

## MINUTES OF MEETING

### HOOVER PLANNING AND ZONING COMMISSION

**Date:** March 8, 2021  
**Time:** 5:30 pm  
**Place:** Hoover Municipal Center  
**Present:** Mr. Mike Wood - Chairman  
Ms. Jennifer Peace –Vice-Chairman  
Mr. Mike Shaw  
Mr. Nathan Reed  
Mr. Allan Rice  
Ms. Becky White  
Mr. Ben Wieseman  
Mr. Carl West  
Mr. Jason Lovoy

**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, Director, Special Projects  
Ms. April Danielson, City Attorney staff

#### 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 February 8, 2021, minutes and if no one had any changes to be made, he would ask for a motion to approve as written. Mr. West made a motion to approve. Mr. Reed seconded the motion. On voice vote, the minutes were approved unanimously.

5. The following cases have been *continued by the applicants until the April 12, 2021, P&Z meeting at 5:30 pm:*

(a) S-0121-01 – Scott Rohrer, SB Dev. Corp., is requesting *Final Plat* approval for Ross Bridge Parcel I Phase 4, a proposed 22 lot subdivision located at the end of Glasscott

Trail in Ross Bridge. SB Dev. Corp. is the property owner and the property is zoned PUD PR-1 (Planned Single Family District).

- (b) **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.

Mr. Wood announced if anyone had an interest in either of these two cases, they would be heard at the April 12, 2021, P&Z meeting at 5:30 pm with no new notices sent out.

6. The following cases were *continued* by the applicants until the *March 8, 2021, meeting*:

- (a) **C-0121-01** – Shafiq Samji, representing Delta Investments and Development LLC, is requesting *Conditional Use* approval for a convenience store/gas station to be located at the old Riverchase Car Wash site located at 3641 Lorna Road.  
**(APPROVED)**

**COMMENTS: STAFF CAN BE SATISFIED IN ITS FINDING THAT THE OWNER IS NOT A PARTY TO THE BILLBOARD EASEMENT. THEREFORE, WE RECOMMEND THE APPROVAL OF THE CONDITIONAL USE AS PRESENTED IN THE REVISED SITE PLAN. SAID RECOMMENDATION INCLUDES THE FOLLOWING CONDITIONS:**

- **ANY LIGHTING INSTALLED ON THE SITE SHALL BE CAST DOWNWARD BELOW THE HORIZONTAL PLANE.**
- **THE CANOPY SHALL BE CONSTRUCTED TO A HEIGHT SUFFICIENT FOR LARGE TRUCKS, INCLUDING ALL FIRE APPARATUS AND GARBAGE TRUCKS, TO PASS UNDERNEATH.**

**SAID RECOMMENDATION SHOULD NOT BE CONSTRUED AS AN ENDORSEMENT OF THE BILLBOARD OR THE EASEMENT MECHANISM USED FOR ITS PLACEMENT. THE CITY CONTENDS THAT THE BILLBOARD IS A NON-CONFORMING SIGN AND HAS THE ABILITY TO REMEDY SUCH NONCONFORMITY.**

Ms. April Danielson, City Attorney Staff, added that legal also agreed with that statement and would recommend that any recommendation that comes forward from the Planning Commission be based upon that as it is a non-conforming sign.

Mr. Brian Presnell, Presnell Engineering, 1703 McConnell Lane, Mt. Olive, AL 35117, was present to represent this case. Mr. Presnell asked if the easement was prepared in a way that may have been illegal or if they had found out if the billboard could be removed. Ms. Danielson stated that was not something they had come to an opinion about other than it was a non-conforming use and that it should not have been able to be put into a use through an easement. Ms. Danielson stated her review was to look at the Conditional Use and its' interaction with the billboard.

Mr. Wood asked if he was ok with staff comments about the lighting and the canopy. Mr. Presnell stated he did not have any issues with those but did have a question about the lighting being cast downward. He asked if the name of the gas station could be lit up on the side. Mr. Martin, City Planner, stated this condition specifically referred to site lighting and not any kind of lighting on the canopy.

