

## MINUTES OF MEETING

### HOOVER PLANNING AND ZONING COMMISSION

**Date:** November 8, 2021  
**Time:** 5:30 pm  
**Place:** Hoover Municipal Center  
**Present:** Mr. Mike Wood - Chairman  
Ms. Jennifer Peace –Vice-Chairman  
Mr. Mike Shaw  
Mr. Allan Rice  
Ms. Becky White  
Mr. Ben Wieseman  
Mr. Jason Lovoy  
Mr. Carl West  
Mr. Nathan Reed

**Also Present:** Mr. Chris Reeves, City Engineer; Mr. Blake Miller, Ass't City Engineer  
Mr. Marty Gilbert, Director, Building Inspections  
Mr. Mark Thornton, Fire Marshal  
Mr. Jason "Moose" Cope, Director of Technology  
Ms. Sharon Deep Nelson, Landscape Architect  
Mr. Jehad Al-Dakka, Chief Operations Officer  
Mr. Marty Gilbert, Director, Building Inspections  
Ms. April Danielson, Assistant City Attorney  
Mr. Rod Evans, Assistant City Attorney

#### 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. Rice gave the invocation.

3. Mr. West led the Pledge of Allegiance.

4. Mr. Wood announced that prior to this meeting, board members had been given the minutes from the October 11, 2021, meeting and if there were no changes or corrections he would entertain a motion to be approved as presented. Mr. Carl West made a motion to approve with Mr. Allan Rice seconding the motion. On voice vote, the motion was approved unanimously.

5. *The following case will be heard due to a court ruling recently rendered:*

Z-0421-08 – Darin Boykin on behalf of **Wal-mart** is requesting to amend conditions placed on the zoning of property at **2780 John Hawkins Parkway** (AL Hwy 150). The

property is zoned C-2 (Community Business District) with Conditions, with said zoning being adopted by the City Council on July 19, 1999. Specifically, Wal-mart requests the following amendments: (1) Condition #6 be amended to permit morning deliveries beginning at 4am until 10pm; and (2) Condition #19 be removed, lifting the prohibition on drive up/drive thru restaurants. The property would remain zoned C-2 with all remaining conditions intact. **(CONTINUED)**

**RECOMMENDED CONDITIONS/REQUIREMENTS: NONE. RECOMMEND APPROVAL AS PRESENTED.**

**OTHER CONSIDERATIONS/COMMENTS: COURT'S OPINION IS THE CITY MAY ACT TO ALTER THE ZONING OF THE SITE**

**COMPREHENSIVE PLAN: SUPPORTS COMMERCIAL DEVELOPMENT AT THIS LOCATION**

Mr. Allan Rice made a statement stating the City had received a determination from the Court that indicated that the City did retain the ability to hear this case and to make typical determinations as they would with any P&Z case for future use in dealing with zonings and conditional use cases. Mr. Rice stated they first had to find out the boundaries and parameters before they knew if they could even hear the case. The case had gone to court and it was rendered the City could hear and vote on the case.

Mr. Rod Evans, Attorney for the City, stepped in and picked up where Mr. Rice left off. Mr. Evans stated, based on the court's opinion, that the Planning Commission could hear the case and render its' recommendation. Mr. Rice then stated his personal preference would be to continue the case one more time for various reasons: (1) to get past the 1<sup>st</sup> of December timeframe that Mr. Evans had mentioned; (2) to make sure to have a full presentation and understanding of the case and that the applicant be present.

Mr. Shaw agreed with Mr. Rice's statements and questioned if the applicants were made aware to be at this meeting. Ms. Bradstreet, Secretary, stated it was her understanding the applicants were going to be there.

Mr. Vickery, a Cahaba River Estates resident, presented the AL Rule 62 of AL procedures to the Chairman that ruled on an automatic stay of 30 days from the judge's order and stated it might be wise to continue the case. Mr. Rod Evans stated he did have a copy of such and was aware of this procedure.

Mr. Wood asked for a motion to continue. Mr. Rice made a motion to continue with Mr. Shaw seconding the motion. On voice vote, the motion was approved unanimously.

6. **C-1121-19** – Richard A. Johnson II, representing TCVC Residential, LLC, is requesting Conditional Use approval for an Amenity Center and related appurtenances to be located in Knox Square. This property is zoned PUD PR- (Planned Single Family).

