

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: August 12, 2019
Time: 5:30 PM
Place: Hoover Municipal Center
Present: Ms. Jennifer Peace
Mr. Ben Wieseman
Mr. Allan Rice
Mr. Sammy Harris
Mr. Mike Shaw
Mr. Mike Wood
Mr. Nathan Reed

Absent: Mr. Carl West
Mr. Jason Lovoy

Also Present: Mr. Rod Long, City Engineer
Mr. Chris Reeves, Assistant City Engineer
Mr. Jim Wyatt, Director, Building Inspections
Mr. Duke Moore, Fire Marshal
Mr. Mac Martin, City Planner
Ms. Sharon Deep Nelson, Landscape Architect
Ms. Vanessa Bradstreet, Secretary, P&Z Commission

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. Wood asked Mr. Harris to give the invocation.

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

4. Mr. Wood stated every Planning Commission member should have received copies of the July 8, 2019, minutes and if no one had any changes to be made, he would ask for a motion to approve as written. Mr. Shaw made a motion to approve. Mr. Rice seconded the motion. On voice vote, the minutes were approved unanimously.

5. The following case has been continued by the applicant to the September 9, 2019, P&Z meeting at 5:30 p.m.:

S-0719-29—D.R. Horton is requesting **Preliminary Plat** approval for **Hoover Ridge**, a proposed 150 lot subdivision located on Old Rocky Ridge Road adjacent to Croft-Acton Cemetery. The purpose of this plat is to show the proposed subdivision of 58.67 acres into 150 lots, common area, and road right-of-way. D.R. Horton, Inc., is the property owner and the property is zoned R-T-4 (Townhouse). **(CONTINUED)**

Mr. Wood explained that if anyone was present to hear this case, it had been continued until the September 9, 2019, meeting at 5:30 p.m. so if they were interested in this case, they should come back then to hear the case. He announced no new notices would be sent out. Mr. Wood asked if there were any questions. There were none.

6. The following cases were continued by the applicants at the July 8, 2019, P&Z meeting:

- (a) **S-0719-25**—Schoel Engineering representing EBSCO Industries, Inc. is requesting **Final Plat** approval of **Tattersall Park Resurvey No. 6** - a 2 lot subdivision located in Tattersall Park. The purpose of this survey is to resurvey one lot into two lots. This property is owned by EBSCO Industries, Inc., and is zoned PUD PC (Planned Commercial). **(APPROVED)**

Staff Comments: *Recommend approval*

Mr. Robbin Phillips, Schoel Engineering, 1002 22nd Street South, Birmingham, AL, 35205, was present to represent this case. Mr. Wood stated the Planning Commission had an opportunity to go over the case in the pre-meeting work session. Mr. Wood asked if anyone had any questions or comments regarding this case. There were none. Mr. Wood asked for a motion. Mr. Ben Wieseman made a motion to approve. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

- (b) **C-0719-11**—Mr. Josh Boyd, Inkana Development, is requesting **Conditional** Use approval to allow for use of a Class A climate controlled storage facility to be located at 5281 Ross Bridge Parkway. Mr. Charles Diggs is the property owner and the property is zoned C-2 (Community Business District). **(APPROVED)**

Mr. Austin Blackwell, 3036 Independence Drive, Homewood, AL, was present as well as Derek, from LBYD, their civil engineer for the project. Mr. Blackwell stated they had worked very closely with the neighborhoods and the city to come back and provide what the city had asked them for at the last meeting. Mr. Blackwell provided three things from the last meeting which were existing and future topography, updated rendering with the landscape plan included, and the building ingress and egress.

Mr. Blackwell then presented their new site plan. Mr. Blackwell stated this rendering had the topography information they had requested which was the existing and proposed topography. Mr. Blackwell explained this along with the landscape plan showed the ingress and egress of the building which they discussed at the staff meeting with the Fire Marshal. Mr. Blackwell stated the Fire Marshal was happy with the way they were staggered between buildings, which was his big concern.

Mr. Blackwell stated on the landscaping plan they were asked to make sure the most up to date access to the property was shown which they had depicted and he felt all the conditions were satisfied that they needed on the landscape plan.

