

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: July 8, 2019
Time: 5:30 PM
Place: Hoover Municipal Center
Present: Ms. Jennifer Peace
Mr. Ben Wieseman
Mr. Allan Rice
Mr. Jason Lovoy
Mr. Sammy Harris
Mr. Mike Shaw
Mr. Mike Wood
Mr. Nathan Reed
Mr. Carl 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
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 June 10, 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. Ms. Peace seconded the motion. On voice vote, the minutes were approved unanimously.

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

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).

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. 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-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).
(CONTINUED)

Staff Comments: Recommend approval. Notes: The City has already been contacted by potential site developer concerning variances to site development requirements (landscaping). Staff recommends the subdivided lot be redrawn so it is of sufficient size to meet all development criteria. Staff can meet on a pre-application basis to discuss development criteria with the applicant.

Mr. Wood stated they did have some questions regarding this case and would move it to the end of the agenda.

- (b) S-0719-26 – Mr. Scott Rohrer, representing SB Dev. Corp., d/b/a Signature Homes, is requesting **Final Plat** approval for Abingdon Phase 1B – Resurvey No. 1, a proposed 1 residential lot and 1 common area lot subdivision located off Flemming Parkway. The purpose of this plat is to modify the common lot line between lots CA-5 and 3010. There are no other changes made by this map. VH Investments, LLC, is the property owner and the property is zoned PUD PR-1 (Planned Single Family District). **(APPROVED)**
Staff Comments: Recommend approval.

Mr. Richard Johnson, Signature Homes, was present to represent this case. Mr. Wood asked if there were any questions on this case. There were none.

Mr. Wood asked if anyone had any questions regarding this case. There were none.

- (c) S-0719-27 – Mr. Scott Rohrer, representing SB Dev. Corp., is requesting **Final Plat** approval for Flemming Farms Phase 1A, a proposed 11 lot subdivision located off Flemming Parkway. This subdivision is also known as Green Trails Phase 1A. SB Dev. Corp. is the property owner and the property is zoned PUD PR-1 (Planned Single Family District). **(APPROVED)**

Staff Comments: Recommend approval contingent upon the applicant providing a guarantee in the amount of \$94,000.

Mr. Richard Johnson, Signature Homes, was present to represent this case. Mr. Wood asked if he was ok with the \$94,000 guarantee. Mr. Johnson answered yes. Mr. Wood asked if there were any questions on this case. There were none.

- (d) S-0719-28 – Mr. Scott Rohrer, representing SB Dev. Corp., is requesting **Final Plat** approval for Brock Point Resurvey of Lots 48-50, being a resurvey of lots 48-50, according to the plat of Brock Point Phase 1B located on Brock Circle. The purpose of this resurvey is to add storm and wall and storm easements to lots 48-50. This property is owned by SB Dev. Corp. and zoned PRD (Planned Residential Development District). **(APPROVED)**

Staff Comments: Add note for front setbacks. Recommend approval.

Mr. Richard Johnson, Signature Homes, was present to represent this case. Mr. Wood asked if there were any questions. There were none.

Mr. Wood asked if there were any questions from members of the Board or the audience. There were none. Mr. Wood asked for a motion. Mr. West made a motion to approve S-0719-26, S-0719-27, and S-0719-28. Mr. Mike Shaw seconded the motion. On

voice vote, the motion was approved unanimously by everyone except for Mr. Sammy Harris who abstained from all three cases.

At this time, Mr. Wood directed they go back to case #S-0719-25 – **Final Plat** approval for the **Tattersall Park Resurvey No. 6**. Mr. Wood explained they had had some questions regarding the size of the lot. Mr. Wood asked who was present to represent this case. Mr. Robbin Phillips, Schoel Engineering, 1001 22nd Street South, B'ham, AL, was present to represent this case. Mr. Wood explained they had some conversations with one of the developers of this property and they had discussed variances on this particular piece of property. Mr. Phillips stated he wasn't aware of any variances needed on this property and nobody had discussed this with him. Mr. Phillips added that he (Schoel Engineering) was not doing the development on the site and nobody has approached him about needing a variance. Mr. Wood asked if any of the developers were at the meeting. Mr. Phillips answered no. Mr. Wood asked if anybody on the Planning Commission had a question. There were no questions.

