

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: January 14, 2019
Time: 7:00 PM
Place: Hoover Municipal Center
Present: Mr. Mike Wood
Mr. Nathan Reed
Mr. Carl West
Mr. Ben Weiseman
Ms. Jennifer Peace
Mr. Allan Rice
Mr. Jason Lovoy

Absent: Mr. Mike Shaw
Mr. Sammy Harris

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. April Danielson, City Attorney Staff
Ms. Sharon 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. Rice 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 November 13, 2018, minutes (no minutes for December due to no cases submitted) and if no one had any changes to me made, he would ask for a motion to approve as written. Mr. West made a motion to approve. Mr. Rice seconded the motion. On voice vote, the minutes were approved unanimously.

5. Election of Officers for 2019. Mr. Wood announced the secretary would now have the floor for the election of officers for the upcoming year. Ms. Bradstreet announced the floor was open for nominations for Chairman. Mr. Rice nominated Mr. Mike Wood for Chairman. Mr. West seconded the nomination. With no other nominations made, the nominations were closed. Mr. Wood was unanimously elected Chairman for 2019 by all members except for himself who abstained from the vote.

Nominations were then taken for Vice-Chairman. Mr. West nominated Mr. Sammy Harris for Vice-Chairman. Mr. Lovoy seconded. With no other nominations made, the nominations were closed. Mr. Harris was unanimously elected Vice-Chairman for the upcoming year.

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

Mr. Wood explained the procedure in which the subdivision plats would be presented. Mr. Wood stated the Planning Commission had already gone over the cases in their pre-meeting work session and had satisfied themselves with any questions they might have had. Mr. Wood explained he would read each case and the Planning Commission would vote on them as a block. Mr. Wood added that if anyone in the audience had a question or comment regarding any case read, if they would raise their hand, he would move that case to the end of the agenda to discuss.

- (a) S-0119-01 - Mr. Jonathan Belcher, SB Dev. Corp., representing P.R. Wilborn, LLC, is requesting **Preliminary Plat** approval for **Lake Wilborn Phase 6**, a proposed 131 lot subdivision located at the south end of Sydenton Drive in Trace Crossings. This property is zoned PUD PR-1 (Planned Single Family) and is owned by P.R. Wilborn, LLC.

APPROVED

STAFF COMMENTS:

- (a) Recommend approval. Applicant requests a variance to allow the use of HP Plastic Pipe as shown in the plans for storm sewer pipes ranging from 18" to 42" in diameter.
- (b) Install **7 fire hydrants** at approved locations. Remit a check in the amount of \$4200.00 to cover the first three years rent.

Mr. Richard Johnson, Signature Homes, was present to represent this case. Mr. Wood asked Mr. Johnson if he was ok with the \$4200 for fire hydrant rental. Mr. Johnson answered he was ok. Mr. Wood asked if there were any questions from anybody in the audience or Planning Commission. There were none. Mr. Wood

asked for a motion. Mr. Rice made a motion to approve. Mr. West seconded the motion. The motion was unanimously approved.

Mr. Wood stated the next two cases were connected so they would be discussed together: (Z-0119-01 and C-0119-01)

7. Z-0119-01 – Mr. Jon Rasmussen, Gonzalez-Strength & Associates, Inc., requests to amend the zoning conditions for the site located at 2311 John Hawkins Parkway to allow (1) a parapet wall to extend to 24 feet, (2) a blade or tower to extend to a height of 27 feet, and (3) a flat roof at 18 feet to accommodate roof mounted HVAC and other equipment. **(APPROVED)**

8. C-0119-01 – Mr. Jon Rasmussen, Gonzalez-Strength & Associates, Inc., requests Conditional Use approval for a Pet Suites Resort. This request includes a revised site plan for a facility offering various services to pets, including grooming, nutrition, boarding, and other specialized services. **(APPROVED)**

STAFF COMMENTS: Applicant has removed the outdoor play area and is providing for additional sound proofing in the walls of the proposed facility.

Mr. Wood stated they had already heard this case once, and understood now there were some modifications made to the case. Mr. Charlie Beavers, Attorney, representing the applicant, 1819 5th Avenue North, Birmingham, AL 35203, was present to represent these cases. Mr. Beavers stated that this Board had already heard these cases and given a favorable recommendation. Mr. Beavers explained after the Planning Commission's recommendation, they had three different hearings before the City Council, had meetings with neighbors, did sound studies, tweaked plans and did many different things and eventually was denied by the council. Mr. Beavers stated all the issues that were raised all came back to the neighbors being concerned with the barking dogs. Mr. Beavers got back with the developer of Pet Suites and they then came back with taking all the outdoor runs being taken out of the plan. Mr. Beavers stated everything would be handled inside the building. Mr. Beavers stated he spoke with the staff, President of the City Council, and got back with the idea that this was such a significant change that they had a right under the code to come back to City Council and ask if they would reconsider its vote. As it turned out, the City Council did not want to take any action on this case at that time.

