

**AGENDA
NORTHPORT PLANNING AND ZONING COMMISSION
TUESDAY, JUNE 13, 2023**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION**
- 4. APPROVAL OF MINUTES**
 - A. May 9, 2023**
- 5. APPROVAL OF THE AGENDA**
- 6. VERIFICATION OF PROPER NOTIFICATION**
- 7. VERIFICATION OF NO CONFLICT OF INTEREST**
- 8. DISCLOSURE OF EX PARTE COMMUNICATION**
- 9. OLD BUSINESS**
- 10. NEW BUSINESS**
 - A. SP-2-23 Tim Clements – Tim Clements requests Conditional Use approval for outside storage of equipment for a business located at 1786 Harper Road.**
 - B. S-10-23 Townes at North Lake, Phase I – TTL, LLC requests Preliminary Plat approval of approximately 183 acres located east of Highway 69 North and North of Hamnertown Road. CONTINUED TILL JULY**
 - C. A-4-23 Anthony Dockery – Anthony Dockery request de-annexation of 0.24 acres located at 517 Martin Road East.**
 - D. SP-3-23 Marvis Southeast, LLC – Marvis Southeast, LLC requests conditional use approval located west of Highway 69 North and north of Mitt Lary Road.**
 - E. AMD 02-23 Zoning Ordinance– The City of Northport proposes changes to the Zoning Ordinance amending Article VIII pertaining to the sign ordinance.**
- 11. DISCUSSION**
 - A. Tom Sims – Master Plan & Preliminary Plat for Terrace at Northcreek**

12. CITIZEN COMMUNICATIONS

13. ADJOURNMENT

Northport Planning and Zoning Commission Meeting Procedures

- Chairman will call meeting to order and proceed through all opening business (i.e. Roll Call through Verification of No Conflict of Interest)
- Chairman will proceed through each case as follows:
 - Staff will provide an explanation of the case
 - Applicant will be given an opportunity to address the commission
 - Chairman will open public hearing (for those items requiring same)
 - Members of the public wishing to speak will be allowed three (3) minutes each to address the commission. NOTE: Large groups may wish to, but are not required to, appoint a spokesperson for the group in which case the Chair may grant them additional time to speak.
 - Chairman will then close the public hearing and give the applicant and/or staff an opportunity to comment on issues brought out during public comment.
 - Chairman will then ask for comments or questions from the members of the Commission.
 - The Commission members may make comments or ask questions of anyone present to clarify issues or provide additional information.
 - Chairman will then call for a motion, and a second on the motion.
 - A motion and second by any member is only a procedure used to bring the matter up for discussion and vote. A member making the motion or second may vote either for or against the matter
 - A roll call vote will be taken and the result of said vote will be announced.
 - Recommendations to the City Council, such as rezonings or annexations, may be approved by a majority of the members present and voting.
 - By Alabama Law, a subdivision matter must receive six (6) affirmative votes
- The above procedure will be followed for each case requiring a public hearing. Items not requiring a public hearing will be discussed amongst the Commission and action taken as is appropriate. (This includes "Other Business", "Citizens Communication", etc.)
- Upon completion of all business items the Chairman will call for a motion to adjourn, and conclude the meeting.

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MAY 9, 2023**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, May 9, 2023, in the Council Chambers at Northport City Hall.

The meeting was called to order by Chairwoman Jamie Dykes. Upon roll call the following members were found to be present: Ms. Jamie Dykes, Mrs. Jennifer Hayes, Mr. David Kemp, Mrs. Tracey Kelly, Mr. Roland Lewis, Mr. Ernest O'Rourke, Mr. Kevin Turner, Mr. Clay Randolph, and Mr. Jason Ward. Staff present were Mrs. Julie Ramm, Planning Director, Shaun Patten, Zoning Administrator, Meredith Mullins, Planner, Brad Matthews, Assistant City Engineer, and Chris Cunningham, Assistant City Attorney.

Approval of Agenda – Motion by Mr. Turner to approve the May 9, 2023, agenda. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. O'Rourke – Yes; Mr. Randolph – Yes; and Mr. Ward - Yes **Motion Carried.**

Approval of the Minutes – Motion by Mr. Turner to approve the April 11, 2023, minutes with the correction of changing the dates from April to March. **Second by Mr. Lewis.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Lewis – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. O'Rourke – Yes; Mr. Randolph – Yes; and Mr. Ward – Yes. **Motion Carried.**

Verification of Proper Notification – Mrs. Ramm confirmed proper notification was given.

Verification of No Conflict of Interest – Mr. Jason Ward has a conflict with item A under Old Business.

Disclosure of Ex Parte Communication – None.

Information on Back of Agenda – Chairwoman Jamie Dykes explained the meeting procedures on the back of the agenda.

OLD BUSINESS

- a. **S-1-23 RSVY of Lot 2 Beeker 82 Properties** – North Square Properties, LLC requests Preliminary Plat approval of approximately 9.45 acres located north of US Highway 82 and east of 36th Avenue.

Commission member Jason Ward left the chambers for the discussion and vote on this item.

Mrs. Julie Ramm stated that North Square Properties, LLC requests preliminary plat approval for the Resurvey of Lot 2 Beeker Properties located north of US Highway 82 and east of 36th Avenue. The plat consists of two lots on 9.45 acres. The petitioner is requesting waivers for sidewalks, landscaping, and half street improvements. Mrs. Ramm stated the sidewalk waiver requested is for along 36th Avenue and there are no sidewalks currently adjacent to this development. ALDOT has provided correspondence stating they will not require sidewalks along McFarland Boulevard. This is a commercial development and the commission can approve the sidewalk waiver with the contribution into the sidewalk fund or disapprove. The petitioner is also requesting the landscape requirements be waived. Any future development or redevelopment of this property would be required to meet the landscaping requirements of the zoning ordinance. Mrs. Ramm also stated the

half street improvements waiver requested is for the frontage along 36th Avenue. There are no current other half street improvements along this street.

Bobby Herndon, Herndon Hicks Associates, 2728 Lurleen B. Wallace Boulevard, represented North Square Properties and stated that they are requesting the preliminary plat to split the new development from the existing development for tax purposes. He stated that Beeker's legal team has been working with the City staff on the waivers and approval.

Chairwoman Dykes opened the public hearing.

With no one appearing to speak on this matter, Chairwoman Dykes closed the public hearing.

Ms. Dykes reminded the board of Subdivision Regulation 614 on the in lieu of sidewalk waivers.

Mr. Turner asked for the waivers to be voted on separately.