*(Approved)*

**RECOMMEND APPROVAL WITH THE FOLLOWING  
CONDITIONS/REQUIREMENTS:**

- **LAND AND BUILDINGS BE DEVELOPED IN SUBSTANTIAL CONFORMANCE TO THE ILLUSTRATIONS INCLUDED IN THE APPLICATION.**
- **OTHER CONSIDERATIONS/COMMENTS: PLANNING COMMISSION MAY WANT TO CONSIDER LIGHTING ALONG SIDEWALKS IN THE COMMON AREA IN A MANNER NOT TOO INTRUSIVE TO NEARBY RESIDENTS, SUCH AS LANDSCAPE UPLIGHTING**
- **COMPREHENSIVE PLAN: SUPPORTS PLANNED COMMUNITY AT THIS LOCATION**

Mr. Jonathan Belcher, President of Signature Homes, 3545 Market Street, was present to represent this case. Mr. Belcher described this area was located in their Knox Square Community, located across from the Hoover Met. He described in detail what the Amenity Center would include. He stated this building was approximately 2300 square feet of heating and cooled area which would serve the Knox Square community only and would include a kitchen space, some gathering space, an outdoor fire pit, a pergola that looked across the park area, and was situated on a parcel equal in size to a football field. Mr. Belcher emphasized this amenity was to serve only the 118 home sites there in Knox Square. Mr. Belcher presented renderings of this amenity.

Ms. Sharon Nelson, Landscape Architect, asked Mr. Belcher about adding some type of landscape lighting to light up the areas and wondered if that was included. Mr. Belcher stated they had not finished the CD's, but did plan to add low voltage lighting along the walkways and would add them to their architectural drawings.

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

7. **C-1121-20** – Richard A. Johnson II, representing TCVC Residential, LLC, is requesting Conditional Use approval for a Senior Multi-Family Community Complex comprised of 154 multi-family units and 10 detached cottage units which may offer concierge services, a life coach, community rooms, social activities and other indoor/outdoor amenities. This property is zoned PC (Planned Commercial). *(Approved)*

**RECOMMEND APPROVAL WITH THE FOLLOWING  
CONDITIONS/REQUIREMENTS:**

- USE AND PROPERTY RESTRICTIONS INCLUDED IN THE APPLICATION ARE INCORPORATED INTO THE APPROVAL OF THE CONDITIONAL USE
- LAND AND BUILDINGS BE DEVELOPED IN SUBSTANTIAL CONFORMANCE TO THE ILLUSTRATIONS INCLUDED IN THE APPLICATION.

**OTHER CONSIDERATIONS/COMMENTS:**

- ZONING ORDINANCE DISTINGUISHES BETWEEN SENIOR/RETIREMENT APARTMENTS AND OTHER MULTIFAMILY FOR PARKING CALCULATIONS. SENIOR/RETIREMENT APARTMENTS ARE REQUIRED TO PROVIDE 1 SPACE PER DWELLING UNIT.
- USE AND PROPERTY RESTRICTIONS INCLUDES REQUIREMENT THAT AT LEAST ONE PERSON PER UNIT BE 55+ YEARS OF AGE, AND NO MINORS UNDER 19 YEARS OF AGE CAN RESIDE IN A UNIT MORE THAN 60 DAYS IN A CALENDAR YEAR

**COMPREHENSIVE PLAN: SUPPORTS PLANNED COMMUNITY AT THIS LOCATION**

Mr. Jonathan Belcher, President, Signature Homes, 3545 Market Street, was present to represent this case. Mr. Belcher described this project as 164 age restricted homes. The site was zoned PC by the Trace Crossings 11<sup>th</sup> PUD Amendment. The development would include 10 detached cottages and would be a very high end apartment product with rental rates being in a range from \$1800 to \$2400 per month. Mr. Belcher explained since there units were age 55+, there would not be an impact on schools, would bring the lowest calculation on traffic, and would bring around \$180,000 in ad valorem taxes.

Comments made by the Commissioners were Mr. Shaw asked about the walkability factor and would this help complete the sidewalks all the way to Discovery United Methodist Church. Ms. White questioned the parking spaces and stated she didn't think there were enough. It was stated there were 197 parking spaces planned. Mr. Belcher stated they had found more on-street parking spaces.

Mr. Rice clarified for Ms. White that these buildings would be fully sprinkled.

Abingdon by the River residents spoke about traffic issues, apartments being an eye-sore, reflecting on property values, Brayden Circle being used for a cut-thru, drainage issues, and more. Abingdon by the River residents speaking were:

Jim & Peggy Little – 5831 Brayden Circle; Jim Baxley-5671 Brayden Circle; David Hawke-5643 Brayden Circle; John Nelson, 5695 Brayden Circle; Bruce Timpton- 5692 Brayden Circle; Peggy Little – 5831 Brayden Circle; Marcy Bakane-5778 Brayden Circle; Delia Kell,

5636 Brayden Circle. Mr. Steve Morgan and Mary Saggus, both Chestnut Trace residents, also voiced their concerns.

Mr. Shaw spoke about “existing” zoning and pointed out the potential “hotel” site as well as a traffic study for this type of development being low-impact.

