

## MINUTES OF MEETING

### HOOVER PLANNING AND ZONING COMMISSION

**Date:** February 14, 2022  
**Time:** 5:30 pm  
**Place:** Hoover Municipal Center  
**Present:** Mr. Mike Wood - Chairman  
Ms. Jennifer Peace –Vice-Chairman  
Mr. Mike Shaw  
Mr. Allan Rice  
Mr. Ben Wieseman  
Mr. Jason Lovoy  
Mr. Nathan Reed  
Ms. Becky White

**Also Present:** Mr. Blake Miller, Ass't City Engineer  
Mr. Marty Gilbert, Director, Building Inspections  
Mr. Mark Thornton, Fire Marshal  
Mr. Jehad Al-Dakka, Chief Operations Officer  
Mr. Marty Gilbert, Director, Building Inspections  
Ms. April Danielson, Assistant City Attorney  
Mr. Mac Martin, City Planner

#### 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 January 10, 2022, meeting had been distributed to the Board members and if there were no changes to the minutes, he would entertain a motion to approve as written. Mr. Mike Shaw made a motion to approve with Mr. Ben Wieseman seconding the motion. On voice vote, the minutes were approved unanimously.

#### 5. 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 any of these cases, if they would raise their hand, that case would be moved to the end of the agenda. Mr. Wood asked if there were any questions. There were none.

- (a) **S-0222-05** – Derek Meadows, Gonzalez-Strength & Associates, is requesting ***Final Plat*** approval for **Village at Brocks Gap Phase II Plat No. 2**, a proposed 3 lot subdivision located at Brocks Gap Parkway/Stadium Trace Parkway. The purpose of this plat is to create 3 lots from 1 lot of land for commercial development. The property owner is USS Real Estate and is zoned PI – Planned Light Industrial in the Trace Crossings PUD.

**COMMENTS: RECOMMEND APPROVAL WITH THE FOLLOWING CONDITION:**

- **SIDEWALK IS ADDED ALONG STADIUM TRACE PKWY WHEN LOT 1 DEVELOPS**

Mr. Derek Meadows, Gonzalez-Strength & Associates, was present to represent this case. Mr. Wood asked Mr. Meadows if he was fine with adding the sidewalk. Mr. Meadows answered yes. Mr. Wood asked if there were any further comments from the Board or any comments from the audience. There were none.

- (b) **S-0222-06**- Derek Meadows, Gonzalez-Strength & Associates, is requesting ***Final Plat*** approval for a **Resurvey of Lots I-1 & I-2 Stadium Trace Village Plat No. 2**, a proposed 1 lot subdivision located at Stadium Trace Village. The purpose of this plat is to create 1 lot from 2 existing lots for commercial development. The property owner is Broad Metro, LLC and is zoned Stadium Trace Village Planned Unit Development.

**COMMENTS: NO ISSUES. RECOMMEND APPROVAL.**

Mr. Derek Meadows, Gonzalez-Strength & Associates, was present to represent this case. Mr. Wood asked if there were any questions concerning this case from anyone.

- (c) **S-0222-07** - David Rawson, MTTR Engineers, Inc., representing Multi-Vest LLC/Baronwood Properties, LLC (Charles Kessler) is requesting ***Final Plat*** approval for the **Baronwood Commercial Subdivision**, being a resurvey of Lots 4 & 5 of 2<sup>nd</sup> Amendment to ATI Industrial Park subdivision and acreage. This is a proposed 4 lot subdivision located at ATI Parkway/Medford Drive. The property is owned by Multi-Vest LLC/Baronwood Properties, LLC (Charles Kessler) and is zoned I-1 (Light Industrial District in Hoover and R-4 (Multi-Family) in Jefferson County.