Mr. Richard Yielding with RBY Properties stepped up to the podium to say he has worked with different people who have looked at the properties and he thought as a general rule people were looking to lay their lot out and then come and speak to the city. Mr. Yielding stated they had not submitted anything to EBSCO about submitting for any variances that he was aware of.

Mr. Mac Martin, City Planner, explained they did have communication from a potential developer of the site for the city's Landscape Architect, Sharon Nelson, that they were inquiring about variances to the site development criteria should the lot be platted as is and should they purchase the lot. Mr. Martin stated at this point, they felt like the variance was somewhat pre-mature since they didn't have a lot yet. Mr. Martin stated the inquiry was made and in particular for the landscape requirements that zoning places on the property. Mr. Martin stated they had extended an invitation for a pre-application meeting to go over the conceptual layout and discuss the next steps, and thus far, the prospective developer of the lot had not met with them.

Mr. Wood asked Mr. Yielding if he thought they were putting the cart before the horse. Mr. Yielding stated he felt the prospect was just trying to get feedback, which then led to further discussion about the approval of the plat. Mr. Wood asked Mr. Yielding if he didn't think his prospective buyer could make this building fit on this site, didn't he feel he should have him come in to speak to city staff to make sure it was going to work. Mr. Yielding stated he certainly could suggest he come in and talk and that would be in anticipation of closing on the lot and that would be 90 to 120 days from now. He added that if they didn't feel the site would work, they certainly would be under no obligation to close.

Mr. Shaw expressed his concern regarding this case and the fact that the developer wasn't present at the meeting to discuss it. Mr. Shaw stated he didn't want to see this get 90 to 120 days down the road and then have this subdivided lot which wouldn't work.

Mr. Yielding added that his experience and strategy dealing with out parcels was that most shopping centers laid their lots out and got them all approved before they went out to sell them. Mr. Yielding added that everyone that had gotten approvals had some things they had to get worked out in the past with landscaping and such.

Mr. Wood asked if anyone else had any questions or comments on this case. There were no questions or comments. Mr. Wood then explained to Mr. Yielding that they could leave it on the agenda for it to be voted up or down. Mr. Wood stated he felt there were some questions from some of the people who felt like they were going to be asked to make some variances in the future based on the information they had, or he could continue this case until he could get these questions answered. Mr. Wood told Mr. Yielding it was up to him to decide if he wanted to continue or not. Mr. Yielding first stated he wanted to go ahead and have them vote on the case because his client was under pressure to close and get open. Mr. Wood stated it was Mr. Yielding's call. Mr. Harris asked if this case was voted down, how long would it be before he could bring it back.

Mr. Robbin Phillips, Schoel Engineering, asked if it was voted down and they changed the lot configuration, was it still 6 months. Mr. Wood stated he thought it had to be a significant change. Mr. Wood stated he had been told that Mr. Yielding's client was concerned about if they could meet the Landscape Ordinance based on the land they had left.

Mr. West asked Mr. Martin how long ago it was that he spoke to this potential client and asked them to come in and meet with staff. Mr. Martin stated that the staff meeting on this particular item was held a couple of weeks ago and the applicants are invited to attend. Mr. Martin stated that Mr. Yielding was in attendance at this meeting. Mr. Martin stated he would have to get confirmation from Ms. Sharon Nelson, Landscape Architect, as to when the phone conversation was held. Mr. Martin stated he thought it was in the interim since the staff meeting since she was called and was posed the question about the possibility of the variances.

Mr. Wood asked if there were any other questions from the Board members or audience. Mr. Yielding stepped back to the podium and asked in case they were not approved on the variances, could they expand the width of their lot if necessary. Mr. Yielding stated they were not going to hold up the deal and have to come back in for re-approval. Mr. Yielding stated they had no knowledge of there being a problem. Mr. Wood explained they would still have to do a resurvey on the lot. Mr. Wood expressed to Mr. Yielding

again it was his call. Mr. Wood explained again there was some questions in the Commissioners minds about this case and he hated for him to have to wait six months to come back to the Planning Commission.

Mr. Yielding stated again he would think they would have a way to work out the requirements. Mr. Brooks Knapp, EBSCO Industries, stepped to the podium to clarify the situation. Mr. Knapp asked if this was turned down at this meeting, would it be six months before it could come back? Mr. Martin and Mr. Wood stated they needed to check on it to be sure. Some discussion was held among staff and Commission members. Mr. Wood told Mr. Knapp and Mr. Yielding they could move this to the end of the agenda while this was being researched by staff if they chose to do so. Mr. Knapp asked for this to be moved to the end of the agenda.

