

MINUTES OF MEETING

HOOVER PLANNING AND ZONING COMMISSION

Date: March 14, 2016
Time: 5:30 PM
Place: Hoover Municipal Center
Present: Mr. Mike Wood, Chairman
Mr. Kelly Bakane
Mr. Allen Pate
Mr. Carl West
Mr. Sammy Harris
Mr. John Lyda
Mr. Mark Schroeter

Absent: Mr. Scott Underwood

Also Present: Mr. Bob House, House Consultants
Mr. Rod Long, City Engineer
Mr. Chris Reeves, Assistant City Engineer
Mr. Duke Moore, Fire Marshal
Mr. Don Reilly, Director, Building Inspections
Ms. Leslie Klasing, City Attorney Staff
Ms. Sharon Nelson, Landscape Architect

1. CALL TO ORDER

The meeting was called to order by Mr. Wood and the secretary had roll call at this time.

2. Mr. Wood asked Mr. Sammy Harris to give the invocation.
3. Mr. Wood asked Mr. Bakane to lead in the Pledge of Allegiance.
4. Mr. Wood stated the members of the Commission had been given copies of the minutes of February 8, 2016, meeting and asked for a motion concerning these minutes if there were no corrections or additions to be made. Mr. Lyda made a motion to approve the minutes as presented. Mr. Sammy Harris seconded the motion. On voice vote the motion carried unanimously.

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 The following case has been *withdrawn* by the applicant:

Z-0316-02 – David Keith, Keith Development, is requesting to amend the International Park PUD by **rezoning Lot 7 of International Park – Second Sector, from PO (Planned Office) to PC (Planned Commercial)**. The property is owned by International Park Association, LLC, and is currently zoned PO (Planned Office).

Mr. Wood explained this case had been withdrawn and if anyone present was interested in the case, new notices would be sent out if and when the case was resubmitted.

6. REQUESTS FOR PRELIMINARY AND/OR FINAL MAP APPROVAL:

Mr. Wood explained he would read the following subdivision cases and verified the Planning Commission had had the opportunity to review each one during the pre-meeting work session and get any questions they had answered. He asked if anyone had a question or comment to please raise their hand and that case would be moved to the end of the agenda, and the other cases would be voted on as a block. The cases presented for block vote were as follows:

- (a) **S-0316-07** - Gary Smith is requesting **Final Plat** approval for **Smith's Addition to Bridgewater Drive**, a proposed 4 (four) lot residential subdivision partially located in the City of Hoover. The remainder is located in unincorporated Shelby County. The portion located in the City of Hoover is zoned R-E (Residential Equestrian District).

Engineering Comments: Recommend approval contingent upon the applicant providing a guarantee in the amount of \$15,000.00.

APPROVED

Mr. Gary Smith was present to represent this request. Mr. Wood asked him if he was ok with the \$15,000 bond. Mr. Smith answered he was. Mr. Wood asked if there were any questions from the audience regarding this case. Someone in the audience raised their hand and Mr. Wood replied he would move this case to the end so that they could address his questions.

- (b) **S-0316-08** – Robbin Phillips, Hatch Mott MacDonald, is requesting **Final Plat** approval for **Shannon Wenonah Road Relocated ROW**. The purpose of the plat is to dedicate right of way for the relocated Shannon-Wenonah Road. US Steel Corporation is the property owner and the property is zoned PC (Planned Commercial).

Engineering Comments: Recommend approval.

APPROVED

Mr. Chad Bowman, Hatch Mott MacDonald, was present to represent this request. Mr. Wood asked if there were any questions on this case. There were none.

- (c) **S-0316-09** – Walter Schoel Engineering is requesting **Final Plat** approval for **Ross Bridge Commercial Phase IV**, a 1 (one) lot subdivision located off Ross Bridge Parkway and Greenside Way. The purpose of this plat is to create a 1 (one) lot subdivision from acreage. USS Real Estate is the property owner and the property is zoned PC (Planned Commercial).

Engineering Comments: Recommend approval.

APPROVED

Mr. Joey Breighner, Walter Schoel Engineering Co., was present to represent this request. Mr. Wood asked if there were any questions from the audience regarding this case. There were none.