Mr. Wood asked if there were any other questions from the audience of Planning Commission members. There were none. Mr. Wood asked for a motion. Mr. Shaw made a motion to approve with the two noted requirements for lighting and the canopy and including that this approval is not an endorsement of the billboard in any way for approval. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

Mr. Wood announced the next two cases were related to each other and they would listen to the zoning case first.

- (b) **Z-0121-02** – Richard Johnson, representing Signature 150, Marbury Properties, and CCN Asset Management is requesting zoning for approximately 832.6 acres +/- zoned in Jefferson County as PUD Mixed Use and proposed to be annexed into the City of Hoover as PUD Mixed Use to be known as the **Everlee PUD**.

**(APPROVED)**

**COMMENTS: RECOMMEND APPROVAL OF LATEST REVISION**

Mr. Jonathan Belcher, Signature Homes, 3545 Market Street, Hoover, AL 35226, was present to represent this case and the next Conditional Use case, C-0221-03, as well. Mr. Belcher gave a brief discussion of some items gone over in the last month, such as the Traffic Study (presented in Exhibit K in the PUD) which had been completed, to reflect the proper information to include applicants' responsibilities, school board needs, appropriate school site sizes, (Page 23 in the PUD) and the Orchard Avenue connection (Page 8) in the PUD.

Mr. Belcher stated they had several meetings with the representatives from the Board of Education in which they had agreed on providing up to a 25 acre prepared site for an elementary school, and if the school board determines they need a larger site than that, they then would provide up to an additional 20 acres for a total of 45 acres, for which the original 25 would still be prepared; the other 20 acres would not be prepared but would

be contiguous property in case a larger school site would be needed. The timing of this commitment was that they (Signature Homes) would have a minimum of 4 years to provide this site initially, but the school board would have up to 8 years to make their decision on a need, or the earlier of 1,000 homesites being platted with the development.

The Orchard Avenue connection was then discussed with trigger points associated with it. Mr. Belcher stated the last item was updated in the PUD was a buffer exhibit that they agreed to with the residents in the Glasscott area of Ross Bridge. Mr. Belcher stated this buffer was the same buffer they had provided when they went through the Jefferson County PUD approval process.

Mr. Rice then asked Dr. Bob Lowry, 1730 Lake Cyrus Club Drive, with the Hoover City Schools, to verify the statements that Mr. Belcher had just gone through for which he did.

Mr. Mickey Wright, 4214 Glasscott Crossings, had a question on the service road and wanted to make sure that in the event the gate was placed there, was there a trigger or another public meeting that would be held to remove that gate at any point in the future.

Mr. Rice stated he was not aware of one and to his understanding, the way it would be constructed it would be in the ROW and all of that is conveyed to the city, so it actually would remove that from the PUD and from the developers' responsibilities and put it solely in the hands of the city to decide what happened to that gate. Mr. Rice asked the City Engineer, Mr. Chris Reeves, to confirm. Mr. Reeves stated what Mr. Rice had said regarding the gate was correct and that when it was turned over to the city it would become a city gate and if for some reason the city determined to alleviate the gate for some reason, he didn't believe there would be a reason for another public meeting.

Mr. Wright then asked for some clarification of what would happen at that time. Mr. Wright stated that what the residents wanted to know was in the event the gate was to be removed, they wanted a chance to speak to their council members or whoever the decision maker would be. Mr. Reeves stated he felt the request would come to the City Engineer who would then elevate to appropriate city folks for discussion to proceed further for talks with administration, i.e., mayor and city council on the issue.

Mr. Shaw added that he felt this was somewhat like the speed bumps issue. Discussion followed regarding the gate issue and question of the future of the gate.

Mr. Shaw then asked his fellow Commissioners if they would be opposed to the issue of de-annexation being stricken from the request. Mr. Wood then stated that the developer was ok with this, for which Mr. Belcher agreed.

Mr. Wood asked if there were any other questions. There being none, Mr. Wood asked for a motion. Mr. Mike Shaw then made a motion to approve **Z-0121-02** with the amendment striking Section 2, page 2 about the de-annexation of property and with the additional requirement that any removal of the service access gate be noticed to residents

within 1000 feet of the gate no less than 21 days (3 weeks) before such removal. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

Mr. Wood stated the next case was a “sister” of the previous case.