Motion by Mr. Turner to approve the Sidewalk waiver for 36th Avenue with the contribution of payment into the Sidewalk Trust Bank. **Second by Mr. Lewis** Roll call vote was as follows: Mr. Turner – Yes; Mr. Lewis – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. O'Rourke -Yes; and Mr. Randolph – Yes. **Motion Carried**

Motion by Mr. Turner to approve the Landscape waiver. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mrs. Kelly - Yes; Mr. Lewis – Yes; Mr. O'Rourke – Yes; and Mr. Randolph – Yes. **Motion Carried.**

Motion by Mr. Turner to approve the Half – Street improvement waiver. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mrs. Kelly - Yes; Mr. Lewis – Yes; Mr. O'Rourke – Yes; and Mr. Randolph – Yes. **Motion Carried.**

Motion by Mr. Turner to approve the preliminary plat for approximately 9.45 acres located north of US Highway 82 and east of 36th Avenue with the condition that acceptable language regarding the maintenance of the private easements and private utilities be placed on the final plat. **Second by Mr. Randolph.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Randolph – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly - Yes; Mr. Lewis – Yes; and Mr. O'Rourke – Yes. **Motion Carried.**

b. **S-8-23 RSVY of Lot 6B of Golden Retriever's Addition** – TTL, LLC is requesting approval of sidewalk waiver for the preliminary plat of approximately 1.8 acres located west of Watermelon Road and south of Greenbriar Boulevard.

Mrs. Julie Ramm stated NRPC Holding, LLC appeared before the Planning Commission at the April 11, 2023, Commission meeting requesting preliminary plat approval for the Resurvey of Lot 6B of Golden Retriever's Addition to Greenbriar Place located at 4310 Watermelon Road. There were four affirmative votes in favor of approving the sidewalk waiver with the payment into the Sidewalk Trust Fund. After extensive research, staff has found conflicting legal opinions on how many affirmative votes is required to pass a waiver on a subdivision plat. However, in the past we have required six affirmative votes for the approval of a waiver. Since there were only 4 affirmative votes for the waiver, the motion failed. To be consistent and fair to the petitioner, we are asking the Commission to reconsider the waiver for sidewalks on this plat.

Since this would be considered a commercial development, the Commission can approve this waiver, approve the waiver with a contribution into the sidewalk fund, or disapprove the waiver. There are no sidewalks currently adjacent to this development. The nearest sidewalk is located south of the Rice Valley Road intersection, approximately 1700 feet to the south of this property.

Jason Walker, TTL, LLC, 3516 Greensboro Avenue, stated that this was an issue create by TTL. When the preliminary plat was first approved, the commission approved the waiver. TTL let the preliminary plat expire. He stated the property has about 350 feet of road frontage, with no connecting sidewalks. He asked that they approved the sidewalk waiver.

Chairwoman Dykes opened the public hearing.

With no one appearing to speak on this matter, Chairwoman Dykes closed the public hearing.

Motion by Mr. Turner to approve the Sidewalk waiver with the contribution into the Sidewalk Trust Bank.

Second by Mr. Lewis Roll call vote was as follows: Mr. Turner – Yes; Mr. Lewis – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mr. Kemp -Yes; Mrs. Kelly – Yes; Mr. O’Rourke – Yes; Mr. Randolph – Yes; and Mr. Ward – No. **Motion Carried.**

NEW BUSINESS

- a. **R-7-23 City of Northport** – City of Northport requests rezoning for approximately 160 acres located south of 5th Street and west of 30th Avenue from OI (Office Institutional) and WR (Working Riverfront) to REC (Recreational).

Mrs. Ramm stated the City of Northport requests rezoning of approximately 160 acres located south of 5th Street and west of 30th Avenue. The property is currently zoned Office Institutional, South Main Riverfront, Multi-Family Housing, Conservation, Historic Neighborhood, and Working Riverfront. The petitioner is requesting REC (Recreational) zoning classification. The property meets the requirements for rezoning.

Chairwoman Dykes opened the public hearing.

With no one appearing to speak on this matter, Chairwoman Dykes closed the public hearing.

Ms. Dykes stated that this property would tie into the future sport complex.

Motion by Mr. Turner to make a favorable recommendation to the City Council to rezone approximately 160 acres located south 5th Street and west of 30th Avenue from OI (Office Institutional) and WR (Working Riverfront) to REC (Recreational). **Second by Mr. Randolph** Roll call vote was as follows: Mr. Turner – Yes; Mr. Randolph – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. O’Rourke – Yes; and Mr. Ward - Yes. **Motion Carried**

- b. **S-9-23 RSVY of Lots 1-4, Bellwood Subdivision** – Herndon Hicks Associates requests Preliminary Plat approval of approximately 0.9 acres located east of Bellwood Lane.

Mrs. Ramm stated the petitioner, Lauren Smelley requests preliminary plat approval for the Resurvey of Lots 3-5 Bellwood Subdivision located east of Bellwood Lane. The plat consists of two lots on .90 acres. They are requesting a waiver for dedication of additional ROW; the waiver of additional ROW is for Bellwood Lane and Bellwood Drive. The current ROW on Bellwood Lane is 45 feet. The current ROW on Bellwood Drive is 44 feet. The standard ROW width is 60 feet.

Bobby Herndon, Herndon Hicks Associates, 2728 Lurleen B. Wallace Boulevard represented Lauren Smelley, stated there are 3 existing lots they are wanting to combine into 2 lots. Mr. Herndon stated the setback lines will be going to the Zoning Board of Adjustments.

Chairwoman Dykes opened the public hearing.

Paige Spencer, 2110 Bellwood Lane, questioned the additional ROW waiver. Brad Matthews, stated that this requirement would give room for utilities, curb and gutter but is not headed because this is in an established neighborhood. Ms. Spencer questioned the plat going from 3 lots to 2 lots and what this consisted of. Mr. Herndon showed the plat layout and explained to the petitioner.

With no one else appearing to speak on this matter, Chairwoman Dykes closed the public hearing.

Ms. Dykes asked if they could have homes built on the future lots. Mr. Herndon stated that with converting to two lots, would allow for one additional residential home to be built.

Motion by Mr. Turner to approve the preliminary plat for approximately 0.9 acres located east of Bellwood Lane to include the waiver of right – of – way requirements. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Ms. Dykes – Yes; Mrs. Hayes – Yes; Mrs. Kelly - Yes; Mr. Lewis – Yes; Mr. O’Rourke – Yes; Mr. Randolph – Yes; and Mr. Ward – Yes. **Motion Carried.**

a. CITIZEN COMMUNICATIONS

b. DISCUSSION

Mr. Jason Ward asked if the proper flow for the Preliminary Plat on case New Business B was for them to approve the preliminary plat, then the variance, before approving the Final Plat that comes back to staff. Mr. Turner states that if the variance was to come first on approval, then it would be approved on 3 lots instead of the 2 that would be presented.

Mrs. Ramm stated that there was not a Comprehensive Plan meeting last month. They did however have a Downtown/ Riverfront focus group meeting this month and the turn out was great. We will have another Comprehensive Plan meeting on May 22, 2023, at 5:30pm that would be focus on Downtown and Riverfront. We also had two pop – up involvement meetings at Kentucky Baseball and Summer Kick Off – Touch a Truck Event. She stated we will also have a meeting on June 26, 2023, that will be on Public Facilities, Park and Recreational Facilities.