7. **C-0719-10** – Piyanka Ghosal, OBO AL Power Company, is requesting **Conditional Use** approval to allow Alabama Power Company, to own the residence (2177 Samuel Pass located in Reynolds Landing) as a demonstration home for emerging technologies and to continue to test and gather data related to electrical and solar applications. Jerry and Elizabeth Nowell are the property owners and the property is zoned PR-2. ***(Approved)***

Staff Comments: Staff recommends the following conditions:

1. **No signage on the property.**
2. **No more than two cars may park on the premises at any given time.
Excess parking will need to be provided off-site outside of the Reynold's Landing subdivision.**
3. **Any large scale events (50+ participants) showcasing the building will need to be advertised to the neighborhood HOA at least 48 hours in advance of the event.**

Ms. Piyanka Ghosal, representing AL Power Co., 600 Street, was present to represent the case. Mr. Wood asked if there would be anyone living in this home. Ms. Ghosal answered no. Mr. Wood asked if she heard the three conditions that the city had placed on the case and asked if she had a problem with the conditions. Ms. Ghosal answered she heard them and there was not a problem with them.

Mr. Wood asked if there were any questions from the Planning Commission or audience. There were none. Mr. Rice made a motion to approve case C-0719-10 as presented. Mr. Mike Shaw seconded the motion. On voice vote, the motion was approved unanimously.

8. **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). ***(CONTINUED)***

Staff Comments: Staff recommends the following conditions:

1. The facades of the two buildings shall consist of at least 80% brick.
2. Lighting for the site shall consist of fixtures that cast light downward below the horizontal plane.

Conditional Use Site Plan needs to include the following information:

- (a) Proposed post construction topo
- (b) Ingress/egress from buildings
- (c) Elevation renderings of the buildings

Mr. Josh Boyd, Inkana Development, 1501 Pumphouse Court, B'ham, AL, was present to represent the case. Mr. Boyd proceeded to show a slide presentation of his proposal. Mr. Boyd showed a rendering of the building and what they were trying to do. Mr. Boyd explained they were trying to get the look and feel of the area. He talked about the layout of the building, 80% brick facade, nice glass and had the look of a retail building. Mr. Boyd stated the single level look was important but was actually a bi-level building but what they saw from Ross Bridge and the highway was a single level building.

Mr. Boyd stated they had tried to put a lot of effort into the cosmetic look of the building to conform to the area and would be happy to work with the city on anything they needed to do to make it conform even more.

Mr. Boyd then discussed people's need for storage in Alabama and proceeded to show a need for storage in AL for population and different areas. Mr. Boyd stated they had taken this information and done a scientific calculation of where unmet needs are with the most storage needs. Mr. Boyd proceeded to show a slide regarding this information. Mr. Boyd stated they wanted state of the art facilities to include climate control, state of the art security system, (controlled with blue-tooth equipment), motion sensors 24/7, pest control, and climate and temperature humidity control, which is most important in storage.

Mr. Boyd presented and explained the site lay-out. Mr. Boyd pointed out there would no longer be a need for a parking variance as they had worked that out with the city and engineers. Mr. Boyd then presented their landscape architecture plan.

Mr. Rice addressed Mr. Boyd to say he knew the applicant was new, but this was the same site that was presented recently by another applicant. Mr. Rice then discussed the site plan and which way the building actually sat. Discussion was held regarding the layout of the building. Mr. Rice asked about the elevation of the building. Mr. Boyd explained it would be similar to the look he was depicting on the rendering and would carry these architectural elements around on every part of the building that faces the highway. Mr. Boyd explained these architectural characteristics would be what you

would see when you were at the intersection of Hwy 150 and Ross Bridge Parkway. Mr. Rice asked some questions regarding that statement. Mr. Rice asked if dumpsters or rear service area would be seen. Mr. Boyd answered no and went back to a previous slide to point those things out. Mr. Boyd explained the dumpster pad was at the railroad side.

Mr. Rice then asked if they would be asking for any variances in regard to their sign package. Mr. Boyd answered no. Mr. Boyd explained they would not have any type of monument sign and would maintain the city's ordinances on the building side.

