

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: June 14, 2021
Time: 5:30 pm
Place: Hoover Municipal Center
Present: Ms. Jennifer Peace –Vice-Chairman
Mr. Mike Shaw
Mr. Carl West
Mr. Allan Rice
Ms. Becky White
Mr. Nathan Reed

Absent: Mr. Mike Wood – Chairman
Mr. Jason Lovoy
Mr. Ben Wieseman

Also Present: Mr. Chris Reeves, City Engineer
Mr. Marty Gilbert, Director, Building Inspections
CPT John Craddock, Deputy 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 Ms. Peace. Ms. Peace 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. Ms. Peace stated they were going to delay voting on the May 10, 2021, minutes so as to clarify a couple of questions that came up during the pre-meeting work session. Ms. Peace stated these would be voted on at the next meeting which would be July 12, 2021.
 5. *The following case was **continued at the May 10, 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 2nd

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: ALDOT is currently reviewing traffic signal warrant study for AL Hwy 150 at ATI Parkway and they have requested additional information be provided by the applicant's traffic engineer related to accident history and sight distance at this intersection. Recommendation pending ALDOT Report.

Ms. Peace asked if the applicant was present. There was no one present to represent the case. Mr. Chris Reeves, City Engineer, asked the Vice-Chairman, if allowable, if the staff could ask for this case to be continued for one more month while continuing to work with ALDOT on the traffic signal warrant study. Mr. Rice made a motion to continue with Mike Shaw seconding the motion. On voice vote, the motion was approved unanimously.

Ms. Peace announced for anyone present to hear this case, this case was continued and would be heard at the next month's P&Z meeting on Monday, July 12, 2021. No new notices would be sent out.

6. The following case **has been continued until the July 12, 2021 meeting:**

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: Applicant has requested the case be continued until an opinion is issued by the court regarding the process by which the property can be rezoned/have conditions amended.

Ms. Peace announced that this case had been continued until the July 12, 2021, meeting and if anyone was present to hear this case, to please come back to the next month's meeting on July 12, 2021, at 5:30 pm. No new notices would be sent out.

7. REQUESTS FOR PRELIMINARY AND/OR FINAL MAP APPROVAL:

Ms. Peace announced the sub-division cases would be voted on as a block. The Planning Commission had gone over them at their pre-meeting work session. If anyone had a question or concern about a specific case, she asked they raise their hand, and that case would be moved to the end of the agenda and discussed at that time.

- (a) S-0621-12 – Scott Rohrer, Blackridge Partners, LLC, is requesting Preliminary Plat approval for Blackridge South Phase 7, a proposed 60 residential lot subdivision. Blackridge Partners, LLC, is the property owner and the property is zoned PUD PR-1 (Planned Single Family District). **(APPROVED)**

Staff Comments: Applicant requests variance to eliminate the sidewalk from the north side of Grayson Drive from Lot 1702 to Blackridge South Boulevard. Recommend approval contingent upon the applicant providing a stormwater management plan that complies with the Stormwater Ordinance and Hoover's MS4 permit prior to any permitting or land disturbance for this subdivision.

Ms. Peace asked Mr. Martin if he had any comments on this case regarding the Comprehensive Plan. Mr. Martin commented that this particular subdivision plat was in line with the Comprehensive Plan that called for continued development with additional infrastructure and the Comp Plan also calls for a bypass parkway through this property and the Preliminary Plat did show a reserved right-of-way for said parkway.

Ms. Peace asked who was here to represent this case. Mr. Jonathan Belcher stated he was present to represent the case. Ms. Peace asked if he was aware of the contingencies placed on the property regarding the Stormwater Ordinance. Mr. Belcher stated he was aware.

Ms. Peace asked if there were any questions from the Commission and there were no questions.

- (b) S-0621-13- Cara Blakes is requesting Final Plat approval for Blakes' Resurvey located at 2401 Mountain Drive. The purpose of this survey is to combine lot 203-A, resurvey of Lots 202 and 203, into 1 (one) lot. Mr. & Mrs. Brian Blakes are the property owners and the property is zoned PRD (Planned Residential Development District). **(APPROVED)**

Staff Comments: Recommend approval.

Ms. Peace asked who was present to represent this case. Mr. and Mrs. Brian Blakes were present to represent this case. Somebody in the audience raised their hand to say he had questions regarding this case. Ms. Peace stated she would move this case to the end and come back to it to discuss.