XII. ADJOURNMENT – By voice vote the meeting was adjourned.

Jamie Dykes, Chairwoman

ATTEST:

Julie Ramm, Secretary

City of Northport
Planning and Zoning Commission – June 13, 2023
Staff Report

Case: SP-02-23
Applicant: Tim Clements
Location: 1786 Harper Road
Request: Conditional Use for Outside Storage of Equipment

Tim Clements is requesting Conditional Use approval to allow outside storage of equipment. The property is located at 1786 Harper Road and is zoned M-1 Light Industrial. The adjacent properties to the north, south, and west are zoned M-1. The Public Works Shop is located east of this property and is zoned Office Institutional. The petitioner owns Sipsey Valley Truck and Tractor, LLC and proposes to repair diesel equipment and heavy equipment at this site. The business will also sell new and used equipment for this location. These uses are allowed in this zone. However, the outdoor storage of equipment is only allowed through conditional use approval. As with any conditional use, the Commission may recommend to the City Council any additional requirements that would mitigate the impact of the proposed conditional use on the surrounding property.

Any action on this item will be a recommendation to the City Council.



RECEIVED

City of Northport

Conditional Use Permit Application

Date of Plng Comm Mtg: ___/___/___

Deadline: ___/___/___

Application Submitted: ___/___/___

Location of Property: 1786 Harper Rd, Northport, AL 35476Name of Applicant: Sipsey Valley Truck and Tractor LLC, Tim Clements Phone: 205-614-4085, 205-292-2600Address: 11938 Sipsey Valley Rd N, Buhl, AL 35446 Email: Sipseyvalleytandt01@gmail.comName of Owner: Tim Clements, Dustin Freeman, JD Freeman, William Godwin Phone: 205-292-2600Address: 10915 Turner Rd, Tuscaloosa, AL 35406 Email: Sipseyvalleytandt01@gmail.comDescribe the Proposed Use: Sipsey Valley Truck and Tractor wants to repair diesel equipment and heavy equipment onsite and with mobile service trucks from this location. We also want to sell new/used Tractors and Equipment from this location.Current Zoning: light industrial Total Acreage: 1.53 ac Current Use of Property: Wharehouse/Storage of EquipmentReview the Northport Zoning Ordinance, specifically Section 1003 (found at www.cityofnorthport.org).

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The Planning Commission shall render to the City Council its recommendation to grant the application for a conditional use permit, grant it subject to conditions, or deny it. Following a public hearing at the City Council upon an Ordinance for Conditional Use Approval, the City Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved.

Check the following:

☐ A copy of the deed of the subject property must accompany this application. If the applicant is not the property owner, a designation of agent form must be included for applicant and/or appropriate representative

☒ Designation of Agent form (if applicable)

☒ Sixteen (16) copies of the site plan and supporting documentation must accompany submission (discuss with staff appropriate sheet sizes)

☐ Three (3) copies of mailing labels for each adjoining property owner, applicant, and owner (and Word file)

☐ Fees: Conditional Use Application fee is \$75, plus certified mailing and advertising fees

I have read the above statements and warrant in good faith that I understand and will comply, and that the information submitted is true and correct.

Applicant Signature: [Signature] Date: 4/20/2023

Please contact the Planning Department at 205-339-7000 with any questions.



City of Northport Designation of Agent Form

All applications, plans, and supporting documents may be submitted by email to
planning@cityofnorthport.org.



RECEIVED

4/20/23
4:14 p.m.

I, Wesley Burkhalter, being owner of the property which is the subject of this application hereby authorize Tim Clements, to act as my representative with the City of Northport's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner Signature: _____

Date: 04/14/2023

Property Owner Mailing Address: 1786 Harper Road
Northport, AL 35476
Phone Number: 205-799-2868

Authorized Agent Mailing Address: 10915 Turner Rd
Tuscaloosa, AL 35406
Phone Number: 205-292-2600

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I, Sharan Taylor, a Notary Public in and for said County and State, hereby certify that Wesley Burkhalter, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this 14 day of April, 2023

Sharan K. Taylor
Notary Public

SHARAN K. TAYLOR
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 15, 2027

My Commission Expires: _____

Small Map

Big Results

County Overlays

Street View

Show Legend

Satellite Maps

Select
Clear Selection

Zoom LL

Zoom
Measure ToolsPrinting
Easy PrintTool Tip
Misc Overlays

471



RECEIVED

4/20/23

Small Map

Big Results

County Overlays

Street View

Show Legend



1 feature(s) selected on 1 layer(s)

Powered by Map Servers

1: 2000

2038 x 1212 ft

Paint Booth

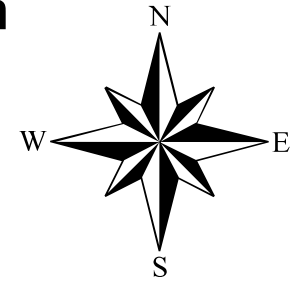
Office/Shop Building

City of Northport Planning & Zoning Commission

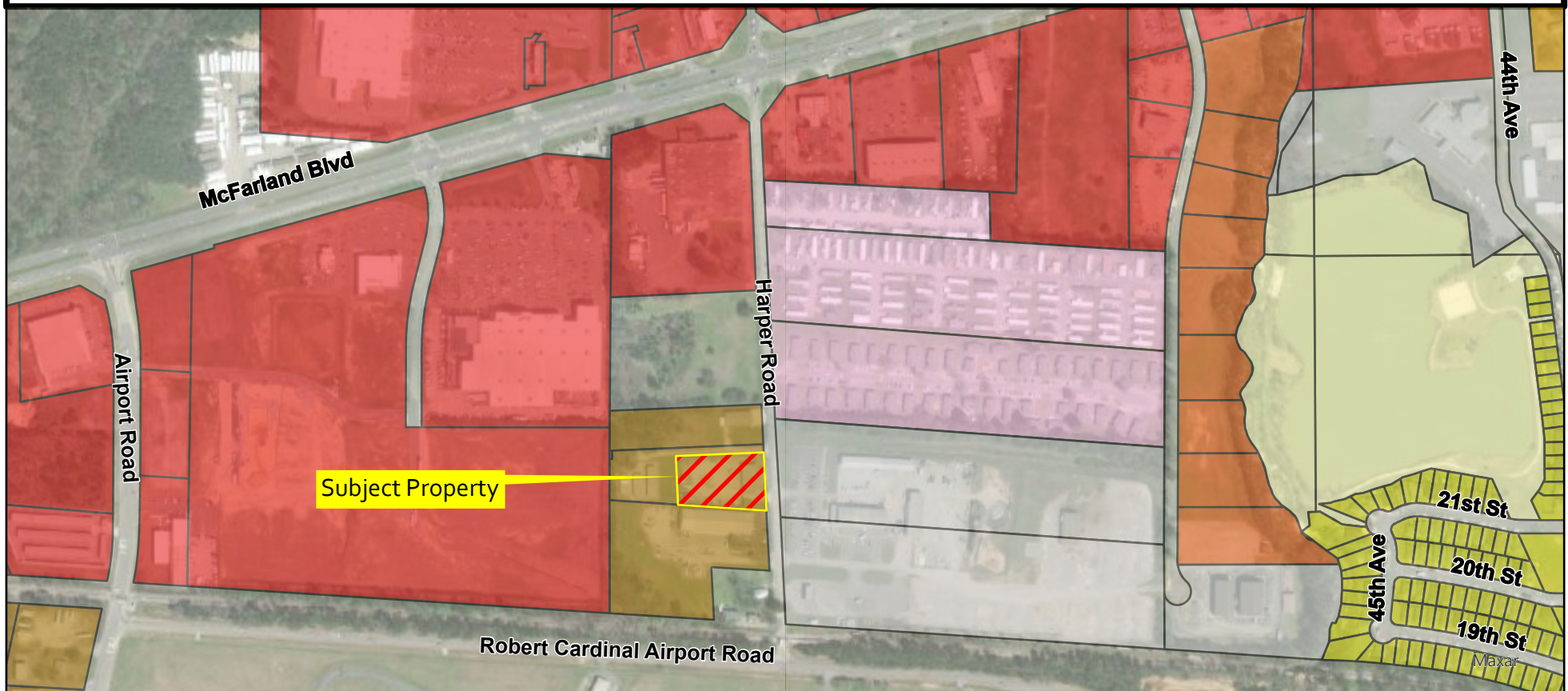
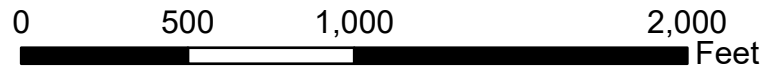
Zoning