Mr. Blackwell addressed their new rendering that they had spent a lot of time with and had tried very hard to make this building fit into the neighborhood. Mr. Blackwell stated the plan was to have 80% + brick on the facility. Mr. Blackwell stated he had met with Stan Marks, representative of Deer Valley, and Mr. Marks had some good suggestions for which they made, to include color of the brick, awning over the windows and some parapet detail they had included. Mr. Blackwell stated Mr. Marks was now happy with the plan and was in full support of this plan. Mr. Blackwell showed the two vantage points they had requested and updated landscape plan that was included with it. Mr. Blackwell stated this would be the nicest storage facility they had ever built.

Mr. Wood asked if there were any questions from the Planning Commission. Mr. Rice commented it was an extremely nice looking facility and thanked Mr. Blackwell for taking time to go back on some of the things previously discussed. Mr. Rice then asked the Fire Marshall if he had gotten ok with the lane on the site plan and pointed out a lane shown on the site and asked about vehicular access, not just ingress and egress. Mr. Duke Moore, Fire Marshal, stated they were fine with it.

Mr. Wood asked if there were any questions from the audience. There were none. Mr. Mike Shaw made a motion to approve C-0719-11. Mr. Reed seconded the motion. On voice vote, the motion was approved unanimously.

7. The following case has been *withdrawn* for the August 12, 2019, P&Z agenda:

S-0819-31 – Mr. Brooks Harris is requesting Preliminary Plat approval for **Blackridge South – Phase 1**, a proposed 4 residential lot subdivision, located along Highway 93. Clayton Properties Group, Inc., is the property owner and the property is zoned PUD. **(WITHDRAWN)**

Mr. Wood stated this case had been withdrawn and if it should come back to this body, new notices would be sent out.

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

Mr. Wood then explained that the P&Z Commission had an opportunity to review the following subdivision cases in their pre-meeting work session and therefore they would be voting on them as a block. If there were any questions on any single case, Mr. Wood asked for them to raise their hand, and that case would be moved to the end of the agenda. Mr. Wood asked if there were any questions. There were none.

- (a) **S-0819-30** – Derek S. Meadows, Gonzalez-Strength & Associates, representing Broad Metro, LLC, is requesting **Final Plat** approval for a **Resurvey of Lots A, B, & C, Stadium Trace Village, Plat No. 2**, a proposed 3 lot subdivision, located on Alabama Hwy 150 and Amber Drive. The property is owned by Broad Metro, LLC, and is zoned PUD PC (Planned Commercial).

Staff Comments: *Recommend approval. (APPROVED)*

Mr. Derek Meadows, Gonzalez Strength & Associates, was present to represent this case. Mr. Wood asked if there were any questions on this case and there were none.

- (b) **S-0819-32** – Mr. Scott Rohrer, SB Dev. Corp., d/b/a Signature Homes is requesting **Preliminary Plat** approval for **Flemming Farms – Phase 3**, a proposed 37 residential lot subdivision located at the south end of Flemming Parkway. The property is owned by SB Dev. Corp., and is zoned PUD PR-1 (Planned Single Family District).

Staff Comments: *Recommend approval. (APPROVED)*

Mr. Jonathan Belcher, President, Signature Homes, was present to represent this case. Mr. Wood asked if anyone had any questions on this case and there were none.

- (c) **S-0819-33** – Scott Rohrer, SB Dev. Corp., d/b/a Signature Homes is requesting **Final Plat** approval for **Lake Wilborn Phase 5A**, a proposed 31 lot subdivision located at Sydenton Drive in Lake Wilborn. P.R. Wilborn, LLC, is the property owner and the property is zoned PUD PR-1 (Planned Single Family District).

Staff Comments: *Recommend approval contingent upon applicant providing a guarantee in the amount of \$300,000. (APPROVED)*

Mr. Jonathan Belcher, President, Signature Homes, was present to represent this case. Mr. Wood asked Mr. Belcher is he was ok with the \$300,000 guarantee. Mr. Belcher stated he was ok with the guarantee amount. Mr. Wood asked if there any questions regarding this case and there were none.