**COMMENTS: NO ISSUES. RECOMMEND APPROVAL.**

Mr. Blake Miller, Assistant City Engineer, stated the Engineering Department did have the following questions regarding this plat:

- Plat went from 4 lots in the version staff reviewed to 3 lots in the version that Jefferson County signed. Is the intent to change from an apartment complex and an assisted living facility? How will this affect the traffic study that was previously performed?
- There is a sewer easement on the east side of the resurveyed lot 1. That existing easement goes under Medford Drive. Is there an intent to connect any of these lots to that sewer easement? If so, where will this sewer easement go? Their main concern was that a building could be built on top of the easement.
- The preliminary plats showed three detention pond areas in the resurveyed Lot 2. This plat only shows one detention pond. Will that single pond be large enough to handle storm water detention for all of the resurveyed Lot 2?
- Staff recommends approval. Two bonds have already been paid – one for the signal contribution at SR-150 and ATI Parkway (\$125,000); and one for improvements (\$151,500).

Mr. Wood asked if there were any comments on this case from anyone. There were none. *Mr. Wood decided to come back to this case at the end of the plats section to discuss the questions with the representative of the case.*

- (d) **S-0222-08** - Scott Rohrer, representing TCVC Residential, LLC and TCVC Commercial, LLC, is requesting **Final Plat** approval for **Knox Square Phase 2 (formerly Trace Crossings Village Center)**, a proposed 57 residential lots, 2 commercial lots, and 5 common area lot subdivision. The property is owned by TCVC Residential, LLC and TCVC Commercial, LLC and is zoned PUD PR-1 (Planned Single Family) and PC (Planned Commercial).

**COMMENTS: RECOMMEND APPROVAL WITH THE FOLLOWING CONDITIONS:**

- **ADD SETBACKS TO THE COMMERCIAL LOTS**
- **Recommend \$225,000 bond for improvements to Stadium Trace Parkway and to Knox Square**

Mr. Bob Easley, AL Engineering Co., Inc., was present to represent this case. Mr. Wood asked Mr. Easley if he was ok with the bond amount and the comments for the case, in which he answered he was fine with both. Mr. Wood asked if there were any other comments from the board or anyone in the audience. There were none.

- (e) **S-0222-09** – Scott Rohrer, representing Blackridge Partners, LLC, is requesting **Final Plat** approval for **Blackridge Phase 3**, a proposed 54 lot subdivision located on Blackridge Lane. The property owner is Blackridge Partners, LLC, and is zoned PUD PR-1 (Planned Single Family) district.

**COMMENTS: NO ISSUES. RECOMMEND APPROVAL.**

**RECOMMEND A \$400,000 BOND FOR IMPROVEMENTS.**

Mr. Bob Easley, AL Engineering Co., Inc., was present to represent this case. Mr. Wood asked Mr. Easley if he was ok with the \$400,000 bond amount in which Mr. Easley answered he was fine with that amount. Mr. Wood asked if there were any other questions or comments from the board or the audience. There were none.

Mr. Wood asked for a motion. Mr. Rice made a motion to approve **S-0222-05, 06, 08, and 09**. Mr. Shaw seconded the motion. On voice vote, the motion was unanimously approved.

Mr. Wood announced they would then go back to talk about case **S-0222-07**. Mr. Thornton Ratliff, 2914 Linden Avenue, Homewood, AL, was present to speak about this case. Mr. Blake Miller, Assistant City Engineer, then repeated the Engineering Comments regarding this case. Mr. Miller asked about how the traffic study originally prepared, would be impacted by the going from 4 to 3 lots. Mr. Ratliff answered this would not affect the traffic flow at all based on information they had received today from Skipper Consulting.

Mr. Miller then asked about the sewer easement on the east side of resurveyed lot 1. Mr. Miller stated that existing sewer easement ran under Medford Drive and asked if there was any intent to connect any of these 3 lots to the existing sewer easement. Mr. Ratliff stated he would then ask the engineer, Mr. David Rawson, to speak about the connectivity.

Mr. David Rawson, MTTR Engineers, 2500 Southlake Park, Ste 100, Hoover, AL, 35244, stepped up to the podium to address this question. Mr. Rawson stated they were going to connect with that sewer and had had several discussions with Jefferson County and had come up with a plan, which he then described in detail. Mr. Miller asked about the risk of building a building on top of the sewer easement. Mr. Rawson stated he did not think that would ever happen because Jefferson County would not let that happen.

