

## MINUTES OF MEETING

### HOOVER PLANNING AND ZONING COMMISSION

**Date:** December 13, 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. Jason Lovoy  
Mr. Nathan Reed

**Absent:** Mr. Ben Wieseman

**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. Ms. Peace led the Pledge of Allegiance.

4. Mr. Wood announced the minutes from the November 8, 2021, meeting would be carried over to the next meeting.

#### 5. Election of Officers for P&Z for 2022.

Ms. Bradstreet opened the floor for nominations for Chairman. Mr. Rice made a nomination for Mr. Mike Wood for Chairman. Mr. Shaw seconded the nomination. With no other nominations made, the nominations were closed. A voice vote was taken and

Mr. Wood was elected Chairman by everyone except himself, who abstained from the vote.

Next, floor was opened for nominations for Vice-Chairman. Mr. Rice nominated Ms. Jennifer Peace for Vice-Chairman. Mr. Shaw seconded the nomination. With no other nominations made, the nominations were closed. A voice vote was taken and Ms. Peace was elected Vice-Chairman by everyone but herself, who abstained from the vote.

## 6. Requests for Preliminary and/or Final Map Approval:

Mr. Wood announced the Planning Commission had the opportunity to go over the subdivision cases at the pre-meeting work session and satisfied themselves with any questions they might have. He explained these cases would be voted on as a block but if anyone had a question regarding a case, to please raise their hand and this case would be moved to the end of the agenda.

- (a) **S-1221-26-A** – Mr. Nathan Spence is requesting **Preliminary Plat** approval for a **Resurvey of Lot 5A - The Crossroads Northeast, being a resurvey of Lot 5A according to Resurvey Lots 4, 5, & 6 The Crossroads Northeast, located on Adena Lane, Hoover, AL.** The purpose of this resurvey is to close the turnaround eliminating the crescent shape and putting that property into Lot 4. The property is owned by Dantract Inc. & CWD, LLC and is zoned PC (Planned Commercial).

Mr. Nathan Spence was present to represent this case. Mr. Wood asked if there were any questions on this case. There were none.

- (b) **S-1221-26-B** - Mr. Nathan Spence is requesting **Final Plat** approval for a **Resurvey of Lot 5A - The Crossroads Northeast, being a resurvey of Lot 5A according to Resurvey Lots 4, 5, & 6 The Crossroads Northeast, located on Adena Lane, Hoover, AL.**

**RECOMMENDED CONDITIONS/REQUIREMENTS: NONE. RECOMMEND APPROVAL CONTINGENT ON GUARANTEE OF \$45,700.00.**

**OTHER CONSIDERATIONS/COMMENTS: PRIVATE ROADWAY BEING REDUCED, DEVELOPABLE PROPERTY INCREASED**

**COMPREHENSIVE PLAN: SUPPORTS COMMERCIAL DEVELOPMENT IN THIS VICINITY**

Mr. Nathan Spence was present to represent this case. Mr. Wood asked Mr. Spence if he was ok with the guarantee amount. Mr. Spence answered yes. Mr. Wood asked if there were any questions on this case. There were none.

- (c) **S-1221-27** – Mr. Scott Rohrer, representing TCVC Residential, LLC, is requesting **Final Plat** approval for **Knox Square 1A – Resurvey No. 1** located on Colton Road. The purpose of this map is to modify the common line between lots 3318 and CA3-7 to make

Lot 3318 larger. TCVC Residential, LLC, and TCVC Commercial, LLC is the property owner and the property is zoned PUD PR-1 (Planned Single Family District).

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

**OTHER CONSIDERATIONS/COMMENTS:**

**COMPREHENSIVE PLAN: SUPPORTS MIXED USE/NEIGHBORHOOD DEVELOPMENT IN THIS VICINITY**

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.