(c) C-0221-03 – Richard Johnson, representing Signature 150, Marbury Properties, and CCN Asset Management, is requesting *Conditional Use* approval for Mixed Use in Town Center and Village Center in Planned Commercial zoning district in the proposed Everlee PUD.

**COMMENTS: RECOMMEND APPROVAL AS PART OF THE LATEST REVISION OF THE PUD**

**(APPROVED)**

Jonathan Belcher, Signature Homes, 3545 Market Street, Hoover, 35226, stated there was no new information and was part of the proposed Everlee PUD. Mr. Wood asked if there were any questions. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve. Mr. West seconded the motion. On voice vote, the motion was approved unanimously.

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

- (a) S-0321-05 - Scott Rohrer, Flemming Partners, LLC, is requesting **Final Plat** approval for Abingdon by the River – Phase 3, a proposed 47 lot subdivision located at the end of Annika Drive. The property is owned by Flemming Partners, LLC and is zoned PUD PR-1 (Planned Single Family District). **(APPROVED)**

**Staff Comments: Recommend approval contingent upon the applicant providing a guarantee in the amount of \$372,200.00.**

Mr. Jonathan Belcher, Signature Homes, 3545 Market Place, Hoover, was present to represent the case. Mr. Wood stated they had gone over the plat during the pre-meeting work session and asked if there were any further questions. There were none. Mr. Wood asked for a motion. Mr. West made a motion to approve subject to the **\$372,200.00** guarantee. Mr. Reed seconded the motion. On voice vote the motion was approved unanimously.

- 8. C-0321-05** – Katie Nelson *Whataburger* Restaurants, LLC, is requesting *Conditional Use* approval to allow a drive up/drive through restaurant in the current zoning district to be located at 1727 Montgomery Highway in the Riverchase Promenade shopping center across from the Galleria. The property owners are Perry I and Rosemary F. Carter and the property is zoned C-2 (Community Business District). **(APPROVED)**

**COMMENTS: STAFF HAVE REQUESTED ADDITIONAL INFORMATION FROM THE APPLICANT/TRAFFIC ENGINEER ON QUEUEING FOR THIS DEVELOPMENT. FURTHER ANALYSIS IS NEEDED TO ENSURE PROPER STACKING EXISTS OR CAN BE ACCOMMODATED FOR DRIVE-THRU TRAFFIC. IF THIS ANALYSIS COMES BACK POSITIVE, STAFF WILL OFFER A POSITIVE RECOMMENDATION WITH THE FOLLOWING CONDITIONS:**

- **SITE LIGHTING SHOULD BE DESIGNED TO COMPLEMENT THAT OF THE REST OF THE SHOPPING CENTER**
- **ALL LIGHTING ON SITE SHALL BE DIRECTED DOWNWARD BELOW THE HORIZONTAL PLANE**
- **IMPROVEMENTS TO TRAFFIC CIRCULATION MUST BE IN PLACE PER THE TRAFFIC STUDY PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**
- **INCORPORATE ADDITIONAL ARCHITECTURAL TREATMENTS/ORNAMENTATION SUCH AS WAINSCOTING TO THE WALL/FAÇADE FACING US-31 TO ADD TEXTURE**



Mr. Matt Sims, Gonzalez-Strength & Associates, 1550 Woods of Riverchase Drive, Ste 200, was present to represent this case. He stated they were the civil engineers for the Whataburger project and he said everything being presented thus far was what they were proposing. Mr. Rice asked if he was ok with the Staff Comments that had just been gone over by the City Planner. Mr. Sims answered he believed so and went on to say that the Traffic Study was still being discussed and they were working with Skipper Consulting

and the City Engineer to firm that up, and had discussed the drive thru stacking numbers, and landscaping details.

Mr. Rice also addressed if the queue over stacks, he would like Whataburger to provide an extra employee for traffic control issues during busy times. Mr. Reeves also addressed the issue if they could have discussions with the adjacent property owner and the parking ramp and parking spaces there next to the driveway. Mr. Sims stated he would pass that along to Whataburger folks and the shopping center owner.