- (c) S-0621-14 – Jonathan Belcher, Signature 150, LLC, is requesting Preliminary Plat approval for Everlee Parkway (ROW (Right-of-Way)) only, 0 lots, to be located off Hwy 150 across from Lake Cyrus Blvd. The property is owned by Signature 150, LLC, CCN Asset Management, LLC, and Marbury Properties, LLC, and is zoned PUD (Planned Unit Development). (APPROVED)

Staff Comments: Concerns about ROW as shown on Preliminary Plat and no stormwater management plan submitted to comply with stormwater ordinance and Hoover's MS4 permit.

Recommendation pending the plat/plan addressing ROW needs to be described in the traffic study appended to the PUD.

Everlee ROW: Recommend approval contingent upon the following:

1. Applicant providing a stormwater management plan that complies with the Stormwater Ordinance and Hoover's MS4 permit prior to any permitting or land disturbance for the construction of this section of Everlee Parkway.
2. Applicant adding sidewalks to both sides of Everlee Parkway from AL Highway 150 to the intersection of the asphalt walkway located at approximate station 28+00.
3. Applicant acquiring all ALDOT permits required for any work to be construction in ALDOT ROW.
4. Add the following note to the Preliminary Plat: No development of the adjacent parcels located along Everlee Parkway as shown on this preliminary plat will be allowed or permitted until the additional ROW required to construct the improvements as outlined in the PUD Traffic Study is submitted to the satisfaction of the Hoover Planning Commission. The City of Hoover will not acquire any right of way or complete any of the improvements outlined in the TIS (Traffic Study). This note is specific to the Town Center.

Ms. Peace asked Mr. Belcher if he was aware of the conditions. Mr. Belcher stated he wanted to clarify that was specific to the Town Center.

- (d) S-0621-15 – Scott Rohrer, SB Dev. Corp., d/b/a Signature Homes, is requesting **Preliminary Plat** approval for **Lake Wilborn Phase 7**(re-submittal), a proposed 88 lot subdivision located at the end of Sydenton Drive in Trace Crossings. This **Preliminary Plat** was previously approved on November 12, 2019, but due to a change in the alignment of a street, it is being brought back to P&Z for approval. P.R. Wilborn, LLC, is the property owner and the property is zoned PUD PR-1(Planned Single Family District). (APPROVED)

Staff Comments: Recommend approval.

Mr. Jonathan Belcher was present to represent this case. There were no questions.

- (e) S-0621-16 – Dave Arrington, Arrington Engineering, is requesting Final Plat approval for Realtylink's Meadow Brook Resurvey #1. The purpose of this survey is to divide 1 lot into 2 lots. The property owner is FSS Retail Property LLC/c/o Millennial Bank.
(APPROVED)

Staff Comments: Recommend approval.

Mr. Dave Arrington, Arrington Engineering, was present to represent this case. Ms. Peace asked if there were any questions regarding this case. There were none.

- (f) S-0621-17 – Lawrence Kadish is requesting Final Plat approval of Resurvey of Lot K-2-A, Stadium Trace Village, Plat No. 2. The purpose of this resurvey is to create 2 lots from 1 existing lot for commercial development. The property is zoned PC (Planned Commercial and is owned by Broad Metro, LLC. (APPROVED)

Staff Comments: Recommend approval.

Mr. Derek Meadows, Gonzalez-Strength & Associates, Inc., was present to represent this case. Ms. Peace again asked if there were any questions regarding this case and there were none. Ms. Peace asked for a motion for all subdivision cases with the exception of Item 7(b) - S-0621-13 which they would come back to for questions.

Mr. Rice made a motion to approve S-0621-12, S-0621-14, S-0621-15, S-0621-16, and S-0621-17. Mr. Mike Shaw seconded the motion. On voice vote, the motion carried.

Ms. Peace stated they would then go back to case # S-0621-13. Mr. Thomas Lang, 738 Shades Mountain Plaza, Carto-Craft Maps, address is 3405 Charing Wood Lane and gave a brief history of his business. After a brief discussion of what Mr. Lang described, it became apparent that Mr. Lang had looked at the wrong address and apologized for the confusion.

Ms. Peace then asked if anyone else had any questions. There were none. Ms. Peace asked for a motion. Mr. Shaw made a motion to approve case S-0721-13 with Mr. Rice seconding. On voice vote, the motion was approved unanimously.

8. C-0621-07 – Lorna Road Properties, LLC, is requesting *Conditional Use* approval for property located at 2970 Lorna Road be approved for a used car dealership, Birmingham Luxury Motors. The property is owned by Lorna Road Properties and is zoned C-2 (Community Business District). (APPROVED)

Staff Comments: Recommend approval with the following conditions:

- All light fixtures on the site shall be cast downward below the horizontal plane.
- Landscape plan shall be revised to the satisfaction of the city's landscape architect.
- Signage application shall be submitted separately. All signage shall meet the requirements of the C-2 District.
- Loading and unloading shall take place on Little Valley Road.
- Notification system, other than outdoor speakers, shall be implemented recommend notification system via cell phone to customers.

