

**CORRECTED  
MINUTES OF MEETING**

**HOOVER PLANNING AND ZONING COMMISSION**

**Date:** May 10, 2021  
**Time:** 5:30 pm  
**Place:** Hoover Municipal Center  
**Present:** Mr. Mike Wood - Chairman  
Ms. Jennifer Peace –Vice-Chairman  
Mr. Mike Shaw  
Mr. Carl West  
Mr. Allan Rice  
Ms. Becky White  
Mr. Ben Wieseman  
Mr. Jason Lovoy

**Absent:** Mr. Nathan Reed

**Also Present:** Mr. Chris Reeves, City Engineer  
Mr. Marty Gilbert, Director, Building Inspections  
Mr. Mark Thornton, Fire Marshal  
Mr. Mac Martin, City Planner  
Mr. Jehad Al-Dakka, Chief Operations Officer  
Ms. April Danielson, Assistant City Attorney

**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. Mr. West led the Pledge of Allegiance.

4. Mr. Wood stated every Planning Commission member should have received copies of the April 12, 2021, minutes and if no one had any changes to be made, he would ask for a motion to approve as written. Mr. Rice made a motion to approve. Ms. Peace seconded the motion. On voice vote, the minutes were approved unanimously.

5. *The following cases were continued at the April 12, 2021 meeting:*

(a) S-1119-43 – David Rawson, MTTR Engineers, Inc., representing Multi-Vest LLC/Baronwood Property, LLC, is requesting Preliminary Plat approval for Baronwood Commercial Subdivision, being a resurvey of Lots 4 & 5 of 2<sup>nd</sup>

Amendment to ATI Industrial Park subdivision and acreage. This is a proposed 4 lot subdivision located off Medford Drive/ATI Parkway. The property is owned by Multi-Vest LLC/Baronwood Property LLC, and is zoned I-1 (Light Industrial District) in Hoover and R-4 in Jefferson County.

*Staff Comments: No traffic warrant study or warrant study approvals have been submitted to staff.*

Mr. Rice stated he had spoken to the developer who wanted to continue this case until June as they had more work to do with the traffic warrant study with ALDOT.

**(b) Z-0421-08** – Darin Boykin on behalf of **Wal-mart** is requesting to amend conditions placed on the zoning of property at **2780 John Hawkins Parkway** (AL Hwy 150). The property is zoned C-2 (Community Business District) with Conditions, with said zoning being adopted by the City Council on July 19, 1999. Specifically, Wal-mart requests the following amendments: (1) Condition #6 be amended to permit morning deliveries beginning at 4am until 10pm; and (2) Condition #19 be removed, lifting the prohibition on drive up/drive thru restaurants. The property would remain zoned C-2 with all remaining conditions intact.

*Staff Comments: Walmart has requested that Item #2 related to Condition #19 (drive-up/drive-thru prohibition) be removed from consideration. They are requesting that only the delivery hours be altered at this time.*

*Comprehensive Plan – Calls for continued commercial development along this corridor.*

Mr. Rice stated they had heard last month from the attorney who represented one of the residents of Cahaba River Estates that a previous settlement was entered by the court when the development was initiated. Mr. Rice announced that Ms. Danielson had some additional information to present and asked her to give her interpretation of the impact of that settlement.

Ms. Danielson stated they had reviewed the court's order and did not believe that order supersedes the Planning & Zoning Commission's power given to them by State law, nor the City Council's zoning power and believed the board could actually move on this.

Mr. Rice answered that in hearing this interpretation, he thought the wiser course would be for the city to continue this case and for the City to file a motion with the court that approved the settlement and ask the Court for some clarification due to the dueling interpretations between themselves and some of the involved parties. Mr. Rice added he felt it would be more prudent to continue the case right

now and go back to the Court for clarification of their intent so the city would know the operating rules to go forward on this case.

Mr. Wood agreed and asked if there were any questions.

Mr. Barry Vickery, 780 Cahaba River Estates, stated he was one of the plaintiffs in the original lawsuit 21 years ago, and wanted to ask a question directed to counsel. He wanted to clarify what was just discussed and asked if he would get notice about this case going to the Judge for clarification. Ms. Danielson answered that would be up to the Court.

Mr. Wood announced they would now get motions for continuance of the last two cases. Mr. Rice made a motion to continue with Mr. Shaw seconding the motion for Case # S-1119-43 – Baronwood Commercial Subdivision. The motion was approved unanimously to continue this case.

