

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: January 13, 2020
Time: 5:30 PM
Place: Hoover Senior Center
Present: Mr. Mike Wood - Chairman
Mr. Jason Lovoy
Mr. Mike Shaw
Mr. Nathan Reed
Mr. Sammy Harris – Vice Chairman
Mr. Allan Rice
Ms. Jennifer Peace
Mr. Carl West
Mr. Ben Wieseman

Absent:

Also Present: Mr. Chris Reeves, Assistant City Engineer
Mr. Jim Wyatt, Director, Building Inspections
Mr. Duke Moore, Fire Marshal
Ms. Sharon Nelson – Landscape Architect
Ms. Vanessa Bradstreet, Secretary, P&Z Commission
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. Harris gave the invocation.
3. Ms. Peace led the Pledge of Allegiance.
4. Approval of the minutes for November 12 and December 9, 2019, P&Z meeting.

Mr. Wood stated the Board members had been given copies of the November 12th and December 9th P&Z meeting minutes and if there were no additions or corrections, he would entertain a motion. Mr. Shaw made a motion to approve the November 12 and December 9, 2019 P&Z meeting minutes. Ms. Peace seconded the motion. After a voice vote, the motion passed unanimously.

5. The following case has been *withdrawn* by the applicant:

- (a) **S-1119-45** – Derek Meadows, Gonzalez-Strength & Associates, is requesting **Final Plat** approval for **Village at Brocks Gap Phase II Plat No. 1**, a 1 lot subdivision located off Brocks Gap Parkway and Stadium Trace Parkway. USS Real Estate is the property owner and the property is zoned PI (Planned Light Industrial).

Mr. Wood announced for anyone interested in this case that new notices would be sent out if this case came back up before the Planning Commission.

6. The following cases have been continued by the applicants until the **February 10, 2020**, meeting:

- (a) **S-0120-03** – Carey Daniel, Gonzalez-Strength and Associates, Inc., representing USS Real Estate, is requesting **Preliminary Plat** approval for the **Village at Brocks Gap Phase II Plat No. 1**, located off Brocks Gap Parkway and Stadium Trace Parkway. The property is zoned PI and is owned by USS Real Estate.
- (b) **S-0120-04** – Derek Meadows, Gonzalez-Strength and Associates, representing USS Steel is requesting **Final Plat** approval for **Village at Brocks Gap Phase II Plat No. 1**, a proposed 3 lot subdivision located off Brocks Gap Parkway and Stadium Trace Parkway. The property is zoned PI (Planned Light Industrial) and is owned by USS Real Estate.

Mr. Wood announced for anyone interested in those two cases, new notices would **not** be sent out and if interested, please be at the meeting on Monday, Feb. 10, 2020, at 5:30 pm. Mr. Wood asked if there were any questions to what he had just said. There were no questions.

7. The following cases were **continued** by the applicants at the December 9, 2019, meeting until the **January 13, 2020** Planning Commission 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 2nd 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. **(CONTINUED)**

Staff Comments: (Engineering): All improvements located along/within AL Hwy 150 must be permitted and approved by ALDOT at time of permitting by the City of Hoover. The Traffic Impact Study as submitted recommends restricting left turns outbound at ATI Parkway and AL Highway 150. The study also recommends extending the westbound left turn lane for full width storage for 450 feet at the AL Highway 150 and Grove Boulevard/Medford Drive intersection.

Mr. David Rawson, MTTR Engineering, 2500 South Park, Ste 100, represented the case. He stated that they are proposing to extend ATI Parkway and build a roundabout and a driveway down to Medford. Mr. Rawson stated they would accept the Engineer's comments.

Mr. Wood asked if there were any questions or comments.

Mr. Rice stated that he had asked Mr. Rawson during work session about capacity. His concern for the City is if they are they taking up the whole capacity of that intersection to where they do not have anything left. What kind of situation are they creating for the road development on the road side? Mr. Rice asked Mr. Rawson to share his findings on the traffic study and how they will reconcile that in the future.

Mr. Rawson acknowledged that their traffic representative was present at the meeting and that the traffic study did take into account their initiative.

Mr. Aubrey Long, Skipper Consulting, 3644 Vann Road, Ste 100, Birmingham, stated they were asked to do a traffic study and there were two intersections, ATI and Medford at Hwy 150, which were the two main focal points. They did include the development under construction to include the new restaurant and the retail there now. He asked if there were questions about the capacity.

Mr. Rice stated his concern was that intersection was pretty stretched now and they may be able to add some cars through there. Mr. Rice had the following questions: If they add them for this project, what happens when they expand the Sprouts Shopping Center? What happens to some of those undeveloped lots across Highway 150 in the Grove Development? He stated that he knows that this project can work. Mr. Rice stated they had met with the owner several times on what they were trying to do. In a time when retail is struggling, they will take the shoppers from the retail businesses. He thinks he already has an obligation in Hoover to make sure it balances out with the access. Mr. Rice stated he was not opposed to this project, but if they took those people from those properties that were not going to be in the City and put them through that intersection, what was the intersection going to look like when the Grove was built out?

Mr. Long stated that he couldn't speak specifically to what was going to be developed as far as the Grove was concerned, but obviously, he understood the importance of that issue. Mr. Long added if anything was going to be developed on the Grove side, he couldn't say what would be different on that side. Mr. Long stated most of the traffic was generated from the interstate. This development would have a left turn coming in, whereas with the Grove, someone would miss their right turn coming in. It would operate a little differently. Anything coming from the west of the left turns would be the eastbound left turns going up the Grove. He added this development did not increase that number at all. Mr. Long stated his studies said this is a heavily impacted intersection now.

Mr. Rice asked if their proposal extended that left turn lane on Hwy 150 by 400 ft. or to 450 ft. Mr. Long answered it was to 450 ft. Mr. Long explained that is what their analysis was showing for the stores so currently there was not enough storage there now, but with the width, there was a 12 ft. width that would give them a stripe out. Mr. Long added they were recommending to extend that so that they could have the actual full width.

Mr. Rice stated they were already getting less than that and in the event of this project, they were getting citizens requesting to extend that lane. Mr. Rice asked Mr. Long what was the establishing length of that lane. Mr. Long stated that it was around 175 to 200 ft. Mr. Rice asked if that was for this one development. Mr. Long answered yes.

Mr. Rice asked if he had any initial conversation with ALDOT about additional lighting anywhere. Mr. Long asked if it was generally with ATI. Mr. Rice stated yes.

Mr. Long stated they had not had preliminary discussions that he was aware of. They did look at ALDOT's spacing criteria that they had to abide by. He believes early on in the process they looked at that. Mr. Long added the spacing criteria was that it would be ok for a signal there, but it had to be something they would recommend. From the start, they said it would be from a site starting at ATI, which was their biggest concern. The left turn for the site was just not there. Mr. Long stated their biggest issue with ATI was the left turn out.