Mr. Miller stated the next question was the preliminary plats showed 3 detention pond areas on the resurveyed Lot 2 and the current plat showed only 1 and asked if this single pond would be large enough to handle the storm water detention for all the resurveyed Lot 2. Mr. Ratliff answered it would be large enough to handle all of Lot 2.

Mr. Wood asked if they had satisfied all their questions. Mr. Miller stated yes. Mr. Wood asked if there were any other questions.

Mr. Alex Farris, 2134 Woodledge Drive, Hoover, AL, stepped to the podium to ask about access to his property (approximately 10 acres). Mr. Farris stated he understood there had been a recording of an easement and asked if there was a definition of what the easement was. Mr. Wood asked if anyone had that. Mr. Farris went on to say his property was in Hoover and was zoned commercial. Mr. Farris stated they had requested

this easement be added for commercial development with his property. Mr. Farris stated he felt the easement was inadequate to do what they needed it to do. Mr. Wood stated he felt Mr. Farris needed to address that subject with the City on this subject and not the developers. Mr. Wood asked if the city had had a chance to look at the easement. Mr. Chris Reeves, City Engineer, stated they had examined the easement and were good with it. Mr. Wood passed that info on to Mr. Farris in which Mr. Farris thanked them for their efforts.

Mr. Shaw asked if there was any drainage on the city portion of lot 2. Mr. Shaw was told that was the county portion. Mr. Shaw asked if there were any concerns on the drainage in the city's portion based on this plat or was there more to it.

Mr. Reeves stated that on Lot 1, there was a storm water easement on the plat and in this particular situation, the engineer for this developer did comply with the MS4 requirements although they were not required to as this was actually submitted back in October of 2019, so this would address storm water per the Hoover code on Hoover lots. Mr. Shaw reiterated the Hoover lots were under the new city code. Mr. Reeves stated that was correct.

Mr. Wood asked if there were any further questions or comments. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve S-0222-07. Mr. Reed seconded the motion. On voice vote, the motion was approved unanimously.

6. **C-0222-01** – B & P Rental Properties, LLC, is requesting **Conditional Use** approval for a tenant to hold church Bible studies at property located at 3241 Lorna Road. B & P Rental Properties, LLC, is the property owner and the property is zoned C-1 (Neighborhood Shopping District).

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

- **THE SPACE USED BY THE CHURCH IS LIMITED TO 49 OCCUPANTS**
- **THE BUILDING IS MADE FULLY COMPLIANT TO BUILDING AND FIRE CODES APPLICABLE TO THE USE**
- **HOURS OF OPERATION ARE LIMITED TO THE TIMES SPECIFIED IN THE APPLICATION TO MINIMIZE CONFLICTS WITH OTHER SITE USERS**
- **THE FOLLOWING IMPROVEMENTS ARE MADE TO NONCONFORMITIES EXISTING ON THE SITE:**
  - **THE DUMPSTER ON SITE NEEDS TO BE LOCATED WITHIN AN ENCLOSURE (WALLS/FENCING ON 3 SIDES AND DOORS ON THE FRONT, ALL OPAQUE)**
  - **PARKING SPACES ARE CLEARLY MARKED/PAINTED.**
  - **THE BILLBOARD ON THE PROPERTY IS REMOVED**

**OTHER CONSIDERATIONS/COMMENTS:**

- **SEC. 12.11.02 CLASSIFIES BILLBOARDS AS NON-CONFORMING SIGNS ENGAGING IN OFF-PREMISE ADVERTISING. SAID SECTION STATES THAT BILLBOARDS EXISTING ON PROPERTY SHALL BE REMOVED.**

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

Mr. Taylor Burton, 2428 High Bluff Road, Vestavia, AL, was present to represent this case. Mr. Burton stated he had been the owner of this property for many years. Mr. Burton stated he agreed with everything except for 2 things: He said he didn't see the rationale for the dumpster screening due to it not being able to be seen from the street. Mr. Burton stated the billboard sat on the property line and had almost 9 years left on the lease. Mr. Burton stated the church worked perfectly on the property for them. They had a joint parking agreement and would be a great tenant for them.