-  General Commercial
-  Commercial Highway
-  Light Industrial
-  Mobile Home Park
-  Office and Institutional
-  Residential Multi-Family
-  Residential Single-Family - 1
-  Residential Single-Family - 4
-  Subject Property

Conditional Use Request



While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.



City of Northport
Planning and Zoning Commission – June 13, 2023
Staff Report

Case: A-4-23
Applicant: Anthony Dockery
Request: De-annexation

Anthony Dockery requests de-annexation of 0.97 acres located at 517 Martin Road East. This parcel was annexed by the City Council in November of 2021 as a portion of a potential development by another developer. Since that time, the purchase agreement between Mr. Dockery and the developer was not executed. Therefore, Mr. Dockery is requesting de-annexation of the property. Mr. Dockery is also willing to sign an agreement stating that if the property is considered for annexation in the future, then it would be restricted to annexation only within the City of Northport.

Any action on this item will be a recommendation to the City Council.

COUNTY OF TUSCALOOSA)
)
STATE OF ALABAMA)

PETITION FOR DEANNEXATION

COMES NOW, the Applicant, Anthony Dockery (hereinafter referred to as “Applicant” or “Dockery”), a married man, by and through the undersigned counsel, and requests the City of Northport Planning Department and Council to approve his Petition for Deannexation based on the following premises:

FACTS

1. On September 24th, 2021, Dockery filed a Petition for Annexation of a very small and inconsequential parcel of property (hereinafter “Annexed Property” or “Parcel”) that he owned¹ located near 517 Martin Road East, Northport, Alabama 35473. Said Annexed Property is more particularly described as:

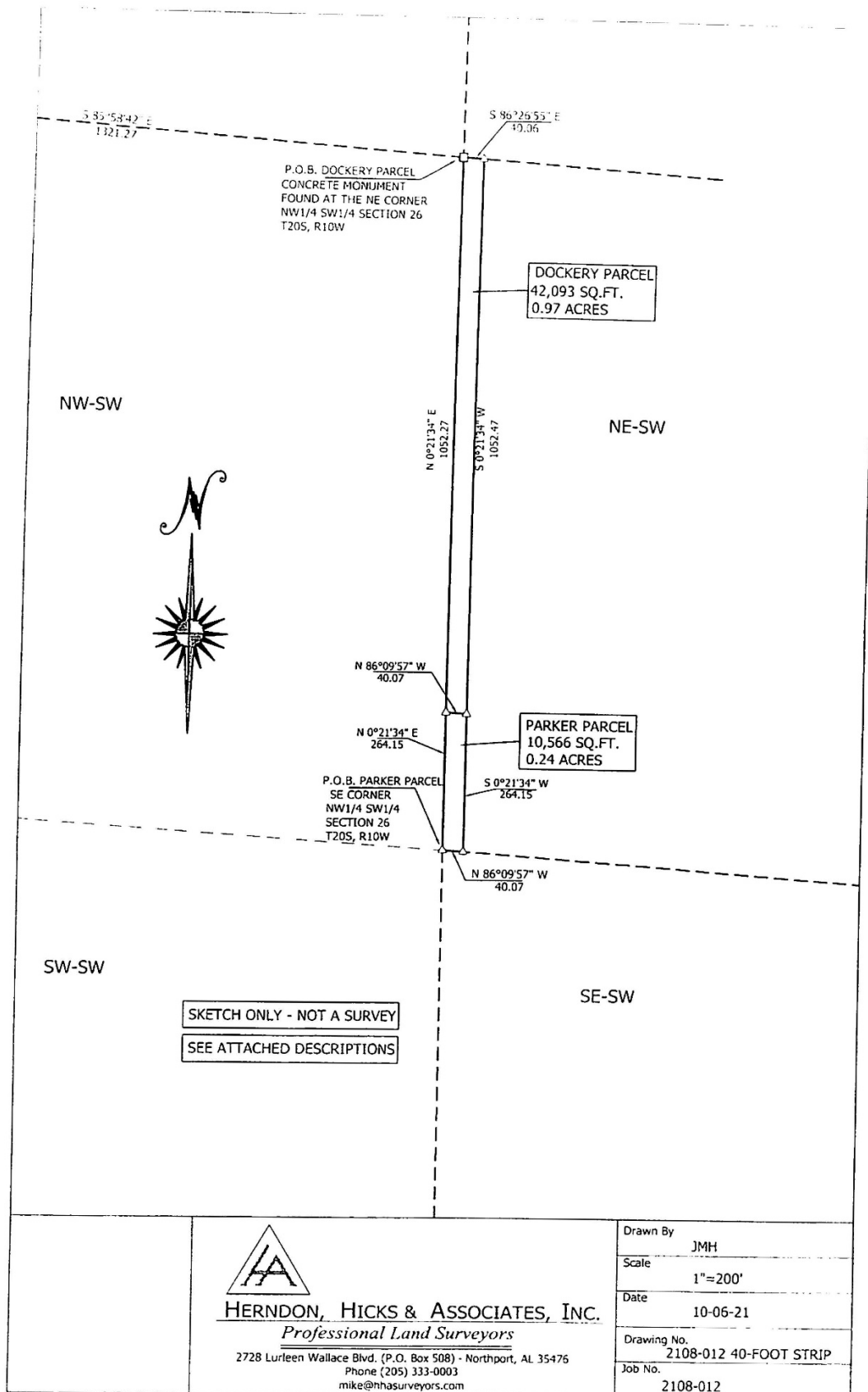
A parcel of land located in the northeast quarter of the southwest quarter of Section 26, Township 20 South, Range 10 West and being more particularly described as follows:

BEGIN at the northwest corner of said northeast quarter of the southwest quarter of Section 26; thence run South 86 degrees, 26 minutes, 55 seconds East along the north boundary of said quarter-quarter 40.06 feet; thence run South 00 degrees, 21 minutes, 34 seconds West 1052.47 feet; thence run North 86 degrees, 09 minutes, 57 seconds West 40.07 feet to a point on the west boundary of said quarter-quarter; thence run North 00 degrees, 21 minutes, 34 seconds East along said west boundary 1052.27 feet to the POINT OF BEGINNING.

