

## MINUTES OF MEETING

### HOOVER PLANNING AND ZONING COMMISSION

**Date:** April 11, 2022  
**Time:** 5:30 pm  
**Place:** Hoover Municipal Center  
**Present:** Mr. Mike Wood - Chairman  
Mr. Allan Rice  
Mr. Ben Wieseman  
Mr. Jason Lovoy  
Ms. Becky White  
Ms. Lyndsy Yim

**Absent:** Mr. Mike Shaw  
Ms. Jennifer Peace  
Mr. Nathan Reed

**Also Present:** Mr. Chris Reeves, City Engineer  
Mr. Blake Miller, Assistant City Engineer  
Mr. Richard Broome, Plans Examiner  
Mr. Mark Thornton, Fire Marshal  
Mr. Jehad Al-Dakka, Chief Operations Officer  
Ms. April Danielson, Assistant City Attorney  
Mr. Mac Martin, City Planner  
Ms. Vanessa Bradstreet – Zoning Assistant

#### 1. CALL TO ORDER

- The meeting was called to order by Mr. Wood. Mr. Wood then asked the Secretary to call the roll in which a quorum was present.
2. Mr. Rice gave the invocation.
  3. Ms. White led the Pledge of Allegiance.
  4. Mr. Wood introduced and welcomed the newest Planning Commission member, Ms. Lyndsy Yim to the Planning Commission Board and stated they looked forward to working with her.
  5. Mr. Wood announced the minutes from the March 14, 2022, meeting had been distributed to the Board members and if there were no changes to the minutes, he would entertain a motion to approve as written. Mr. Ben Wieseman made a motion to approve with Mr. Allan Rice seconding the motion. On voice vote, the minutes were approved unanimously.

**6. Requests for Preliminary and/or Final Map Approval:**

Mr. Wood announced the following cases (S-0322-12 & S-0422-15) had been continued by the applicants until the May 9<sup>th</sup> P&Z meeting:

- (a) **S-0322-12** – Mr. Jay Compton is requesting **Preliminary Plat** approval for **Friendly Estates (Woodmeadow Subdivision)**, a 6 lot subdivision located at 2560 Woodmeadow Lane. Limited Resources, LLC, is the property owner and the property is zoned R-2 (Single Family District).
- (b) **S-0422-15** – Allen Hawkins, representing Wal-Mart Realty Company and Sharit Real Estate Holdings, LLC, is requesting **Preliminary Plat** approval for **Cahaba Pointe**, a 1 lot subdivision, located at 5352 Hwy 280, Hoover, AL 35242, and is zoned PUD. Property owners are Wal-Mart Realty Company and Sharit Real Estate Holdings, LLC.

Mr. Wood explained that if anyone was present who had an interest in either one of these cases, they would be heard at the May 9<sup>th</sup> Planning Commission meeting at 5:30 pm. He explained no new notices would be sent out. Mr. Wood asked if there were any questions about what he had just said. There were none.

7. The following case (**C-0322-03**) was continued at the March 14, 2022, P&Z meeting: **C-0322-03** – American Pet Resorts, LLC, is requesting **Conditional Use** for a Pet Paradise facility, a pet grooming and boarding facility with outdoor runs, play areas, to include on-site veterinary care and residence quarters for a 24 hour on-site caretaker and approval of the site plan, to be located at **1014 Brocks Gap Parkway** in Trace Crossings. The owner of the property is U.S. Steel Corporation, A Delaware Corporation, and is zoned PI (Planned Light Industrial).

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

- **APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:**
  - **No animals are to be outside after 6 PM or before 6:30 AM, Monday through Saturday, before Noon on Sunday.**
  - **Landscaping and fencing must be installed as proposed in the revised plan, including the brick texture perimeter wall with sound attenuation materials.**
  - **Exterior walls of the building shall consist of masonry materials with concrete filling for sound attenuation.**
  - **Ceilings shall be insulated with spray foam insulation for sound attenuation.**