- (d) **S-0819-34** – Donn Fizer, Orange Hoover 31, LLC, is requesting **Final Plat** approval for **Orange Hoover 31, LLC Commercial Subdivision**, a one lot subdivision, located at 1539 Montgomery Highway. The purpose of this plat is to create 1 lot from 2 existing parcels for commercial development. The owner of this property is Jason Price – Orange Hoover 31, LLC, and the property is zoned C-2 (Community Business District) and C-3 (General Business District). **(APPROVED)**

Staff Comments: Recommend approval

Mr. Donn Fizer, Orange Development, was present to represent this case. Mr. Wood asked if anyone had any questions on this case. There were none. Mr. Wood asked again if anyone had any questions on any case. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve items 8 (a), (b), (c), and (d). Mr. Shaw seconded the motion. A voice vote was taken and the motion was unanimously approved with the exception of Mr. Harris who abstained from items 8 (b) and 8 (c).

9. **C-0819-12** – Curtis Blake Harper, representing Hops N Guac Hoover LLC, is requesting **Conditional Use** approval to locate a Restaurant/Brewpub with Live Entertainment and Indoor/Outdoor Recreation/Amusement at 1031 Brocks Gap Parkway, Ste 191, in the Brocks Gap Village Center. The restaurant concept would include alcohol for on and off-premise sales, live entertainment consisting of musical acts and games, and recreation/amusement to consist of various games and activities. The property is zoned P-I (Planned Light Industrial) Restricted in the Trace Crossings PUD.

Staff Notes: No issues with brew/pub component. We have received some feedback from nearby residents with concerns about potential noise related to outdoor entertainment. The applicant is open to reasonable conditions related to hours of operation and type of music played as part of the outdoor entertainment portion of the business.

Mr. Curtis Blake Harper, 3205 Sawyer Drive, Hoover, AL, 35226, was present to represent Hops N Guac. Mr. Harper stated he wanted to have Hoover's first brew pub. Mr. Harper stated it was a fast casual Mexican restaurant that would have a self-serve bar (like the one at his Huntsville location), that would serve beer, cider, and wine. Mr. Harper stated he would also like to add entertainment to this as far as games and live entertainment.

Mr. Harper addressed the live entertainment hours which would be weekdays or Sunday through Thursday, outside he was proposing 10 pm cut-off and inside 11pm cut-off. Mr. Harper stated that on weekends, Friday and Saturday outside cut-off would be 11pm and inside 12a.m.

Mr. Wood asked Mr. Harper if he had anything to add and he stated no. Mr. Wood asked if there were any questions from the Planning Commission. Mr. Rice asked about the

beer wall or the self-serve concept and asked him to speak about how exactly that was monitored and regulated. Mr. Harper stated he had filed this with the ABC Board last year and was approved here in Alabama. Mr. Harper stated it was not as much as you want; what they came up with was 32 ounces, or 2 pints, or 2 - 16-oz beers. Mr. Harper explained when a customer came in, they were presented with a wrist band or wrist bracelet that had a chip in it that would be attached to a credit card and they also ID'd to make sure customers were of legal age to serve themselves. Mr. Harper explained they did have an employee on the wall who managed the beer wall. Mr. Rice added this would prevent someone from over serving as well and asked Mr. Harper to confirm, which he did. Mr. Harper added that if someone had consumed too much to drink, they would politely ask them to leave. Mr. Rice then asked him to confirm it did not work like the drink machines at a fast food restaurant where one could get as much as they wanted. Mr. Harper stated it did not work like that.

Mr. Chris Reeves, Assistant City Engineer, asked a question regarding hours. Mr. Harper confirmed that Friday and Saturday outside would be 11pm and inside would be 12am.