Said parcel containing 42,093 square feet or 0.97 acres, more or less.

2. The Annexed Property met all criteria as required by statute, and was located adjacent to a proposed subdivision development. A copy of the survey of the Annexed Property is attached on the next page.

¹ Anthony Dockery’s ownership of the Annexed Property is evidenced by a Warranty Deed filed in the Tuscaloosa County, Alabama Probate Court, Deed Book 2005, beginning at Page 10510.



3. Dockery submitted his Petition for Annexation because a developer approached him concerning purchasing this small Parcel of property might benefit the development.

4. Relying on that premise, Dockery submitted his Petition for Annexation and thereafter, on November 15, 2021, received recommendation and approval from both the City of Northport Planning and Zoning Commission and the City Council.

5. Since that time, the factual basis for the annexation substantially changed and the developer did not complete the purchase of the annexed property.

6. The Annexed Property is no longer necessary to complete the development. As such, the Annexed Property is an insignificant outlier on the boundary of the City of Northport and Tuscaloosa County. In isolation, it is not necessary for the City of Northport to expend valuable taxpayer resources to provide police and fire protection, nor would it be beneficial to provide water and sewer services to this small Parcel of property.

7. Dockery no longer desires to have the Parcel annexed within the City of Northport, and the basis for the initial annexation has failed.

8. Dockery acknowledges that the factual basis of this particular Petition for Deannexation should be viewed in light of these circumstance alone and does not in any way set precedent for future Deannexation efforts, as such are generally not advisable. Distinct from other Deannexation petitions, the Annexed Property is more of a burden for the taxpayers of the City of Northport rather than a benefit to its citizenry. This unique situation is limited to an insignificant Parcel of property which should be deannexed for the betterment of the City of Northport.

9. Dockery would also agree that if the property is considered for annexation in the future, then it would be restricted to annexation only within the City of Northport.

LEGAL BASIS

10. “Whenever in the opinion of the council or governing body of any city or town the public health or public good requires that the corporate limits of such town or city be reduced and the boundaries thereof reestablished, said council shall pass a resolution defining the proposed corporate limits.” Ala. Code § 11-42-200. Here, we are requesting the City Council consider the public good to limit the corporate limits of the City of Northport to its original status prior to the recent annexation.

11. Specifically, based on the change in circumstances as stated above, the unique burden of providing police and fire protection to such an insignificant Parcel of property, that has no ingress and egress to any adjoining roadways, manifests burdens with no real benefit to the public.

12. Whereas, at the time of annexation, the Parcel would have provided a possible entry to the new development and thereby created a basis for the city to annex the Parcel into its corporate limits.

13. It therefore stands to reason that since that basis failed to occur, as it did here, when the Parcel purchase failed and the possible entry to the new development from this Annexed Property foreclosed, then the reason for continued benefit of such annexation fails.

14. Based on the foregoing statute, the City of Northport may revert to its September 23rd, 2021, corporate limits for the public good.

WHEREFORE, THESE PREMISES CONSIDERED, Applicant requests the City of Northport will act on this matter, and grant Applicant's Petition for Deannexation of the Parcel property as described above and grant such other, further, different, or general relief in law or equity as it may feel the Applicant is entitled in this matter.

Respectfully submitted, this the 11th day of May, 2023.

/s/ Jonathan D. Townsend
Jonathan D. Townsend (TOW-014)
Attorney for Anthony Dockery

Of Counsel:
DORROH & MILLS, P.C.
1800 McFarland Blvd., N., Suite 180
Tuscaloosa, Alabama 35406
Telephone (205) 345-2800

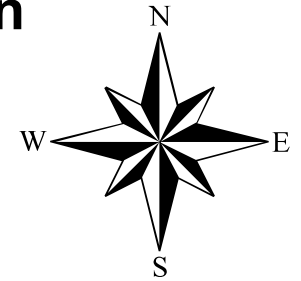
City of Northport Planning & Zoning Commission

