

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: September 9, 2019
Time: 7:00 PM
Place: Hoover Municipal Center
Present: Mr. Mike Wood - Chairman
Mr. Jason Lovoy
Mr. Mike Shaw
Mr. Nathan Reed
Mr. Sammy Harris – Vice Chairman
Mr. Allan Rice
Ms. Jennifer Peace
Mr. Ben Wieseman

Absent: Mr. West

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

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. Harris gave the invocation.

3. Ms. Peace led the Pledge of Allegiance.

4. Mr. Wood stated every Planning Commission member should have received copies of the August 12, 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.

The following case was continued by the applicant to the October 14, 2019, P&Z meeting at 5:30 p.m.:

5. **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 announced the staff comments reflect the case was continued.

The following case was ***continued at the August 12, 2019, P&Z meeting:***

6. **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). **(Approved)**

Mr. Martin read the staff comments. He stated that the City recommends condition that crafting activities be limited to those listed or substantially 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, commercial 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-premises alcohol sales since their permit covers both. (The City's previous approval for on premise only accessory sales was rejected by ABC).

Ms. Hicks stated that she discussed having an outdoor activity once a month, which gives customers the opportunity to repurpose or revamp existing furniture in the facility's parking lot. She clarifies that pieces that are able to fit through the 23-inch door of the facility can be brought in on a daily basis; larger items will only be taken at the once a month Yard Sale Fix It.

Mr. Wood stated that he was not aware of parking lot activities and asked Mr. Martin to give more detail on its utilization.

Mr. Martin stated that typically a parking lot for a shopping center is solely meant for parking for the businesses and venues. He's not aware of taking up excess parking for an event unless authorized by his colleagues.

Mr. Shaw stated that he is familiar with the property and has observed that the parking lot is not very large, which causes issue during high volume utilization. He asked Ms. Hicks what her plan was to handle that.

Ms. Hicks stated that her business plan is to coordinate their calendar with the surrounding businesses to avoid conflicts during planned events.

Mr. Shaw states that he is concerned on where exactly the people with furniture will park and unload. He says that he finds it hard to envision this.

Ms. Hicks presented a diagram of the parking lot. She explained that there is parking on both sides of the facility. There will be one tent that will be in the back corner and additional parking in the front resulting in sufficient parking. She added that customers can walk up the sheer parking. She stated that in her lease, they are able to have parking in the immediate area as well as along Highway 31.

Mr. Rice asked Ms. Hicks the size of the tent and how many parking spots it will occupy.

Ms. Hicks stated that the tent is a 10X10 tent. It is intended to cover any paint and to keep services in an isolated area.

Mr. Rice asked if that was about two parking spaces.

Ms. Hicks stated about two.

Mr. Rice asked if that was all the parking that she could perceive for cars during this event.

Ms. Hicks stated yes.

Mr. Rice asked if any other spaces were taken.

Ms. Hicks stated no because they still have space in their 45X100 square feet. They are just limited on what customers can come to the door with.

Mr5. Rice asked if she would be open to setting restrictions on only two parking spaces being covered during the outdoor events.

Ms. Hicks stated absolutely.

Mr. Reed asked Ms. Hickman what she foresees the number of people attending this type of event.

Ms. Hicks stated that they have a limit of only 15 because they anticipate on having the store open during regular hours. If there is a sit down paint event, the max is 24.

Mr. Reed asked if she considered going into a cross agreement with the antique store next door when in need of additional parking.

Ms. Hicks stated no and that she has more so considered collaborating with the Taekwondo venue.

Mr. Wood asked Ms. Hicks if she planned to hold the events on a weekend or a weekday.

Ms. Hicks stated it would be held on Saturday's from 10 till Noon.

Mr. Wood asked Ms. Hicks if they made an agreement to use some of the neighboring spaces during events.

Ms. Hicks stated yes.

Mr. Wood asked the staff and audience if there were any other questions.

Mr. Rice stated the following conditions: one, if she does anything with the furnishings, painting, stripping, refinishing – none of that can result in any odors or fumes toward the neighbors. Secondly, not more than two parking spaces can be taken up at any time during outdoor events. Third, no delivery vans, trucks, or trailers during any outdoor events customers are permitted to pull into a parking space if the furniture fits in whatever they drove, however, they can't pull up with a 30 ft. trailer and off load a dining room table. He asked Ms. Hicks if she could carry those conditions out.

