

**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

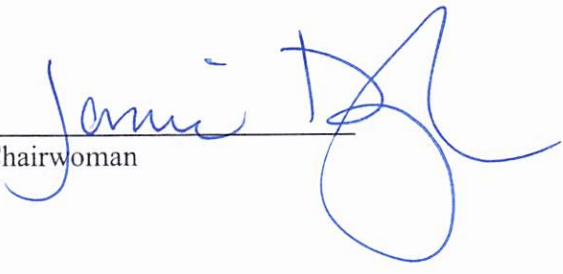
Mr. Jason Ward asked if the proper flow for the Preliminary Plat on case New Business B was for them to approve the preliminary plat, then the variance, before approving the Final Plat that comes back to staff. Mr. Turner states that if the variance was to come first on approval, then it would be approved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

ATTEST:


Julie Ramm, Secretary


Jamie Dykes, Chairwoman