De-Annexation Request

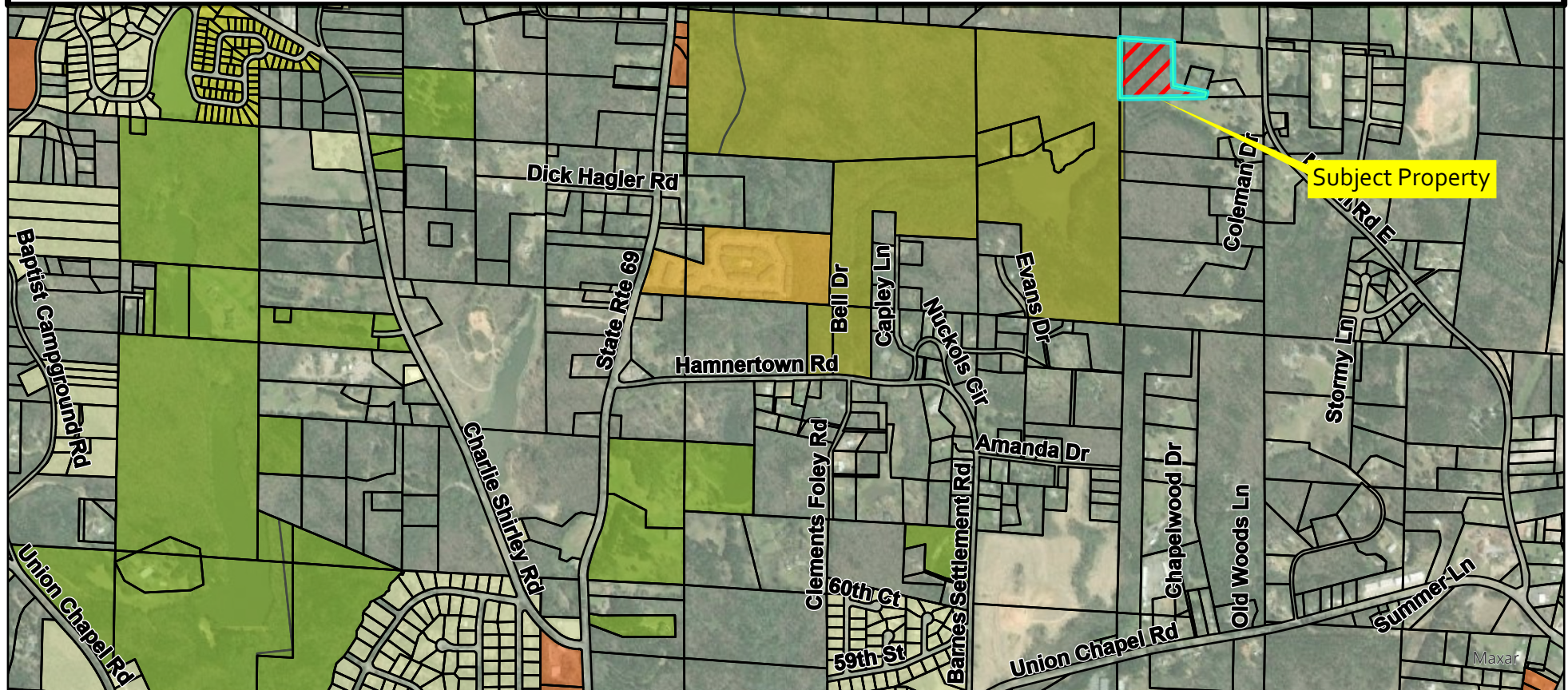
Zoning

- Agriculture
- Neighborhood Commercial
- General Commercial
- Residential Multi-Family
- Residential Single-Family - SD
- Residential Single-Family - 1
- Residential Single-Family - 4
- Parcels
- Subject Property

0 1,250 2,500 5,000 Feet



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City of Northport
Planning and Zoning Commission – June 13, 2023
Planning Staff Report

Case: SP-3-23
Applicant: Mavis Tire
Request: Conditional Use for Auto Service Station

Mavis Southeast, LLC is requesting Conditional Use approval to locate an auto service station in a C-3 General Commercial zoning district. The property is located at 1200 Mitt Lary Road. The adjacent property to the north, east, and west are zoned C-3. The adjacent property to the south is unincorporated. The petitioner is proposing to operate a Mavis Discount Tire retail tire store and oil change facility with minor automotive repair. This use is allowed in this zone only through conditional use approval. As with any conditional use, the Commission may recommend to the City Council any additional requirements that would mitigate the impact of the proposed conditional use on the surrounding property.

Any action on this item will be a recommendation to the City Council.



**City of Northport
Conditional Use Permit Application**

Date of Plng Comm Mtg: ____ / ____ / ____
 Deadline: ____ / ____ / ____
 Application Submitted: ____ / ____ / ____

Location of Property: Mitt Lary Road Northport, Parce 63-20-05-15-0-007-060.353
 Name of Applicant: Mavis Southeast LLC Phone: (330) 714-0895
 Address: 358 Saw Mill River Rood, Millwood, NY Email: tburton@mavis.com
 Name of Owner: PSM Alabama Holdings, LLC Phone: 863.698.5090
 Address: c/o Publix Supermarket Inc, PO Box 32010 Lakeland, FI 33802 Email: pamela.kitterman@publix.com

Describe the Proposed Use:

The proposed use of the property is to operate a Mavis Discount Tires retail tire stores and oil changes services, with minor automotive repair such brakes, muffler, tune up.

Current Zoning: Gen. Com. Total Acreage: 1.23 Acres Current Use of Property: Vacant

Review the Northport Zoning Ordinance, specifically Section 1003 (found at www.cityofnorthport.org).

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The Planning Commission shall render to the City Council its recommendation to grant the application for a conditional use permit, grant it subject to conditions, or deny it. Following a public hearing at the City Council upon an Ordinance for Conditional Use Approval, the City Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved.

Check the following:

- ☒ A copy of the deed of the subject property must accompany this application. If the applicant is not the property owner, a designation of agent form must be included for applicant and/or appropriate representative
- ☒ Designation of Agent form (if applicable)
- ☒ Sixteen (16) copies of the site plan and supporting documentation must accompany submission (discuss with staff appropriate sheet sizes)
- ☒ Three (3) copies of mailing labels for each adjoining property owner, applicant, and owner (and Word file)
- ☒ Fees: Conditional Use Application fee is \$75, plus certified mailing and advertising fees

I have read the above statements and warrant in good faith that I understand and will comply, and that the information submitted is true and correct.

Applicant Signature: _____

Date: _____

Please contact the Planning Department at 205-339-7000 with any questions.

UPON RECORDING RETURN TO:
Stewart Title Guaranty Company
5901 Peachtree Dunwoody Road, Suite B-540
Atlanta, Georgia 30328
Attn: Will Lovell, Esq.

THIS INSTRUMENT PREPARED BY:
John T. Dukes, Esq.
Helmsing, Leach, Herlong, Newman & Rouse, P.C.
150 Government Street, Suite 2000
Mobile, Alabama 36602

DEED Bk 2022 Pg 9815
(PG 9815 of 9819)
E-RECORDED: 4/21/2022 2:14:58 PM
Ward D. Robertson, III, PROBATE JUDGE
Tuscaloosa COUNTY, Alabama
Term/Cashier: PRO-RECORDING7/JMCATEER
Tran: 24103 Deed Tax \$585.00
Probate Judge Fee \$2.00
Source of Title \$1.00
Recording Fee - By Page Count \$15.00
Total: \$603.00

Tax Parcel #: 63-20-05-15-0-007-060.353 Source of Title: Deed Book 2020, Page 977

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED, made this 7th day of April, 2022 (the "Effective Date"), from **DEI PROPERTIES, LLC**, an Alabama limited liability company (herein called "Grantor"), to **PSM ALABAMA HOLDINGS, LLC**, an Alabama limited liability company (herein called "Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Tuscaloosa County, Alabama, described on Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE**.

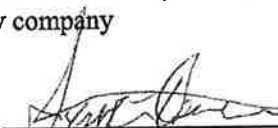
This Deed and the warranty of title contained herein are made expressly subject to the items set forth on Exhibit B attached hereto and made a part hereof (collectively, the "Permitted Title Exceptions").

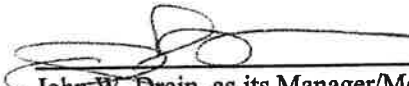
Grantor will warrant and forever defend the right and title to the above-described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise, subject to the Permitted Title Exceptions.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

IN WITNESS WHEREOF, the Grantor has caused this Limited Warranty Deed to be duly and properly executed on the date(s) set forth below, effective as of the Effective Date.