- (a) **S-1221-28** – Mr. Scott Rohrer, representing TCVC Residential, LLC, is requesting **Final Plat** approval for **Knox Square Phase 1B (Formerly Trace Crossings Village Center)**, a proposed 39 residential lot and 3 common area lot subdivision. TCVC Residential, LLC, and TCVC Commercial, LLC is the property owner and the property is zoned PUD PR-1 (Planned Single Family District).

**RECOMMENDED CONDITIONS/REQUIREMENTS: NONE. RECOMMEND APPROVAL CONTINGENT ON GUARANTEE OF \$97,800.00.**

**OTHER CONSIDERATIONS/COMMENTS:**

**COMPREHENSIVE PLAN: SUPPORTS MIXED USE/NEIGHBORHOOD DEVELOPMENT IN THIS VICINITY**

Mr. Richard Johnson, Signature Homes, was present to represent this case. Mr. Wood asked if he was ok with the guarantee amount. Mr. Johnson answered he was. Mr. Wood asked again if there were any questions on this case or any of the ones read first. There were none.

Mr. Wood asked for a motion. Mr. Rice made a motion to approve S-1221-26 A & B, S-1221-27, and S-1221-28. Mr. Shaw seconded the motion. On voice vote, the motion was approved unanimously.

**The following case has been *withdrawn* at the request of the applicant:**

- (b) **S-1221-29** – Mr. Ray Weygand, Weygand Surveyors, representing Bob & Jason Mathews, is requesting **Final Plat** approval for **Mathew's Resurvey of Mayflower Drive**, a proposed 2 lot subdivision. Bob & Jason Mathews are the property owners and the property is zoned R-1 (Single Family Residential).

***The following case was continued at the November 8, 2021, P&Z meeting:***

7. **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. **(APPROVED)**

**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 IN THIS VICINITY**

Mr. Wood asked who was present to represent the case. Wal-mart had 2 representatives and an attorney in the audience who did not want to go to the podium to speak. Mr. Wood asked if there was anyone in the audience who was opposed to this case. Nobody voiced an opposition.

Mr. Wood stated what they were voting on now was only the two conditions mentioned. Mr. Rod Evans, Assistant City Attorney, wanted to point out that the conditions of this case were voted on by the City Council back in 1999. While there was a court case at that time regarding the original case, it had now been deemed that zoning conditions were allowed to change by virtue of the court order recently rendered regarding the most recent case; therefore the Planning Commission could vote on this case. Mr. Wood asked if there were any questions on this case. There were none.

Mr. Wood asked for a motion. Mr. Shaw made a motion to approve case Z-0421-08 with Mr. Rice seconding the motion. On voice vote, the motion was approved unanimously.

Mr. Wood announced the following two cases, ***Z-1221-31 and C-1221-22 were going to be continued by the applicant until the January 10, 2022, meeting.*** Mr. Wood asked if anyone was present who would like to speak about these two cases to please raise their hand, even though the cases would not be voted on this evening. Nobody raised their hand. Mr. Wood emphasized again the cases would be heard at the next meeting, 01-10-2022. He also stated no new notices would be sent out.

8. **Z-1221-31** – 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. **(Continued)**

**RECOMMENDATION: CONTINUE THE CASE TO THE JANUARY MEETING.**

**OTHER CONSIDERATIONS/COMMENTS:**

- **ADDITIONAL INFORMATION/STUDY WAS REQUESTED AT THE PREVIOUS PLANNING COMMISSION MEETING REGARDING NEARBY INTERSECTIONS. THE CITY HAS NOT RECEIVED THIS INFORMATION FOR REVIEW.**
- **POSITIVE RECOMMENDATION ALSO PENDING REMAINING COMMENTS BEING ADDRESSED**