Mr. Rice stated he had sat with Mr. Rawson and the owner several times and he was concerned about balancing out the intersection and access. Mr. Rice stated it was already challenging and they were already hearing about it. Mr. Rice asked Mr. Chris Reeves if there should be one more conversation on how to get folks out of there. Mr. Rice stated again he doesn't think it's a bad project, but is concerned about what happens on Hwy 150 where they are already having these issues.

Mr. Reeves stated most definitely. Mr. Reeves stated he understood that the access would be at Lake Crest. Mr. Reeves added he thought what they were being told by the developer, the cost to make that connection was not feasible for them at this time.

Mr. Rice stated they have looked at some solutions to get over there with different ways of connecting and having two different entry points. Mr. Rice added putting those connections together was very expensive on everybody's part. Mr. Rice asked if they had explored everything they could possibly do regarding Medford, Grove Blvd. and Hwy 150. Mr. Rice added that he did feel the extension lane was a good thing.

Mr. Long stated that when they first started this project, the one thing that had changed was the land use and density. It had increased. The initial projections of traffic when they first studied this had increased by 50%. It was not as big of an impact from when

they originally looked. With having the two access points, it did disperse traffic so that everything was not coming directly into the Medford intersection.

Mr. Rice stated to Mr. Wood there was a question in work session about the other adjacent parcel that was not part of this proposal. Mr. Rice stated it was in the county so he did not know if it was the City's issue, however, it would be more traffic. Mr. Rice added he thought there was an access issue that may or may not be in their jurisdiction but once it was accessed, there would be vehicles coming from there, too.

Mr. Wood asked if there were any more questions.

Mr. Shaw asked what the estimated number of vehicles were from the Medford intersection. Mr. Long asked from which direction. Mr. Shaw stated from the proposed roadway to the Medford intersection. Mr. Long stated that in the morning they have projected around 75 and in the afternoon 65. Mr. Shaw asked if that included all of the apartments and other structures on the road. Mr. Long stated yes. Mr. Long added he had to consider the ATI connection. Mr. Long explained when they passed the ATI connection to go down to Medford, most of the traffic was going to be heading toward the interstate and, therefore, the overall development had about 70% of the traffic using ATI as the right turn.

Mr. Wood asked if there were any other questions.

Mr. Rice stated that he would love to see them continue to talk about this access. Mr. Rice asked if they would be willing to sit with a team to keep looking at this. Mr. Wood explained to the applicant they had the option to continue the case and asked if they would like to continue. Mr. Rawson stated if they recommended a continuance, they would. Mr. Wood stated he was not recommending them to continue, only asking if they would like to continue.

Mr. Walter Scott, 2200 Blue Crest Place, Ste 310, Birmingham, stated that he was trying to understand where the concern about the traffic at the intersection was coming from. Mr. Scott stated he believed the Traffic Engineer had said there would be essentially no impact to that intersection that they were so concerned about. There would be traffic coming from the Grove taking that left hand turn and the intersection straight through so increasing that was not going to change anything there. Mr. Scott asked if there was anything else they could do in the future to ease their concerns.

Mr. Rice stated that his concern were the 264 units going on the hill and the majority of that traffic coming from that Medford intersection had already had massive challenges.

Mr. Scott stated that most of the traffic was going to be heading west. Mr. Rice asked what time of day. Mr. Rawson stated that it was in the afternoon. Mr. Scott stated they had two points of relief coming off that intersection.

Mr. Long stated that they currently have 1,400 going westbound and 1,000 going eastbound in the afternoon. The projections were 1,490 westbound and 1,075 eastbound.

Mr. Rice stated the property adjacent to this already had access and the property in the City of Hoover on 150 would also have access to this intersection. Mr. Rice added if the traffic they had shown came through 150, it would still be an additional problem. Mr. Rice explained if it came in the Grove, it had to come through the intersection to get onto the interstate. Mr. Rice stated from the Planning Commission's standpoint, this was a good project, but he would look at isolated traffic counts and check it off without thinking about adjacent unknown property, which would also be sent here soon. Mr. Rawson asked if he felt they were going to come out of the Grove into Medford Drive. Mr. Rice stated that he thought they had to come to that four-way. Mr. Rice further explained they were in the process of pulling permits for some of those other parcels right now and that was going to be more strain on what they agreed was an already challenged intersection. Mr. Rice added he liked the extension of the left turn and that needed to happen regardless, however, but he was not sure if that was all that needed to happen.

Mr. Scott added the traffic coming out of the Grove taking a left and going down towards the interstate, was not going to be slowed down by people taking a left going in there. There would be a signal. The people coming out of the Grove going toward the interstate would have the right of way.

Mr. Rice stated the engineers explained this in a different way. He also stated that if you give this motion more time, it took away from the others. The more they push into the four way, the more that time was going to be distributed among all those roads.

Mr. Shaw stated that he was not comfortable with the traffic in this project and it sounded like a bad idea to him for various reasons.

Mr. Reeves added that after speaking with the City Attorney, it was her opinion that the city needed to look at granting access to the property to the west based on the city's subdivision regulations. She was under the impression that there was an obligation for the City to look at this issue.

Mr. Rice stated that he thought there was a lot of positivity in this project. He thought it was not hurting their schools and it would put a lot of retail dollars to the existing businesses. Mr. Rice stated he also thought they had an obligation to look at this traffic feasibility.

Mr. Rawson asked who they could meet with to look at the new issues. Mr. Rice stated that it would be the Acting City Engineer. Mr. Rawson stated that he has talked to the staff and the engineers. Mr. Reeves added that Mr. Rawson was correct and they had been trying to resolve these issues for three months. Mr. Reeves stated they had received the revised traffic study back from Skipper Consulting last Friday. Mr. Reeves added they had a previous study done by Skipper Consulting showing recommending

improvements to them as Mr. Long had previously stated, recommending improvements along Medford Drive. Mr. Reeves added that this revised study did not necessarily reflect those. Mr. Reeves added there is nothing wrong with what they submitted, but they had only had two days to look at the revised submittal, and they had some conflicts with it.

Mr. Rice asked exactly when the last traffic study was received and Mr. Reeves confirmed it was the last Friday. Mr. Rawson added this was the 3rd traffic study that had been done.

Mr. Long stated that what Mr. Reeves was talking about is this memo was based off previous studies that they had done here. Mr. Long further explained when they first studied this in 2017, they looked at making the connection to the address and they had multiple scenarios on how they would do it. Mr. Long stated site plans were changed in 2018 and it did not have that connection, so they made an assumption that all of that traffic would be pushed to Medford. Based off that assumption, the traffic was where they got that recommendation. Mr. Long added the most recent site plan they were asked to study was a significantly less amount based on traffic. He stated that he just wanted to clear up that difference.

Mr. Reeves stated that he was not sure if they were looking at the same memo. The one that he is looking at was from 2018. It was a different date and it did forego the connection at Lake Crest, although Mr. Reeves still felt that was still the ideal place to make the connection. He stated that from the way that he read it, it was revised for this site plan and was specifically talking about ATI and Medford.

Mr. Long stated that he agreed with that because there were no connections at Lake Crest. Mr. Reeves stated that it was indicating improvements to Hwy 150. Mr. Long stated that that was right and that was based off previous study information and there was not any new additional evaluation. Mr. Long added he was just comparing that to now, the most recent study that was just published. Mr. Long stated there was a change in plans which was why there was a difference between the studies.