Ms. Hicks stated absolutely.

Mr. Rice made a motion to approve case C-0819-13. The motion was seconded by Ms. Peace. The motion was approved unanimously.

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

- (a) **S-0919-35** – S. Walter Britt, representing Branch Inverness Associates, L.P., is requesting **Final Plat** approval for a ***Resurvey of Lot 1B Inverness Corners***, a proposed two lot subdivision. The purpose of this resurvey is to build a drive through restaurant. Branch Inverness Associates, L.P. are the property owners and the property is zoned PC (Planned Commercial). **(Approved)**

Mr. Walter Britt was present to represent this case. Mr. Wood stated that the staff would recommend approval contingent upon the applicant providing staff with a parking evaluation that shows compliance for the overall shopping center located on these lots prior to the recording of this plat.

Mr. Wood asked if there were any other questions from the Board members or the audience. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve. Mr. Shaw seconded the motion. The motion was approved unanimously.

- (b) **S-0919-36** – Scott Rohrer, Blackridge Partners, is requesting **Final Plat** approval for **Blackridge Phase 2**, a proposed 37 lot subdivision. Blackridge Partners, LLC is the property owner and the property is zoned PUD PR-1 (Planned Single Family District). **(Approved)**

Mr. Richard Johnson was present to represent this case. Mr. Wood stated that the staff comments recommend approval contingent upon the applicant providing a guarantee in the amount of \$89,900.00. Mr. Wood asked Mr. Johnson if he was ok with the guarantee. Mr. Johnson answered he was.

Mr. Wood asked if there were any questions concerning this case. There were none. Mr. Rice asked for a motion. Mr. Rice made a motion to approve, with Mr. Shaw seconding the motion. The motion was approved by everyone except for Mr. Sammy Harris who abstained from the vote.

- (c) **S-0919-37**- Derek Meadows, Gonzalez-Strength & Associates, is requesting **Final Plat** approval for **Hoover Court, Plat No. 1**, a proposed 2 lot subdivision located at Braddock Drive and US Hwy 31. The purpose of this plat is to create two lots from an acreage parcel for commercial development. Murer, LLC and Hoover Court Investors, LLC are the property owners and the property is zoned C-2 (Community Business District). **(Approved)**

Mr. David Rawson was present to represent this case. Mr. Wood stated that the staff comments recommend approval. They stated to remove note for 15' minimum building line on west side of building pad. The hatched "no build" portion of the lot serves as the setback on that side.

Mr. Wood asked if there were any questions regarding the three cases mentioned. There being none, he called for a voice to motion.

Mr. Rice called for a motion on the three cases (a, b, and c) and was seconded by Mr. Shaw. The motion was approved unanimously.

8. C-0919-16 – Ms. Catherine E. T. Fetner, representing The Episcopal Church of the Holy Apostles, located at 424 Emery Drive in Trace Crossings, is requesting **Conditional Use** approval to allow the existing nursery to be used for the care of infants (6 weeks to 12 months), Monday through Friday, with a maximum of 8 children at any time. The

property is owned by The Episcopal Church of the Holy Apostles and is zoned PO (Planned Office). **(Approved)**

Mr. Wood called for the representative to come down and give a background of the plan.

Ms. Catherine Fetner, Southview Place, stated that a few years ago the Holy Apostles went through an envisioning process with a consulting firm in Huntsville which pinpoints the strength and excitement around their ministry. They found that their energy was around an infant center – a child care. They feel like it will fit the need of the community. There is not a lot of infant care at six weeks. There will be a maximum of eight infants and a staff of six.

Mr. Wood stated that he had not been aware of the fact that there would be a staff of six and asked if she planned to make that a part of the application.

Ms. Fetner stated yes.

Mr. Wood asked if there were any questions from the staff and audience. There being none he called for a voice to motion.

Mr. Harris made a motion to approve C-0919-16. The motion was seconded by Mr. Wieseman. The motion was approved unanimously.

Mr. Harris asked if this was an appropriate time to specify the six staff rule.

Ms. Fetner stated that there would be a maximum of six staff.