Mr. Wood asked if there were any other questions. Mr. Mac Martin, City Planner, addressed the Commission, and stated he would like the applicant to confirm that the proposed site plan would meet the 1 space per 30 storage unit requirement. Mr. Boyd stated for the record they had 24 parking spaces and that would allow them per the ordinance up to 720 units, which they would be well underneath that cap. Mr. Boyd stated this project would only be roughly 85,000 square feet so it would not be over supplying the market.

Mr. Shaw asked Mr. Martin if we didn't have a proposed post construction topography, an ingress/egress from buildings, or elevation renderings, things that we needed for a conditional use. Mr. Martin answered yes, that we typically had that information with a Conditional Use application. Mr. Shaw stated he loved the presentation as far as the look and feel, but he didn't feel he could support it if they didn't have all the required drawings submitted. Mr. Wood agreed that was a good question. Mr. Wood explained to Mr. Boyd since they didn't provide all the information needed, a proposed construction topo which showed post construction, ingress/egress from the buildings, not the street, and elevation renderings of the building. Mr. Wood complimented Mr. Boyd on his market study but stated they still needed the information just requested. Mr. Boyd asked how to handle getting the required information to them. Mr. Boyd asked if they should continue this case until the next meeting and then provide this information. Mr. Wood explained if that is what he chose to do, then yes he could continue it. Mr. Boyd asked for a continuance until the next meeting.

Mr. Rice reminded Mr. Boyd about there being much commentary about the access from the Fire Marshal at the staff meeting. Mr. Rice asked if this had been satisfied. Mr. Boyd stated they had met with the Fire Marshal and felt that had been satisfied. Mr. Rice then asked Ricky Linn who was filling in for the Fire Marshal, Duke Moore, if he had any knowledge of this being satisfied. Mr. Linn answered that Duke Moore had told him the issue had been satisfied.

Mr. Wood confirmed the applicant was asking for a continuance. Mr. Wood asked for a motion. Mr. Rice made a motion for continuance. Mr. Shaw seconded the motion. With a voice vote, the motion was approved unanimously. Mr. Wood announced that if

anyone in the audience had an interest in this case, it would be heard at the next meeting, Monday, August 12, 2019, at 5:30 p.m. and no new notices would be sent out.

9. **Z-0719-21** – Mr. Brooks Knapp, representing EBSCO Industries, Inc., is requesting the **First Amendment to Tattersall Planned Unit Development** plan to make a change in the Development Criteria and to amend the signage language. This property is owned by EBSCO Industries, Inc., and is zoned PUD (Planned Unit Development). ***(DENIED)***

Notes: If the Commission offers a favorable recommendation to the Council on this amendment, staff suggests the following alterations to the proposed amendment to the Tattersall PUD:

- 1. Automotive dealerships are permitted with Conditional Use approval, subject to the sale of new automobiles being the primary, principal use. Used automobile sales and service shall only be permitted as accessory to new automotive sales.**
- 2. Motels with individual rooms opening to the exterior of the building shall be prohibited.**

Mr. Brad Siegal, Maynard, Cooper, & Gale, 1901 6th Avenue North, Birmingham, AL, was present to represent this case. Mr. Wood asked if there were any questions from the audience. Mr. Ron Warden, 3628 Shandwick Place, Greystone, Hoover, AL, stated he had been very active in the Greystone HOA for several of his 27 years. Mr. Warden stated he had been on the board when Mr. Yielding made his first presentation regarding Tattersall. Mr. Warden stated he and several others had lots of reservations about this case. Mr. Warden explained that 72% of Greystone entries came in through that back way and the automobile dealership would be stretched all the way across that property. Mr. Warden stated he felt it would be a great disadvantage and would hurt the property values. Mr. Warden strongly encouraged the Planning Commission not to approve this zoning amendment.

Mr. Bill Morris, 542 Castlebridge Lane, Hoover, AL, stated he was a resident of Greystone as well as had a business in this area, La-Z-Boy Furniture Store, on the corner. Mr. Morris stated he bought this property in 2003 and had to agree with all the restrictions on the property back then. Mr. Morris read a list of things not allowed back then and in having to meet all of the requirements back then, signage, exterior brick, added ½ million dollars to the cost of his project. Mr. Morris stated he couldn't see giving someone else leeway that he didn't have and didn't think it was fair. Mr. Morris stated his strong objection to this case.