Mr. Rice stated he felt they would prefer loading/unloading be done on the actual parcel, but if needed, if offsite loading/unloading was required, they would use Little Valley Road, not Lorna Road.

Mr. Dan Fritz, architect, 2226 1st Avenue South, Ste. 101, B'ham, AL, 35233, was present to represent the case. Mr. Fritz explained their plan and intention to re-develop the former Susan Shein Chevrolet dealership which was previously used as an AlaCare building. Mr. Fritz stated their intention was to leave the existing building fully intact and bring it up to the city's site development codes. Mr. Fritz stated the use would revert from an office use (AlaCare) to a used car dealership and service center. Mr. Fritz stated that currently the service center was off Little Valley Road and was the only entrance one way in and one way out. He stated the used car lot itself would take place at the main tranche which is centered on the site.

Ms. Peace asked Mr. Fritz if he was ok with the conditions requested by staff to include the unloading/loading on site. Mr. Fritz answered yes. Ms. Peace asked if there were any questions from the commission. There were none.

Mr. Mac Martin, City Planner, added that the Comprehensive Plan does speak to this corridor being continued for commercial use or redevelopment and mixed use.

Mr. Shaw asked the question if they were ok with the loading/unloading on site or if they needed the option of using Little Valley Road. Mr. Fritz stated having the option to use Little Valley Road for unloading/loading would be great if needed, and understood they could not use Lorna Road.

Ms. Peace asked if there were any more questions from the Commission or the audience. Mr. William Gary Beard, owner of Park Crest Event Facility, 112 Langston Place, Hoover, AL, came to the podium to address this property and how he disagreed with this use for this property and proceeded to share his ideas for the property.

Ms. Peace asked if there were any further questions. There were none. Mr. Shaw made a motion to approve with all the conditions discussed to include the loading/unloading done on site only and if needed, Little Valley Road to be used, but never to be allowed on Lorna Road. Mr. Reed seconded the motion. On voice vote, the motion was approved unanimously.

9. C-0621-08 – Ms. Janet Arledge is requesting *Conditional Use* approval for property at **1901B Hoover Court** be approved for indoor recreation for a Billiard Hall to be named Axe House Billiards. The property is owned by Dick Schmalz, RGS Properties, Inc. and is zoned C-2 (Community Business District). *(APPROVED)*

Staff Comments: Recommend approval with the following conditions:

- The business shall not operate between the hours of 11pm and 8am Sunday night through Friday morning; 12AM and 8AM Friday night through Sunday morning.
- This Conditional Use Application does not cover Live Entertainment. Any Live Entertainment on site shall adhere to Sec. 9.19 “Special Events” of the Zoning Ordinance or require a separate Conditional Use.
- **No amplified sound on the site shall be detectable from adjacent properties.**

Mr. Mac Martin, City Planner, added this particular location lies within the 31 corridor in the Comprehensive Plan and called for continued commercial and/or mixed use development.

Mr. Rice talked about the comment regarding amplified sound and suggested adding the word “residential properties” to separate it from the commercial properties located nearby.

Ms. Janet Arledge, 1604 Kestwick Drive, Hoover, AL, stated she wanted to open a true billiard hall, but with no smoking allowed, and offering pre-packaged alcoholic beverages. Ms. Arledge stated they were members of a Pool Association and have a Pool family that they had been members of for years and would be supporting them in this endeavor. Ms. Peace asked if they were ok with the conditions associated with this case. Ms. Arledge and associate asked for the closing hours be changed until 2 am on Friday and Saturday for pool tournaments. Ms. Arledge stated they would be in

competition with all the other pool halls in Hoover and Pelham because they would be running tournaments as well.

Mr. Rice asked some questions regarding the operating hours. Mr. Rice asked Mr. Martin about Bumpers Billiards, and asked about its' zoning district and information about that districts' requirements. Mr. Martin explained that C-4 Commercial District allowed the types of uses we were discussing by right compared to C-2 which had some differences.

Ms. Arledge added that the only access to the back of the property which was where the residential area came into play was a fire escape. She stated that any noise they would generate would be protruding to the Braddock Drive area.

Mr. Shaw added some discussion regarding the operating hours, reiterating the sound requirements and no live entertainment condition and reminded the applicant that, if approved at this meeting, would still have to go to City Council for final approval.

Mr. Reed asked questions regarding the alcohol license and the "pouring" aspect. Ms. Arledge acknowledged they had gone to the ABC Board to apply for the liquor license.