- (d) **S-0316-10** – Jonathan Belcher, SB Dev Corp d/b/a Signature Homes, is requesting **Final Plat** approval for **Magnolia Grove – Phase 2 Resurvey No. 1**, a proposed 12 (twelve) lot subdivision. The purpose of this plat is to reconfigure the lot lines for 12 residential lots and 2 common areas. 3165 Properties, LLC, is the property owner and the property is zoned PUD PR-1 (Planned Single Family District).

Engineering Comments: Recommend approval.

APPROVED

Mr. Bob Easley, AL Engineering Co., Inc., was present to represent this case. Mr. Wood asked if there were any questions from the audience regarding this case. There were none.

- (e) **S-0316-11** – Rodney Cunningham, Engineering Design Group, is requesting **Final Plat** approval for a **Resurvey of Lot 2B-1 Sing Survey**, a proposed 2 (two) lot subdivision, located on Bowling Drive. The property is owned by Cung Capital Advisors, LLC, and is zoned I-1 (Light Industrial).

Engineering Comments: Recommend approval.

APPROVED

Mr. David Stovall, Engineering Design Group, was present to represent this request. Mr. Wood asked if there were any questions from the audience regarding this case. There were none.

Mr. Wood announced they had a question regarding the first subdivision case, S-0316-07 – Bridgewater Drive case. Mr. Wood stated he would entertain a motion on cases b, c, d, and e. Mr. Lyda made a motion to approve cases b, c, d, and e. Mr. Bakane seconded the motion. The motion was approved by everyone except for Mr. Harris and Mr. Schroeter abstaining only from case d (S-0316-10).

At this time, Mr. Barry Vickery, 780 Cahaba River Estates, which was about 150 feet from the property addressed in Case a (S-0316-07), stated he had a couple of questions. Mr. Vickery asked how many acres were being subdivided into 4 (four) lots. Mr. Wood answered they were all in excess of the 1 acre minimum. Mr. Vickery asked if the zoning would be the same on these lots (Residential-Equestrian). Mr. Wood answered it was the same zoning as it was. Mr. Vickery asked if these lots were part of Cahaba River Estates. Mr. House answered that they were.

Mr. Vickery stated when they voted to come into the City of Hoover, Hoover stated that if they wanted their roads fixed if they subdivided, they would be required to improve directly in front of the property. Mr. Vickery asked if someone could review the precise language. Mr. Vickery stated it was his understanding there was not going to be an access to the road. He stated he was curious as to what the language was because they had a number of lots that had been subdivided or re-put together or taken apart once they were merged.

Mr. House stated he did not know the exact language but there was a note on this plat saying “no access through Cahaba River Estates”. Mr. House stated all the access would be out of Bridgewater on this plat. Mr. Vickery asked if the intent on that was to avoid having to improve the road. Mr. House answered yes.

Mr. Vickery asked if there was going to be any natural gas or anything on this property brought in from the Bridgewater area. Mr. House stated he wasn't sure which utilities were available. Mr. House stated that whatever utilities along Bridgewater would be available to serve these houses. Mr. House stated it would just be tie-ons.

Mr. Vickery stated he wasn't against the project at all. He said he thought it would be very good to have four lots and he thought it was about seven acres or so that would be divided and these were going to be upper scale houses. Mr. Vickery stated he would like to get a copy of the minutes or conditions when they went into Hoover as to the improvements of roads. Mr. House told Mr. Vickery to give his information to the Secretary who worked in the City Clerk's office and they would get the information to him.

Mr. Wood asked if anyone else had any questions or comments regarding this case. There were none. Mr. Wood asked for a motion. Mr. Pate made a motion to approve. Mr. Lyda seconded the motion. On voice vote the motion was approved.

7. The following case was **continued** from the February 8, 2016, Planning & Zoning Meeting:

C-0216-02 – Ed & Barbara Randle are requesting **Conditional Use** approval for their property located at **2255 Tyler Road** (a/k/a The Hoover House) to be used as a wedding venue, a place for corporate meetings and other similar social functions. Mr. and Mrs. Randle are the property owners and the property is zoned R-1 (Single Family Residential).
APPROVED

Mr. Wood explained this case had been continued from last month and since that time, Mr. House had attended a meeting held with the residents at Mr. Randle's home and had come up with some amended Conditional Use restrictions. Mr. House stated they had a good turn-out with at least 12 (twelve) to maybe 20 (twenty) people, which was a good turn- out. Mr. Wood asked Mr. House to read the list of restrictions (attached to minutes).

