

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: October 10, 2016
Time: 5:30 PM
Place: Hoover Municipal Center
Present: Mr. Mike Wood, Chairman
Mr. Sammy Harris
Mr. Mark Schroeter
Mr. Scott Underwood
Mr. Carl West
Mr. Allen Pate
Mr. John Lyda

Absent: Mr. Kelly Bakane

Also Present: Mr. Bob House, House Consultants
Mr. Rod Long, City Engineer
Mr. Jim Wyatt, Director, Building Inspections
Mr. Duke Moore, Fire Marshal
Ms. Leslie Klasing, City Attorney Staff

1. CALL TO ORDER

The meeting was called to order by Mr. Wood. The secretary had roll call at this time and a quorum was present.

2. Mr. Wood asked Mr. Sammy Harris to give the invocation.

3. Mr. Wood asked Mr. Underwood to lead in the Pledge of Allegiance.

4. Mr. Wood stated the members of the Commission had been given copies of the minutes of the September 12, 2016, meeting and asked for a motion concerning these minutes if there were no corrections or additions to be made. Mr. Underwood made a motion to approve the minutes as presented. Mr. Harris seconded the motion. On voice vote the motion carried unanimously.

5. The following case has been continued until the November 14, 2016, P&Z meeting at the request of the applicant:

S-0916-32- Wade Lowery, Engineering Design Group, is requesting **Final Plat** approval for **Resurvey Lot 7 of International Park – Second Sector**. The purpose of this resurvey is to divide Lot 7 into 7A and 7B creating ingress/egress utility and drainage easements for the City of Vestavia. The property is owned by Keith Development, LLC, and the City of Vestavia Hills, Alabama.

Mr. Wood announced this case had been continued until the November 14, 2016, P&Z meeting at the request of the applicant. If anyone is interested in this case, it will be heard at 5:30 p.m. on Monday, November 14, 2016, and no new notices will be sent out.

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

Mr. Wood announced that the Planning Commission members had the opportunity to review each of the following subdivision cases at the pre-meeting work session. He stated he would read the following cases and the Planning Commission would be voting on them as a block. He explained that if anyone in the audience had a concern or wanted to ask a question regarding any of the following cases to raise their hand and they would come back to that case at the end of the agenda. He asked if there were any questions so far. There were none.

(a) **S-1016-33** - Jonathan Belcher, Signature Homes, is requesting **Preliminary Plat** approval for **Sawyer Trail – Phase 3**, a proposed 62 lot subdivision. This property is located at the southwest corner of Melton Rd and Ross Bridge Parkway. SB Dev Corp d/b/a/ Signature Homes is the property owner and the property is zoned PUD PR-2 (Planned Multi- Family District).

APPROVED

Engineering Comments: Recommend approval.

Fire Marshal Comments: Install 2 hydrants as shown on the Preliminary Plat. A check in the amount of \$902.40 shall be remitted to the Hoover Fire Department to cover the first 3 years rent for both hydrants.

Mr. Jonathan Belcher, Signature Homes, was present to represent this case. Mr. Wood asked if there were any comments on this case. There were none.

(b) **S-1016-34** – Rodney Cunningham, Engineering Design Group, is requesting **Preliminary Plat** approval for **Resurvey of Lot 5 and a portion of Common Area of International Park First Sector**. The property is zoned PO (Planned Office) District and is owned by Keith Development, LLC.

APPROVED

Engineering Comments: Recommend approval.

Mr. Wade Lowery, Engineering Design Group, was present to represent this case. Mr. Wood asked if there were any comments on this case. There were none.

(c) **S-1016-35** – Rodney Cunningham, Engineering Design Group, is requesting **Final Plat** approval for **Resurvey of Lot 5 and a portion of Common Area of International Park First Sector**. The property is zoned PO (Planned Office) District and is owned by Keith Development, LLC.

APPROVED

Engineering Comments: Recommend approval contingent upon the applicant providing a guarantee in the amount of \$230,000.

Mr. Wade Lowery, Engineering Design Group, was present to represent this case. Mr. Wood asked if there were any questions regarding this case. There were none.

Mr. Wood asked for a motion concerning cases 6 (a), (b), and (c). Mr. John Lyda made a motion to approve. Mr. Underwood seconded the motion. On voice vote, the motion was approved by everyone with the exception of Case 6(a) in which Mr. Schroeter and Mr. Harris abstained.