Mr. Rawson stated that they were going to get with Mr. Reeves. He asked Mr. Rice if he was going to get involved. Mr. Rice stated that he would be happy to look over it. Mr. Rawson then asked that they continue this case.

Mr. Wood stated that there was a motion to continue the case and a second was made by Mr. Shaw. A vote was taken and was unanimously approved.

Mr. Wood stated that if anyone had an interest in this case, it would be heard next month, February 10, 2020. Mr. Wood asked if there were any questions. No further questions were asked.

- (b) **Z-1219-33** – Mr. Lance Kitchens, CK Enterprises, LLC, is requesting to rezone some parcels of the old Smith Farm property, Parcel 5 – (621 Kleins Drive) from A-1 to R-1 (Single Family District), Parcel 6 – (631 Kleins Drive) from E-2 to R-1 (Single Family District), and Parcel 7 – (644 Kleins Drive) from A-1 to R-1 (Single Family District). The reason for the rezoning is for residential houses to be constructed in accordance with the R-1 zoning restrictions. (*APPROVED*)

Staff Comments: Several scenarios have been presented by Mr. Kitchens for the development of the property at varying zoning patterns and densities. Recommend approving a consistent zoning pattern across the property with a unit density amenable to the Commission and applicant.

Mr. Lance Kitchens, 1325 Parliament Lane, represented the case. He stated that there had been two public meetings since the last P&Z meeting. Mr. Kitchens stated one meeting was facilitated by Bluff Park AL and the other was by the City. Numerous comments came up. He learned a lot and he hoped that the residents have learned a lot as well. Mr. Kitchens stated he had a condensed presentation to go through and he had some highlights that he would like to share. Mr. Kitchens then proceeded to do a Power Point Presentation. Mr. Kitchens stated another question that was brought up was about the density. It was asked if the density of this development was compatible to the density of what is there today. He took the same footprint and placed it over the top of the properties to the south. There are 50 properties in the same footprint. Moving to the Northeast, there were 51 more properties in the same footprint. If they take that same footprint and move it 1,400 ft. behind the Piggly Wiggly, it was about 87 houses in the same footprint. If they look at it from the development of Sanders and Alford and do the math, that is 35 blocks and 9 acres at 3.9 lots per acre, extrapolate that over their 26.4 there will be 103 lots in what they are doing. Mr. Kitchens stated they were less dense than what was there today.

Mr. Kitchens introduced a picture of a zoning map from the GIS system on his PowerPoint. The yellow tinted color was already zoned R-1. The two properties that they are talking about are zoned agricultural. They compared it to Park Lane, which is two roads down from the development that they were proposing. That is an R-1 zoning with the lots were approximately 15,000 square ft. He also showed the typical layout of a house on an R-1 lot with plenty of yard and a pool in the back. He showed the audience a street view of the house on an R-1 lot. He stated that he wanted to ease the concerns of when they discuss homes being too close.

Mr. Kitchens stated they did complete a traffic study. All they had presented the last time were traffic counts. Since then, Skipper Consulting had taken those counts and analyzed the impact of the new development. The conclusion of that is that the level of service at the proposed intersection and subdivision would be a level service of eight. Mr. Kitchens stated that was as good as it gets.

The other question was about a sight distance and whether or not the intersection that they are proposing would have one. They have surveyed and profiled it and they do have a sight distance from an engineering aspect. At the January 2 meeting with the residents, they did offer a revised layout. That layout still had 50 parcels but their topo was completed and they did modify the layout. It had an existing creek that runs through. There main reason in the first meeting for not changing was because the traffic studies showed that the traffic was ok. The new layout takes Parcel 6, which is currently zoned E-2 and removes it for a request for rezoning. It takes Parcel 5 from agricultural to E-2, so that it puts all of E-2 together. It takes Parcel 7, which is in between R-1 parcels and changes it to R-1. There have been comments from the community that there are some lots of different sizes. There are approximately five lots that are greater than a half-acre, approximately 10 that are greater than 20,000 square ft. meeting the E-2 category, and 32 parcels that would be in the R-1 category. That would be a total of approximately 47 parcels in this plan. As details come about on things like storm water, they may still lose lots from a layout standpoint. What was discussed was the ability to modify the application. He stated that their request tonight was to rescind the request to rezone Parcel 6 and leave it as E-2. They want to modify the request for Parcel 5. Instead of making it R-1, they would make it E-2. He described what the overall zoning would look like. As Mac was commenting, the aspect and the layout makes for a better situation than having different zonings right next to each other They could literally have a house on the line that is partially E-2 and partially R-1, which could become a logistical problem.

Mr. Wood asked if there were any questions from the Planning Commission. There were none. Mr. Wood asked if anyone in the audience wished to speak.

Mr. Robin Schultz of Albemarle Dr. stated that on December 9, 2019, Mr. Wood indicated that the residents and Mr. Kitchens should come to the meeting with an open mind. Mr. Schultz gave the following description of how the meetings went: Mr. Schultz stated the following day they had a meeting on January 2 with Mr. Kitchens and the community. The City also scheduled an additional meeting on January 7, 2020 also with Mr. Kitchens in attendance. On Sunday January 5, after the January 2 meeting, he received a text from Mr. Kitchens asking if they could meet. He agreed and they met that afternoon at 4:30p.m. At their first meeting, he felt it went very well. The two primary issues that came up were traffic and school issues. There was a discussion on who was responsible for the traffic study, the City or the developer.

Mr. Shultz stated getting back to the January 5 meeting, one of the things that they talked about at the January 2 meeting was that Mr. Kitchens had stayed at 50 lots with no concessions. At the January 7 meeting, the discussion was very similar as far as the issues that the community had. The issues were still traffic and schools. Dr. Lowry from Hoover City Schools was present at that meeting. He reiterated that Bluff Park Elementary was at capacity. The principal was also at that meeting and stated that Bluff Park Elementary was at capacity.

Mr. Schultz stated in July 2019 this body passed the Comprehensive Master Plan, which included enhancements such as greater walkability, traffic, and lighting. Most community participants felt conditioned to their neighborhoods with satisfaction in Bluff Park. They wanted to keep their community just as it was. Mr. Schultz stated this development would not enhance the community as the master plan had been designed to do. Mr. Schultz stated planning was bringing the future into the present so that they could do something about it now. Mr. Schultz added that, too, was from the Master Plan.

Mr. Wood asked if anyone else would like to speak.

Mr. Bill Britt, Stonehaven Road stated that he had a question about the overcrowding of the Bluff Park Elementary School. Mr. Britt stated he had a grandson there and that school was over capacity. Mr. Britt added that he felt if they approved this development, then there needed to be funding for a new elementary school. He also pointed out that the traffic was not just getting bad on certain streets in Bluff Park but also Alford Avenue was getting worse as well.