- **All lighting shall be cast down to eliminate light pollution to neighbors. Said lighting needs to be coordinated to match outdoor lighting design of the rest of Tattersall according to the PUD.**
- **Animal waste in the outdoor play area shall not leach into the soil and groundwater. The Owner shall implement an underground storage/waste treatment program, approved form and function by the City Engineer, to handle pet waste.**
- **Dumpster shall have a roof over the enclosure since pet waste will be discarded into the trash. This will help prevent rainwater from getting to the waste and draining out.**
- **Dumpster shall be serviced an adequate number of times per week in order to prevent odor.**
- **CMU/Concrete block walls are not included as a permitted exterior wall design for the Tattersall PUD. Concrete block exterior walls must be split-faced if utilized.**
- **A maximum of 175 animals are permitted on site at any given time.**
- **A maximum of 75 animals are permitted in the outdoor areas of the facility (combined) at any given time. Aggressive or excessively noisy animals are not permitted in the outdoor areas.**
- **The site and building are to be constructed in substantial conformity to the plans presented.**

**OTHER CONSIDERATIONS/COMMENTS:**

- **DISCOVERY METHODIST HAS PROGRAMMING THROUGHOUT THE WEEK IN THE EVENINGS AFTER 6PM, SUNDAY WORSHIP PRIOR TO NOON.**
- **STAFF HAS TAKEN NOTE OF PROXIMATY OF OTHER LOCATIONS TO RESIDENTIAL AND ENHANCEMENTS FOR SOUND ATTENUATION INCLUDED IN THE REVISED PACKET.**
- **APPLICATIONS FOR SIGNS ARE TO BE SUBMITTED SEPARATELY**

**COMPREHENSIVE PLAN: SUPPORTS COMMERCIAL/MIXED USE DEVELOPMENT IN THIS VICINITY.**

Mr. Charlie Beavers, 4301 Dolly Ridge Road, Cahaba Heights, AL, 35243, was present to represent this case on behalf of the applicant. Mr. Beavers stated they had previously made a very detailed presentation of the proposal and site and development plan and could discuss that again if they wished.

Mr. Beavers stated that they were prepared to address 3 aspects that dealt with sound coming from the facilities that were near residential areas. Mr. Beavers stated that James Inman, Director of Real Estate for Pet Paradise would participate in the discussion, Mark Gonzalez, Civil Engineer from Gonzalez-Strength & Associates would also participate as well as Matthew Ranson who is a sound audio engineer expert and is certified with JBL Sound Labs and owns his own company, here from New Orleans. Mr. Beavers stated

they had him run a couple of studies for them, one at this site as well as one in Snellville, GA, which was a very similar site as this one.

Mr. Beavers presented a slide show depicting a rendering of the proposed facility depicting an 8 foot brick wall surrounding the facility around the sides and back of the facility with sound absorbing material they would discuss later.

Mr. Beavers stated they would cover existing Pet Paradise locations proximity to residential housing. They would cover and describe the sound absorbing materials used in construction, revised renderings and elevations, acoustical impact study results, and a summary.

Mr. Beavers then invited Mr. James Inman, 1551 Atlantic Blvd., Jacksonville, FL, up to speak to show some aerial photos of some of their other locations around residential areas. He showed several photographs of Pet Paradise locations in other states that were built very closely to residential communities. Mr. Inman then showed some revised renderings of the facility.

Mr. Mark Gonzalez, Gonzalez-Strength & Associates, 1550 Woods of Riverchase Drive, Hoover, AL 35244 then came up to help residents understand the distance on how far they were from the nearest neighborhood. They had drawn circles representing 300, 400, and 500 feet to see where the circles intersected which would show where they were in relationship to the facility vs. the nearest neighborhood.

Mr. Beavers looked at the renderings just shown and asked Mr. Gonzalez some questions regarding these figures and pointed out that some of the other facilities depicted did not have the sound absorption materials planned for this one nor the 8 foot tall wall.

Mr. Matt Ranson addressed the Commission to say he was from Alexandria, LA, and his address is 504 Bob White Lane, Alexandria, LA. Mr. Ranson stated he had 20 years of sound design experience. Mr. Ranson described in detail how he conducts the sound studies, and showed a video showing what he actually found in Snellville, GA. Mr. Ranson also described the Snellville, GA location which did not have the planned sound barriers that this planned facility would have. Mr. Ranson then described the ambient noise factor. Mr. Ranson recorded the sound at 75 feet and again at 400 feet from subject property and proceeded to play that which the sound was negligible.