7. **C-1016-13** – Keith S. Nelson is requesting **Conditional Use** approval for **Anthony's Car Wash** to be located at 2420 John Hawkins Parkway in the ATI Industrial Park Subdivision. The owner of the property is C.M.N.L.L., Inc., and is zoned C-2 (Community Business District).

APPROVED

Mr. Todd Thompson, Gonzalez-Strength & Associates, 2176 Parkway Lake Drive, Hoover, AL 35244, was present to represent this case. Mr. Thompson stated he was present to request a Conditional Use for a car wash. Mr. Thompson explained the property was zoned C-2 (Community Business District) and the location of the car wash was off the newly constructed Medford Drive with Hwy 150 to the north, Alacare to the west, undeveloped property to the south and Medford Drive to the east, which was a city right-of-way. Mr. Thompson stated they had approximately 440 feet of frontage, of which 100 feet was an Alabama Power Company transmission line easement basically undevelopable because of the restrictions they place on you. Mr. Thompson explained the property is approximately 2 acres, 65% usable due to the topography and the power lines. Mr. Thompson stated they were not asking for access to Hwy 150. He stated their primary access would be Medford Drive.

Mr. Thompson explained the car wash would sit about 10 feet below the road grade. He stated they also had a restaurant programmed for the site and would sit about grade level but that was a different case. Mr. Thompson stated today they were asking for the Conditional Use for the car wash. Mr. Thompson stated this was a car wash tunnel. The site drains to the east toward Medford Drive and then to the south they would have their own storm water detention. Mr. Thompson said they had been asked by Mr. Rod Long, City Engineer, to look at moving their access drive to increase their sight distance coming into and stated they were willing to do that.

Mr. Thompson stated if they had any other site related questions, he would be happy to answer them. Mr. Thompson stated if they had any building related questions, they had their builder and contractor there and would be willing to address those questions.

Mr. Wood asked if there were any questions. Mr. Wood stated they had discussed during the pre-meeting work session a question concerning the driveway coming in. Mr. Wood stated it appeared that he needed some additional parking for that facility. Mr. Wood asked if he planned on putting in parking for the car wash as he put the driveway in before they put in the other facility if they built the car wash first. Mr. Wood stated they also had a couple more questions.

Mr. Wood stated too they had to make sure the landscaping met the ordinance regulations. Mr. Bob House, House Consultants, stated the landscaping did meet the requirements. Mr. House stated that some of the landscaping was in the right-of-way at Medford Drive and they wanted to stipulate the landscaping down in the city right-of-way would be maintained by one or both of the owners of the property. Mr. Thompson added they would; however, he thought there was a previous agreement with the developers of the shopping center to also maintain a portion of it. Mr. House stated they would let them work that out, but they also were going to put some additional landscaping there as well. Mr. Thompson agreed they would maintain that.

Mr. House added the other comment regarding employee parking was the fact they had the seven spaces as you came up the driveway which were not on the car wash property that backed out into the driveway. Mr. House stated those seven parking spaces would be required as part of approval

for permitting of the car wash, so that they had those spaces available with the car wash as it was being developed. Mr. Thompson agreed and stated that was not unreasonable.

Mr. House added the same held true for the other employee parking for the other building if it is built. Mr. House stated they had some off site parking on that site as well for employee parking so that would be built prior to permitting the second building. Mr. Thompson agreed that was fair.

Mr. Wood asked if there were any other questions. Mr. Harris asked about the lighting. Mr. House answered because of its' location, no restrictions were placed on the lighting due to being out on the highway and not next to residential.

Mr. Wood asked if there were any other questions from the audience or board members. There were none. Mr. Wood asked for a motion. Mr. Harris made a motion to approve. Mr. Underwood seconded the motion. Mr. Pate asked if they should make adding the seven parking places a part of the motion. Mr. Wood asked Mr. Harris if he would like to amend his motion to add the seven parking places. Mr. Harris stated he would like to amend his motion to say recommend approval with the addition of seven parking places. Mr. Underwood seconded the amended motion. On voice vote, the motion was unanimously approved.

8. Z-1016-11 – USS Corporation requests an **amendment to the Trace Crossings PUD** to change the use restrictions on all vacant property currently designated **Planned Industrial District** (restricted industrial uses) on the PUD Master Plan to Planned Industrial District (limited to Planned Commercial and Planned Office uses).

