their conditions.

Mr. Rice asked Mr. Martin about how the ARC factored into this equation. Mr. Martin replied that the city would be enforcing whatever this board and the City Council

approves. Mr. Martin stated the ARC typically reviewed building plans before an actual permit was issued. Mr. Rice stated he wanted to make sure that the ARC couldn't come back and overturn that design feature that the city approved. Mr. Beavers agreed that a covenant could not override the city's requirement.

Ms. Jennifer Peace then asked if the Pet Paradise folks had done any studies on how this sound continuation with the wall had decreased the sound levels they may have had. Mr. James Inman, 1551 Atlantic Blvd, Jacksonville, FL, stated to his knowledge, no sound studies had been conducted but would be happy to ask their development people. Ms. Peace stated she thought that would be a good idea especially when the facility was so close to residential homes.

Mr. Patrick Denny, 2360 River Berry Drive, Vestavia, stated he was with EDS America and did the development across the street at Brocks Gap and stated he had visited some of these facilities and stated he was very impressed with the facility and thought it would definitely fit into this area.

Mr. Shaw then addressed the case and stated his feelings regarding this case being right in the middle of houses. Mr. Shaw stated he didn't know what the new design would be and he would have a big problem with this particular design which didn't make sense and would need a lot of modifications be made in regard to sound.

Mr. Rice asked if this corporation had a fully enclosed design. Mr. Inman stated this design was their standard prototype, and the reality was that the dogs were not outside for a great length of time. Most of the time, they were in their climate controlled suites and this facility was like the one approved for Tattersall. Mr. Inman stated the indoor/outdoor design was their flagship design and he felt this was the one they wanted to present and what they were building all over.

Ms. White then addressed the group to share her thoughts regarding this case. She stated she felt this was a marvelous facility but was questioning the location regarding the proximity of the nearest residences (450 feet) and stated this was problematic for her.

Mr. Beavers then addressed the Commission to say he had spoken to his client and stated they needed to go back and look at the design to see if they could come back with a modification. Mr. Beavers stated they loved the site and would be willing to take a look at the design and come back next month to present some modifications.

Mr. Wood asked if anyone in the audience had anything to add other than the sound issues.

Mr. Mike Reddington, Chestnut Ridge development, south and west of the proposed facility, stated he had an issue with the waste and would like to see some data to support their prevention of disease. Mr. Reddington suggested a sound engineer to review this case for clarity on sound issues.

Mr. Bill McCanna, Chestnut Ridge, spoke about the businesses with outdoor dining areas and the fact that this would disturb those customers trying to enjoy their meals, as well as the walkers in the area having to listen to the obnoxious barking of the dogs.

Ms. Cathy Davis, 5688 Chestnut Trace, Molly McGregor, 5687 Braeden Circle (Abingdon), Nancy Carr, Chestnut Ridge, all spoke against this facility for traffic congestion and felt this was not a good location for this facility.

Mr. Joe McKittrick spoke about the noise ordinance and the sound problem this facility would promote.

Mr. Rice asked about traffic counts in and out for the day.

Mr. Paul Braswell, 1308 Gables Drive, asked about the distance of Knox Square to this facility.

Mr. Wood asked the Pet Paradise folks to please prepare for the question of how many of these facilities did they have in the middle of residential neighborhoods. Mr. Wood then asked Mr. Beavers if he did in fact want to continue the case. Mr. Beavers answered they did want to continue. Mr. Wood asked for a motion. Mr. Mike Shaw made a motion to continue. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

(The following item was postponed until the next regular meeting – April 11, 2022.)

8. Introduction only of newly revised Sub-division Regulations.

There being no further business, the meeting was adjourned.

Vanessa Bradstreet, Zoning Assistant