Mr. Ranson stated that in his professional opinion, 20 years as a sound engineer, overall, he did not see that this would be a problem and that the people would probably hear more traffic than dogs. Ms. White asked Mr. Ranson how many dogs were in the play yard at the time he was there. Mr. Ranson answered 143 dogs were on location. Mr. Ranson stated this facility did not have restrictions on how many dogs could be outside at one time and there was no wall built around the facility. Mr. Ranson stated that sound is directional and this was straight sound, no wall, unrestricted, the 400 feet couldn't pick it up.

Mr. Ranson then described his experience at the proposed Brocks Gap facility, just stood there, average at lunch, but the average just passing by was at 60 decibels which peaked at 105 with cars passing by, but went back to 60 which was the average. Mr. Ranson stated the ambient SPL of the site included sound sources from passing cars, sounds from the Hoover Met and nature. Mr. Ranson described the measurement tool that he used, an SPL measurement tool, Galaxie Audio Cm-130 meter, and distance measured by a Crescent Lufkin “Compact SAE Dual Measuring Wheel”, and described how he made sure it was calibrated on a regular basis to make sure it was always accurate.

Mr. Ranson then showed some slides depicting various sound footage and measurements and discussed mitigation noise sources. Mr. Ranson asked if anyone had any questions. Mr. Wood asked what the fix was if this didn’t work. Mr. Ranson answered they could spray the inside of the walls with the same material they sprayed on the roof. Mr. Ranson added that he didn’t feel this would be necessary.

Mr. Beavers stepped back to summarize the points. He stated much thought had gone into this presentation and the revisions that had been made. Mr. Beavers thought that the dogs being engaged in organized activities with a trainer mostly negated any barking because the dogs weren’t bored. He added all the glowing remarks received about this facility spoke for themselves.

Mr. Beavers added that there were a couple of things they would like to ask the Commission to think about with respect to the restrictions. Mr. Beavers stated they would like to be able to go to 7pm if they could instead of 6pm for people picking up their pet late and potty breaks, and on Sunday, they would like to be able to let the dogs out for a potty break as they needed to, with coordinating with the church to make sure they didn’t have anything going on during church services. Mr. Beavers stated that other than those, they didn’t have any problem with agreeing with any other restrictions presented. Mr. Beavers asked if anyone had any other questions for them.

Mr. Wood asked if the outside bays that the dogs had access to, their one spot, if there was there a partition between the inside and outside where if they were barking, there was a door that kept the noise in? Mr. Inman answered yes. Mr. Beavers answered also, there was the 8 foot tall brick wall around the entire area.

Mr. Wood then stated he would take questions from residents. Ms. Edie Ashworth, 5544 Northridge Circle, asked about if they had done a survey of the residents nearby to get their input.

Mr. Greg Williams, 5719 Chestnut Trace, addressed the sounds from the ridge where they lived as they were not a flat area, and he didn’t think an 8 foot wall would keep the sounds inside.

Ms. Nancy Carr, 5788 Chestnut Trace, addressed some points regarding the sound reports and the outside noise, as she said they could hear the workers down below talking and

conversing very well now. She added she didn't see where any of the issues brought up at the last meeting had been addressed at this meeting. Ms. Carr stated she thought this was a lovely facility but did not feel this was the right place for this facility.

Mr. Jim McKittrick, 5824 Chestnut Trace, reminded the commission at the last meeting he had read the noise ordinance and played a tape from an open air facility on Hwy 31 in Pelham, AL with many dogs barking outside. He played another tape from the flagship Pet Paradise in Sharpsburg, GA from dogs outside with 2 workers. Mr. McKittrick stated that from the satellite view of this particular site, a visit to an oil change facility, an employee shared hearing the dogs barking with him when asked if they could hear the dogs. Mr. McKittrick pointed out all the reasons why the dog facility would be a bad idea for all the residential neighborhoods involved. Mr. McKittrick also stated that a new facility Mr. Inman mentioned previously, a brand new facility had been built at 8795 Holly Springs Road in Apex, NC, which was totally enclosed. He stated that this facility did keep out most of the noise however standing in the parking lot, you could hear barking. The enclosed facility would keep out odors, outside loud noises, and would keep the animals safer from heat and flies.

