

## MINUTES OF MEETING

### HOOVER PLANNING AND ZONING COMMISSION

**Date:** July 12, 2021  
**Time:** 5:30 pm  
**Place:** Hoover Municipal Center  
**Present:** Mr. Mike Wood - Chairman  
Ms. Jennifer Peace –Vice-Chairman  
Mr. Mike Shaw  
Mr. Carl West  
Mr. Allan Rice  
Ms. Becky White  
Mr. Nathan Reed  
Mr. Jason Lovoy  
Mr. Ben Wieseman

**Also Present:** Mr. Chris Reeves, City Engineer  
Mr. Marty Gilbert, Director, Building Inspections  
Mr. Mark Thornton, Fire Marshal  
Mr. Mac Martin, City Planner  
Mr. Jihad Al-Dakka, Chief Operations Officer  
Ms. April Danielson, 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 May 10<sup>th</sup> and June 14<sup>th</sup> P&Z meetings and if there were no changes or corrections he would entertain a motion to be approved as presented. Mr. Mike Shaw made a motion to approve with Mr. Carl West seconding the motion. On voice vote, the motion was approved unanimously.

5. *The following cases have been **continued** until the August 9<sup>th</sup> P&Z meeting:*

(a) S-1119-43 – David Rawson, MTTR Engineers, Inc., representing Multi-Vest LLC/Baronwood Property, LLC, is requesting Preliminary Plat approval for 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 off Medford Drive/ATI Parkway. The property is owned by Multi-Vest LLC/Baronwood Property LLC, and is zoned I-1 (Light Industrial District) in Hoover and R-4 in Jefferson County.

**(b) 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.

**(c) C-0721-12** – Hoover Storage, LLC is requesting *Conditional Use* approval for a multi-story, climate controlled self-storage facility to be constructed at property located at 1535-B Montgomery Highway. The property is zoned C-2 (Community Business District) and is owned by Papasha, Inc.

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

Mr. Wood explained the Planning Commission members had already been familiarized with the following cases during the pre-meeting work session and would vote on them as a block. If anyone had a question regarding any of the cases, he asked for them to raise their hand and that case would be moved to the end of the agenda and discussed.

**(a) S-0721-17**–Scott Rohrer, representing Lake Wilborn Partners, LLC, is requesting Final Plat approval for *Lake Wilborn of Lot 675 & Common Area CA-13*, a 1 proposed lot subdivision located at the corner of Coates Pass and Old Gould Run. The purpose of this Resurvey is to modify the common lot line between Lot 675 and CA-13. There is no change to any easement or right-of-way by this map. The property is owned by Lake Wilborn Partners, LLC, and is zoned PUD PR-1 (Planned Single Family District).

(Approved)

*Staff Comments: Recommend approval.*

Mr. Bob Easley, AL Engineering Co., was present to represent this case. Mr. Wood asked if anyone had any questions regarding this case. There were none.

**(b) S-0721-18**– Scott Rohrer, representing TCVC Residential, LLC and TCVC Commercial LLC, is requesting Final Plat approval of *Knox Square Phase 1A (formerly Trace Crossings Village Center)*. The proposed location of this phase is **Elsie Road** and is

comprised of 22 residential lots, 1 commercial lot and 3 common area lots. The plat will also vacate a small area of existing right-of-way on proposed Lot 3201 on the plat. The owners of this property is TCVC Residential, LLC and TCVC Commercial, LLC and 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 \$398,000.**

Mr. Bob Easley, AL Engineering Co., was present to represent this case. Mr. Wood asked him if he was ok with the \$398,000.00 guarantee. Mr. Easley answered he was ok with the bond amount. Mr. Wood asked again if there were any questions on this case or the prior case. There were none. Mr. Wood asked for a motion. Mr. Shaw made a motion to approve S-0721-17 and S-0721-18. Mr. Rice seconded the motion. On voice vote, the motion was approved unanimously.