Mr. George Drakos, 7000 Bradstock Court, Greystone, Hoover, AL, stated not only was he a Greystone resident, but he also owned businesses next to the La-Z-Boy property. Mr. Drakos stated they purchased their property in 2004, and like Bill Morris, had to sign a similar document and abide by strict restrictions limiting what they could do with the property after purchase. Mr. Drakos stated they also had to spend extra money to conform with the landscaping, signage requirements and such, so he stated he would echo Mr. Morris's remarks and would like to voice his opposition to allowing the car dealership behind them.

Mr. Rice asked Mr. Drakos if he was ever able to achieve a resolution on enhanced access to his parcel. Mr. Drakos answered he was not able to do that.

Mr. Steve McDaniel, 1200 Greystone Parc Drive, Greystone, Hoover, AL, stated from his perspective he felt they needed to honor capitalism and one of the basic tenants of capitalism is that when someone makes an investment of their money and they build value in the community, they should be rewarded by a good return on their investment. Mr. McDaniel stated the other thing they didn't talk about very much was just as important as when someone makes an investment and they don't add value so when something goes wrong, then they should suffer that they don't make a good return. Sometimes they may lose some of their investment. Mr. McDaniel stated it was obvious their first plan didn't work out that well. Mr. McDaniel asked everyone in the audience who was opposed to this car dealership to raise their hands. There were many hands that went up.

Mr. McKenzie, 2037 Shandwick Terrace, Greystone, Hoover, AL, asked about the motel portion of the request and asked Mr. Wood to explain. Mr. Wood stated that what this request was saying that if this request was approved, that it was not approved with the idea should a motel go on this sight, you could have exterior doors to the outside. Mr. McKenzie stated he was opposed to this being approved as well.

Mr. Trevor Nelson, 1839 Lancaster Road, Homewood, AL, but grew up in Greystone at 908 Linkside Way, stated he was speaking on behalf of his mother. Mr. Nelson stated he felt the show of hands in opposition earlier showed the community of Greystone did not want this property to include an auto dealership. He referred to Mr. Warden who spoke earlier about how 72% of residents entered through that access. Mr. Nelson brought up noise problems and traffic issues. He stated they wanted a neighborhood that was walkable and they were already purchasing bicycles to drive to the new Publix. Mr. Nelson emphasized planning something there that would add value to Greystone and the surrounding neighborhoods, and would be appropriate to younger people.

Ms. Lynn Meeks, 4037 Greystone Drive, Hoover, AL, explained she and husband Michael, were relatively new residents of Greystone. Ms. Meeks stated they wished that the P&Z

Commission would protect the portions of the city that were already designated appropriately for the businesses and for the residents.

Ms. Holly Wesinbarrow, 3765 Kinross Drive, a Brook Highland resident, not in Hoover, but stated the development very much affected those residents as well. She proceeded to say they were very much against car dealerships and motels. She said they were looking forward to a family friendly, community oriented business development that would appeal to families. She stated she felt it was turning into a safety issue.

Mr. Wood asked if anyone had anything new to add. Mr. Mike Shaw stated he would like to speak about this issue. Mr. Shaw then gave a brief history of how Tattersall evolved. Mr. Shaw stated he felt that they had made some great progress over the past couple of years getting the PUD in place in this area, but the idea of transitional zoning was taking the more intense route next to residential areas and he felt it didn't make sense to do that. Mr. Shaw again stated they had come a long way from planning perspective which was a good thing, but what they were being asked to do now was a significant step backwards, so this was not something he could vote for. Mr. Shaw stated he would vote "no" on this proposal.

Mr. Rice wanted to make a point that every time something of this magnitude was proposed, they made calls to the HOA's. Mr. Rice stated the Mayor personally made phone calls to their HOA's to speak about this request. Mr. Rice emphasized the Greystone community was not a forgotten area of Hoover. Mr. Rice added that anytime something came up that would impact their quality of life, they did reach out from City Hall to talk about it with the HOA's.

Mr. Sammy Harris asked which lot they were proposing for the car dealership. Mr. Martin, City Planner, stated in the discussions he had been part of, they were looking at approximately 13 or 14 acres of property between where Publix is being constructed and Greystone Way, so it would be toward the rear of Tattersall Development. Mr. Harris then confirmed this was closer to the neighborhood. Mr. Martin answered yes.