Mr. Wood asked Mr. Randle to come to the podium. Mr. Randle stepped to the podium and asked if could speak last so that anybody who had any opposition to this case could speak and he could answer any questions at the end. Mr. Wood agreed that would be fine.

Mr. Wood asked if anybody had any opposition to this case. Mr. Mike Mueller, 2260 Tyler Road, and 2263 Old Tyler Road, stepped to the podium to address his concerns. Mr. Mueller stated the house on Old Tyler Road was currently a rental and was not occupied presently. Mr. Mueller stated he had attended all the meetings and also the get together at Mr. Randle's house. He thanked Mr. Randle for his hospitality. Mr. Mueller stated he was speaking as a resident from the area. Mr. Mueller stated he had concerns as he was right next door. Mr. Mueller stated he had a concern that one stipulation should be that there not be any activity on the Lord's Day which is Sunday because he felt like this should be a day of peace and quiet. Mr. Mueller stated he felt pretty strongly about this and would like to see this honored if possible.

Mr. Mueller stated that he also felt it would be wise to ask the City of Hoover, if this proposition went through, to maybe one year from now to revisit this whole subject. If they agreed this is something they allowed to proceed forth, then the community, residents, and Mr. Randle, and all who are involved, sit down in a year's time to see how the year has been, so if things were good, they would continue, then if not so good, maybe it should be considered to be rescinded.

Mr. Mueller also suggested maybe an impact study be done for noise levels, especially for those residents close by. Mr. Mueller added he had great respect for the Randle's on what they had done on the property and their time, but he was just speaking simply as a resident and from his standpoint, what he wanted when he came home from work was just some peace and quiet.

Mr. Mueller stated another thing he would be concerned about from a business standpoint was the number of activities planned for the facility. He stated the problem with being next door was that they could not turn off the music, so there was a concern there.

Mr. Mueller stated the last thing he would like the city to do was to tell the residents, if they did have some concerns and were not totally happy, what the steps would be for the city to take and what were the residents' rights if they somehow still objected to the proposed plan.

Ms. Julia Christopher, 2240 Mill Run Circle, stepped to the podium to address her concerns. She stated she really appreciated the Randle's having the meeting and said she did feel much better about the traffic situation as a result of the meeting and the stipulations that had been put into place regarding this case. Ms. Christopher stated she felt better about the music not being amplified; however, because of the way the Randle's patio was built, (sort of a square), it kind of acted like a megaphone sort of pointing the sound toward her house. She stated she wasn't 100% agreeable until she could find out what it would be like. She stated that non-amplified music might be just as loud and annoying as amplified music. Ms. Christopher said she was concerned about some sort of a way to figure out what it would be like. She thought that even if it did turn out that something as simple as continuing a wooden fence might be sufficient to block the noise.

Ms. Christopher stated that also that this has been billed as an "event" center, but the potential for 10am-10pm, 7 days a week, 365 days a year, that concentration is a business. She stated she would like a maximum number of events, because Mr. Randle stated their purpose for doing this was to preserve the property. She stated she, too, would like to re-evaluate after a year to see how things went and have some sort of recourse. She explained her main fear, though, was potential impact from buyers being turned away because of a business being in the neighborhood.

Mr. Bill Elledge, 2258 Tyler Road, stepped to the podium to address his concerns. He thanked the Randle's for having the meeting and passing on information and answering questions. Mr. Elledge said he still had concerns like the other neighbors who had spoken in opposition to this request. He stated that again this was mainly about his property values being affected by this business.

Mr. Steve Porter, 2249 Tyler Road, stepped to the podium to express his support for this case. He stated he may be the only actual "next-door" neighbor the Randle's actually had. The other folks were across the street. He stated he had lived next door to the Randle's for about 15 or 16 years and they had various things during that time and had always been a positive event for a neighborhood in his opinion. Mr. Porter stated he had not made it to previous meetings due to being out of town, including the one they had at their home. Mr. Porter added also, that as far as

what days of the week it could operate, as somebody who was raised going to church on Saturday, he hoped that the government wouldn't be in the business of choosing the day of the week was appropriate for the Lord's Day.