9. Z-0919-25 – Meade Whitaker, Jr., Frances Schoonover, William Paul Glass, Sherry Barrington, and US Steel are seeking to rezone approximately 273 acres from C-2 (Community Business District) and R-1 (Single Family Residential) to PDD (Planned Development District). **(Approved)**

Mr. Wood stated that there were no comments from the staff. Request is in keeping with the Comprehensive Plan.

Mr. Wood called Mr. Whittaker down to the stand for recording.

Mr. Whittaker, Oakwood Trail, came to the podium.

Mr. Wood asked if there were any questions for the applicant.

Mr. Omeed Nababian, Paradise Acres, stated that he is a part of the Paradise Acres Home Owners Association. He has a partial interest in the lake behind the division. He stated

that when the Patton Creek shopping center was built, there was substantial sediment that had settled into that body of water. This resulted in a lawsuit which developers had to pay a good amount of money to repair. He stated that he is very concerned with if there had been any study on drainage or a water assessment done. There has been a sewer dealership there that once again did damage to the lake. He wants to know the environmental concerns.

Mr. Wood stated that this is just a zoning case and it's not approving anything to be built out there. If they were to build something they would have to come back. Mr. Wood stated that if he got a notice this time, he would get a notice next time if they decided to build something.

Mr. Wieseman stated that it is a valid concern.

Mr. Nababian asked if they would get plans or if they would have to come to a body like this. Mr. Wood stated that they would need to come to a body like this for that information.

Mr. Rice reiterated that if there was a project for building on that land he would receive a notice. In that case they can issue protections for the lake and its surrounding neighbors.

Ms. Gloria Meek, Paradise Lake Rd., stated that she did not get a notice, but she is the president of the board. Their concerns are aimed at their subdivisions being cut through if something is built back there.

Mr. Wood stated that this is just a zoning case and any building plans would have to be bought before them first.

Ms. Meek asked if they had any idea what developers were planning to build.

Mr. Wood stated they didn't.

Mr. Shaw added that he has spoken with several residents from the Paradise Lake area. There is a common concern with additional roads coming from Highway 150. This zoning mechanic is a result of the comprehensive planning process to say it's good for the community, because it's a future planned zoning. Meaning right now it's zoned for commercial. They can put commercial on there right now. What he and staff identified is that in some of the complexities of strips of land, they knew that the developers would bring plans to them, so they said to go ahead and zone for that. New development can't happen there until there is a proven plan. He stated that it's great for the community because any plan that comes under this zoning has to be approved as a PUD. It's great for the developers as well because it gives them more flexibility to bring forth a plan and not

have this big chunk of land that's zoned commercial or residential, etc. It's going to only be used for a single purpose. It would be really good for everybody. It lets people see where the roads are going to go, what the additional restrictions are on the PUD - if there is a concern about access because that is a part of the planning process. If it were any other type of zoning, he'd say to be concerned. The great thing about this is that it's good for the community because there is going to be a plan and they will have input on that plan as far as access to make sure it does not come through the neighborhood. The developers benefit because they have the flexibility to bring a plan to the table instead of working through existing zoning.

Ms. Meek stated that she was concerned about not knowing how far back from the houses the work would be done.

Mr. Shaw stated that it would be a great part of the discussion. He also stated that when she looks at the topography, it's unlikely that they would want to do that. It would be part of the community planning and development discussion to make sure everyone is on the same page regarding access.

Ms. Meek replied thank you.

Ms. Angela Lamb stated that she was there to represent her mother, a home owner on Paradise Lake Circle. She stated that they went through a similar process a few years ago and she thinks the staff voted on the same land to change the zoning to commercial. She asked if she was correct and why they would change the zoning.

Mr. Rice stated that was a previous administration that heard that case. He does not think any of the current members would have addressed the process at the time. As Mr. Shaw mentioned, the current request is to keep up with the City's comprehensive plan. The plan does not lay out exactly what needs to be built on every piece of property, but it does say this general zone is more of a minimal to a particular use and this one is not. There's a broad number of categories. This says that that piece of property is one of the few remaining undeveloped large tracts in the City, and so it needs to have, as Mr. Shaw referenced, a specific development plan that goes with it rather than a very broad category which would allow a variety of purposes, which might not be best for the community. Right now the property owners with a C-2 zoning can go and build a shopping center and a number of different things without any approval from this body or from the City Council. They've already got it zoned so they can just get a building permit to work. It's in a pretty strategic area. We need you to bring in a specific planning and developing report. The development plan will show us exactly what you intend to do there. It gives the community a lot more opportunity for input at that point than if they just keep a C-2 zoning.