Mr. Willie Palmer of Bedford Avenue in Bluff Park stated that he has lived there for 37 years. He stated that he is totally against this proposed development for Smith Farms. Not only would the traffic increase, they had to consider what would happen when bringing in all of the construction equipment and workers.

Ms. Tammy Headley asked if they were sure Parcel 8 was E-2 not E-1 zoning. Mr. Wood stated yes.

Ms. Tammy Headley asked if they were sure that Parcel 4 was residential. She stated he auction company had announced that as agricultural.

Mr. Martin stated as of right now the zoning that they have across the property is that Lots 5 and 7 were presently zoned as agricultural. Lot 6 were currently zoned as E-2. Ms. Headley discussed the density figures that had been discussed.

Mr. Wood asked if there were any further questions.

Ms. Judy Morton of Hawksbury Lane stated she was concerned about this development luring crime into Bluff Park because of the high end homes Mr. Kitchens was talking about building. She stated Bluff Park had a low crime rate now but was worried it would increase with this development coming in.

Mr. Wood stated that he did not know the answer to that and thanked her for speaking.

Dr. Edward Trecious, 2474 Savoy Street, stated that there were a couple of things that he wanted to mention, one being density and access roads. He felt there should be a minimum of two access roads. The second concern was the school issue. He just bought this house on Savoy and his greatest fear is that they were going to get rezoned out of

Bluff Park again. Dr. Trecious stated if the city was approving these types of zonings, creating larger neighborhoods, then they absolutely must think about what they were going to do to make their schools grow so that they could stay in the community.

Mr. Glenn Ellis, 606 Bonny Brook Dr. stated that his address was adjacent to Lot 5. He stated he too was very concerned about the traffic issue and the school issue. Mr. Ellis stated he and his neighbors had asked for no more than 4 homes in the area and to keep consistency in the neighborhood.

Mr. Eric Wadsworth of 2300 Meadowlark Drive stated that unlike his neighbors, he was not opposed with this project.

Mr. Wood stated that he gets the feeling that most believe that the property will remain a farm.

Mr. Wood stated that as it stood right now the developer could build 36 houses if he wanted to today. He stated that Mr. Kitchens was talking about the difference of 11 houses that were being offered tonight. Someone shouted from the audience they didn't want any houses built there. Mr. Wood stated that was not a possibility because he had the right to do that. He asked if anyone else had any new information.

Ms. Jenna Hayes of Sanders Rd. stated that at the last meeting there was an additional layout that was shown of the A-1 in the back of the property. She said that he could put 40 houses and potentially do two exit points. She stated she felt the developer was trying to work with the residents and asked to see that layout plan again.

Mr. David Smith, Smith Family Farm's son, stated that he had lived in Bluff Park since the age of two and lived there before any of the present homes were built. He stated that Mr. Kitchens owns the property and it is his to do with whatever he chooses. Mr. Smith added that if his parents and he had taken the stance that many of the people have spoken of tonight, the current residents would not have had their homes to live in.

Ms. Carrie Thomas, 443 Paige Drive, stated that her home is about one mile from this property. She asked that they leave the property zoned as it is. She stated that they agreed 36 houses could be built, but he knew what he was buying when he bought the property. There were 36 houses there. They have talked about the traffic, schools, and they are concerned about the water run off with homes being built. She lives one mile from the property and she was rezoned to Green Valley Elementary. Ms. Thomas stated she felt 36 was a reasonable number.

Mr. Richard Morse, 609 Forrest Circle, stated he felt the back 4 acres should be left inside this development and built all as houses. Mr. Morse stated he did not foresee a major crowding problem at Bluff Park Elementary and could live with 47 houses.

Ms. Stacy Handilong, 2449 Savoy Street, stated she would like to see this done in the right way with 36 homes.

Mr. Bob McKay, Paige Circle, stated that most of the people present seem to be against this development. Mr. McKay stated he felt the Planning Commission members should be trying to answer questions regarding this development to those that had questions.

Mr. Wood stated that he did have a question about the traffic study. Mr. Wood explained he was trying to inform the people if they were not aware of it that Mr. Kitchens had a right to build 36 houses today. Mr. Wood stated he grew up in Bluff Park and had a lot of interest in Bluff Park. He stated that Mr. Kitchens has some rights as a property owner too. Mr. Wood stated he had to look at his position as well as the people's position. He stated that he was not taking sides either way right now.

Mr. Rice stated that he is a City Employee and he serves under his employment on this body. Mr. Shaw was a City Councilman and was the City Council liaison. Every other face of the Body was a citizen just like them who volunteered to be appointed to the Planning Commission. Mr. Rice stated that he thinks that is something important for them to remember. Mr. Rice explained these members were not elected officials and there was no compensation for this board position. Mr. Rice stated it was also important to remember that they do not have any power whatsoever over what was built. It was their responsibility to do smart planning and that is what they want to hear from the people. They were listening to them. Mr. Rice stated also to remember that they did not build the roads, they were not the City Council and they did not raise the money. Mr. Rice stated he wanted the audience to keep that in perspective. Mr. Rice stated they tried to do right on behalf of everybody. Mr. Rice explained the developers and owners did have those rights that the chairperson spoke about. Mr. Rice added that himself and Mr. Shaw were paid to be there but everyone else was serving as volunteers.

Mr. Shaw stated that it was an honor to represent them. He had spent many hours talking on the phone with people. This week he was talking to the PTO group on Planning and Zoning. Unless they regularly come to P&Z meetings, they would not know about a lot of the processes that were going on. He stated that he saw a lot of new faces. He thought that there was a little bit of concern and sometimes citizens think that they can approve or disapprove of developments. Mr. Shaw explained what stood before them tonight was that they had a current zoning and a request to change that zoning. Mr. Shaw stated that right now they were going to find the right zoning to this land.

Mr. Wood then asked Mr. Kitchens if he wanted to address some of the questions, for which he answered he did. A count was gathered of what was out there today. That data was given to Skipper Consulting to analyze what was there and to make their own projections for what was going to be built. The only thing given to Skipper Consulting was the counts. Mr. Kitchens asked Mr. Reeves, Assistant City Engineer, to respond to what his view of the traffic report was.

Mr. Reeves stated he did his own trip generation estimates in the pre-meeting. He did 36, 40, 45, 50. Mr. Reeves agreed with what Mr. Cochran said in his memo stating that the impacts on the surrounding areas would be minimum. Mr. Reeves commented that Mr. Skipper may not agree with that, but that is just how he saw it. He stated that he was at the meeting last week and did field several questions, so he went back through them. Mr. Reeves stated the city does not do traffic studies for the developers as that is their responsibility to do that and turn it in to the City for them to review. In the historical data that he has for 2017, he does not know where the count was taken. His was taken closer to Sanders by a stop sign and in this situation, the traffic did not warrant it. The location of his traffic count was a little less than his by about 100 cars but that was back in 2017. He also talked to the Police department who also did traffic counts and theirs matched his counts.

