

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: January 14, 2013
Time: 5:30 PM
Place: Hoover Municipal Center
Present: Mr. Mike Wood - Chairman
Mr. Allen Pate
Mr. Scott Underwood
Mr. John Lyda
Mr. Sammy Harris
Mr. Ron Harris- Vice -Chairman
Mr. Matthew Lemak
Mr. Carl West

Absent: Mr. Kelly Bakane

Also Present: Mr. Rod Long, City Engineer
Mr. Chris Reeves, Assistant City Engineer
Mr. Colin Conner-City Forrester
Mr. Frank Brocato, Fire Marshal
Mr. Don Reilly, Interim Director, Building Inspections
Mr. Bob House, House Consultants
Mr. Robert Rosenberg-City Attorney staff

1. **CALL TO ORDER**

The meeting was called to order by Mr. Mike Wood who then welcomed and introduced the newest member of the Planning Commission, Mr. Carl West. Mr. Wood then asked the Secretary to call roll.

2. Mr. Wood asked Mr. Sammy Harris to give the invocation.
3. Mr. Wood asked Mr. Underwood to lead in the Pledge of Allegiance.
4. Mr. Wood stated the members of the Commission had been given copies of the minutes of the December 10, 2012, regular meeting and asked for a motion concerning these minutes if there were no corrections or additions to be made. Mr. Ron Harris made a motion to approve the minutes as written. Mr. Lemak seconded the motion. On voice vote the motion carried unanimously.
5. **Z-1212-13** Jonathan Belcher, Signature Homes, is requesting to **rezone** property located at 2905 Hoehn Drive from A-1(Agriculture District) to PRD (Planned Residential Development District). They are also seeking **Conditional Use** approval for a Community Building and Pool. This property is owned by O'Neal Steel, Inc.

(This case has been continued to the February 11, 2013, P&Z meeting at the applicant's request.)

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

6. **C-1212-10** Deici Zavala is requesting **Conditional Use** approval for the sale of beer at Pollo Lucas located at 3305 Lorna Road, Ste 11. The owner of the business is Wells Fargo Bank, NA, and it is zoned C-2 (Community Business District).

(Continued from the December 10, 2012, P&Z meeting)

Approved

Ms. Deici Zavala, 2559 Mountain Wood Circle, Apt J., Vestavia Hills, AL, 35216, was present to represent this case. Mr. Wood asked if the applicant had been checked out by the police department. The secretary answered yes.

Mr. Wood asked if there were any questions. There were none. Mr. Wood asked for a motion. Mr. Sammy Harris made a motion to approve. Mr. Lemak seconded the motion. On voice vote, the motion was approved unanimously.

7. **C-0113-01** - The Hoover City Board of Education is requesting **Conditional Use** approval for the purpose of constructing a parking lot addition to an existing school parking lot. This property is located at 2250 Sumpter Street, 2239 Sumpter Street, and 2281 Hackberry Lane. The property is owned by The Hoover City Board of Education and is zoned R-1 (Single Family District).

Approved

Ms. Andrea Harbison, representing Lathan Associates Architects, P.C., 1550 Woods of Riverchase Drive, Ste 200, Hoover, AL, 35244, was present to represent this case. Mr. Wood asked Ms. Harbison to explain her case. Ms. Harbison stated they were applying for Conditional Use for the property adjacent to Shades Mountain Elementary School to be used as an extension to the parking lot. Ms. Harbison said she was joined by a team of Mr. Bill Wilson with Gonzalez-Strength and Mr. Charles Sowell, Landscape Architect, representing Hoover City Schools.

Mr. Wood asked Ms. Harbison to tell them a little about the lighting they were proposing. Ms. Harbison explained they were using LED lighting on 15' high poles. She stated there would be three wall mountings that would be located on the school property. At this time Mr. Bill Wilson, representing Gonzalez-Strength & Associates, 2176 Parkway Lake Drive, Hoover, AL, 35244 stepped to the podium. He stated he was the civil engineer on the project. He held up a drawing and pointed out the existing school, Shades Mountain Elementary School, Blue Ridge Blvd, and Hackberry Lane. He stated the School Board had purchased two residential parcels and had torn down the houses. Mr. Wilson stated this is where they were planning to do the parking extension. Mr. Wilson also pointed out an existing gym in that location, the existing parking lot, and the proposed parking area moved east from the existing parking location.

Mr. Wilson stated the light locations would be as follows: there would be two lights along

seven parking spaces adjacent to residential area; two along the curb line adjacent to Hackberry Lane; one on the north side of the parking lot, a wall pack on the gym, two wall packs on the existing school, and another light location in the existing landscape to eliminate the existing parking area to the north.