Mr. Shaw stated that the concept and games seemed amazing and given the proximity to the Finley Center, this would allow people to walk back and forth to include the neighborhoods close by. Mr. Shaw stated that if this got to City Council level, he felt like there would be many questions regarding the alcohol service and being close to the high school and several other schools who have numerous youth events. Mr. Shaw asked about the off premise sales and if that was to sell beer to take off the premises. Mr. Harper answered that would be correct. He stated he had distributors who had kegs on tap and also some 6 packs for customers to take home. Mr. Shaw stated there would probably be some questions regarding that aspect as well. Mr. Shaw added the one thing he did not like was the outdoor music. Mr. Shaw explained this was very close to a residential neighborhood and he knew how amplified music sound carried. Mr. Shaw stated he just could not support this. Mr. Shaw stated he felt responsible for the welfare of these neighborhoods and could not go for outdoor entertainment and felt this would be an issue if they approved this aspect of the project.

Mr. Harper asked what if they adjusted the hours. He asked if the Hoover Met didn't have outdoor music. Mr. Shaw answered not very often and not as a matter of operational policy. Mr. Shaw stated he did not think there was a good hour to hear music at your backdoor when you were sitting outside in a swing overlooking the woods that you had when you moved into your home five years ago. Mr. Shaw emphasized again he was good with everything but the outdoor entertainment because he felt that would be an issue with the residents. Mr. Shaw asked Mr. Harper if he would be willing to pull that from the Conditional Use. Mr. Harper answered that he would like to still have it and accommodate everyone. Mr. Harper suggested he leave it on there and if there were complaints about it being too loud, he could shut it off. Mr. Harper stated he

didn't want to say no right now. Mr. Harris asked if he could build something on the exterior to contain or muffle the sound rather than have it open. Mr. Harper stated he could take a look at it. Mr. Harris asked if most of the entertainment would be a couple of people with a guitar or a whole band. Mr. Harper stated he wouldn't have a whole band and that it would mostly be acoustical. Mr. Reed asked if it was his intent to have the outdoor entertainment every weekend. Mr. Harper answered not so much, but the big thing in a brew pub was to attract new people and customers with events and some of those events did include music. Mr. Harper stated he would like to piggy back off events at the Hoover Met and people there that wanted to go somewhere cool that could come to Hops N Guac and enjoy themselves.

Mr. Rice explained to Mr. Harper that this was a two step process being that the Planning Commission was a recommending body and then would go on to City Council for final approval. Mr. Rice stated he was wondering if they were to send it to Council with some additional thought process about the shielding the reflection sound and would have to defer to Building Inspections on what could be built outside on the patio to deflect the sound that would be satisfactory with the building code. Mr. Rice added too if Mr. Harper could modify his time request to include amplified vs. non-amplified music. Mr. Rice added that if there was one individual with a guitar sitting outside past 9 p.m., he felt that was far different than one with greater decibels, so he was wondering if he could specify when music would be amplified vs. not amplified on the outdoor patio and could they place a provision in pending compliance with the city's building code to consider some type of screening/barrier construction piece that might deflect the sound away from the neighborhood shooting the sound back toward the front of the shopping center and toward Stadium Trace Parkway. Mr. Rice asked Mr. Harper if he would be interested in doing anything like what he just described. Mr. Harper stated he would be willing to work with the city in any way possible. Mr. Rice stated this might tie it down a little bit more before it reached City Council level.

Mr. Harper asked Mr. Rice if he had any recommendations. Mr. Rice answered if he could withstand it since he was the applicant, he would suggest putting language in the motion about sound dampening with construction features on the patio that would need to be in compliance with the building code and that they talk about no amplified music maybe beyond 9 p.m. Mr. Rice stated that may change again when they got to City Council but at least maybe it could leave this body with some type of assurance that they were going to take steps to protect the people who had an investment in their home place who were relatively adjacent to this property. Mr. Rice stated he was talking about outdoor only.

Mr. Wood explained to Mr. Harper that he had the option of continuing this case on his own if he wanted to take some time and study what might be his best solution rather than have to do it tonight. Mr. Wood stated this was just a suggestion. Mr. Wood

explained also that he would have to be the one to request the continuance, but if he wanted them to go ahead and vote on the case they might put some language in there, they might could do that as well. Mr. Wood explained it might be a better result if he went ahead and took another month to decide how those things could be accomplished with what appeared to be a problem for him, not so much at this level, but when he got to City Council approval, to come up with a plan that worked a little better, but it appeared there was some question regarding the noise.