Mr. Kitchens thanked Mr. Reeves for sharing his views. He stated that he has nothing to do with Bluff Park Elementary being at capacity. Mr. Kitchens added the school being at capacity today was not due to his proposed subdivision. Mr. Kitchens explained lower priced homes and a great school system have become very attractive to the young families and further added that as the older generation passes or move out, it was young families with young kids that were most likely to fill those houses. The problem with the Bluff Park Elementary being at capacity today didn't have anything to do with this development.

Mr. Kitchens went on to explain that lot sizes had a lot to do with the sewers. If they wanted field lines, then they needed larger lots. Only for the past 2 or 3 years Jefferson County had allowed a force main where each house had a grinder pump that fed into the sewer system. That was what was allowing a development like this to be able to have a sewer system. Otherwise, there could not be a sewer because there was nothing to connect to. With this grinder pump system, they could. It was not a big pump station with a fence and a lot of above ground structures. Each pump was at each house. He stated that he just wanted to clarify that if they had larger lots, it would have everything to do with field lines. He asked if there were any questions.

Mr. Wood stated that he has heard multiple people say that he had more than one scenario.

Mr. Kitchens stated yes, that part of it was weighing options. He did not want to present them all because he wanted to come to a conclusion. It was flip-flopping on whether they would have that A-1 sandwiched in there. Those two parcels were the same size with the A-1 being on the top and bringing R-1 down so that that was contiguous. He just had a neighbor that lives close to that to say that it does not look bad. They have had people suggest connecting South Sherrlyn, but there were people on South Sherrlyn that opposed it. Mr. Kitchens explained there were unintended consequences. He stated if they connected South Sherrlyn then they may create a cut through to get to Rayburn. Mr. Kitchens stated that would mean more cars going through that neighborhood. There was talk about crime. He stated he actually likes that it is a one-way in and one-way out.

Mr. Wood stated that were talking about zoning, not subdivisions. With that in mind, he heard him say 47 lots was his number. Mr. Kitchens stated that there are approximately 47 with E-2 on the right and R-1 on the left. Mr. Wood stated that from what he heard, the number is important. He asked Mr. Kitchens if 47 was his bottom number. Mr. Kitchens stated he is willing to commit to no more than 47 lots on that zoning.

Mr. Shaw asked how many homes he could build with the current zoning. Mr. Kitchens stated the 36 number came with the plan that they had previously. Now that they are back, they did a layout of South Sherrlyn where they put R-1 at the top, tore down the big house and put 6 lots there. He stated that the answer to Mr. Shaw's question is that they can do 43. Mr. Kitchens added he felt that was a haphazardly laid out plan, but they could do 43.

Mr. Wood asked if instead of doing 36, they could tear down the big house and do 43. Mr. Kitchens stated that that was correct. Mr. Wood asked if that was the difference of four lots. Mr. Kitchens stated that was correct. He stated that they may not be aware of the front door fee. The first time the house sells, the purchaser would pay a front door fee that goes directly to the school system.

Mr. Shaw stated that he agreed and disagreed with what Mr. Kitchens stated about the density. He stated that sometimes the zoning just does not make sense. E-2 was to the east and R-1 was to the west. He stated that they really couldn't look at it from one perspective. He agreed that the density was higher in certain places, but it was much lower in other places. Mr. Shaw asked what was the density they were zoning for and what were the requirements of that zoning.

Mr. Reed then discussed the Comprehensive Plan comments from earlier. Mr. Reed also pointed out that a majority of this board was comprised of volunteers.

Mr. Wood asked Mr. Kitchens if he had anything else to add, for which Mr. Kitchens responded no.

Mr. Harris stated that he wanted to ask Mr. Kitchens a question. Mr. Harris pointed out that obviously, there was going to have to be a compromise. If he built 36 houses right now without any approval and he was proposing originally 50, would he be willing to go to the 43 that he previously mentioned with a little different plan.

Mr. Kitchens stated what he understood today was what he thought was the correct zoning request. Mr. Kitchens stated for consistency so that the houses will have the same setbacks with E-2 on the right side and R-1 on the left side. He said that he couldn't answer if it would be exactly 47 homes as they could lose a few homes due to topographical issues. Mr. Kitchens explained they chose these houses because of logistics, the curvatures in the roads, and things of that nature. Mr. Kitchens stated he could commit to no more than 47 homes. Mr. Kitchens explained that he is standing with

the zoning request that they have on the paper right now. Mr. Kitchens stated from a topographical and land planning standpoint, E-2 was touching E-2 and R-1 was touching R-1. Mr. Kitchens stated that was their idea, along with the front door fees that would be collected and funding the school system.

Mr. Harris stated that Mr. Kitchens mentioned another plan that he had for 43 homes. He asked if he thought this plan with 47 was a better plan because of the land use. Mr. Kitchens stated that was correct. Mr. Wood stated that he wanted Mr. Kitchens to reconsider the 43 and the big house there. Mr. Wood stated he thought that was a better compromise than what Mr. Kitchens had offered. Mr. Wood stated that he does not care about the zoning but would like Mr. Kitchens to commit to 43 homes. Mr. Wood stated it appeared that the number was the problem. Mr. Kitchens stated that he thought that was the key point it appeared and they were only talking about four houses.

Mr. Wood stated that there were enough people here at the meeting in opposition that it was worth considering. Mr. Wood asked Mr. Kitchens if he would like to continue the meeting until next month.

Mr. Kitchens stated there were people for this project that did not come to the meeting tonight. He recently put a sign up and there were people stopping in the road asking what was going on. They said they absolutely supported the subdivision. Mr. Kitchens stated one person stopped and said it was only going to drive his property value up.

Mr. Wood stated he understood that and he appreciated what he had done so far. It would be his call, if he wanted to continue this to next month and see if he could work something else out, but he was under the opinion that he had not gone quite far enough.

Mr. Kitchens stated that he appreciated what Mr. Wood was saying, but he thought that when they were surrounded by the same zonings then that was what the zoning ought to be. He stated that Mr. Wood was talking about significant money. Mr. Wood stated he understood.

Mr. Wood stated that he thought they had heard enough discussion.

Ms. Peace stated that from what she heard publicly last week as well as what she was hearing tonight, she did not think that 43 homes was going to satisfy them either. She personally did not see “give” coming from the neighborhood. She had seen Mr. Kitchens do several different proposals and still offered additional time and she was not seeing any “give”. She did not think 43 would make that happen. In her opinion, she would like to see some give from the people. She did not see a lot of give from the people and that was their right as they lived there and she did not.

Mr. Shaw stated that to be clear, Mr. Kitchens took an existing zoning and mentioned that he could build 43 homes on the current zoning. Ms. Peace agreed.

Mr. Wood stated that he thought they had heard enough and he was ready for a motion.

Mr. Harris made a motion to approve to change the zoning and for the maximum amount of homes to 43.

Mr. Wood stated he thought Mr. Harris needed to designate what he was talking about and which zoning change he was talking about and if his 43 included leaving the large house or tearing the large house down.

Mr. Harris stated he thought it would include tearing the large home down, but his motion was that there be a maximum of 43 homes.

Mr. Wood stated he felt Mr. Harris was going to have to specify what homes would be rezoned in his motion.