Mr. Wood asked if they would like to add anything to that. Two things were pointed out: that there was no interest in adding a motel so that was just some clarification language put into the request. Otherwise, from a zoning perspective, the idea from the developer's perspective, they were approached by someone who said they may have an interest in doing this project, as that was the only land available to do this with, so they were asked to request to put the zoning back the way it was to allow such a use. Mr. Wood then clarified they really didn't have a user yet, just someone who might be a proposed user. That was confirmed.

Ms. Donna McDaniel, 1200 Greystone Parc, Greystone, Hoover, AL, explained she thought it was stated that the dealership was on the back part of the property at that particular corner which the end of it would face the retirement home, the front of it would actually face the child care center, and the end of it would actually face Publix. Ms. McDaniel stated what they were not telling here was it would face the childcare center and the end of it would face the retirement home. Ms. McDaniel emphasized she would like to make that clear.

Mr. Wood asked if anyone else had anything new to add. Nobody raised their hand. Mr. Wood asked if any members of the Planning Commission had any questions or comments. Nobody spoke up. Mr. Wood asked for a motion. Mr. Wieseman made a motion to deny the proposal as submitted. Mr. Rice seconded the motion. The motion was unanimously denied. Mr. Wood announced the case had been denied and would go on to Council, as they had final say so. Mr. Wood stated they were a “recommending body” on these types of cases. They were advised to go on the City’s website to clarify when the meeting would be and to sign up for the “Notify Me” notifications.

10. Z-0719-23 – Mr. Ryan Goolsby requests rezoning of property located at **2807 Wisteria Drive** from C-2 (Community Business District) to C-P (Preferred Commercial Office District) for the purpose of building his new State Farm Insurance Agency. Mr. Goolsby is the property owner and the parcel is currently zoned C-2 (Community Business District).

APPROVED

Notes: No comment

Mr. Taylor Burton, 3239 Lorna Road, Hoover, AL, was present to represent this case. Mr. Burton explained he was speaking on behalf of Ryan Goolsby. Mr. Burton stated they were trying to change the zoning on this piece of property which was at the corner of Lorna Road and Wisteria to put a State Farm Insurance Building there. Mr. Burton explained the property was zoned C-2 (Community Business District) which had a lot of restrictions with it. Mr. Burton stated they were considering trying to remove the restrictions and put it back together, however, C-P zoning seemed to fit and work out better and they felt that would be what they needed to build the office building.

Mr. Wood stated he had some questions as to the restrictions that they were asking to be removed and the restrictions that would stay. Mr. Wood then asked Mr. Mac Martin, City Planner, to explain those restrictions.

Mr. Mac Martin, City Planner, stated he was reading over the letter sent to them by the Monte D’oro Neighborhood Association and it appeared that this letter was sent under a previous request that did not make it on to the agenda. Mr. Martin stated what was presently being considered was a rezoning from C-2 with a list of restrictions to C-P (Preferred Commercial Office District). Mr. Martin explained what the Preferred

Commercial does is limit the types of uses that can go on the property essentially to office type uses whereas even the C-2 district with some restrictions still would open the door to a number of different uses within that zoning district. Mr. Martin stated the letter dealt with a lot of the aesthetics, limited access to Lorna Road although the current request would access Wisteria, and another request dealt with exterior signage having to face Lorna Road. Mr. Martin stated he thought the prospective development would have a smaller monument sign out on Wisteria. Mr. Burton agreed. Mr. Martin added that it appeared that the development would comply with the other requirements as it had been brought up and submitted for the neighborhood's review.

Mr. Martin explained what had been proposed up to this point was to take the C-2 zone with its number of restrictions and go to the C-P (Preferred Commercial) which would limit quite a number of things, the size of the development, and would also limit the uses basically to office, and just have the C-P district stand on its own. Mr. Martin stated he would be glad to have any further conversation on this matter.

Mr. Burton added that they met with the HOA of Monte D'oro for approximately 1 ½ hours with about 9 members being present. Mr. Burton stated the biggest thing they heard from them was what would happen when the owner sold the building. Mr. Burton stated that question got them into the C-P mindset as they thought it would protect it, and the HOA was good with the things that limited the use. Mr. Burton stated this was a building that would build very similar to a house in construction, have very few cars, very little traffic as most of the insurance business done today was done by phone, so it was a very good location going from a very dense commercial of Hwy 31 and Lorna Road into that and into Monte D'oro.