Ms. White asked about when the applicant went forward for the "pour" license, if she would have to come back for another Conditional Use. This was discussed and Mr. Martin stated that when that happened, if this board approved, this aspect of their approval could be noted that this case could transition to pouring on site since a Conditional Use had already been granted for the "pre-packaged" alcohol.

Mr. Rice interjected that since the Planning Commission was a recommending body to the City Council to take action, he would suggest they approve the application as written and then come back for the additional action on a "pouring" license.

10. C-0621-09 – Ms. Janet Arledge is requesting *Conditional Use* approval for property at **1901-B Hoover Court** be approved for pre-packaged beer, wine, and spirits to be sold at Axe House Billiards. The property is owned by Dick Schmalz, RGS Properties, Inc., and is zoned C-2 (Community Business District). **(APPROVED)**

STAFF COMMENTS: Recommend approval with the following conditions:

- **The business shall not operate between the hours of 11pm and 8am Sunday night through Friday morning; 12AM and 8AM Friday night through Sunday morning.**

- This Conditional Use Application does not cover Live Entertainment. Any Live Entertainment on site shall adhere to Sec. 9.19 "Special Events" of the Zoning Ordinance or require a separate Conditional Use.

Ms. Peace asked Mr. Martin if there were any other comments related to this case.

Mr. Martin stated they now had the *revised comments* relating to the business as a whole, relating to the operating hours now being 2am and 8am Friday night thru Sunday morning, the Conditional Use does not cover Live Entertainment, and any Live Entertainment would have to adhere to Sec. 9.19 "Special Events" in the zoning ordinance, or require a separate Conditional Use, and that no amplified sound should be detectable from adjacent residential properties.

Ms. Peace asked if there were any further questions regarding this case from the Planning Commission or audience. There were none.

Ms. Peace asked for a motion. Mr. Shaw made a motion to approve cases **C-0621-08** and **C-0621-09** with the restrictions that the business shall not operate between the hours of 11pm & 8am on Sunday night through Friday morning and 2am through 8am on Friday night through Sunday morning, also noting this does not cover Live Entertainment which would require a separate Conditional Use and adherence to the ordinance and that with the additional requirement that amplification should not be detected at any adjacent residential property. Ms. White seconded the motion. On voice vote, the motion was approved unanimously.

11. C-0621-10 – Mr. Tim Gilbride is requesting *Conditional Use* approval for property located at **5549 Grove Blvd** be approved for Goldfish Swim School. The property is owned by Hoover MZL, LLC, and is zoned PC (Planned Commercial).

Staff Comments: City is interested in more information pertaining to the method by which the pool is constructed.

Tim Gilbride, 19875 Center Ridge Road, Rocky River, OH, was present to represent this case. Mr. Gilbride described the project. He stated this would be his company's 7th school. Mr. Gilbride stated they have a construction consultant who is an engineer, and a general contractor. Mr. Gilbride stated they are aware of the rock which begins 42" below the slab. He explained the pool would be 75' long, 25' wide and 4 feet deep, so they would have to dig about 30 inches of rock. Mr. Gilbride stated his company was aware of the rock and very comfortable with it.

Ms. Peace asked Mr. Gilbride to describe what the school is about. Mr. Gilbride stated the lessons are from 3 months to 12 years old. The lessons are 30 minutes long and water temp is 90 degrees.

Mr. Rice asked about blasting. Mr. Gilbride stated that it depended on what type rock it is. Mr. Rice then asked CPT Craddock, Ass't Fire Marshal, about how the city would treat blasting inside a building. CPT Craddock stated this was something new for him. Mr. Rice asked Mr. Gilbride about specific special inspections for pool, pool safety, etc.

Ms. White asked if they had any other pools built in a shopping center. Mr. Gilbride answered yes. Ms. Peace asked about any geotechnical reports. Mr. Gilbride stated they had asked for them but hadn't received them as yet.

Ms. Peace asked if there were any questions. There were none. Ms. Peace asked for a motion.

Mr. Rice made a motion to approve based on the following conditions: Any excavation to include blasting/non-blasting would be pre-approved by the City Engineer, Fire Marshal, and the Building Official and that they comply with all related requirements, and that they comply with all pool safety requirements which might be imposed by city codes and ordinances for indoor facilities. Mr. Mike Shaw seconded the motion. On voice vote, the motion was approved unanimously.

Mr. Rice recommended Mr. Gilbride's team meet with City Staff to plan and talk about the digging before disturbing the slab. Mr. Reeves recommended they employ GeoTech and have the slab cored. Mr. Gilbride agreed.

There being no further business, the meeting was adjourned.

Vanessa Bradstreet, Zoning Assistant