Mr. Mac Martin, City Planner, stated that what was being proposed tonight was to rezone Lot 7, west of Kleins Dr., from A-1 (Agricultural) to R-1 (Residential) and to rezone Lot 5, which is east of Kleins Dr., from A-1 to E-2. Those were the two lots and the two rezonings that he was asking for tonight.

Mr. Rice asked the attorney if this body had the authority to place those types of numerical caps on this type of property without it being in a PUD? Mr. Rice asked if they only had jurisdiction to rule on rezoning each parcel as requested or could they make a motion that allowed them to put some type of numerical cap on the total development. He stated he was just making sure that they were acting within their authority to do that.

Ms. Danielson stated yes they believe that they did have the ability to put conditions on the zoning as long as it was advertised correctly for the City Council meetings.

Mr. Rice stated he was just trying to be precise. Mr. Rice added they have a group of separate parcels not connected to one another from any kind of PUD. Mr. Rice stated it was his understanding that only certain parcels had been requested to be rezoned. If they were moving to rezone some or any of those that were asked to be rezoned, they could then pose a numerical cap on all of those parcels because of the application.

Ms. Danielson answered yes, she believed that was true because that would be a condition in zoning because the application contained all of those individual parcels.

Mr. Rice stated that he was just trying to make sure that they have the authority to do what was in that motion.

Ms. Danielson stated yes, she did believe they had that authority.

Mr. Wood asked Mr. Harris to state his motion again.

Mr. Harris stated his motion would be to approve the rezoning of the two parcels that Mr. Kitchens wanted to rezone with a maximum of 43 homes to be built, not 47 homes. Mr. Wood called for someone to second the motion. No one seconded the motion.

Mr. Wood stated that since no one seconded the motion, they would need a different motion. Mr. Wood stated they could send this case on to City Council without a recommendation. He asked Ms. Danielson if that was correct.

Ms. Danielson stated that the zoning code states they would go forward upon a favorable or a negative recommendation. If they had a failure to vote, it was considered a negative recommendation then it would go forward on the request of the applicant but there was no current section in our zoning code upon the P&Z board not actually making a recommendation and it going forward. Ms. Danielson reiterated if they considered it being a negative recommendation, then it would go forward. Mr. Wood asked for clarification purposes, if they had to do a negative vote for it to go on the Council or if a no vote was a negative recommendation.

Ms. Danielson stated that if they did not take a vote then it would be considered a negative recommendation.

Ms. Peace made a motion to approve the rezoning of the two parcels as requested on Mr. Kitchens' application with no cap but then she stated that she would actually like to make a cap of 47 lots.

Mr. Lovoy seconded the motion.

Mr. Shaw asked for point of order and then asked which two lots were a part of this motion. He asked if it were Parcel 7 A-1 to R-1 and Parcel 5 A-1 to E-2.

Ms. Peace stated that to be correct and they would remove any requests to rezone Parcel 6.

Mrs. Bradstreet took a roll call vote.

Mr. Wood – Aye
Mr. Lovoy – Aye
Mr. Shaw – Naye
Mr. Reed – Aye
Mr. Harris – Naye
Mr. Rice – Naye
Mr. West – Aye
Mr. Wieseman – Aye
Ms. Peace - Aye

The motion carried. Mr. Wood reminded everyone that the P&Z Board was a recommending body and this case would proceed to City Council for final approval.

8. Requests For Preliminary and/or Final Map Approval:

- (a) **S-0120-01** – Chad Bowman, representing Embassy Homes, LLC, Nakoom Rushirajsinhji, and Ridgecrest Homes, LLC, is requesting **Final Plat** approval for **Resurvey of Lake Cyrus Sector 21**, a proposed 82 lot subdivision located on Lake Cyrus Club Drive. The property is zoned PUD PR-1 (Planned Single Family District). (**APPROVED**)

Staff Comments: Recommend approval contingent upon the applicant providing documentation from the Lake Cyrus HOA supporting the proposed changes to the set front and rear setbacks.

The Lake Cyrus PUD allows for the proposed setback adjustments. However, there are at least 12 of the 80 lots that already have homes developed or under development, and not all in one portion of the subdivision. While it doesn't appear that reducing the required front setback by 5' will create non-conformities, the potential exists for the existing homes to be offset from future homes by 5' on the front.

Mr. Wood asked who was there to represent the case. Mr. Bowman stated that he was the representative. Mr. Wood asked if Mr. Bowman understood what they said about the HOA. Mr. Bowman stated yes.

Mr. Wood asked if there were any questions on this case. No questions were asked.

- (b) **S-0120-02** – Jonathan Belcher is requesting **Final Plat** approval for **Blackridge Lot 1066 & 1067 Resurvey**, being a resurvey of lots 1066 & 1067 according to the Final Plat of Blackridge Phase 1B. This is a proposed 2 lot subdivision located on Blackridge Cove. The owners of the lots are Jonathan & Brandi Belcher (Lot 1066) and Greg and LeAnn Blackman (Lot 1067). The property is zoned PUD PR-1 (Planned Single Family District). (**APPROVED**)

Staff Comments: Recommend approval.

Mr. Wood asked who was there to represent the case. Mr. Belcher stated that he was the representative. Mr. Wood asked if there were any questions on this case. No questions were asked.

- (c) **S-0120-05** – Scott Rohrer, SB Dev. Corp., is requesting **Preliminary Plat** approval for **Flemming Farms Phase 3**, a proposed 33 residential lot subdivision at the south end Flemming Parkway. The property owner is SB Dev. Corp. and is zoned PUD PR-1 (Planned Single Family District). (**APPROVED**)

Mr. Wood asked who was there to represent this case. Mr. Belcher stated that he was the representative. Mr. Wood asked if there were any questions on this case. No questions were asked.

Mr. Wood announced they would be voting on the above three subdivision cases in a block. Mr. Wood called for a motion to approve. Mr. Shaw made a motion to approve S-0120-01, S-0120-02, and S-0120-05. Mr. Rice seconded the motion. After a vote, the motion was approved by all members with the exception of Mr. Harris who abstained from voting on S-0120-02, and S-0120-05.

The following case, #9, discussed at the last meeting (December 9, 2019), and was continued until the next meeting January 13, 2020.

9. **Z-1219-36** – R-LSF Legacy Single Family Residential District
(*APPROVED*)

Mr. Wood asked the Board and the audience if there were any questions on this. No questions were asked. Mr. Wood asked for a motion. Mr. Harris made a motion to approve Z-1219-36. Mr. Rice seconded the motion. The motion was unanimously approved.

10. **Z-0120-01** – Alan Howard, AJH Properties, LLC, is requesting pre-zoning and eventual annexation of property owned by Roy W. and Judith L. Gilbert at 5400 and 5410 Saddlecreek Lane, located near Greystone Legacy. Mr. Howard is asking for the property to be pre-zoned to PRD (Planned Residential Development District) for the purpose of building a residential development.