Mr. Ed Randle, 2255 Tyler Road, came to the podium at this time and thanked everybody who had dissented and stated he understood the reasons and respected the reasons. Mr. Randle added that he also appreciated Mr. Porter for coming and speaking for the request and added that he did live next door to his home. Mr. Randle stated they had tried to be good neighbors for 28 years and really what they were talking about was a continuation of what they had already been doing during that timeframe.

Mr. Randle stated he appreciated the concerns and although he didn't think there was a justification for them. Also, he said they had a little caveat in the end, in the event he passed away or if he left the property, this deal would end and he doubted that anybody else would care about the property to fight the fight.

Mr. Randle stated again his intention was to go down and remodel the house on the corner of Mill Run and Tyler Road for he and his wife's place to live. Mr. Randle stated that an event 365 days a year would be a bit much for him. Mr. Randle emphasized again that the idea of this was to make good use of and preserve the property. Mr. Randle stated that this home was one of the few historical points in the city. Mr. Randle stated Hoover was not old enough to have a whole lot of historical points like this. Mr. Randle stated they would have probably a whole lot less action than people were thinking they would have. He stated they would continue to conduct it in such manner as they had done for 28 years and even more sensitive to it, keeping in mind that up until this point and continues until they get final approval, they pretty much have been able to do what they wanted to on private property and have never been excessive about it.

Mr. Randle stated they cared about the city and stated he was only trying to protect and preserve his domain and wanted to keep it in the highest level and they intended to do just that. Mr. Randle stated he would welcome anybody who had any thoughts along the way to walk across the street and let them know and they would do everything they could to make whatever amends that needed to be made. Mr. Randle stated they wouldn't have to have an issue over it.

Mr. Randle added that he hoped the Planning Commission would approve this and reassured them they would be good stewards of it. He added that there was still work to be done with the city with inspections and the changes he had to make in the house. He said they were not about to start without knowing if this request was going to be approved. Mr. Randle stated this probably would not be implemented until way into the summer or maybe even fall. Mr. Randle stated he was speaking from the heart and was very sincere. He said he was speaking the truth and the way he truly felt.

Mr. Wood told Mr. Randle he had a couple of questions for him. He asked him how he felt about not having any events on Sunday. Mr. Randle explained the Sunday exclusion was proposed to him and he had rejected it. Mr. Randle stated the reason was there were things that went on, not necessarily weddings or parties, but for example, they had an event coming up this weekend for a charity. Mr. Wood asked Mr. Randle if he was agreeable to a maximum number of events. Mr. Randle answered he was not agreeable to that either because he could not control what was going to go on.

Mr. Lyda expressed to Mr. Randle that he had been on the Planning Commission for 3 ½ years and his colleagues, some much longer than he had, and there had never been a case come before this board while he has been here that he's seen such good, healthy cooperation between the neighbors and land owners on any case that he has heard. Mr. Lyda added he felt this was a testament to Mr. and Mrs. Randle in their willingness to talk through, not that they were always going to agree on everything, but however this turns out, he felt it was very refreshing to see neighbors who came together to work through issues and he applauded them all. Mr. Lyda said it was really good to see.

Mr. Randle thanked Mr. Lyda for his comments. Mr. Randle stated he knew he was aware of things the Randle's were involved in the community and felt this was the spirit. He said he loved the city and as long as he was alive, he would do everything he could do to make it better and help it along.

Mr. Sammy Harris asked Mr. Randle if he planned to be Chairman of the Board, CEO, and the President of this company. Mr. Randle stated if it went the direction that they have been advised that it should, they would probably have an LLC and he would be the CEO.

Mr. West added that he would like to echo what Mr. Lyda had said and added it was very refreshing and very welcomed. Mr. West stated the question he had heard several times from some residents in the audience was regarding enforcement. Mr. West stated he would like for someone to speak about enforcement of these conditions as to if they are not followed, what recourse did the residents have.