6. **C-0721-11**—Tacala, LLC, is requesting **Conditional Use** approval for a new Taco Bell with drive-thru to be constructed at **1553 Montgomery Highway**. The property is zoned C-2 (Community Business District) and is owned by Montclair Restaurants, Inc.  
**(APPROVED)**

**STAFF COMMENTS : The Comprehensive Plan supports general commercial development at this location.**

**ALDOT has communicated that sidewalk will not be permitted in the row of US 31.**

**Piping and filling the existing ditch along US 31 will require ALDOT permits.**

**Recommend approval with the following conditions:**

- (a) A variance to the required landscaping is granted by the BZA.**  
**The proposed site is deficient along the US31 and South property lines. There is insufficient space to accommodate required parking, drive aisles, and landscaping. However, proposed landscape improvements should be modified in a fashion consistent with other redevelopments along the corridor with similar property restrictions.**
- (b) Final design for on-site traffic circulation must be approved by City Engineer. There is some concern about the traffic flow on the south side of the site in conjunction with traffic flow associated with Burger King.**
- (c) All lighting on the site shall be cast downward below the horizontal plane of the fixture.**
- (d) Proposed design of the building includes features that could easily be construed as signage, particularly the displays of products sold on site and the framed backsplash**

*behind the logo on the south face of the building. Recommend replacing these elements with alternative materials and paint schemes that are more in keeping with the rest of the building. Otherwise, building architecture and façade materials shall be subsequently similar to the design presented.*  
*(e) Signage application shall be submitted separately. All signage shall meet the requirements of the C-2 district.*

Mr. Tim Minor, representing Tacala, a Taco-Bell franchisee, was present to present this plan and explained what they planned to do. He said they were planning on purchasing the property that was the old Devine Flooring to build a new Taco Bell. He stated they didn't plan on doing anything with the existing drives. They were also planning on filling in a ditch and piping it and was in the second submittal with DOT to get the approval for the permits.

Mr. Wood stated they had a couple of questions at the work session and asked about the line between them and their adjacent property owner and right now it was open and could just be driven across, but Mr. Wood stated it was a possibility that they might put in a curb, and if they did, Mr. Wood asked if his people could accommodate that. Mr. Wood stated they could put a curb across their property line. Mr. Minor answered their drive thru was already across the property line. Mr. Wood wondered if they would be able to have traffic flowing if this happened. Discussion followed.

Mr. Wood also brought up the signage factor and wanted to make him aware of that fact. Mr. Wood asked if there were any other questions from Commissioners or the audience. There were none. Mr. Wood asked for a motion. Mr. Allan Rice made a motion to approve to include the conditions read. Mr. West seconded the motion. On voice vote, the motion was approved by everyone except Mr. Nathan Reed who abstained from the vote.

**8. C-0721-13** – Jack's Family Restaurant, LP, is requesting *Conditional Use* approval for a drive-thru window at a new re-developed building to be built at **3429 Lorna Road**. The property is zoned C-2 (Community Business District) and is owned by Graves Real Estate Limited Partnership, LTD. **(APPROVED)**

*STAFF COMMENTS : The Comprehensive Plan supports a mix of commercial development and other uses at this location.*

*Conditional use requirement triggered by complete demolition and replacement of the building.*

*Recommend approval with the following conditions:*

- (a) All lighting on the site shall be cast downward below the horizontal plane of the fixture.*
- (b) Signage application shall be submitted separately. All signage shall meet the requirements of the C-2 district.*
- (c) Building architecture and façade materials shall be substantially similar to the design presented.*

Mr. Dale Bright, Saint John & Associates, consultant engineer for Jack's Family Restaurant, was present to represent this case. Mr. Wood stated it had been brought to their attention that the current lighting would not be allowed. Mr. Bright answered he understood that and they had submitted a new lighting plan. Mr. Wood also made him aware that the current signage was not in compliance with the current zoning ordinance. Mr. Bright stated he was aware of that and Jack's has a separate sign company that would come in and take care of that.

Mr. Wood asked if there were any questions from the Planning Commission members or audience. Mr. Ben Weiseman asked if the current elevation was the same Jack's that had been built in Homewood and downtown. Mr. Bright answered it was.

Mr. Stan Graves stated his family partnership owned the property that Jack's was buying and voiced his support of the new Jack's Family Restaurant.