DEI PROPERTIES, LLC, an Alabama limited liability company

By: 
James V. Drain, as its Manager/Member

By: 
John W. Drain, as its Manager/Member

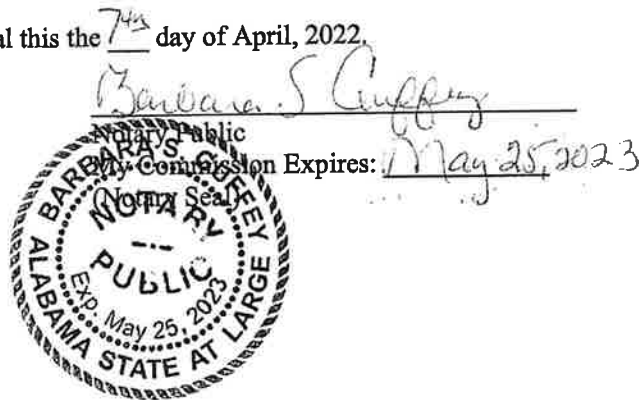
By: 
Denise Drain-Mashburn, as its Manager/Member

STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that James V. Drain, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance he, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022.



STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that John W. Drain, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance he, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022.



STATE OF ALABAMA

COUNTY OF JACKSON

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify that Denise Drain-Mashburn, whose name as Manager/Member of DEI Properties, LLC, an Alabama limited liability, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance she, in such capacity and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and seal this the 7th day of April, 2022.

Barbara S. Guffey
Notary Public
My Commission Expires: May 25, 2023
(Notary Seal)



Pursuant to and in accordance with Section 40-22-1 of the Code of Alabama (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Address: 825 S. Broad Street, Scottsboro, Alabama 35768
Grantee's Address: 3300 Publix Corporate Parkway, Lakeland, Florida 33811-3311
Property Address: Mitt Lary Road
Tax Parcel ID No: 63-20-05-15-0-007-060.353
PPin: 143257
Purchase Price: \$585,000.00

DEED Bk 2022 Pg 9818
(PG 9818 of 9819)
E-RECORDED: 4/21/2022 2:14:58 PM
Ward D. Robertson, III, PROBATE JUDGE
Tuscaloosa COUNTY, Alabama

Exhibit A
to
Limited Warranty Deed

Legal Description

Lot 2, as per Final Plat of Bristol Park Retail Subdivision, accordingly to a plat thereof recorded in Plat Book 2019, Page 223, of the records in the Office of the Judge of Probate of Tuscaloosa County, Alabama.

Exhibit B
to
Limited Warranty Deed

1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Zoning matters applicable to the Property.
3. 10 foot and 20 foot minimum setback lines as shown on plat recorded in Plat Book 2019, Pages 223 of the records in the Office of the Judge of Probate of Tuscaloosa County, Alabama (the "Probate Records").
4. Utility Easements as shown on plat recorded in Plat Book 2019, Pages 223 of the Probate Records.
5. Easement granted Alabama Power Company by instrument recorded in Deed Book 2018, Page 1612 of the Probate Records.
6. Easement for Ingress/Egress and Stormwater Drainage recorded in Deed Book 2018, Page 8265 and amended by First Amendment to Easement for Ingress/Egress and Stormwater Drainage recorded in Deed Book 2019, Page 1820 of the Probate Records.
7. Easement Agreement recorded in Deed Book 2018, Page 13615 and amended by First Amendment to Easement Agreement recorded in Deed Book 2019, Page 1831 of the Probate Records.
8. Lease by and between Bristol Park Retail, LLC to Publix Alabama, LLC dated October 15, 2018 as evidenced by Memorandum of Lease recorded in Deed Book 2018, Page 24493, as amended by First Amendment to Memorandum of Lease dated October 8, 2019 and recorded in Deed Book 2019, Page 24101 of the Probate Records.
9. Declaration of Restrictions, Covenants and Conditions and Grant of Easements recorded in Deed Book 2019, Page 24106 of the Probate Records.
10. Obligations from DEI Properties, LLC to Bristol Park Retail, LLC set forth in Deed dated January 9, 2020 recorded in Deed Book 2020, Page 977.

H:\2022\GAA220239.00\CADD\DRAWINGS\CONCEPTS\CONCEPT BIGAA220239.00 - CPTB----->LAYOUT: CONCEPT



OVERALL DEVELOPMENT MAP
SCALE: 1" = 500'
REFERENCE: NEARMAP

CONCEPT PLAN NOTES

(Rev. 1/2020)

1. THIS CONCEPT WAS PREPARED STRICTLY AND SOLELY BASED UPON INFORMATION IDENTIFIED IN THE PLAN REFERENCES.
2. THE CONCEPT DEPICTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING SOLELY FROM LAYOUT PREFERENCES AND GUIDANCE DICTATED AND IDENTIFIED SOLELY BY THE CLIENT. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED, AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF APPLICABLE REQUIREMENTS AND AFTER THE PROCUREMENT OF ALL NECESSARY JURISDICTIONAL APPROVALS.
3. THIS CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES, ONLY, AND IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A ZONING OR CONSTRUCTION DOCUMENT.
4. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS PROVIDED TO THE ENGINEER, AT THE TIME OF THE ENGINEER'S PREPARATION OF THIS CONCEPT PLAN, BY THE OWNER AND OTHERS NOT UNDER ENGINEER'S CONTROL, AND IS SUBJECT TO CHANGE AFTER PERFORMANCE OF ADDITIONAL DUE DILIGENCE, FIELD SURVEY OR BOTH.
5. IT IS STRONGLY RECOMMENDED THAT A ZONING CONFORMANCE ANALYSIS BE PERFORMED TO DETERMINE AND EVALUATE IF THERE ARE ANY RESTRICTIONS AND/OR ZONING ISSUES, CONCERNS OR RESTRICTIONS THAT MAY OR COULD IMPACT THE FEASIBILITY OF THIS PROJECT, AS THE OWNER HAS DESCRIBED IT.

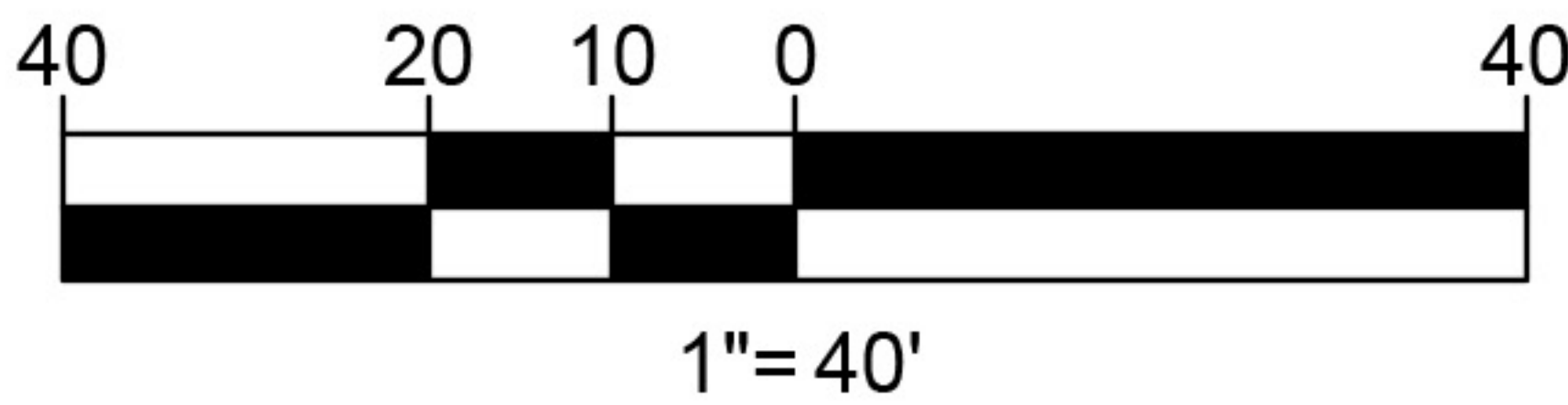
BOHLER //
211 PERIMETER CENTER PKWY NE,
SUITE 425
ATLANTA, GEORGIA 30346
Phone: (678) 695-6800
GA@BohlerEng.com