Ms. Peggy Little asked about notification of this case. She stated that only one person in her neighborhood received a notice. Ms. Bradstreet explained the State of AL notification rule of a 500 foot boundary from the subject property and offered to give any interested party a list of the property owners that were notified if they would let her know.

Discussion brought about regarding the traffic lead to the issue of a “private gate”. Mr. Rice explained to the audience the issues of public vs. private gates and public vs. private roads. Mr. Belcher stated he would be happy to meet with the Abingdon property owners to discuss their concerns.

Mr. Wood asked if there were any other questions from the Commissioners or audience. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve with the following conditions:

- **USE AND PROPERTY RESTRICTIONS INCLUDED IN THE APPLICATION ARE INCORPORATED INTO THE APPROVAL OF THE CONDITIONAL USE**
- **LAND AND BUILDINGS BE DEVELOPED IN SUBSTANTIAL CONFORMANCE TO THE ILLUSTRATIONS INCLUDED IN THE APPLICATION.**
- **ZONING ORDINANCE DISTINGUISHES BETWEEN SENIOR/RETIREMENT APARTMENTS AND OTHER MULTIFAMILY FOR PARKING CALCULATIONS. SENIOR/RETIREMENT APARTMENTS ARE REQUIRED TO PROVIDE 1 SPACE PER DWELLING UNIT.**
- **USE AND PROPERTY RESTRICTIONS INCLUDES REQUIREMENT THAT AT LEAST ONE PERSON PER UNIT BE 55+ YEARS OF AGE, AND NO MINORS UNDER 19 YEARS OF AGE CAN RESIDE IN A UNIT MORE THAN 60 DAYS IN A CALENDAR YEAR**

Mr. West seconded the motion. On voice vote, the motion was approved unanimously.

**8. C-1121-21-** Andrew Lange, Vulcan Blue, LLC, d/b/a Aqua Tots Swim School, is requesting **Conditional Use** approval for **Aqua Tots Swim School** to conduct business as a swim school at property located at 1694 Montgomery Hwy, Ste 144 in the Centre at Riverchase Shopping Center. This property is owned by DLC Management Corporation and is zoned C-2 (Community Business Center). (*Approved*)

**RECOMMEND APPROVAL WITH THE FOLLOWING CONDITIONS/REQUIREMENTS:**

- **NO BLASTING BE PERFORMED IN THE EXCAVATION OF THE POOL AREA**
- **FACILITY MEET OR EXCEED ALL BUILDING/LIFE SAFETY CODES PERTAINING TO POOL FACILITIES**

**OTHER CONSIDERATIONS/COMMENTS: THIS IS A SIMILAR SCENARIO TO THE APPLICATION CONSIDERED FOR GOLDFISH SWIM SCHOOL AT THE GROVE, I.E. SHOPPING CENTER UNIT CONVERTED TO A SWIMMING POOL FACILITY FOR CHILDREN**

**COMPREHENSIVE PLAN: SUPPORTS COMMERCIAL DEVELOPMENT AT THIS LOCATION**

Mr. Andrew Lange with Vulcan Blue, d/b/a Aqua Tots, 2700 19<sup>th</sup> Place South, Ste 200, Homewood, was present to represent this case. Mr. Lange stated they were looking across the street to build the swim school. Mr. Lange stated Aqua Tots had about 160 locations across the nation.

Mr. Rice referred to the last indoor swim school approved and referred to the “no blasting” be performed in this indoor space and to follow all city guidelines relating to pool facilities. Mr. Rice stated they could excavate but no blasting allowed. Mr. Wood asked if there were any other questions from the Commissioners or audience. There were none. Mr. Wood asked for a motion. Mr. Shaw made a motion to approve with the recommended conditions. Mr. Reed seconded the motion. On voice vote, the motion was approved unanimously.

**9. Z-1221-31 – FOR INTRODUCTION ONLY –** Richard A. Johnson II is requesting a pre-zoning and annexation for property located at 5352 Highway 280 (Sam’s property) for a new Planned Unit Development (PUD). Wal-Mart Realty Company/Sharit Real Estate Holdings, LLC, are the property owners.