CONTINUED BY APPLICANT

Mr. Justin Armstrong, USS Corporation, 610 Preserve Parkway, Ste 200, Hoover, AL, 35226, was present to represent this case. Mr. Armstrong explained he was seeking an amendment to the Trace Crossings PUD. He explained they currently had land that was zoned PI-Restricted and was kind of an odd zoning. He explained it was a Planned Industrial zoning but was restricted to a limited number of uses. Mr. Armstrong stated that USS would like to change and amend the PUD to reflect a second PI restricted use in the property currently in Trace Crossings. Mr. Armstrong stated that use would restrict the property to only PO (Planned Office) and PC (Planned Commercial) uses.

Mr. Armstrong stated USS put this zoning in place a long time ago, in the late 1990's, because they felt this would be the best fit. Mr. Armstrong explained there was a mix of industrial zonings out there and was supposed to be limited warehouse and residential and had also changed over time. Mr. Armstrong explained that USS did not think this was a good fit for the area and that having warehouses in these areas would not be ideal.

Ms. Molly McGregor, 5795 Chestnut Trace, Hoover, AL 35244, in the Chestnut Ridge neighborhood, stepped to the podium to address her concerns. Ms. McGregor thanked the Planning Commission for the opportunity to speak and also congratulated Mr. Pate on his upcoming retirement.

Ms. McGregor stated she had been a leader in the Wal-Mart fight around 1999 which resulted in a well-defined and designed super-center. Ms. McGregor stated it could've been a disaster for those in Willow Trace where she lived at the time because of encroachment into the setback of the neighborhood, but now graces the corridor of Hwy 150. Ms. McGregor stated there were 33-35 different restrictions attached to that particular development with Colonial Properties. Ms. McGregor stated those restrictions were also applied to Car-Max and to the Hoover Toyota. Ms.

McGregor stated you could not see the Walmart from the highway because it had berms, the signage was down, and it reflects where Hoover should be with commercial development.

As a result of this fight, Ms. McGregor explained that former Mayor Barbara McCollum had named Ms. McGregor as a member of the Comprehensive Plan Policy Committee. She said there were 19 members of the community on that committee and two consultants that worked intensively for months and provided a study but to her understanding, had been guidelines for the Planning Commission in some of their zoning decisions over the years, although not adopted by the City Council. Ms. McGregor stated it was her understanding that the principles had been applied from this plan.

Ms. McGregor stated she had served as the Project Manager for the Mayor of Birmingham for the Birmingham Cross Plex. She said that was a project that both previous Mayors, McCollum and Petelos, wanted to put on the existing property that they were now building the sports complex. Ms. McCollum stated that project was a \$50 million project, 250,000 square foot complex. She stated it was a world class facility and that she wished they could've put it in Hoover.

Ms. McGregor stated she was telling the Planning Commission this because she wanted them to understand she was keenly aware of the need for Comprehensive Land Use Planning and the strategic placement of support facilities for sports complexes like the one that Hoover is building.

Ms. McGregor stated she also was the former chairman of the USATF Alabama, which was the governing body for track and field in the state. She said she had put in a successful bid which would be coming here to Hoover in December of this year bringing 3400 cross country athletes and 11,000 people sitting in our hotels. Ms. McGregor stated she was fully aware of what their requirements were as far as hotel use, as well as the support facilities. She stated they were going to need 2400 hotel rooms and multiple restaurants. Ms. McGregor explained access to eating facilities was crucial in the negotiations with the USATF. Ms. McGregor stated they really wanted them within walking distance of the hotels because of families. Ms. McGregor stated Embassy Suites would be the host hotel and had agreed to shuttle participants to the Galleria, Patton Creek, and the movie theatres.

Ms. McGregor stated when she was chairman of the Comprehensive Plan, she lived in Willow Trace. She stated she then questioned the PI-Restricted zoning that it is currently designated on the property in question on Stadium Trace. Ms. McGregor stated she didn't live there at the time but was told that as part of the original PUD development would not change because it was designed to protect the neighborhoods. She felt industrial made no sense because there were no utilities and was designed for small things. Ms. McGregor stated these types of businesses were now located in the back of Trace Crossings.

Ms. McGregor stated she had lived in Chestnut Ridge over 12 years and had purchased on the sunset side (lake side) because she was concerned about the fact that a Walmart fight could happen again in her back yard.

Ms. McGregor stated as a member of the Board of Chestnut Ridge HOA, they had been informed by USX of their intention to request commercial zoning and put hotels on this site. Ms. McGregor called this an "outrage". Ms. McGregor stated the Stadium Trace corridor was the gateway to 1300 homes, 3 major Hoover school systems with thousands of children and high schoolers newly placed in cars on that highway, which was already over burdened and additionally by traffic coming off of South Shades Crest Road down Brocks Gap Parkway.