Mr. Wood asked how many parking places they were planning on adding. Mr. Wilson answered forty-eight places was the number they were adding. Mr. Wood asked what the reason for it was. Mr. Wilson answered it was simply to give additional parking area for the entire school. Mr. Wood asked if the landscaping had been checked out. Mr. Sowell answered it had been checked out.

Mr. Pate asked if they were keeping the lighting such as to not affect the single family residence next door to the school. Mr. Wilson answered yes, they were. He answered they were keeping it 0 trespass as far as lights across the property lines. He stated they were only doing 15' high light poles and that this house was probably approximately about 15' higher than what this parking lot would be and that they would have some shields and things such as that on the lights to keep the lighting away from these residents.

Mr. Wood asked if any other Planning Commission member had any questions. There were no questions. Mr. Wood asked if anybody in the audience had any questions. There were no questions. Mr. Wood asked for a motion. Mr. Scott Underwood made a motion to approve. Mr. Lemak seconded the motion. After a voice vote, the motion was approved.

8. **Z-0113-01** Mr. Terry Fick is requesting to rezone property located at 4121 South Shades Crest Road from R-1 (Single Family Residential) to E-1 (Single Family Estate District). The property is owned by Mr. Terry Fick.
Approved

Mr. Terry Fick, 4121 South Shades Crest Road, Hoover, AL, 35244, was present to represent his case. Mr. Fick stated the foundation for his request was built in 1982 or 1983 right after he purchased this property. He stated that was how long he had been planning to build the workshop, but for one reason or another, it just had not occurred until this point in time. He stated he had wanted to build himself a hobby shop with a full woodworking room to be able to do his woodworking, a favorite hobby of his, a finishing room to where he could control dust, humidity, and temperature for when he finished projects, one parking garage and a second level to house the inherited HO model railroader equipment that he had inherited from his father. Mr. Fick stated that at the time that he could not do any other hobbies, he would like to resurrect his father's train yard to be located on the second floor of his hobby shop.

Mr. Fick stated he would be happy to answer any questions. Mr. Pate asked if he had planned to put some kind of apartment on the second level of this building. Mr. Fick stated that was not part of his plan. Mr. Wood asked if any other board members had any questions. There were none.

Mr. Wood asked if anyone in the audience had any questions. Mr. Vincent Nelen, representing Baker, Donelson, 420 20th Street North, Birmingham, AL, 35203, stated he was at this meeting to represent their client, Southcrest Properties, the owner of the adjacent property to the

requested zoning. Mr. Nelen stated they were in opposition for three reasons. He stated the first reason was they thought the request was in opposition to the zoning ordinance. He stated the second reason was that the request in the application was missing required materials. He stated they did not think there had been a complete presentation given to the Planning Commission. Mr. Nelen stated the first point was quick and that the drawing submitted as part of the application was dated December 7, 2009, and was prepared for a February 2010 public hearing to resurvey the lots that this property encompasses to make it one lot rather than 2 separate lots. Mr. Nelen stated the drawing submitted failed to show the location and the dimensions of the existing or proposed buildings and failed to show where this garage would be in relation to side yard setbacks. Mr. Nelen stated he did not think it was compliant with the requested zoning request.

Mr. Nelen stated the second reason was that they believed the owner was operating a commercial automobile repair business on the property and they thought approval would allow him to go from one bay to three bays. Mr. Nelen stated they had done a simple Google search for Fick's Auto Repairs which returned an address located at this property and a phone number for the applicant. He stated they called 411 and asked for Fick's Auto and it returned a phone number for the applicant. He stated they had also researched a business database and it had returned this address for Fick's Auto Repair. He stated the best evidence they had was when they called the City of Hoover's Department of Revenue. They had asked if a business license existed for Fick's Auto Repair and their answer was yes, Fick's Auto Repairs did have an active business license which had just recently been renewed.

Mr. Nelen stated in one breath they had the applicant saying to the Commission that this was purely residential and purely personal in nature, and in the second breath, he was requesting and renewing a business license for a commercial business located on this parcel of property. Mr. Nelen stated he did not believe the use conformed with other property in the area, they did not believe the Commission had been provided with the adequate information to make a decision, and they had a petition signed by twenty-nine (29) people who opposed the request. Mr. Nelen stated he did have copies of the petition for all the members and for the record. Mr. Nelen stated that some of these people were prepared to speak against the rezoning if necessary. Mr. Nelen stated their request was for the Commission to vote against the rezoning.

Mr. Wood asked if anyone else in the audience wanted to speak for or against the request. There were none. Mr. Fick then wanted to add some information. He stated that originally he did have two lots when he purchased the property but had them resurveyed at the city's request when he applied for a building permit to build his swimming pool. He stated they property was named Fick's Subdivision for lack of a better name. Mr. Wood confirmed that it had been converted to one lot. Mr. Fick answered that was correct.