Ms. Lamb stated at best she recalled these are the same owners of the land that it was back then.

Mr. Rice stated he thinks that is correct.

Ms. Lamb stated their proposal was to put apartments back there. They had details on where the coal mines are and therefore the parking lots had to be over the coal mines so they don't collapse. She stated that she just wanted to mention that whoever puts something there needs to be very careful as well as the consideration of the board.

Mr. Rice agreed. They would have to come back with geotechnical surveys for whatever they plan to do on that property. That's a valid concern, but whoever owns it and whatever they propose to build will be required to go through certain elements to be successful.

Ms. Lamb stated thank you.

Mr. Bob Austin, Highland Crest Parkway, asked what is the definition of the planned development district. What is available to be put in there? Specifically, is multi-family planning included in that possibility?

Mr. Martin stated the Planned Development District, which was recently passed by the City Council and added to the zoning ordinance, is essentially a place holder for planned development. The property owner's developers will have to come back with, as Mr. Shaw said, a planning development and master plan illustrating what planning and zoning districts would be across the entire property, the use of certain portions of the property, and all other traditional elements of a master development plan. Again the PDD is really a place holder that sets up the next conversation for a master development plan for the site. Before anything could be planned out or built on the site the applicant will come back with a master development plan and lay out across the property the uses-it will be planned. That will then be considered by this body and the City Council.

Mr. Austin stated the question is still what can be put in there and does it include multi-family.

Mr. Wood stated he thinks it could.

Mr. Rice stated he thinks its whatever could be approved in a PUD at the time its presented.

Mr. Austin asked once this is approved, being if they want multi-families in there, then it's zoned for them.

Mr. Rice stated no. This category is very different from any other existing zoning category. There are no preapproved existing development board projects. It does not have a list like every other zoning category.

Mr. Austin asked if it is equivalent to un-zoned.

Mr. Rice stated it is not un-zoned. It's the zoning that says you've got to bring a PUD. We're going to get specific approval of the PUD.

Mr. Austin asked if there's nothing approved and nothing disapproved.

Mr. Rice stated that's correct.

Mr. Austin asked if there's anything to say that you couldn't put a gas station there.

Mr. Rice stated they would have to come with a PUD that included a gas station and the PUD would have to be approved for a gas station or any other type of usage. It's very different.

Mr. Austin stated he understood that. He's concerned about if we say it's a Planned Development District and they bring in a plan that includes things within it in which they can build. What happens if they say you approved our Planned Development District and this is something we can build in this planned development?

Mr. Rice stated from tonight forward it would work just like any other PUD. So they would have to bring a PUD. Say they bring in a C-2, and now we want to go with a PUD, it gets with that in isolation and every proposal used inside that PUD has to then be allowed or disallowed. This would work the same as if they really don't have any preapproval to do any specific project at this point. They have to come back to the PUD and that has to receive separate approval. Each element therein. He knows it's different.

Mr. Austin stated it is very different and that it has no parameters.

Mr. Rice stated it has no parameters. It says you have to bring them a PUD. That's the zoning classification.

Mr. Austin asked if it would require a public hearing for every step.

Mr. Wood stated that he would get to see it.

Mr. Weiseman stated the neighborhood will be able to see it, respond to it, and voice concerns over the plan and those uses and every step they are asking for.

Mr. Austin asked if they could bring in anything and say this is approved in a Planned Development District. This is something that can fit in there. You cannot legally restrict them from putting this in there because it's allowed.

Mr. Rice stated that could not happen. He stated that the scenario Mr. Austin presented can't happen because they wouldn't leave here tonight with preapproval for anything. They leave here tonight with the ability to bring back a PUD in the future that then goes through all the required steps.

Mr. Austin stated that they are back to the question of basically un-zoned. You can't do anything with it. They can't come in and put a commercial business, even though it's been C-2 without bring you a plan?

Mr. Wood stated it's zoned and that he is correct. They can't bring anything back that if they don't have approval from the body.