Ms. Sarah Steinenger, 421 Bentmore Way, Helena, AL, was present to represent Case # **Z-0421-08**, Walmart at 2780 John Hawkins Parkway and requested the case be continued.

Mr. Wood asked for a motion to continue. Mr. Rice made a motion to continue, case # **Z-0421-08**, with Mr. Shaw seconding the motion. On voice vote, the motion was approved unanimously to continue the case.

#### **6. REQUESTS FOR PRELIMINARY AND/OR FINAL MAP APPROVAL:**

Mr. Wood announced the Planning Commission had an opportunity to go over the following subdivision cases. He announced the first case (a) would be voted on separately as they had some comments regarding that case, and the last cases (b) and (c) would be voted on as a block.

**(a) S-0521-08** Mr. Brooks Knapp, EBSCO Industries, Inc., is requesting *Final Plat* approval for **Tattersall Park Resurvey # 8** located along Greystone Way and Tattersall Blvd. The purpose of this plat is to survey acreage into two lots. EBSCO Industries, Inc., is the property owner and the property is zoned PC (Planned Commercial). ***(APPROVED)***

**Staff Comments: Recommend approval.**

Mr. Wood asked the City Engineer (Chris Reeves), to address the traffic light on this case. Mr. Reeves stated in discussions with the applicant, prior to any future subdivision of the remaining acreage on Lot 10, staff would like the applicant to provide a warrant study giving them an update of the installation of a traffic signal that was part of the original PUD for Tattersall, intersection of Tattersall Drive or

Blvd) at AL Hwy 119. Mr. Reeves stated the applicant has said that Skipper was currently working on the study and would provide it when completed.

Mr. Andrew Phillips, Schoel Engineering, 1001 22<sup>nd</sup> Street South, Birmingham, AL 35205, was present to represent this case. Mr. Wood asked Mr. Phillips if he was aware of the traffic light and Mr. Phillips answered he was aware.

Mr. Wood asked for a motion. Mr. Shaw made a motion to approve **S-0521-08** with Mr. Rice seconding the motion. On voice vote, the motion was approved unanimously.

**(b) S-0521-10**– Scott Rohrer, Flemming Partners, LLC, is requesting *Final Plat* approval for Abingdon by the River – Phase 3 – Resurvey No. 1, a proposed subdivision located at the end of Annika Drive. The purpose of this plat is to adjust the lot lines of 15 lots to match the grading. The property is owned by Flemming Partners, LLC, and is zoned PUD PR-1 (Planned Single Family District). **(APPROVED)**

**Staff Comments: Recommend approval.**

Mr. Bob Easley, AL Engineering Co., was present to represent this case. Mr. Wood asked if there were any questions from the Planning Commission or audience. There were none.

Mr. Wood asked for a motion. Mr. Shaw made a motion to approve **S-0521-10**, with Mr. Rice seconding the motion. On voice vote, the motion was approved unanimously.

**(c) S-0521-11**-Derek Meadows, Gonzalez-Strength & Associates, Inc., is requesting *Final Plat* approval for Resurvey of Lot 4-D Riverchase Promenade Plat No. 2 for property located at 1727 Montgomery Highway. The purpose of this plat is to remove Restriction No. 5, placed on the lot per Plat Book 163, Page 06. The property is owned by Perry & Rosemarie E. Carter Family Trust and is zoned C-2 (Community Business District). **(APPROVED)**

**Staff Comments: Recommend approval contingent upon the Mylar as approved being returned to the Zoning Clerk with all required signatures.**

Mr. Matt Simms, Gonzalez-Strength & Associates, 1550 Woods of Riverchase Drive, Ste. 200, was present to represent the case. Mr. Wood asked Mr. Simms if he was ok with the mylar comments and he answered yes.

Mr. Wood asked for a motion. Mr. Shaw made a motion to approve with the condition that the mylar be returned to the zoning clerk with all signatures. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

7. **C-0521-06** – Mr. Charlie A.J. Beavers, Jr, representing *Pet Paradise*, is requesting **Conditional Use** approval for 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 for property located on **Tattersall Blvd. at the corner of Greystone Way**. EBSCO Industries, Inc., is the property owner and the property is zoned PC (Planned Commercial) in the Greystone PUD (Planned Unit Development).