CONTINUED

Staff Comments:

1. Developer will need to submit a cop of the proposed covenants for the development, including arrangements for the maintenance of the streets, sidewalks, common areas, and other privately owned public infrastructure.
2. Prospective lots 70-72 will need to be the subject of a future PUD amendment to Greystone to remove the property from that PUD and add to this district.
3. Rear setback is also called a buffer on the plan. If a buffer is intended, please describe the type of buffer (undisturbed vegetated or planted). If a true buffer is not intended, please remove and just label as “rear setback.”
4. Proposed layout shows 97 future lots. These lots would be in addition to residential units previously approved by the Council for development in Hoover.
5. If approved, the developer should know that the site plan is conceptual, and that the entire development and each lot therein shall be designed in accordance with the adopted zoning and subdivision regulations of the city.

Mr. Martin stated that the site plan was submitted with the PRD, it meets new requirements and criteria for the PRD district and he has a few comments. He stated that one is that the developer would need to submit a copy of the proposed covenants for the development including arrangements for the maintenance of the streets and sidewalks the zoning criteria. His second comment was that the site plan shows perspective lots 70, 71, to 72, just know that these will be needed in the future development amendment to Greystone to move the property from that PUD to this district with this plan. His third comment was that the site plan calls a rear setback a buffer as well. If the buffer is intended, they needed for that buffer to be described. The buffer is related to undisturbed, vegetated, or a planted buffer. If a true buffer is not intended then that line needs to be removed with rear setback. His fourth comment was that they have a proposed layout showing 97 future lots. He stated that a note to pass on to the City Council is that these lots will be an addition to residential units previously approved by the Council for development within Hoover. These will not be lots expanded to Greystone; they will stand on their own. The fifth comment is to approve that the developer should know that the site plan is conceptual and that the entire development in each lot therein abide by the zoning division regulations of the City.

Mr. Wood asked who was there to represent the case.

Mr. Alan Howard, 817 Bishop Court, represented the case. He stated that they are proposing to have 97 lots. Mr. Howard stated they wanted to be a part of the Greystone Legacy HOA which they were in agreement with them to do so.

Mr. Wood asked Mr. Howard if he said that he received a letter from the Legacy HOA.

Mr. Howard stated yes.

Mr. Wood asked Mr. Howard to explain the HOA's in Greystone development. He asked if this was the side where the Legacy is.

Mr. Howard stated yes.

Mr. Wood stated that there are two HOA's and this is the Legacy and there is another one that is the Greystone Founders HOA and it is called the Greystone Residential Association. On the Legacy side, it is called the Greystone Legacy HOA. They did share a common ARC.

Mr. Wood asked if there were any other questions.

Mr. Harris asked what the average sized lot was. Mr. Howard answered the lots were 65 x 120. Mr. Howard stated that was the size of many lots going on at Blackridge and Lake Wilborn.

Mr. Wieseman asked Mr. Martin if he would correct his point number 3 on the rear setback located in a PRD district.

Mr. Martin stated he went back to review the planned residential PRD with the minimal criteria. It does not specify that they have to have a buffer in place. It does specify minimum rear setback of 25 ft. It does not explicitly say that there has to be a buffer between this and an adjacent single family residential neighborhood. Mr. Wood asked if there were any further questions.

Mr. Weiseman asked Mr. Howard if he was planning to provide a 25ft. natural buffer when he was abutting existing residential.

Mr. Howard stated they did not have a problem with that as there was still a lot of undisturbed area there. A lot of the area abutting into Greystone Founders was already going to have tree save anyway. Mr. Howard added they were not even close to 25 people so that was not a problem because they were not impacted.

Mr. Wood asked if anyone else had any questions.

Mr. Shaw asked Mr. Howard why PRD and not R-1. Mr. Howard stated so that he could get a smaller lot than R-1. A lot of their people are retirees and wanted smaller lots. He thinks that they are at 2.6 or 2.7 per acre.

Mr. Wood asked if there were any further questions.

Mr. Charles Mitchum of 6019 Rosemont Rd. stated that he lives in Greystone and wanted to voice his concerns being high density and high price of these homes.

Mr. Ray Fitzpatrick of 8034 Castle Hill Rd., Hoover, AL, stated that his office is on 1200 Corporate Dr. in Hoover. He is counsel for the Greystone Residential Association. Mr. Fitzpatrick stated he has either been a board member, President of the Greystone Residential Association; or attorney for the Greystone Residential Association since 2003. He has negotiated with the turnover of Greystone Founders from Daniel Corporation to the residents in 2004. He has been working with the documents and covenants for many years. He stated that he had with him Mr. Larry Darty who was also on the Board of the Greystone Residential Association. Ms. Mary Sue Ludwig had asked him to speak for her at the meeting tonight as she was ill.

The GRA Board is very concerned about this proposal. It is brand new and they have only heard about it within the past 10 days or so after the City of Hoover sent the notices out to the adjoining streets. The president of their street apparently received those notices and began making calls to see what was going on. They asked the management about it, which shares the management with Legacy and did not get any information from management either. They have a common ARC and were never informed by them about the action to approve this. They had never been advised by the Legacy Board if they

approved it, and they had never seen the letter that was just handed to the Board. He spoke to a Legacy Board member and they did not tell him anything about approving this.

This property sits between Legacy Dr. and the Founders. It sits adjacent to an estate sized subdivision that Mr. Gilbert created two years ago of five lots that are not in the City of Hoover and are not subject to the Legacy covenants but two of which did not even pay Legacy assessments. They are proposing to put this behind the gates, which means that they will have full access to the Greystone Founders private streets. They have a reciprocal easement agreement between Greystone Founders and the Greystone Legacy, which gives them rights to this process. Mr. Fitzpatrick stated they were not talking about Greystone size lots. They were talking about 65 ft. lots and a high density project. This was a concern to them. What mostly concerns them is a fast track that they seem to want to put this on. He stated that he does not agree with the concept of pre-zoning. There is no connect. It is either zoned or not zoned, not pre-zoned. He stated that it sort of sounds like contract zoning. They believe that this process should be slow so that everyone knows what the facts and covenants are. On one hand, the Planning director says that they need to say covenants. On the other hand, the developer says that he is going under the Legacy covenants. He has read the Legacy covenants and they have a problem with adding the additional property after turnover. He stated that he does not know what is in the Legacy turnover agreements. They have not made that available to them. They would probably limit or address the right to add additional property. mentioned before, some of these lots are in Greystone Founders. They are not going to add those lots to their subdivision or be forced to. He thinks that before they entertain something at this complexity and this impact that everyone should know what the facts are, instead of having a fast track operation. This is adjacent to the Birmingham Water Works property. There is a set of agreements with the Birmingham Water Works that affects the Legacy, particularly, and it is 100 pages long. He has not had the chance to look at them yet, but it affected the impact for the development of this property. That is an agreement with the original Greystone development and the City of Birmingham. This is an environmentally sensitive area and it has a lot of wildlife. He stated that he thinks that they should examine the extent of which they are impacted. The request from the Greystone Board is for this case to be tabled and to have further discussion that involves all interested parties, including Greystone Founders. They want to be active in this matter but need to know the facts. They would appreciate if the Board would table or adjourn this to a future meeting.