Mr. Wood asked for a motion. Mr. Rice made a motion to approve subject to all the conditions with Mr. Nathan Reed seconding the motion. On voice vote, the motion was approved unanimously.

**9. C-0721-15** – Mr. Courtney Mason, Foresight Properties, LLC, is requesting *Conditional Use* approval for a **Zaxby's** Restaurant with drive-thru only, be constructed at 2071 Patton Chapel Road. The property is zoned C-2 (Community Business District) and is owned by Wal-Mart Real Estate Business Trust. **(APPROVED)**

*STAFF COMMENTS : The Comprehensive Plan supports general commercial development at this location.*

Development is unique in the context of the zoning ordinance as there will be no indoor seating. Outdoor seating is partially covered (Pergola rather than roof). If a maximum of 8 employees are on site at any given time and the typical parking calculation is applied to the square footage of the outdoor seating area, staff finds that 19 spaces would be required. 20 are provided.

Recommend approval with the following conditions:

- (a) Maximum of 8 employees on site during hours of operation.

- (b) Building's architecture and façade material composition shall be substantially similar to the farmhouse prototype (minus the metal silo feature included on some locations following the prototype or that of the two existing Zaxby's locations in Hoover (AL 150 and Lee Branch).
- (c) All lighting on the site shall be cast downward below the horizontal plane of the fixture.
- (d) Dumpster enclosure shall consist of design/materials that match the primary building.
- (e) Signage application shall be submitted separately. All signage shall meet the requirements of the C-2 district and the BZA variance that was granted to transition square footage from the monument sign to attached signage on the building.

Courtney Mason, 1908 Pumphouse Road, Mountain Brook, was present to represent this case. Mr. Mason stated he had all the Zaxby's in Hoover to include the one at Lee Branch, Hwy 150, and Valleydale Road. Mr. Mason stated this particular store would be the first Zaxby's drive thru only store.

Mr. Mason also pointed out that there were some unique things to it. Mr. Mason stated he thought they had 1 extra parking spot than was required considering it was a drive-thru only store therefore, they had less employees needed. Mr. Mason explained the way the building was laid out and explained the parking space situation. Mr. Mason stated that positively the building would NOT have a silo on it.

Mr. Mason then explained the variance they were granted by the BZA. Mr. Mason explained they would have a double drive-thru so they could stack 17 cars interior on the lot, which was the same system they used at their Hwy 150 and Lee Branch stores.

Mr. Wood asked if 8 employees would be enough to run their restaurant. Mr. Mason stated he did believe that was enough, but they did have an extra parking space if needed.

Mr. Martin asked if someone on staff would be in charge for taking up all garbage for people eating outside. Mr. Mason assured they did have this taken care of.

Mr. Shaw asked if 8 people would be enough employees considering that was what was listed in the Conditional Use. Mr. Mason re-considered and moved the number to 9 employees since there was a hard cap on the number.

Mr. Rice asked about the shift change number as well and overlap. Mr. Rice asked if they could word it "9 per work shift" and that would give them some flexibility at shift change.

Mr. Chris Reeves, City Engineer, asked Mr. Mason if he foresaw any problems with access on the east side of the property with that being a “restricted” access. Mr. Reeves asked if he foresaw any problems with making that a concrete island instead of a striped island on that approach. Mr. Mason needed some clarification on what exactly was being asked. Mr. Reeves stated this access was closest to the gas station and clarified that if they could do something to make this safer, they should do it.

Mr. Mason continued to discuss the traffic flow around the building. Mr. Reeves asked Mr. Mason if his engineer could work with them to work out a safer solution to this issue. Mr. Mason agreed.

Mr. Mac Martin, City Planner, stated he had a revision to the recommended conditions: that being a maximum number of 9 employees on each site during each shift. Mr. Rice asked how they would word the last topic: He suggested it say: “final approval of ingress and egress with City Engineer”. Mr. Reeves agreed this would work. Mr. Wood asked Mr. Mason if he understood and he stated he did.

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 to include the revised conditions stated to include the 9 employees per shift and the ingress/egress be worked out with the City Engineer. Mr. Rice 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**