Mr. House explained that if the conditions are not complied with, and he thought that the fact there would be an off duty police officer there would help confirm exactly what went on at the property each time an event was held there, if they were in violation of their zoning approval, a complaint would be made to the city either in Building Inspections office, City Clerk, or somewhere in zoning enforcement, at which time, the proprietor would be told that they had to quit doing this or that, and if they continued to do it, then it might be appropriate to rescind the conditional use because these were the conditions of the approval. Mr. West confirmed that the resident would have recourse. Mr. House confirmed this to be true. He reiterated that the resident would make a complaint to the city administration through whatever contact point they chose, either Building Inspections, City Clerk's office, or the Mayor's office, where they would be responsive to be able to handle that request, document the problem, and try and remedy it.

Mr. Randle added they would find them cooperative with that and would continue in the same kind of spirit.

Mr. House addressed the Chairman, Mr. Wood, and added there was one question before the meeting that they wanted Mr. Randle to answer and that was regarding alcohol. Mr. House asked Mr. Randle if they would be selling alcohol or would the caterer be selling it. Mr. Randle answered they would not be providing any vendor items. He stated they did not cater it, or would they supply alcohol or any other things served there. Mr. Randle stated they were dealing with event planners, or professionals, at these events. Mr. House confirmed the vendor would hold the liquor license. Mr. Randle answered yes.

Mr. Pate added that he, too, appreciated everyone working together. Mr. Pate added that it was he who had made a motion for continuance last month for this case to be able to give Mr. Randle

and the neighbors a chance to sit down and see if they could work out some compromises and he believed they had done that. Mr. Pate stated he had enough confidence in the Randle family to do what they say they were going to do. Mr. Pate made a motion to approve. Mr. Lyda seconded the motion. On voice vote, the motion was approved unanimously.

Mr. Randle thanked the Chairman and the entire committee for their interest and also to everyone on both sides who were involved. Mr. Randle wanted to say this would not be implemented until way into the summer or fall so they would not be under the auspices of this agreement while that was going on but until then but they would continue to conduct themselves as in the past. He stated there may be an exception on June 18 and wanted everyone to put that date on their calendar because that was his 80th birthday. He stated they might celebrate in a unique way because that was once in a lifetime deal.

8. C-0316-03 – Douglas Hovanec is requesting **Conditional Use** approval to allow the sale of Restaurant Retail Liquor at Revolve Kitchen & Brew located at 611 Doug Baker Blvd, Suite 103, in the Lee Branch Phase II Shopping Center. Monarch at Lee Branch, LLC, is the property owner and the property is zoned C-2 (Community Business District).

APPROVED

Mr. Doug Hovanec, 1127 Greystone Cove Drive, was present to represent this request. Mr. Wood asked the secretary if the applicant had been checked out. Ms. Bradstreet replied it was in the process of being checked out. Mr. Wood asked if there were any questions from the audience or any questions or comments from the Planning Commission. There were none.

Mr. Wood asked for a motion. Mr. Sammy Harris made a motion to approve pending the applicant's background check coming back ok. Mr. Pate seconded the motion. On voice vote, the motion was unanimously approved.

9. C-0316-04 – Rong Yang is requesting **Conditional Use** approval to allow the sale of on or off Premises Retail Beer and on or off premises Retail Table Wine at Sushi Village 280 located at 601 Doug Baker Blvd., Ste 101 and 102 in the Lee Branch Shopping Center Phase II. Monarch at Lee Branch, LLC, is the property owner and the property is zoned C-2 (Community Business District).

APPROVED

Mr. Yue Ki, 1929 3rd Avenue N., Suite 200, Birmingham, AL, Attorney representing the applicant Rong Yang, was present to represent this request. Mr. Wood asked the secretary if the applicant had been checked out. Ms. Bradstreet replied it was in the process of being checked out. Mr. Wood asked if there were any questions from the Board members or any further questions or comments from the audience. There were none.

Mr. Wood asked for a motion. Mr. Lyda made a motion to approve. Mr. Bakane seconded the motion. On voice vote, the motion was unanimously approved.

Mr. John Lyda added that he would like to recognize Mr. Don Reilly as this was his last meeting before his retirement at the end of the month. Mr. Lyda expressed his appreciation for his service to the city and stated he would be greatly missed.

There was no further discussion and the meeting was adjourned.

Vanessa Bradstreet
Zoning Assistant