Mr. Shaw thanked Mr. Burton for how this was approached and working with the community and for looking for the appropriate zoning for what they were planning to do. Mr. Shaw explained he felt they had provided a very good transition into the neighborhood.

Mr. Shaw asked Mr. Martin if he was confident if the C-P zoning handled all the original requests of the HOA. Mr. Martin answered that the C-P zoning was considered to be a considerably more restrictive district that C-2 was, not only in uses, but also confined the size of the development as well. Mr. Martin added that what the developer had submitted and the letter with requests did meet all the stipulations that are under the current zoning.

Mr. Wood asked if anyone else had any questions or comments. Mr. Sammy Harris asked Mr. Burton if the building was about 2600 square feet. Mr. Burton answered that was correct.

Mr. Adam Cross, 3209 Monte D'oro Drive, Hoover, AL, stated he was the newly elected President of the HOA, and stated they, as the association, wanted to make sure some agreements were met. Mr. Cross mentioned the 4 foot high sign, 6 feet wide, State Farm Logo with landscaping lights, no backlighting. Mr. Burton stated that complied with the sign ordinance. Mr. Cross added there were 12 parking places and plans to light the parking lot with lighting similar to what was currently on Wisteria and also to eliminate the run-off, a catch basin would be built to slowly drain into the storm sewer. Mr. Cross then addressed their landscaping and wanted to make sure that any of the landscaping disturbed would be replaced with similar plantings. Mr. Cross added they had agreed that a sprinkler system would be installed and they would include their landscaping, as well as he understood they were going to install a fence to outline the property. Mr. Burton explained there was a fence on the right side of the property and they discussed putting a fence down the back side of the property. Mr. Wood asked what type fence it would be. Mr. Cross answered a wooden privacy fence, similar to their neighborhood, would be good. Mr. Burton agreed to that.

Ms. Teresa Holditch, 3341 Monte D'oro Drive, addressed the Commission to say that she was the outgoing President of the HOA and one of the things she wanted to address was how much of a grading issue it would be to place the fence by the first house in the neighborhood and the parking lot. Mr. Burton stated they would be removing 4 or 5,000 yards of dirt as it was a very steep slope from the transition to the back side of the property and then from the back side of the property to the front side of the property. Mr. Burton added they would slope some of it and put in a retaining wall which would be about 9 feet high. Mr. Burton then showed where the wall location would be, well inside any boundaries and closer to their building, leaving there with a 2 to 1 slope which was almost what the topography was today on the back side of the property.

Mr. Wood asked if there were any other questions. There were none. Mr. Wood then proceeded to summarize what he had just heard. Mr. Wood stated they were going to put in a retaining wall and where they did not have a wall, there would be a 2 to 1 slope. Mr. Burton agreed. Mr. Wood stated they were going to put in a wooden fence on the back property line, sprinkler and landscaping (city would require that), detention pond (city would require that), signage- monument sign on Wisteria, 12 parking places and the lighting was the same as the neighborhood. Mr. Wood asked if he had missed anything. Mr. Wood asked if there were any other questions.

Mr. Shaw made a motion to approve to rezone this property with additional requirements regarding retaining wall, wooden fence along the back line, 12 parking places, lighting matching the neighborhood, and everything else governed by city ordinances. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

Mr. Rice made a comment to the neighborhood that they did read in the letter about the run-off issue and the stop signs. Mr. Rice explained although those subjects did not append to this case, they were discussed with the City Engineer in work session and there would be an engineering evaluation on both of those issues. Mr. Rice thanked the HOA for bringing those issues to their attention.

Mr. Wood then stated they would discuss the subdivision case that had been moved to the end of the agenda. Mr. Mac Martin, City Planner, explained that the question that had been posed as to how long one would wait before bringing a case back to the Planning Commission, in looking at the city's subdivision regulations, he did not find there was a six-month delay for a plat. Mr. Martin found that once a subdivision was brought to the Planning Commission, there was 30 days that the Planning Commission had to take action unless the applicant chose to continue the case. Mr. Martin explained that if the case was denied, they had to communicate the reasons. Mr. Martin stated there was no time delay mentioned in that section of subdivision regulations.

Mr. Yielding came back to the podium to say they would like to continue this case. Mr. Wood asked for a motion. Mr. Wieseman made a motion to continue S-0719-25. Mr. Harris seconded the motion. On voice vote, the motion was approved continuously.