**COMPREHENSIVE PLAN: SUPPORTS NEIGHBORHOOD COMMERCIAL AND MIXED USE DEVELOPMENT IN THIS VICINITY**

**9. C-1221-22** –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. **(Continued)**

**RECOMMENDATION: CONTINUE THE CASE TO THE JANUARY MEETING.**

**OTHER CONSIDERATIONS/COMMENTS:**

- **ADDITIONAL INFORMATION/STUDY WAS REQUESTED AT THE PREVIOUS PLANNING COMMISSION MEETING REGARDING NEARBY INTERSECTIONS. THE CITY HAS NOT RECEIVED THIS INFORMATION FOR REVIEW.**
- **POSITIVE RECOMMENDATION ALSO PENDING REMAINING COMMENTS BEING ADDRESSED**

**COMPREHENSIVE PLAN: SUPPORTS NEIGHBORHOOD COMMERCIAL AND MIXED USE DEVELOPMENT IN THIS VICINITY**

Mr. Wood asked for a motion to continue. Mr. Rice made a motion to continue cases Z-1221-31 and C-1221-22. Mr. Reed seconded the motion. On voice vote, the motion was approved unanimously.

**10. C-1221-24** – Sam Memdani and Kris Patel are requesting **Conditional Use** approval to allow a Convenience Store to include pizza/coffee be located at **2144 Clearbrook Road**. The property is owned by “Sam” Memdani and is zoned C-2 (Community Business District). **(Denied)**

**RECOMMENDED CONDITIONS/REQUIREMENTS: AFTER REVIEWING THE SITE AND SURROUNDINGS, STAFF IS NOT CONVINCED THIS IS THE MOST APPROPRIATE LOCATION FOR A GAS STATION. COMP PLAN ENCOURAGES “NEIGHBORHOOD COMMERCIAL” IN THE VICINITY. IT IS DEBATABLE WHETHER A GAS STATION FITS THIS CATEGORY, PARTICULARLY WITH THE PROPERTY BEING SO CLOSE (APPROXIMATELY 75 FEET) TO THE NEAREST RESIDENCE. THE PUMP ISLANDS/CANOPY WILL BE VISIBLE DOWN THE STREET IN THE RESIDENTIAL NEIGHBORHOOD.**

**SHOULD THE PLANNING COMMISSION FIND THE USE APPROPRIATE FOR THE LOCATION, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:**

- **PROJECT RECEIVES NECESSARY SETBACK VARIANCES FOR CANOPY AND BUILDING FROM THE BZA**
- **BUILDING AND CANOPY STRUCTURES HAVE FINISHES THAT ARE COMPRISED OF THE FOLLOWING MATERIALS: BRICK, STONE, GLASS, STUCCO PRE-CAST CONCRETE, POURED CONCRETE, AND/OR SPLIT-FACED CONCRETE BLOCK.**
- **NO OUTDOOR DISPLAY OF MERCHANDISE OR OUTDOOR STORAGE**
- **TRASH RECEPTACLES MUST BE FULLY SCREENED USING MATERIALS MATCHING THE BUILDING**
- **SCREENING WALL SHALL BE CONSTRUCTED ALONG WEST PROPERTY LINE INCORPORATING THE SAME MASONRY MATERIALS AS USED ON THE BUILDING. SAID WALL SHALL BE 8' TALL AND EXTEND FROM THE REAR PROPERTY LINE TOWARDS THE FRONT TO A POINT APPROVED BY THE CITY ENGINEER (ENSURE NO OBSTRUCTION OF TRAFFIC VISIBILITY).**
- **AN EVERGREEN LANDSCAPED STRIP SHALL BE PLANTED ON THE WEST SIDE OF THE SCREENING WALL. SIZE, DENSITY, SPECIES AND SPACE PROVIDED MUST ACCOMMODATE THE REQUIREMENTS OF THE TREE CONSERVATION ORDINANCE. (Article 13)**
- **ALL LIGHTING ON THE SITE, INCLUDING THE CANOPY, SHALL BE CAST DOWN BELOW THE HORIZONTAL PLANE OF THE FIXTURE. LIGHT LEAVING THE SITE SHALL NOT EXCEED MORE THAN 1 FOOT CANDLE INTENSITY. FIXTURES AND POLES SHALL BE COMPATIBLE WITH THE BUILDING ARCHITECTURE**
- **NEON AND LED TUBE LIGHTING IS PROHIBITED**
- **SIGNAGE ON THE SITE SHALL ADHERE TO THE FOLLOWING**
  - **DETACHED SIGN SHALL BE A MONUMENT SIGN NO GREATER THAN 12 FEET TALL AND 50 SF IN SIZE. NO PRICING SHALL BE DISPLAYED TOWARD THE RESIDENTIAL NEIGHBORHOOD**
  - **ATTACHED BUILDING WALL SIGNAGE SHALL BE NO MORE THAN 50 SF IN AREA**
  - **CANOPY SIGNAGE SHALL NOT EXCEED 50 SF. NO CANOPY SIGNAGE PERMITTED ON THE WEST SIDE OF THE CANOPY FACING THE RESIDENTIAL NEIGHBORHOOD. NO PRICING SIGNAGE PERMITTED ON THE CANOPY.**
  - **WINDOW ADVERTISING SHALL BE LIMITED TO 25% COVERAGE OF THE TOTAL WINDOW AREA.**
- **GARBAGE SHALL NOT BE COLLECTED BETWEEN 8PM AND 7AM**