Ms. McGregor stated Stadium Trace corridor also included the Hoover Met activities. Ms. McGregor explained that despite all the traffic, many residents were welcoming the sports

facilities and they would also embrace a small neighborhood shopping center at the bottom of Brocks Gap Parkway, but the commercial support systems like the hotels and restaurants for a facility such as a sports complex belonged off Hwy 150.

Ms. McGregor gave traffic, potential crime, need for visitors to have access to restaurants and entertainment within walking distance, safety of the Trace Crossings neighborhoods and schools along with school activities are her objections for the rezoning request.

Ms. McGregor stated too that the number of homes being built at the end of Stadium Trace by the current top developers would only add for the city's concern for safety and traffic.

Mr. Warren Kuntz, 1511 Tea Rose Circle, stated he wanted to speak on behalf of this request. He stated he backed up to one of these particular properties. Mr. Kuntz stated the current zoning designation was not good for the neighborhood and changing it to the new zoning would only enhance the neighborhood and increase the property values. Mr. Kuntz stated he had looked at these type of projects all over the country and being involved in this type of business and contrary to what they thought as a residential owner, development of this and particularly Stadium Trace was not a residential street. He emphasized Stadium Trace was a business street, a sports complex street and the use of it does complement that type of business. Mr. Kuntz stated he was speaking in favor of this request.

Mr. David Smith, 1621 Creekside Drive, wanted to verify that the Planning Commission members received a written statement from him in their packets. Mr. Wood answered they did. He stated that Ms. McGregor who had preceded him did such a wonderful job that he didn't need to add anything.

Mr. Jeff Dean, owner of Hoover Towing and Action Towing located at Valleydale Terrace, just south of the city limits, stated he understood the City of Hoover had zoning regulations that required a business be within a 4 mile radius of the city and zoned Planned Industrial in order for one to bid on a towing contract for the City of Hoover. Mr. Dean stated he had researched this through McKay Development research to find there is no such property. Mr. Dean stated the rules for the police department needed to be changed so that there is proper zoning that one could use for bidding on a towing contract. Mr. Dean stated for 17 years, the city had not considered any other towing company because of the current rules. Mr. Wood stated that the Planning Commission was not the correct venue to address his concerns. Mr. Allen Pate suggested he come to the City Council meeting on Monday, October 17, 2016, at 6 p.m. to discuss this which was a purchasing issue.

Mr. Arnold Singer, 613 Riverhaven Place, Hoover, AL 35216, stated the City of Hoover was obligated to be paying \$105 million dollars in principal and interest on the sports plex. Mr. Singer stated every date that the sports plex needed to provide services and couldn't would hurt the city's ability to make this a feasible project. Mr. Singer stated he felt the city needed additional hotel space across from the Hoover Met and Sports Plex.

Ms. Suzanne McAllister, 5676 Chestnut Trace, Hoover, AL 35244, stated this property backed up to her backyard. She stated she was concerned about mischief, crime, hotel lighting in her bedroom window, and as a resident, she was very much opposed to this rezoning.

Mr. Bill Thomason, 5327 Creekside Place, stated the City Council had already turned down one proposal on this property. He described the traffic on South Shades Crest Road which needed something done about it now and stated the infrastructure would not support any more traffic.

Mr. Fred Lewis, 1366 Scout Trace, stated he would like to remind everyone that this area had an elementary, intermediate, and a high school. Mr. Lewis stated if you looked at the hotels they

had built recently up and down Hwy 150, there had been police reports that showed there had been crime in every one of those. He stated that building a hotel didn't necessarily mean crime but what you were inviting was crime into the neighborhood. Mr. Lewis stated there were drugs and prostitution on these police reports if one looked at the nature of the crime. Mr. Lewis stated too that he would assume the Planning Commission would do a study on occupancy rates for hotels.

Mr. Jim Skelton, 5696 Chestnut Trace, stated he has no ax to grind with USS Steel but felt they were playing a "bait and switch" wanting to change the rules in the middle of the game and felt it was an act of "betrayal".

Mr. Ford Brown, 109 Maple Trace, stated he had grown up in this neighborhood and had always felt safe. He described a day he had come home from school to find a news truck investigating a sexual assault on the walking trail. He appealed to the board to not approve this request because of crime and traffic.