11. Z-0719-24 – The proposed **Comprehensive Plan** for the City of Hoover will be discussed and put up for adoption by the Planning & Zoning Commission.

Mr. Mac Martin, City Planner, stated a Public Hearing had been held and additional discussion on the Comprehensive Plan on Tuesday, June 25, 2019, and coming out of that meeting there were two requests from the Planning Commission for substantive changes to the Comprehensive Plan. Mr. Martin stated there had been some other housekeeping minor changes, but there were only two changes of a substantive nature. Mr. Martin explained one of those changes dealt with cul-de-sac lengths, for which he referenced page 72 and highlighted the bullet point in question. Under the previous addition of this draft, there was a 200 foot length maximum that was recommended. Mr. Martin added that in the current draft version dated July 3rd, they had altered that to add language that did not specify a distance, as some felt that too prescriptive for a Comp Plan, so instead they offered some general guidance and minimized dead end streets.

Mr. Martin explained the other change which involved steep slopes. Mr. Martin referred them to page 102 of the July 3rd draft and stated that entire section had been reworked. Mr. Martin stated the comments were based on there being a level of discomfort with them having a 15% slope as a threshold for considering property for preservation. Mr. Martin stated they then generalized the language a little bit more and also included some educational best management practices as far as dealing with slopes and development were concerned, but Mr. Martin added it was his understanding from the the work

session, there was a desire for additional discussion on the steep slopes component of this, and if the Planning Commission did desire to adopt the Comprehensive Plan as a whole with the exception of this section, he would be glad to update the draft to where they had the adopted plan with the exception of this section and would note that this section was under consideration and would be amended in the future. Mr. Martin stated he would be glad to answer any questions.

Mr. Wood asked if there were any questions for Mr. Martin. Mr. Rice spoke up to address some feedback commentary about edge management and asked Mr. Martin to clarify what they were and were not doing. Mr. Martin stated some comments they had received from the public today were along the lines of wondering if there was still an edge management policy recommendation in the ordinance. Mr. Martin proceeded to discuss some of these issues. Mr. Martin stated the only reference to edge in the Comp Plan right now was referring to what is called the trend set model in the Introductory Section of the Comp Plan. Mr. Martin explained the trend set model was a third party creation to help give visuals to the edge of the city toward the center of town. Mr. Martin stated they were not making any policy recommendation for any geographical area being designated as edge management. Mr. Martin stated that had been removed altogether.

Mr. Rice addressed the steep slope issue, Shades Mountain and how to protect it. Mr. Rice asked the Planning Commission to consider moving forward to adoption of the plan, excising the language or excepting the language on page 102 and to make some sort of commitment, perhaps a 90 day timeframe, to come back within that window and address the issue of protection of the north facing slope of Shades Mountain. Mr. Rice stated he had lots of new information that had come in addressing different models on how to protect this slope. Mr. Rice asked if it was the will of this body to go ahead and adopt the plan and to commit they were coming back to deal with Shades Mountain issue within a 90 day timeframe.

Mr. Shaw commended Mr. Martin and countless others on the laborious task of putting the Comprehensive Plan together. Mr. Rice echoed Mr. Shaw's comments and added this was a monumental issue for the City of Hoover getting the first ever adopted version of a Comprehensive Plan.

Mr. Wood also complimented Mr. Martin on putting such a good plan together. Mr. Wood asked if anyone in the audience had anything to say.

Mr. Larry Roddick, 964 Shades Crest Road, stepped to the podium to say he, too, agreed that they all had done a great job with the plan. Mr. Roddick complimented them on monumental work and stated it was about time Hoover had a plan. Mr. Roddick

encouraged them to look into all the various approaches to steep slopes and stated he had information to share.

Mr. Harris added his compliments to Mr. Martin and others for producing a great document that would be very beneficial to the city and to the developers who were going to have to be involved with it to make it work.

Mr. Wood asked if there were any other questions. There were none. Mr. Wood asked for a motion. Mr. Shaw made a motion to approve Z-0719-24 – The Comprehensive Plan for Hoover, AL, with the one removal on page 102 regarding steep slopes and storm water management with the intent to come back with an update at a later date. Mr. Lovoy seconded the motion. On voice vote, the motion was approved unanimously.

There being no further business, the meeting was adjourned.

Vanessa Bradstreet, Secretary, Planning Commission

There being no further business, the meeting was adjourned.

Vanessa Bradstreet
Zoning Assistant