**OTHER CONSIDERATIONS/COMMENTS:**

**COMPREHENSIVE PLAN: SUPPORTS NEIGHBORHOOD APPROPRIATE COMMERCIAL DEVELOPMENT IN THIS VICINITY**

Mr. Bryan Pressnell, Presnell Engineering, 1703 McConnell Lane, Mt. Olive, AL 35007, was present to represent this case. Mr. Pressnell asked for the Commission to approve this Conditional Use request.

Ms. Karen Johns, 2517 Mountain Cove, lives in the subdivision behind the old Piggly Wiggly, spoke in opposition against the gas pumps due to being too close to the residences, lights and noise as well. Mr. Shaw spoke in opposition, as well as Mr. Reed, due to the gas pumps being too close to residential areas.

Mr. Wood asked if there were any other questions. There were none. Mr. Wood asked for a motion. There was no motion made, therefore, it would go on to City Council as a no vote.

11. C-1221-23 – Mr. David Micena, representing **The Universal Church**, is requesting **Conditional Use** approval for a church to be located at **3133 Lorna Road, Ste 109**. The owner of the building is Lorna Town Square BHM, LLC, and the property is zoned C-1 (Neighborhood Shopping District). **(Approved)**

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

**BUILDING SATISFY FIRE AND BUILDING CODE REQUIREMENTS PERTAINING TO INGRESS/EGRESS AND FIRE SUPPRESSION FOR AN ASSEMBLY USE.**

- **HOURS OF ASSEMBLY USE BE LIMITED TO TIMES WHEN 25% OF THE SHOPPING CENTER BUSINESSES ARE CLOSED, EXCEPT FOR WEDNESDAY AFTER 5PM AND ALL DAY SUNDAY.**

**OTHER CONSIDERATIONS/COMMENTS:**

**COMPREHENSIVE PLAN: SUPPORTS COMMERCIAL DEVELOPMENT IN THIS VICINITY**

Ms. Myra Gonzalez, 3133 Lorna Road, was present to represent this case and stated they were willing to comply with all requirements presented by the city. Mr. Wood asked if there were any questions concerning this case. There were none. Mr. Wood asked for a motion. Mr. Shaw made a motion to approve including the conditions noted. Mr. Rice seconded the motion. On voice vote, the motion was approved.

**12.** Multiple zoning amendments to the Zoning Ordinance presented by City Planner, Mac Martin, initially at the October meeting, *will be continued until the January 10, 2022, meeting due to Mac Martin, City Planner, being absent tonight due to a death in his family.*

There being no further business, the meeting was adjourned.

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Vanessa Bradstreet, Zoning Assistant