Mr. Fick additionally added the location on the map submitted on the concrete slab was the location of his hobby shop and stated he was well within the setbacks. Mr. Nelen approached the podium again to state the drawing submitted did not provide the location or measurements to show it was compliant with the requested zoning application.

Mr. Wood asked Mr. Bob House, House Consultants, if they weren't there tonight to determine whether this property would go from R-1 to E-1? Mr. House stated that was correct. Mr. House stated the applicant had chosen to provide them additional information about what he had

planned to construct on the property. He stated the concrete slab was shown on the site plan. Mr. House stated that in the text of his application, Mr. Fick stated that he was going to build the building on this concrete slab. Mr. House stated that the Building Inspections Department had reviewed the location of the slab to determine whether or not it complied with setbacks for accessory buildings and it did comply. Mr. House said if the application was deficient, it was probably only to the extent that he had not submitted a map showing the dwellings or buildings on adjacent properties. Mr. House stated that in regard to the site plan he had submitted, that it was complete.

Mr. Wood asked if there were any other questions or comments. Mr. Scott Cornelius, 6532 Oak Crest Cove, came to the podium to speak. Mr. Cornelius stated he lived in a small development of about 20 homes that is across the street and down several homes from where this proposed business would be. He stated his concern was that he had moved from out of state and moved to Hoover because of the zoning and Hoover's reputation of protecting the homeowners. He stated that if this home was zoned for residential, then he thought it should be kept residential and not commercial. He stated he had driven past this residence earlier in the day and seen several cars there and something covered up with a blue tarp. He addressed his concerns over the traffic that already existed on South Shades Crest, mostly in the mornings and afternoons.

Mr. Bob House addressed the Commission to emphasize the exact request. He stated they were here to consider a request to change from R-1 zoning, which allowed ¼ acre lots, to E-1 zoning, which required 1 acre lots, therefore the zoning of the property was actually becoming more restrictive, not less restrictive. Mr. House stated that theoretically, you could only build two houses on this property instead of 6 or 7 as it would be as it was currently zoned, hence making it more restrictive. Mr. House stated the zoning request had nothing to do with the business that was being run out of the dwelling. Mr. House stated that Mr. Fick had a letter on file with the City of Hoover, stating that the business that he was currently conducting, which was protected under the "grandfather clause" for many years, and for which he did have a business license, would continue to be operated out of the same location on the property which was from the garage attached to his house. Mr. House stated the accessory building that Mr. Fick had chosen to talk about in the application was for private purposes only and was permitted in any district and he had simply requested to go from R-1 to E-1. Mr. House stated that by approving this zoning request, they were not approving or expanding a business or really not having any effect on the business, other than making the zoning more restrictive, lower density, and an improvement to the area.

Mr. Terry Fick stepped back to the podium to state the site line for which the gentleman had spoken earlier would be interesting considering one could not see most of the backyard from the street. Mr. Fick stated that in his backyard, he did have a blue tarp covering a pile of firewood, and addressed a red 2007 Mustang which belonged to his son, a 1998 red F-150 pick-up truck, which belonged to him, a 1950 Buick Super 8, which belonged to him, a utility trailer with firewood on it, which belonged to him, and finally his wife's 2003 Ford Expedition. Mr. Fick stated that every vehicle that had been on his property in the last week belonged to his family.

Mr. Ron Harris asked Mr. Bob House, House Consultants, to verify that right now, with the property zoned R-1, somebody could come in and build approximately six (6) houses. Mr. Harris asked if the Planning Commission approved this request to go to E-1 zoning, based

on the zoning ordinance in place, somebody could only put two (2) houses on this existing parcel. Mr. Harris, then wanted to clarify, that from this standpoint, they would be making the property much, much more restrictive and having less of a potential impact on traffic in the area, schools, etc. Mr. House answered that Mr. Harris was correct.

Mr. Wood then asked if anyone else in the audience or Planning Commission had any other questions. Mr. Sammy Harris stated he wanted to make sure that Mr. Fick understood that he could not operate the business he was currently operating in the new building if it was built. Mr. Fick stated he understood. Mr. Lemak asked Mr. Fick if he had any intentions of doing so. Mr. Fick answered that he truly lost money on this business every year. He stated that the last time he made a profit was in 2009, which was for \$300.00. He stated the overhead in this type of business was getting more and more expensive and he could close his business up at any given time and did not have any intention of operating the business inside the hobby shop.

Mr. Wood asked if anyone else had any questions or comments. There were none. Mr. Wood asked for a motion. Mr. Ron Harris made a motion to approve. Mr. Scott Underwood seconded the motion. After a voice vote, the motion was approved.

With no further business, the meeting was adjourned.

Vanessa C. Bradstreet
Secretary, Planning Commission