Mr. Austin asked if there's anything they could present to the board that they would be prohibited from denying because of this zoning.

Mr. Wood stated that is correct.

Mr. Pat Bruno, Wyngate Dr., stated he was representing resident Ms. Vaunger, who is an adjacent property owner. Two acres of her property was zoned the same as he thinks this property a couple of years back. He stated that they are concerned about it because they have another 15 acres that is in Jefferson County. He envisions the County and board will hopefully annex this into Hoover. Their problem has been density. What type of homes would the board permit on multi-family or townhomes? He stated that his client has health issues right now, so if they can come to some kind of understanding that would help move his property, and the two acres is a part of it, it would help them. He stated that he does not know how many acres are left from the zoning of the property two years ago, from USS. It is still not being addressed in the PUD.

Mr. Martin stated that he is not sure if he could adequately answer that question because the question that they are currently dealing with is for the property that has 270 plus acres with those owners. They don't really have anything to consider another property that's apart from that. He stated that he does not believe that he could answer that at this time.

Mr. Wood stated that the only thing that they could vote on tonight is the case before them.

Mr. Bruno stated that he is not asking for any voting tonight. He stated that his client got notices on two properties and that is why he is there. He is wanting to know if it is just her property or other entities that got zoned without permission that are still out there and how will the board work with the different entities that did it two years ago. He would like to know what his client will need to do to move her property.

Mr. Wood stated that he was not sure what Mr. Bruno was asking.

Mr. Bruno stated that he was not really asking and that he's trying to get the answer that he needs to go back to his client and explain to her. He stated that he knows what a PUD is. Basically the board will come to them and they will approve. His question is her two acres up there was made commercial about 800 yards off of Highway 150. So it being commercial up there really didn't help her. It's a higher zoning and higher taxes than what it used to be. There was a wealthy family before, but they traded with her years later with USS.

Mr. Rice stated that Mr. Bruno's starting point would be to sit with Mr. Martin to discuss all of the available options. She could apply for rezoning for property in a number of different categories, including this new category that currently sits before them.

Mr. Bruno stated he understood. Most of his properties are A-1 Jefferson County. He stated they have had problems in the past with the density, which reflects the multi-family. The property is a lot smaller than 270 plus acres. He was hoping that the board was open to annexing the property because it needs to be in Hoover. It's another 12 acres in size. The other property is 18 acres in size. All of these properties tie in to be a great addition to Hoover, but he believes the density could be the big issue.

Mr. Shaw asked Mr. Bruno if he is saying that there is one parcel currently that is in Hoover and another parcel that is not in Hoover.

Mr. Bruno stated yes.

Mr. Shaw stated the annexation is a Council matter. Mr. Bruno would have to talk to the Clerk. Mr. Curt Posey is the Council Chairman for annexation. As far as rezoning, he agreed with Mr. Rice and suggested that he could present any rezoning before this body and then the Council.

Mr. Bruno asked what was the purpose of USS wanting this zoning rather than the C-2, just on a broad spectrum.

Mr. Wood stated Mr. Bruno needs to talk to US Steel. He thinks it gives them more flexibility.

Mr. Wood asked the audience and staff if there were any more questions or concerns. There being none, he called for a motion.

Mr. Rice made a motion to approve zoning case Z-0919-25. Mr. Harris seconded the motion. The motion was approved unanimously.

10. Z-0910-26 – The City of Hoover is requesting to rezone the property located at **2869 Georgetown Drive** that was annexed into the City of Hoover from Jefferson County R-1 to Hoover R-1 (Single Family Residential District). **(Approved)**

Mr. Wood asked if there were any questions from the audience and staff. There being none, he called for a motion.

Mr. Harris moved to approve zoning case # Z-0910-26. Mr. Wieseman seconded the motion. The motion was approved unanimously.

11. Z-0919-27 – The City of Hoover is requesting to rezone the property located at **1856 Buttercup Drive** that was annexed into the City of Hoover from Jefferson County R-1 to Hoover R-1 (Single Family Residential District). **(Approved)**

Mr. Wood asked if there were any comments from the audience and staff. There being none, he called for a motion.

Mr. Rice motioned to approve zoning case # Z-0919-27. Mr. Reed seconded the motion.

There being no further business, the meeting was adjourned.

Vanessa Bradstreet
Zoning Assistant