Mr. Harper asked again how the continuance worked and Mr. Wood explained it to him. Mr. Harper added this had somewhat thrown him off as he didn't know the neighborhood was opposed. Mr. Rice asked how a one month delay would affect his business plan. Mr. Harper stated time was of the essence right now. Mr. Shaw suggested he could move forward with everything except the outdoor music considering the outdoor entertainment was a separate Conditional Use. Mr. Wood explained to Mr. Harper that he eliminate the outdoor music and go forward with everything else and address the outdoor music in the future, but explained there were no guarantees. Mr. Harper asked if he could withdraw his request for only the outdoor entertainment and go ahead with the rest of the request. Mr. Wood explained to him that he didn't think he could continue a part of it. Mr. Wood stated what he would have to do was to withdraw his request on the outdoor portion and come back to this body with a new application for Conditional Use plan with the outdoor portion at a later date. Mr. Wood added he would have to pay the application fee twice doing this but he didn't think he they could do a Conditional Use approval on just part of this plan. Mr. Rice added that for tonight, Mr. Harper could request the outdoor live entertainment be deleted from his current request with everything else moving forward and then he could look at what kind of enclosures with some decibel levels and come back with that at a later date. Mr. Rice stated that way he could keep the plan under construction.

Mr. Wood asked if there were any other questions from the Planning Commission or anyone in the audience. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve subject to the hours of indoor live entertainment as stipulated which was 11p.m. Sunday through Thursday, and midnight on Friday and Saturday, and the outdoor entertainment request dropped in this request. Mr. Shaw seconded the motion. On voice vote, the motion was approved unanimously.

10. C-0819-13 – Doroethie L. Hicks, on behalf of The Crafters House, located at 3417 Old Columbiana Road, Ste A is requesting **Conditional Use** approval to offer craft classes with accessory alcohol sales (beer and wine only). The property is zoned C-2 (Community Business District). *(CONTINUED BY P&Z DUE TO NO APPLICANT PRESENT)*

Staff Notes: Recommend condition that crafting activities be limited to those listed or similar to those listed on the attached page (from the business' website) and not include large scale activities such as building, staining, or painting furniture, welding, screen

printing, or other similar activities that could produce noxious impacts for neighboring units. Also, related to the accessory alcohol sales, State ABC is requiring the City to provide approval for both on and off-premise alcohol sales since their permit covers both. (The City's previous approval for on premise only accessory sales was rejected by ABC).

There was not a representative present to represent the case so it was moved to the end of the agenda.

11. C-0819-14 – Mr. Kash Siddiqui is requesting a **Conditional Use** approval to allow a shopping center to be located at 5190 Medford Drive inside the Shoppes of Hoover shopping center. The property is zoned C-2 (Community Business District).
(APPROVED)

Staff Notes: Site is near parking limitation. Recommend condition that no additional restaurants with fixed seating be permitted on the site. Would also recommend color coordinating the building with adjacent buildings in the commercial subdivision.

Mr. Bill Wilson, Gonzalez-Strength & Associates, Woods of Riverchase Drive, Ste. 200, Hoover, AL 35244, was present to represent this case. Mr. Wilson stated they were going to be building one single story building on Lot 5, The Shoppes of Hoover, and were here for Conditional Use request to allow multiple tenant spaces additionally in this building. Mr. Wilson stated they have addressed comments from staff regarding this plan that had been submitted. Mr. Wilson stated they also have the owner, Mr. Siddiqui, present if they should have any questions.