**COMMENTS: HEARING AND CONSIDERATION SCHEDULED FOR DECEMBER MEETING**

Mr. Jonathan Belcher, President, Signature Homes, 3545 Market Place, Hoover, AL, was present to represent this case for introduction only. Mr. Belcher stated this was a 15 ½ acres located adjacent to Hwy 280, just north of Shelby County Hwy 119 with Krispy Kreme donuts across the street. Mr. Belcher explained the site has about 4 ½ acres of proposed planned commercial with 11 acres of planned residential. He stated the commercial site would consist of 25,000 sq. ft and up to 120 townhomes in the residential portion. Mr. Belcher stated the site was currently located in unincorporated Shelby County, and adjoins City of Hoover on the west and the south.

Mr. Wood asked about parking. Mr. Belcher stated there were 225 spaces for the 120 units for residential which was 1.88 spaces per dwelling, and the commercial there were almost 8 spaces for 1,000 square feet because they expect most of the commercial will be restaurants. Mr. Belcher went on to explain more about the parking.

Mr. Belcher stated they had 3 access points, had a 20 foot prescriptive easement along side the AT&T building, and were working on a 3<sup>rd</sup> one being granted. Mr. Belcher added they would be sprinkling all the buildings, both residential and commercial.

Ms. White stated in the Traffic Study she was given, it didn't address the Hwy 119 intersection she was concerned with. She stated she would like to see that addressed. Mr. Belcher made a note of it and stated he would be prepared to address it at the next meeting.

Mr. Shaw addressed the estimated impact on the ad valorem value. Mr. Belcher estimated it would be in the \$110,000 range of ad valorem. Mr. Shaw brought up the McCloud Software business being out there in that area of town, one of the largest technology businesses in Hoover. Mr. Shaw asked about the walkability between the two areas. Mr. Belcher stated this would be something that could be asked about the pedestrian options out there.

**10. C-1221-22 – FOR INTRODUCTION ONLY** – Richard A. Johnson, II is requesting **Conditional Use** approval for the new PUD (Sam's Property) to be located at 5352 Hwy 280. This request in the PR-1 zoning amenities, parks, common areas, etc. In the PC zoning area it includes shopping centers, drive-thru's, drive-ups, and outdoor seating/dining. Wal-Mart Realty and Sharit Holdings are the property owners.

**COMMENTS: HEARING AND CONSIDERATION SCHEDULED FOR DECEMBER MEETING**

Mr. Wood stated this case went with the case before it and would be presented for vote at the next meeting.

Mr. Wood stated the Commission had gone over the next two cases at the pre-meeting work session and would vote on them as a block. He asked if anyone had a question regarding either one, to please raise their hand.

**11. S-1121-23** – Chris Peters, representing Gonzalez-Strength and Associates, is requesting **Final Plat** approval for a **Resurvey of Lots 15 & 16-A Johnson-Rast Addition to Green Valley Fairway**. The purpose of this resurvey is to create two residential lots. This plat will also vacate an easement. The owners of this property are James & Kaye Garrison and James & Betty Glass. The property is zoned R-1 (Single Family Residential).

**COMMENTS: RECOMMEND APPROVAL.**

**12. S-1121-24** – Scott Rohrer, TCVC Residential, LLC, is requesting **Final Plat** approval for a **Resurvey of Abingdon Lot 3032** located at 5611 Brayden Circle. The purpose of this resurvey is to enlarge Lot 3032 by adding additional acreage to the lot. Michael R. & Linda W. Barnett are the property owners and the property is zoned PUD PR-1 (Planned Single Family District).

**COMMENTS: RECOMMEND APPROVAL.**

Mr. Jonathan Belcher, 3545 Market Street, was present to represent this case. Mr. Wood asked if there were any questions on either of the two cases just read. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve S-1121-23 and S-1121-24. Mr. Reed seconded the motion. On voice vote, the motion was approved unanimously.

**13.** Multiple zoning amendments to the Zoning Ordinance presented by City Planner, Mac Martin, at the October meeting for introduction only to be continued until the December 13, 2021, P&Z meeting.

**COMMENTS: CONSIDERATION OF AMENDMENTS TO BE CONTINUED TO DECEMBER. STAFF RECEIVED COMMENTS FROM THE DEVELOPMENT COMMUNITY THAT WE ARE TAKING UNDER ADVISEMENT.**

Mr. Wood announced the zoning amendments would be continued until the December meeting.

Mr. Wood then announced this was Commissioner Carl West's last meeting and thanked him for his service to the Planning & Zoning Commission. Mr. Wood stated his service was appreciated and he would be missed.

Mr. Wood also thanked the policeman who attended the meeting for keeping everybody safe.

There being no further business, the meeting was adjourned.

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Vanessa Bradstreet, Zoning Assistant