PROPOSED MAVIS TIRES & BRAKES



NORTHPORT, AL 35475 | PLAN REV B-0

05/26/23 | DW | GAA220239.00 | Rev B-0

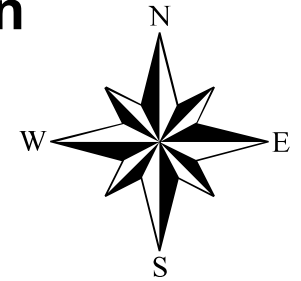


City of Northport Planning & Zoning Commission

Zoning

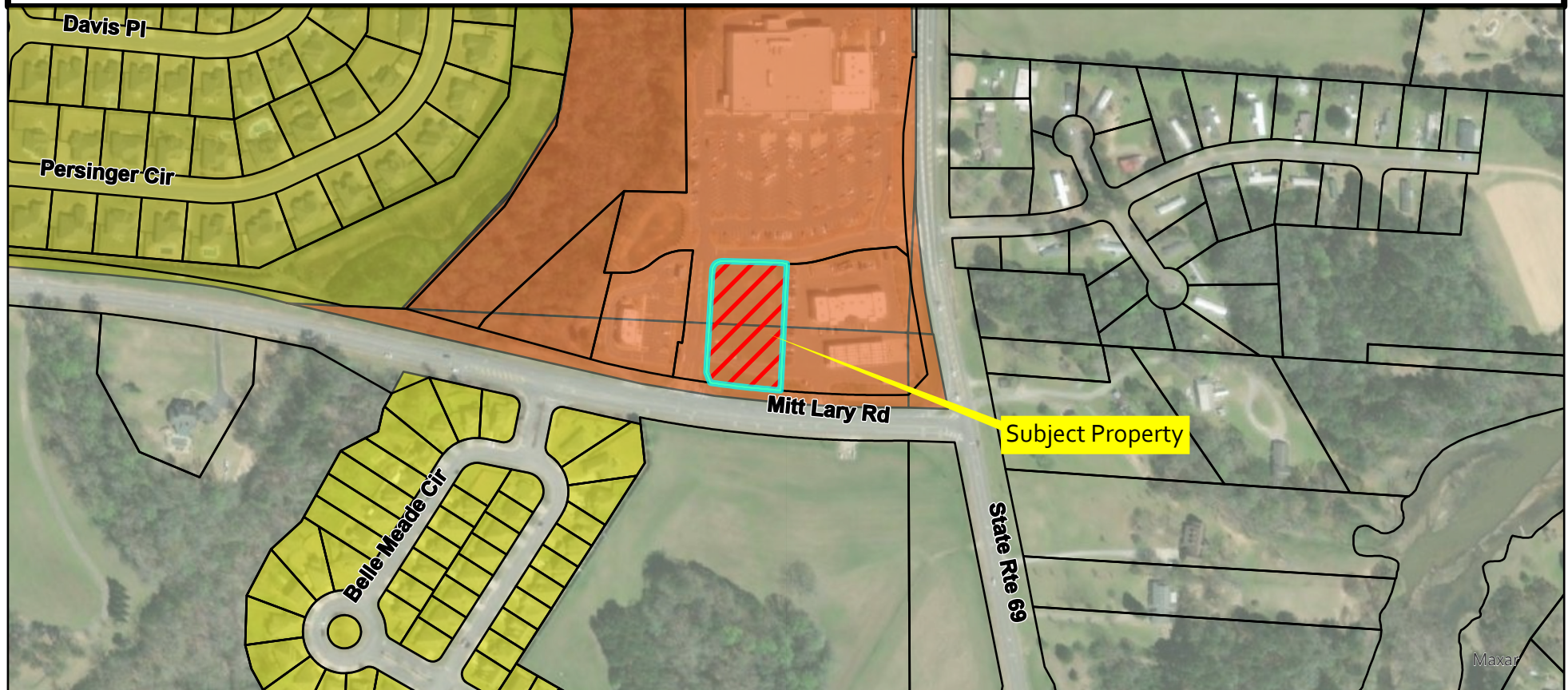
-  General Commercial
-  Residential Single-Family - SD
-  Residential Single-Family - 4
-  Parcels
-  Subject Property

Conditional Use



While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.

0 387.5 775 1,550 Feet



City of Northport
Planning and Zoning Commission – June 13, 2023
Planning Staff Report

Tom Sims has asked to discuss two potential developments during the Discussion portion of the Commission agenda. Staff has included two documents that Mr. Sims provided. It will be up to the Commission on how much discussion you want to have concerning these items. From staff discussions with Mr. Sims, he and his clients are looking for some direction from the Commission on what would be an appropriate density and zoning classification for these projects.

These documents have not been reviewed by City staff and have not been formally submitted by the owners. **No action can be taken during the meeting.**

From: [Julie Ramm](#)
To: [Morgan P. Williams](#)
Subject: FW: Terrace at Northcreek
Date: Wednesday, May 17, 2023 3:08:27 PM
Attachments: [image001.png](#)
[Attachments.txt](#)

You can add under discussion. Thanks!

From: Tom Sims <tsims@longleafengineering.com>
Sent: Tuesday, May 16, 2023 9:09 AM
To: Julie Ramm <jramm@cityofnorthport.org>; Shaun Patten <spatten@cityofnorthport.org>
Cc: Ruth Ann Barger <RuthAnn@longleafengineering.com>
Subject: Terrace at Northcreek

Hey guys,

Per our previous discussions, we'd like to be included on the June agenda for an open discussion regarding the Terrace at Northcreek subdivision. I have attached the Master Plan and Preliminary Plat that was previously submitted but never heard by the Commission. Please let us know if you need anything else from us to facilitate this request. Thanks.

ShareFile Attachments

Expires November 12, 2023

20-05-056 Terrace at Northcreek Master Pl...023.pdf	3.6 MB
20-05-056 Terrace at Northcreek Prelimina...023.pdf	2.6 MB

[Download Attachments](#)

Tom Sims uses ShareFile to share documents securely.

Tom Sims, PE



432 65th Street, Suite A
Tuscaloosa, AL 35405
O: (205) 345-5646
C: (205) 561-4923