Mr. Beavers then stated that Pet Suites thought they had such a significant change with shifting the building toward Hwy 150, putting in extra landscaping and buffering, and moving everything inside, that they wanted to refile, which they did on December 19, 2018, and they were here now. Mr. Beavers stated they did want to request another meeting with the neighbors but hadn't been able to make it happen yet.

Mr. Beavers spoke about the new sound buffering materials that Pet Suites would put in the building and what kind of impact it would have. Mr. Beavers emphasized what they were presenting to them was a building that has no activity whatsoever between the back of the building and the neighborhood. There would be landscaping and a wall. Mr. Beavers stated the building was moved by 30 or 40 feet further from the neighborhood toward Hwy 150. Mr. Beavers stated all the activity would be held inside in a building that has buffering materials put in it where this would not be a hindrance to the neighborhood and would not intrude on anyone's enjoyment of their yard or their homes because of the way the development was being done. Mr. Beavers stated their client was willing to commit to that with the neighborhood in terms of written agreements with the neighborhood so that the neighborhood felt comfortable. Mr. Beavers then said he would like to invite Mr. Jon Rasmussen, Engineer, to go over the details of the new plan.

Mr. Jon Rasmussen, Engineer, Gonzalez-Strength & Associates, 2176 Parkway Lake Drive, Hoover, AL, came forward to give details of the new plan. Mr. Rasmussen pointed out the moving of the building forward about 40 feet which was the width of the outdoor play area on the old plan. He stated the plan would have the same amount of landscaping in the front and they would remove the fence. Mr. Rasmussen stated they were also increasing the STC (Sound Transmission Class) from a 35 to a 55 which drastically decreased the noise encroachment. Mr. Rasmussen stated the building would stay brick and explained that everything else pretty much stayed the same.

Mr. Beavers came up and re-emphasized the STC rating that went from 35 to a 55 which would prevent in an apartment complex in a multi-family home from being bothered by their neighbors' loud music on the other side of the wall. Mr. Beavers stated with this extra soundproofing, moving the building forward to make a larger buffer in the back, and landscaping would certainly make a difference with the neighbors. Mr. Beavers stated that was the objective of this proposal – to present a proposal to the city to make them feel comfortable that the residents would not hear anything. Mr. Beavers stated he felt this facility would be a tremendous win-win for everybody since it was a 3 ½ to 4 million dollar facility, a facility that would have great demand and be very attractive to a community like this as people cared about their pets. Mr. Beavers added that it also resolves a property that was zoned C-1 and could be developed.

Mr. Beavers then asked for a cross-section drawing to be shown to depict the elevation level. Mr. Beavers mentioned again that the neighbors wanted covenants, for which Pet Suites was willing to give, as well as another 6 foot tall wooden privacy fence to go against the other fence and run against the whole back line. Mr. Beavers added that Pet Suites has also agreed to install this fence and include in the covenants as well.

Mr. Beavers stated with all the work that has gone into this project, he felt it was a better proposal for all. Mr. Wood asked if anyone had any questions. Mr. Reed asked a

question regarding the wall sections and asked about Detail 1 sections vs. Detail 2 sections. Mr. Beavers answered Detail 1 was to show them the before and Detail 2 was after.

Mr. Rice then asked to clarify that the building would be full brick on all sides. Mr. Beavers answered that was correct. Mr. Rice asked if the brick facade would be part of the 55 STC rating. Mr. Beavers answered that was his understanding. Mr. Rasmussen agreed with that.

Mr. Wood asked if they were still in the same place as they were last time on the “smell” issues in regards to the dumpster area. Mr. Beavers answered they were in the same place. He emphasized the dumpster area was enclosed with a roof over it, and everything was bagged inside the dumpster and secured.

Mr. Wood then asked if the covenants would run with the land or with the individuals. Mr. Beavers answered they would run with the land. Mr. Wood then complimented Mr. Beavers, Mr. Rasmussen, and the developer for what he felt was a much better plan.

Mr. Mark Shows, 132 Pine Rock Lane, asked about the hours. Mr. Beavers stated he felt the covenants allowed them to go until midnight, but the actual hours in the documentation they had before were 6am until 7 or 8 at night. Mr. Shows asked for the lighting to be on timers after business hours. Mr. Beavers stated he didn't feel that would be a problem. Mr. Shows then asked what the dumpster pick-up times would be for which Mr. Beavers wasn't sure. Mr. Rasmussen showed Mr. Shows on the renderings where the dumpster would be located.

Mr. Shows also asked about blasting times. Mr. Rasmussen explained the Sub-Division regulations addressed those and he didn't think there would be much blasting, and felt that if they did have to have any blasting, it would be in the very front close to Hwy 150.

Mr. Shows asked how many pets would this facility hold. Mr. Beavers asked Mr. Martin if he had that information that was previously submitted. Mr. Martin answered he was showing from September that daytime operations were from 6:30 pm to 8 pm and holidays from 7am to 7pm, and the number of pets was 225 animals at peak time over the course of a day.