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 C-0321-05 incorporating staff comments about site lighting and traffic circulation and architectural treatment of the west side of the building adjacent to US Hwy 31 and with the provision that manual traffic management be provided as needed to prevent undue congestion or queueing that extends beyond the subject property. Mr. Shaw seconded the motion. On voice vote, the motion was approved unanimously.

9. Z-0321-05 - Richard A. Johnson, II, representing Blackridge Partners, LLC, et al., is requesting approval of the *3<sup>rd</sup> Amendment to the Blackridge Planned Unit Development* (PUD). (APPROVED)

**COMMENTS: RECOMMEND APPROVAL OF LATEST REVISION**

Mr. Jonathan Belcher, Signature Homes, 3545 Market Street, Hoover, was present to represent this case. Mr. Belcher discussed the 3<sup>rd</sup> Amendment to the Blackridge PUD.

Mr. Belcher stated in June 2016 they first submitted the Blackridge PUD and at the time, it was a little over 1500 acres and 1150 homes. Today, as it stands, it is a little more than 1600 acres and the number of homes has been reduced down to 854 homes. Mr. Belcher explained this particular area of Blackridge that was being changed in this proposed amendment is in the southern portion of Blackridge and consists of approximately 300 acres. Mr. Belcher stated the purpose of this amendment was to allow for the right of way for up to a 4 lane divided median parkway to be constructed should it be needed to accommodate what is shown on the Hoover Comprehensive Plan that connects to the proposed interchange and all the way through to County Road 52.

Mr. Belcher stated the reason they were amending the PUD vs. just providing the right-of-way was that by doing so, they are not only providing the 80' width that is required for the potential for maximum width, they were also providing 50' on each side of the right of way for a total of 100 feet, to allow for construction easements, essentially being a total of 180 feet.

Mr. Belcher went on to explain they were asking for an area of R-1 to be zoned Medium Density so that they would not reduce the number of home sites that they have. Mr.

Belcher stated in the initial Blackridge PUD they did have some units zoned R-1 with Medium Density.

Mr. Belcher stated this product was something that was originally contemplated in Blackridge and went on to discuss some other points of this amendment. Mr. Belcher also mentioned they had a trigger point for the connection to County Road 52 in the southern portion of Blackridge and that was the completion of 450 homes, but did not contemplate they would build the parkway in its entirety but would build it in a standard approved by the engineer that would meet the needs of their proposed development they had.

Mr. Belcher added they did have a small area of commercial, under 20 acres proposed, and did feel that if the parkway was constructed, there would be some benefit to have some Planned Commercial there.

Mr. Wood asked if there were any questions for Mr. Belcher. There were none. Mr. Wood reiterated they had gone over this PUD in the pre-meeting work session and had any questions they had answered at that time.

Mr. Belcher then added they had worked with several of the residents of Elvira Road regarding the new parkway as far as its location.

Mr. Shaw stated that this case would have the same condition regarding the de-annexation as the Everlee PUD had since the cases were somewhat tied together.

Mr. Shaw made a motion to approve case # Z-0321-05 with striking section 2 on page 2 pertaining to de-annexation. Mr. Wieseman seconded the motion. On voice vote, the motion was approved unanimously.

10. ~~Z-0321-06~~ – Research and Development (R&D) Facilities use classifications in the revised Zoning Ordinance. (APPROVED)

**COMMENTS: RECOMMEND APPROVAL OF LATEST REVISION**

Mr. Martin explained that this zoning classification missed being included in Table 6-2 of the newly revised Zoning Ordinance. He added this zoning district was permitted by right in the C-2, C-3, I-1 and Special Use District.

Mr. Wood asked if there were any comments or questions. There being none, Mr. Wood asked for a motion. Mr. Rice made a motion to approve. Mr. Shaw seconded the motion. On voice vote, the motion was approved unanimously.

There being no new business, the meeting was adjourned.

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Vanessa Bradstreet, Zoning Assistant