Mr. Wood asked Mr. Mac Martin to speak about billboards. Mr. Martin stated the zoning ordinance classified all billboards that are existing in the city as non-conforming signs that are engaged in off-premise advertising and the ordinance did not encourage the survival of billboards as non-conformities and did state they needed to be removed. Mr. Martin stated the zoning ordinance's goal where billboards were concerned was to not have billboards in the city limits per the zoning ordinance.

Mr. Martin stated in this case, there was a new use being proposed for the property, a new occupant that has come along, prompting the need for a conditional use approval, hence, this would be an appropriate time to deal with that particular non-conformity.

Mr. Wood asked Mr. Burton about the terms of the billboard lease. Mr. Burton stated he signed a 10 year lease for the billboard a year and a half ago. Mr. Burton gave some other miscellaneous information about the billboard given that it was only facing north and backed up into a wooded area, behind a lot of trees and vegetation. Mr. Burton stated it had a back drop and had been there at least 30 years.

Mr. Wood asked him if he was going to do the dumpster enclosure. Mr. Burton stated that it was something he could do but would prefer to not do it. Ms. Jennifer Peace pointed out that the dumpster could be seen on Google.

Mr. Shaw commented on the fact that they had to take every opportunity to clean up the Lorna Road area and asked Mr. Burton if he couldn't break the lease, would he agree that there would be no renewal of the lease when this one expired. Mr. Burton stated he would be agreeable to that and he would agree to screen the dumpster.

Mr. Wood asked if there were any further questions or comments for Mr. Burton. There were none. Mr. Shaw made a motion to approve C-0222-01 with the recommended conditions amending the billboard removal to the landowner agreeing to not renew the lease when the current lease expired and all the other recommended conditions. Mr. Rice seconded the motion. On voice vote, the motion was approved by all board members with the exception of Mr. Wieseman who voted “naye”.

7. Zoning amendments tabled at the January 10, 2022, P&Z meeting to be considered at this meeting:

**COMMENTS: RECOMMEND APPROVAL AS REVISED. SEE ATTACHED.**

**(a) Amendment 2 – Revisions to Article 2, Administration and Review Procedures; Site Plans.**

- Revises information required for site plan, including additional studies (traffic, parking, etc.) as deemed necessary by staff.

**(b) Amendment 6 – Revision to Article 8, PUD Planned Unit Development, Sec. 8.02.04 Other Regulations not applicable.**

- Revised to read that provisions contained in certain sections of the Zoning Ordinance shall not apply if they are in conflict with specific standards adopted in a PUD.  
If a PUD is silent, the provisions of the zoning ordinance remain in effect. Current language exempts PUDs from certain standards in the zoning ordinance (Articles 9, 11, 12), but we often deal with cases where the PUD does not address items governed by these standards/no criteria is provided.

**(c) Amendment 8 – Revision to Article 8, PUD Planned Unit Development, Sec. 8.09-Changes to Zoning Ordinance.**

- Amendment would permit PUDs to be exempt from future amendments to the zoning ordinance when said amendment would include provisions in conflict with specific standards adopted in a PUD.
- Section currently reads that PUDs are exempt from future zoning ordinance amendments regardless of whether or not the provisions are in conflict. This essentially creates time capsules for each PUD in that a PUD is only governed by the version of the zoning ordinance in effect at the time the PUD was adopted. This creates a situation where administration would need to implement standards from a different zoning ordinance for each PUD adopted in the city. This is not possible.

**(d) Amendment 13 – Amend Article 12, Sign Regulations, Sec. 12.09 Signs Prohibit in the City to Add Definition of Vehicle Mounted Signs.**

- Adds provisions prohibiting the use of vehicles and trailers as stationery signage

Mr. Wood asked if there were any questions/comments. There were none. Mr. Wood asked for a motion. Mr. Rice made a motion to approve as presented. Mr. Shaw seconded the motion. On voice vote, the motion was approved unanimously.

There being no further business, the meeting was adjourned.

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Vanessa Bradstreet, Zoning Assistant