Mr. Wood asked if anyone else had any further questions or comments.

Mr. Jay Fione, 376 Woodward Court Place, stated that he agrees that no one virtually knew anything about this project until about 10 days ago. He is not sure how that happened. Somehow on the Legacy Homeowners side one of the employees stated that that is an agreement that has not even come close to permission. The Legacy Homeowners Association meeting is tomorrow night. They have not had a meeting like this in a year. It has never been discussed, but it will be discussed at that meeting.

Ms. Alicia Huey, Legacy resident, stated that she lives in the Legacy houses and is on the Legacy Board. She stated that she thinks the meeting that the previous resident was talking about was next Tuesday night. She does not know what will be discussed or presented to them at the Board meeting and what should be between Legacy and Founders. She does not know who was on the Founders' Board, but they (Legacy) has discussed this for many months. They are in a difficult situation. There was an agreement that was made up by Mr. Daniel and Mr. Gilbert years ago when Legacy was first built. It said that their property would have access no matter what. Mr. Howard has come to them and said that he wants to pay the association fees and to be under their covenants and made it their choice. Ms. Huey stated they did support him.

Mr. Frank Paduch of Castle Hill Rd. stated that he distributed a letter to both the Legacy Home Owners Associations. When he returned from his Christmas vacation, he received a notification for the first time that this property was going to be developed. He thinks that what they are seeing tonight is confusion between Legacy and Founders. They have Legacy that has been notified and the Founders that has not. He is not opposed to the property being developed in the City of Hoover because it is a positive thing for them as residents. He is opposed to the development of 97 homes and the density that has been proposed. He thinks that the Legacy and the Founders need to work together to come up with a plan that works for the developer. He stated that he is a contractor as well and he understands the developers sense of it, but he is a home owner there as well. He would like for the City to push this agenda down the road, the Founders and Legacy work together to figure out what both communities want in the properties in Shelby County and the city limits of the City of Hoover. He thinks if they both come together to find out a plan with Mr. Howard, they can establish undisturbed buffers between them. As they know right now, without buffers up, the signs mean nothing. He understands that as a developer. There is also a piece of property that expands over the property line and _____. There is no definition of what could be done there in the future. There are a lot of unknowns. Obviously, there are a lot of unknowns between the Founders and Legacy. When he spoke to one of the associations employees, their comment to him was that it is a win-win for Legacy. He asked what about Founders, what do they have. Legacy has no impact except to the gates. Founders has all of the impact from Rosemont, Castle Hill, and Bishops Court. He agrees that this agenda item should be pushed down to a later date so that they as residents can work with the developer and come up with a plan.

Mr. Jeremy Wright of 854 Parkway Drive in Birmingham, AL, stated that he owns a property on 1013 Legacy Dr. He stated that it is a property that he and his wife purchased. He has had some time to look at it on his own. He was tied into the neighborhood and looking at what ifs as far as what property there is to develop. One of the things that he knows that they are looking to develop the property in Hoover if they look into the development price and costs from a development standpoint. If these were large lots like some of the lots in the neighborhood, they would be above Blackridge and Ross Bridge price wise. The demand in the market has been at the price point that they have been trying to achieve. He likes what Mr. Howard has proposed, the only thing that he has concern about from a development standpoint are the homes on the roads that are

facing the sidewalk. He does not know the price point from what they may want to build. They may look into building some kind of fence or wall along the back of the property.

Mr. Wood asked if there were any other questions.

Mr. Howard stated that to be clear, there are no proposed lots in Founders because they have proposed future developments. Secondly, he stated that he has talked to a couple of guys on Rosemont and they are not opposed to any buffers. One gentleman spoke about a buffer at his home 370 ft. from him and he still said that he needed more buffer. He cannot really accommodate that size buffers. He has talked to Legacy and he has talked to Hoover. He stated that he cannot help that everyone did not know about it. He did not know that he needed to do an extended notice. Mr. Howard stated the city asked him to pre-zone.

A member of the audience asked who wanted the pre-zoning.

Mr. Wood stated that the City wants the pre-zoning.

Mr. Howard stated that he did not make that up. He stated that it is true when they talk about the five lot subdivision, there are two people that are not paying their dues because they are on the side of the road where they have to maintain themselves. They kept the ARC in covenant over the other two and since they had to maintain their own roads, there was no fee. He stated that made a lot of sense. The covenants are the Greystone Lakes covenants. It is true that there are about five recorded documents and he has talked to Mary Sue about this. Mr. Howard stated in the spirit of trying to work something out, he was willing to continue. He stated that he was asking that they continue.

Mr. Wood called for a motion to continue. Mr. Harris made a motion to continue item # 10. Mr. Rice seconded the motion. The motion was unanimously approved.

11. **C-0120-01** – Ms. Jinger Glasgow, representing Central AL Artists Guild, is requesting **Conditional Use** approval for the Patton Creek Art Festival to be held at **4445 Creekside Avenue** on Saturday, March 7, 2020, from 9a.m. until 4p.m. The property is zoned C-2 (Community Business District) and is owned by ARC PCBIRAL001, LLC.
(APPROVED)

Mr. Wood asked who was there to represent the case.

Ms. Glasgow represented the case. She stated that they want to help Hoover Patton Creek. Patton Creek wants to help them and they want to do this every year.

Mr. Shaw made a motion to approve case C-0120-01. Ms. Peace seconded the motion. On voice vote, the motion was unanimously approved.

12. **C-0120-02** – Mr. Charlie Culp is requesting **Conditional Use** approval requesting modification of previously approved site plan for addition of a modular building to be used for Sunday school classes to the existing Conditional Use on property located at **560 Lakecrest Drive**, home for Church of the Hills who is sharing the space with Cross Creek Church. The property owner is Church of the Hills and the property is zoned C-P (Preferred Commercial Office District).
(APPROVED)

Staff Comments: The modular building shall be constructed on the site in accordance with adopted Building and Fire Codes.

Mr. Wood asked who was there to represent the case. Mr. Brian Harris was present to represent the property owner as well as Cross Creek Church. Mr. Harris explained what the church wanted to do and were requesting more classroom space. Mr. Wood asked if there were any questions.

Mr. Smith, 5001 Lakecrest Circle, which was directly east of the property in question. Mr. Smith stated he was not opposed to a modular building but wanted to know exactly the location of the proposed building to see what he and the other neighbors would be looking at. Mr. Mac Martin stated the modular building would be on the southwest side corner of the parking lot closest to John Hawkins Parkway.

Another resident, 7048 Lakecrest Circle, spoke about the dead trees on the church property and asked if they would plant a couple of evergreen trees on the property where the trees had died. Mr. Culp pointed out that these trees were on the other side of the church property and not part of this request. Mr. Wood asked if the church could be a good neighbor and plant a couple of trees.

Mr. Wood asked for a motion. Mr. Shaw made a motion to approve case C-0120-02. Mr. Rice seconded the motion. On voice vote, the motion was unanimously approved with the exception of Jason Lovoy who abstained from the vote.

There being no further business, the meeting was adjourned.

Vanessa Bradstreet
Zoning Assistant