Mr. Jim Padko, 141 Pine Rock Lane, owned property right behind the building. Mr. Padko stated his concern that the covenants were still in the plans and the sounds factor. Mr. Beavers had Mr. Rasmussen put the landscape plan back up on the screen and pointed out the buffer plantings that would be made as well as the buffer wall that would be installed. Mr. Beavers stated these things would be put in the covenants as well. Mr. Beavers also added the 55 STC rating was not related to ambient noise.

Mr. Wood asked if there were any other questions from the audience or Planning Commission. Mr. Rice added he felt there were two things that were significant. One was that they were without their Council Liaison tonight, Mr. Shaw, who was unable to be here. Mr. Rice added that he felt in order to be successful at the next meeting, City Council, it would be very important that the City Council be fully comprised of all the changes that had been made in this project. Mr. Rice stated he had counted five different measures they were taking to this project to accommodate the concerns of the neighborhood, community, and the Planning Commission.

Mr. Rice added that the community dialog was very important. Mr. Rice then asked if it would be advantageous to his client to take the next 4 week period and have this information to pass on the neighborhood, for which there might be some neighbors who were unaware of the changes. Mr. Rice stated it would be most important for the City Council members to be made aware of all the changes.

Mr. Beavers explained how he had already discussed this situation with the client, but they had already had to negotiate an extension with the property owner who lives out of state and had to pay some more money to get that done. Mr. Beavers stated they would rather not extend it from this meeting as it would push them out of their contract. Mr. Beavers then added that one thing on their agenda was to contact all the council members to point out the new project as well as they were planning a meeting with the neighbors. Mr. Rice then added that it could be continued at the City Council meeting as well and he believed they had made substantial improvements to this project.

Mr. Wood explained to Mr. Beavers that it was his choice to continue or not. Mr. Wood said they would push his case to the end to let Mr. Beavers call his client.

9. C-0119-02 - Mr. Cole Williams, Goodwyn, Mills, & Cawood, Inc., is requesting to amend the site plan for the Conditional Use approval granted in February 2018 for The Crossings at Hoover, a Senior Living (Independent, Dependent, and Memory Care) Center to be located at 2171 Parkway Lake Drive on the corner of Montgomery Highway and Parkway Lake Drive. The property is owned by S&K Investments and is zoned PUD PI (Planned Light Industrial).

APPROVED

STAFF COMMENTS: All architecture and landscape architecture plans must be reviewed and approved by the Riverchase Architectural Committee.

Mr. Cole Williams, Architect, Goodwyn, Mills, & Cawood, 2701 1st Avenue South, Birmingham, AL 35233, was present to represent this case. Mr. Williams stated the Conditional Use approval was granted about a year ago. Mr. Williams stated in this period of time, the owner had made some internal changes to the project which had very

slightly changed the site plan. Mr. Williams then discussed the changes that had been proposed. Mr. Wood explained they had an opportunity to study this case at work session. Mr. Wood then asked if anyone from the Planning Commission or the audience had any questions. There were none. Mr. Wood asked for a motion. Mr. Weiseman made a motion to approve. Ms. Peace seconded the motion. On a voice vote, the motion was approved unanimously.

10. Discussion only of Subdivision Regulations Amendment regarding Final Plat deadlines and a Zoning Amendment for PUD Timeline.

Mr. Mac Martin, City Planner, stated the Planning Commission members had discussed this pretty well in the pre-meeting work session. He stated he wanted to make the public aware they are proposing two changes. One was to the sub-division regulations to amend the requirement for deadline for final plat submittal from 14 days to 21 days prior to the meeting. Mr. Martin pointed out it would be the same submittal deadline as all the other applications and also reducing requirement for physical copies of the plan upon initial submittal.

Mr. Martin explained the other alteration being proposed was an amendment to the zoning ordinance to lengthen the timeframe for which they had to study potential and submitted applications for new Planned Unit Developments. Mr. Martin stated this was for discussion only this month and would look to have some changes discussed at work session and potentially a public hearing at the next meeting.

At this time, Mr. Beavers came back to the podium. Mr. Beavers stated he could not reach his client and wanted to make sure the Planning Commission members know that he did not want Councilman Shaw left out. Mr. Beavers added that he didn't feel like he could ask for a continuance. Given that, Mr. Wood read the Items 7 & 8 again. Mr. Wood asked for a motion. Mr. Rice made a motion to approve Item 7 (Z-0119-01) Mr. Reed seconded the motion. On voice vote, the motion was approved by everyone except Mr. Wood who abstained from the vote.

Mr. Wood then read Item #8 (C-0119-01). Mr. Wood asked for a motion. Mr. Rice made a motion to approve Item #8. Ms. Peace seconded the motion. On voice vote, the motion was approved unanimously with the exception of Mr. Wood who abstained from the vote.

There being no further business, the meeting was adjourned.