Ms. White asked Mr. McKittrick where he was standing when he recorded the sounds at Sharpsburg, GA. Mr. McKittrick stated he was at the parking lot in front of the building which did have about a 5 foot solid brick wall all around the facility. Mr. McKittrick stated he had noticed in these plans, the day camp was on the side of the building closest to the residences and wondered why this was planned this way versus on the side where the traffic flowed.

Mr. Bill McCanna, 5680 Chestnut Trace, pointed out characteristics of the Chestnut Ridge neighborhood with about 85% of the community being comprised of retired residents and the rest of the residents would most probably be retired in about 5 years. Mr. McCanna pointed out that these residents spent most of their time on their covered back porches, at home all day, listening to the construction noise, Spanish music, etc. and didn't need or want to hearing barking dogs on a daily basis. Mr. McCanna suggested getting noise complaints documented from the other locations and bringing it to the Commission to be evaluated.

Mr. Jay Segal, 5508 Northridge Circle, asked about doing a sound study during a busier time. He also asked if the neighborhoods didn't want it, why were they doing it? He volunteered to do a survey himself and bring in the results.

Ms. Mary Saggus, 5668 Chestnut Trace, a retired consultant, questioned whether the Pet Paradise owners and staff would be same forever or change with time. She was also concerned with the pet waste.

Mr. Kip Ashworth, 5544 Northridge Circle, had a question regarding pet wastes from 75 dogs and how it would be kept from the ground? He asked what would that do to the environment?

Ms. Pam Pamerino, 5760 Chestnut Trace, had questions regarding the restaurants and outdoor seating. Was there any proof of no smell at these restaurants. And noise issues at these restaurants? She added they could always hear people talking early in the mornings with all their windows closed. Ms. Pamerino added that people living in the community, walking, biking, gardening, was also part of their everyday lives, not just houses.

Mr. Mike Reddington, 5676 Chestnut Trace, brought up unanswered questions from last month. He asked about the solids being picked up – and handled. He asked about viruses, pathogens, and how the possible disease causing elements were being handled and picked up. Mr. Reddington stated they were told it was going to be placed in a dumpster, but what was going to happen if it wasn't picked up in a timely manner and left to create a bad odor problem?

Mr. Van Dooley, 5742 Braeden Circle, agreed it was a great concept, but not in this location. He added that the Fire Station sirens going by on a regular basis would make the animals howl.

Ms. Alene Gamel, 5508 Northridge Circle, stated she moved here from Los Angeles in 1979 and encouraged the Planning Commission to think about the quiet neighborhood in which she had stayed and raised her children, had a church to worship in, and a quiet serene place to live and enjoy.

Mr. Wood then asked the Pet Paradise representative, Mr. James Inman, to address the questions asked. Mr. Inman spoke about the pet waste procedures. He stated that all solids are double bagged and placed in trash cans, which were rinsed thoroughly several times per day, with increased frequency on dumpster pick-ups.

Mr. Inman emphasized the Pet Paradise commitment is a safe, fun, and clean environment. Mr. Inman stated they immediately picked up any solids that are on the ground, double bagged them, place them in a trash can, bag that trash can, and placed in a dumpster with more frequent visits to the dumpster, multiple times per week. Mr. Inman stated this was done indoor and outdoor.

Mr. Inman added they did not permit any overly loud or aggressive dogs into the facility. He stated there were procedures in place for those type animals.

Mr. Mac Ranson spoke about the sound readings he took from sitting up on the ridge earlier in the day. Mr. Ranson discussed the fact that the sound going up the hill would be at a reduced volume due to mitigation measures in place.

Mr. Inman addressed the question regarding the enclosed concept and stated it had been decided they were getting away from an enclosed facility as a business model. He stated it had been decided that wasn't what their customers wanted.