Mr. Gary Moneyham, 5660 Chestnut Trace, stated his number one concern, in addition to the possible lowering of their property values was traffic congestion. He stated the corner of Stadium Trace Parkway and Brock's Gap Parkway could not handle the increased buildings, hotels, etc that was on this proposal. Mr. Moneyham stated he did not want to see another Atlanta.

Ms. Diane Fleming, 6528 Oak Crest Cove, Mr. Donald Barley, 1608 Creekside Drive, and Mr. Jeff Brown, 1690 Southpointe Drive, all spoke in opposition to this request giving traffic congestion and crime as major concerns.

Mr. Wood stated the developer wanted to speak again. Mr. Justin Armstrong complimented Ms. Molly McGregor on doing a good job with getting a lot of people here tonight at the meeting and that was wonderful, however, he said a lot of falsehoods had been stated at the meeting that were not true. Mr. Armstrong stated he had told the residents before that a Walmart was not part of this request for rezoning, nor had he said 3 hotels. Mr. Armstrong stated these points were completely false, nor would there be a gas station. Mr. Armstrong then described several meetings he had with the Chestnut Ridge board. Mr. Armstrong asked them how industrial use could be better than Planned Office or Planned Commercial. Mr. Armstrong also added that industrial property setback was 200 feet.

Mr. Wood explained to Mr. Armstrong that it appeared to him that they needed to have more discussion with the neighborhoods and continue this case and let Mr. House facilitate a meeting to try to go over this case and see if they could come up with some sort of compromise, but they (US Steel) would have to request a continuance.

Mr. Wood then addressed the audience to say that this was not like they were asking US Steel not to build if it was a hotel and there was nothing else that could be built. Mr. Wood stated that was not the case and they needed to understand that currently, USS Steel could sell this property to someone who could go in and put an industrial building in there, so they needed to ask themselves which one of those did they want in their neighborhood. Did they want a hotel or did they want a manufacturing plant? Mr. Wood stated it was not like this property was going to stay woods, because it won't. Mr. Wood stated it was too valuable of a piece of property. Mr. Wood stated he just wanted to make sure everyone understood the whole picture that if for some reason this was turned down or approved, in his opinion, it was not going to stay wooded.

Mr. Wood stated to Mr. Armstrong again that he would have to continue this case if he wanted to try to sit down with the neighborhoods to see if they could work out some compromises that

would work for both of them. Mr. Armstrong stated they would continue the case, of course, if the neighborhoods would meet with them again.

Mr. Wood asked Mr. Armstrong if he would like to continue the case. Mr. Armstrong agreed that yes, he would continue the case.

Ms. McGregor, 5795 Chestnut Trace, stepped to the podium again to say they had only met one time at an HOA meeting with two sub-ordinates of USS staff. Ms. McGregor stated they chose to organize as a neighborhood and not to compromise. She stated they would take their chances with industrial because it is very valuable property, but with no utilities there, she felt it was unlikely to sell. Ms. McGregor stated if it had to go commercial, it was imperative they work with the neighborhoods, but they were not willing to compromise at this time. Ms. McGregor stated that yes, they could continue the case, but they were going to have a long, hard fought battle, from folks who understood the risks to their neighborhoods, their children, their schools, and their safety.

Mr. Wood asked Mr. House if he would meet with these folks and come up with a time. Mr. House stated he would coordinate with Ms. McGregor and US Steel and come up with a time. He stated they would use Ms. McGregor as a point of contact for the neighborhoods. Mr. Wood asked Ms. McGregor and Mr. Armstrong if there were ok with those plans. They both answered yes.

Mr. Wood asked if anyone else had anything to add. There were no comments.

Mr. Wood asked for a motion for continuance. Mr. Lyda made a motion to continue the case until the November 14th meeting. Mr. Underwood seconded the motion. On voice vote, the motion was approved unanimously.

Mr. Wood stated this case would be heard next month at the November meeting which would be November 14, 2016, at 5:30 p.m. He stated no new notices would be sent out.

Mr. John Lyda recognized Mr. Allen Pate who was retiring at the end of this month. Mr. Lyda stated that one of the many tasks and duties that Mr. Pate had was serving on the Planning and Zoning Commission. Mr. Lyda, on behalf of his fellow commissioners, thanked Mr. Pate and wished him well.

With no further business, the meeting was adjourned.

Vanessa Bradstreet
Zoning Assistant