**Staff Comments:** Recommend approval of the application with the following conditions and comments:

- 1. No animals are to be outside after sunset or before sunrise.**
- 2. Landscaping and fencing must be installed as proposed in the appended Plan.**
- 3. All lighting shall be cast down to eliminate light pollution to neighbors. Said lighting needs to be coordinated to match outdoor lighting design of the rest of Tattersall according to the PUD.**
- 4. Animal waste in the outdoor play area shall not leach into the soil and groundwater. The Owner shall implement an underground storage/waste treatment program, approved to form and function by the City Engineer, to handle pet waste.**
- 5. Dumpster shall have a roof over the enclosure since pet waste will be discarded into the trash. This will help prevent rainwater from getting to the waste and draining out.**
- 6. Dumpster shall be serviced an adequate number of times per week in order to prevent odor.**
- 7. CMU/Concrete block walls are not included as a permitted exterior wall design for the Tattersall PUD. Concrete block exterior walls must be split-faced if utilized.**

**Comprehensive Plan – Calls for continued commercial development along this corridor.**

**(APPROVED)**

Mr. Mac Martin, City Planner, read over the staff comments. Mr. Martin reminded everyone, as stated in the pre-meeting work session, that the proposed development is approximately 465 feet from the residential district boundary and 715 feet from the actual residences themselves along Berwick.

Mr. Charlie Beavers, attorney representing Pet Paradise, 4301 Dolly Ridge Road, 35243, was present to discuss the case. Mr. Beavers stated that Pet Paradise had a contract with EBSCO, the owner of the property, to purchase this property contingent upon them getting the approvals they need to operate this facility.

Mr. Beavers explained this was a pet boarding and grooming facility that would also offer on-site veterinarian services that are not only available to the animals staying there but to the community as well. There is also a 24 hour caretaker onsite with some residential quarters available so someone would be there 24 hours per day.

Mr. Beavers stated they had met with some representatives of several of the Greystone HOA's with their attorney present to go over the details before Pet Paradise entered into a contract. Mr. Beavers stated they had obtained comments from these groups and had made adjustments to the plan accordingly which had been presented to the city.

Mr. Beavers stated at the work session he was asked if there was a limit to the number of dogs and cats that could be kept at any one time. Mr. Beavers stated they had come up with 175 as a max. Mr. Beavers stated it was not likely they would ever have that many at one time, with the exception of maybe Christmas or another holiday.

Mr. Beavers stated too that they were asked about the hours that the pets could be outside. Mr. Beavers stated they had come up with 7pm to 6:30 am that no pets could be outside.

Mr. Beavers stated the other conditions were acceptable and they are agreeing to the one change (hours) and to the limitation of the 175 animals as well. Mr. Rice asked Mr. Beavers if he thought they had accommodated all the residents' requests. Mr. Beavers stated he felt they had accommodated them all.

Mr. Beavers introduced Mr. James Inman, Real Estate Acquisition Manager for Pet Paradise, and Mr. Robert McCann, Professional Engineer with Haynes, Gibson Engineering, who were here for any questions.

Mr. Wood discussed he had some times of operation that were different from Mr. Beavers. Mr. Wood stated he had 7am to 6pm for pets to be outside. Mr. Beavers stated they would have to go back to Pet Paradise staff to ask about that.

Mr. West asked Mr. Beavers if there was any limit to the number of pets to be outside at one time. Mr. Beavers stated the interior play area that was discussed

was 25 within that area. Mr. Beavers stated the suites had an outside door where they could come in and out individually except during the limitations in the evenings.

Mr. Beavers stated there was a “day camp” during the day on the far right **front** with a play area and the maximum for this was 25 pets.

Ms. White asked if the max number 175 was just for dogs. Mr. Beavers confirmed that number was for all animals.

Ms. Connie DeVoe, 1117 Berwick Road, spoke against the request for noise disruption reasons. Ms. Lisa Meyhand, 1222 Berwick Road, also spoke against the request for noise disruption reasons, smell, odor, and waste water pollution issues.

Mr. James Inman, Pet Paradise, 1551 Atlantic Blvd, Jacksonville, FL, spoke about the plans for Pet Paradise. He discussed the noise, pet waste plans, and activities for the pets.

Several of the planning commission members asked various questions and it was determined that there would not be more than 25 animals outside at any given time with 3 to 4 playtime coordinators monitoring and engaging the pets.