Mr. Wood asked Mr. Mac Martin, City Planner, to address the parking spaces. Mr. Martin stated in examining the site layout plan, they had the restaurant portion which included indoor and outdoor dining which comes out to about 3,700 square feet total. Mr. Martin stated this combined with the retail space for this project got them to the point where they were pretty close to the maximum developability for this lot as it related to parking. Mr. Martin stated they were four (4) additional spaces over what was absolutely required for the site. Mr. Martin stated the square footage was key with the restaurant space that was there planned for and the retail space. Mr. Martin stated the addition of another unit with restaurant space would put this over the parking criteria required for the site, therefore, since they are so close to the amount of required parking, and any major adjustment to this that would put them over, staff's recommendation for this was to be a condition placed on the approval that no additional restaurant with fixed seating would be permitted in this shopping center in addition to Jubilee Joe's. Mr. Martin added that it was his understanding that the engineer's client may have some users that may have a food item with pick up service, but no fixed seating. Mr. Martin explained that based on staff's review, that that type service would be more like your average retail type establishment than a restaurant defined in their ordinance. Mr. Martin stated that as

long as there is no fixed seating, he felt they were ok including those types of uses in the general retail parking requirements. Mr. Martin stated that is the one condition they would feel comfortable recommending to the Planning Commission.

Mr. Wood asked Mr. Wilson if they had a problem with the comments Mr. Martin had just discussed such as no restaurant with fixed seating. Mr. Wilson stated the owner did not have any potential clients with a restaurant with fixed seating. Mr. Wood asked if the owner had a problem with this and Mr. Wilson answered the owner did not have a problem with this. Mr. Kash Siddiqui, owner, added he didn't want another restaurant with fixed seating.

Mr. Wood asked about colors and if they had any colored renderings of what they were planning on doing. Mr. Wilson answered they did have one and proceeded to show it to the Planning Commission. Mr. Wood asked if the Planning Commission had any issues with the colors. Mr. Wieseman asked for some confirmation of the colors. Mr. Reed asked for some clarification as well. Mr. Scott Boonhover, Boonhover Architecture, 3500 Mountain Park Drive, Birmingham, AL, 35213, came to the podium to say that the idea of the overall building was to try to fit in with the existing context of the shopping center and to not be overpowering, and to play off the existing palette that was there. Mr. Boonhover stated the strongest color was more of a taupe sand color and from there it was more of a sand and white accent. Mr. Boonhover stated these colors would play throughout the entire building and then explained the difference in the windows in the restaurant which would have a little more detail with grates at the bottom to give it more of a southern accent Cajun type feel. Mr. Boonhover stated the storefront itself would be much more cookie cutter in detail for obvious reasons. Mr. Siddiqui asked Mr. Boonhover to discuss the canopy, for which he did discuss and stated they were playing off the New Orleans restaurant Café DuMont on the canopy.

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 subject to the limitation on no additional restaurants requiring no fixed seating to be permitted within the same development. Mr. Shaw seconded the motion. On voice vote, the motion was approved.

12. C-0819-15 – Cole Williams, Goodwyn, Mills, & Kawood, Inc., is requesting to amend the site plan for the **Conditional Use** approval granted in January 2019 for The Crossings of Hoover, a Senior Living (Independent, Dependent, and Memory Care) Center to be located at 2171 Parkway Lake Drive. The property is owned by S&K Investments and is zoned PUD PI (Planned Light Industrial). **(APPROVED)**

Mr. Cole Williams, Goodwyn, Mills, and Kawood, Inc., 2701 1st Avenue South, Birmingham, AL, was present to represent this case. Mr. Williams told the Planning

Commission this was actually the third time he had brought this Conditional Use case before the Planning Commission because the owner/developer had made some slight tweaks either in the building footprint or elevation. Mr. Williams explained the difference in this and the last plan submitted and proceeded to show the most recent rendering and site plan. Mr. Williams discussed interconnectivity with sidewalks, and other key differences in this and the last plan.

Mr. Wood asked if there were any questions with Planning Commission members or anyone in the audience. There were none. Mr. Wood asked for a motion. Mr. Reed made a motion to approve. Mr. Shaw seconded the motion. On voice vote, the motion was approved.

Mr. Wood then brought back case ***#C-0819-13- The Crafters House***. Mr. Wood then asked if anyone was present to represent this case. Nobody spoke up. Mr. Wood asked if they could go ahead and vote on it, but then was decided since there were a few issues to discuss, it would be best to continue until the next meeting. Mr. Shaw made a motion to continue. Mr. Wieseman seconded the motion. On voice vote, the motion was approved unanimously.

There being no further business, the meeting was adjourned.

Vanessa Bradstreet
Zoning Assistant