Mr. Wood asked if they would rather have an enclosed facility at this location or an open facility at a different location with less residential. Mr. Inman stated he would have to speak to the people at corporate and Mr. Beavers to answer that question. Mr. Wood complimented the Pet Paradise facility and stated they had put a lot of work into the revisions they had come up with such as the 8 ft wall. Mr. Wood stated the people they had talked to were extremely complimentary about this company. Mr. Wood added he felt this was a great facility but just didn't know if this was the right location for it and added if it did go to council for a vote, he didn't know how they would feel about the noise factor.

Mr. Wood asked Mr. Inman if they wanted to consider an indoor facility or look for a different site. Mr. Inman answered his company loved this site and the growth in the community. Mr. Beavers asked for a moment with his client.

Mr. Allan Rice then asked for a show of hands for the people in the audience who were present to hear this case. Then he asked for a show of hands if they were opposed to this case. Then lastly, he asked if this was a totally enclosed facility, would they still be opposed to this facility.

Mr. Beavers came to the podium and addressed the chairman. Mr. Beavers stated he had spoken to his client and Mr. Inman asked to go back to the corporate office to see about the indoor option and to see if they could go forward with this body with something they all could feel good about. Mr. Beavers then asked for a continuance of the case.

Mr. Rice explained the reason he had asked for a show of hands was to see if there was anything this company could do to satisfy the residents. Mr. Rice then said to Mr. Inman to take back to his company that the first facility of this type in Hoover had had no noise complaints at all and it was a totally indoors facility. He stated they had mitigated some lighting issues and a timing issue of when the dumpsters were being emptied (4:30 am in the morning, which they were working on), but no noise complaints. Mr. Rice stated he felt this was an important piece of information for Mr. Inman to take back to his corporate people.

Mr. Rice then asked Mr. Mac Martin, City Planner, what this property was zoned and what could be built here. Mr. Martin replied this parcel was zoned PUD PI-Planned Light Industrial with restrictions, those restrictions being any uses permitted or considered with Conditional Use approval in the PC (Planned Commercial) and PO (Planned Office) districts could be contemplated here. Mr. Rice then asked what could the property owner do by right, without Conditional Use or approval by the Planning Commission or City Council. Mr. Martin stated there was quite a number of things: a variety of public buildings could go there, schools to include elementary, middle, high schools, or private schools, auto parts stores, automobile dealerships, selling new vehicles, bakeries, brew pubs, building supply, convenience stores (without gasoline dispensing), department stores, domestic equipment rentals, grocery stores, drug stores, furniture stores, all types of restaurants including drive-thru and drive up); banks, beauty

salons, automotive repair (minor); nursery schools, daycare centers, dry cleaners, hospitals, hotels, laundromats, motels, neighborhood service facilities, office, office technical use, professional offices, research and development facilities, movie theaters, vet clinics (without outside kennels), and shopping centers.

Mr. Martin stated that all of the above uses just stated are permitted by right with no conditional uses required. They would just need a building permit issued and to obtain a business license to operate.

Mr. Wood and Mr. Rice strongly recommended to Mr. Inman to get some readings from the Pet Suites facility which was operating successfully with an enclosed facility.

Mr. Wood asked for any other comments from the Planning Commission. Mr. Wood asked Mr. Beavers if a continuance was requested. Mr. Beavers answered yes. Mr. Wood asked for a motion to continue. Mr. Rice made a motion to continue. Mr. Lovoy seconded the motion. On voice vote the motion was approved unanimously. Mr. Wood announced that they would meet again on Monday, May 9<sup>th</sup> to address this case again and that no new notices would be sent out.

**8.** Introduction only of newly revised Sub-division Regulations.

**9.** Introduction only of proposed new zoning amendments.

Mr. Wood asked Mr. Martin about considering the sub-division regulations and zoning amendments at the next meeting. Mr. Martin stated they would post the notice for the four zoning amendment items and schedule the public hearing for the May 9<sup>th</sup> meeting. Mr. Wood and Mr. Wieseman asked questions regarding the easement amendment. Mr. Martin clarified that it was primarily the drainage easements that were posing the city problems.

With no further business, the meeting was adjourned at 7:21pm.

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Vanessa Bradstreet  
Zoning Assistant