Mr. Joe Meyhand, 1222 Berwick Road, asked if the pets are inside, and they said the animals could not be heard, could that be guaranteed. Mr. Inman addressed that subject and explained the design of very heavy duty insulation to be sound proof. He stated he felt they had taken every precaution to mitigate sound concerns.

Mr. Shaw shared the board and council had been through this process before with Pet Suites. Mr. Shaw explained he had personally made phone calls around the country asking people about their experiences with these type facilities. Mr. Shaw stated he was comfortable with what they were presenting and he would do some homework on this case as well if it was approved.

Mr. Wood asked again about the timeframe of the animals being outside. Mr. Beavers suggested they put the Planning Commission hours in and they would go from there which was 7am to 6pm.

Mr. Wood asked if there were any other questions. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve with the condition that

no animal be outside before 7am or after 6pm, no more than 25 animals outside at any given time, and that the maximum capacity of the facility be 175 animals. Mr. Shaw seconded the motion. On voice vote, the motion was approved by everyone with the exception of Mr. West who voted “naye”. The motion carried.

Mr. Wood announced the next few cases were the City’s cases dealing with zoning recently annexed property.

**8. Z-0521-09 – The City of Hoover wishes to zone recently annexed property at 1868 Wisterwood Drive to Hoover R-1 (Single Family Residential District). (APPROVED)**

***Staff Comments: No issues.***

***Comprehensive Plan – Calls for preservation/enhancement of neighborhood characteristics.***

Mr. Martin stated the zoning that they were proposing matches the zoning of surrounding properties that were already in the city limits. Mr. Wood asked if there any questions. There were none. Mr. Shaw made a motion to approve. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

**9. Z-0521-10 - The City of Hoover wishes to zone recently annexed property at 1873 Mayflower Drive to Hoover R-1 (Single Family Residential District). (APPROVED)**

***Staff Comments: No issues.***

***Comprehensive Plan – Calls for preservation/enhancement of neighborhood characteristics.***

Mr. Martin stated the zoning that they were proposing matches the zoning of surrounding properties that were already in the city limits. Mr. Wood asked if there any questions. There were none. Mr. Shaw made a motion to approve. Mr. Lovoy seconded the motion. On voice vote, the motion was approved unanimously.

**10. Z-0521-11 - The City of Hoover wishes to zone recently annexed property at 2316 Teton Road to Hoover E-2 (Single Family Estate District). (APPROVED)**

***Staff Comments: No issues.***

***Comprehensive Plan – Calls for preservation/enhancement of neighborhood characteristics.***

Mr. Martin stated the zoning that they were proposing matches the zoning of surrounding properties that were already in the city limits. Mr. Wood asked if there any questions. There were none. Mr. West made a motion to approve. Ms. Peace seconded the motion. On voice vote, the motion was approved unanimously.

**11. Z-0521-12 – The City of Hoover wishes to zone recently annexed property at 3734 Spearman Drive to Hoover R-1 (Single Family Residential District). (APPROVED)**

***Staff Comments: No issues.***



*Comprehensive Plan – Calls for preservation/enhancement of neighborhood characteristics.*

Mr. Martin stated the zoning that they were proposing matches the zoning of surrounding properties that were already in the city limits. Mr. Wood asked if there any questions. There were none. Mr. Wieseman made a motion to approve as submitted. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

***12. Z-0521-13 – Ordinance to amend Zoning Ordinance – Revision to Article 7 – Special Districts – Regarding Conditional Uses within the PRD (Planned Residential Development District) (APPROVED)***

*City Planner Comments: Would permit City consideration of Conditional Use applications for “community buildings” as part of a planned neighborhood. Such facilities would be included in and governed by the site plan for a PRD development. Community buildings can host a variety of small events, add to the unique character of the land being planned, and serve as an additional amenity to the surrounding neighborhood. Staff believes this fits within the intent of the PRD District.*

*Comprehensive Plan – Calls for preservation/enhancement of neighborhood characteristics. If part of a well planned development, community buildings can certainly serve as an enhancement/amenity to a neighborhood.*

Mr. Wood stated they had a chance to go over this case in the pre-meeting work session and had their questions answered. Mr. Wood asked if there were any other questions, for which there were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve zoning case Z-0521-13. Ms. Peace seconded the motion. On voice vote, the motion was unanimously approved.

There being no further business, the meeting was adjourned.

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**Vanessa Bradstreet, Zoning Assistant**