OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JUNE 13, 2023

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, June 13, 2023, in the Council Chambers at Northport City Hall.

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

Chairman Kevin Turner introduced the board members and staff members to the public.

Approval of Agenda – **Motion by Mr. Lewis** to approve the June 13, 2023, agenda. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Lewis – Yes; Mr. Kemp – Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. O'Rourke – Yes; Mr. Turner – Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

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

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

Verification of No Conflict of Interest – None

Disclosure of Ex Parte Communication – None.

Information on Back of Agenda – Chairman Kevin Turner explained the meeting procedures on the back of the agenda.

OLD BUSINESS

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.

Mrs. Julie Ramm stated that Mr. 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.

Tim Clements, 10915 Turner Road, stated the business will do most of their repair work on remote sites of jobs and only some of the repairs will be made at the business' location on Harper Road.

Mr. Ward asked the petitioner if this was rental property. Mr. Clements stated yes and that if things go well here, they will purchase.

Mr. Wiggins asked the petitioner if there was screen fencing on the property. Mr. Clements stated yes, the half where the dumpster is located and back to the corner of the fence will be the only portion that does not have the screen up.

Chairman Turner opened the public hearing.

With no one appearing to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Kemp to make a favorable recommendation to City Council on the Conditional Use for outside storage of equipment for a business located at 1786 Harper Road. **Second by Mr. Ward.** Roll call vote was as follows: Mr. Kemp – Yes; Mr. Ward – Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. O'Rourke – Yes; Mr. Turner – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

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 UNTIL JULY.**

No Vote Needed.

c. **A-4-23 Anthony Dockery** – Anthony Dockery request de-annexation of 0.97 acres located at 517 Martin Road East.

Mrs. Julie Ramm stated that the petitioner 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.

Mrs. Ramm stated the mapping of the parcel has a large, hatched area but due to mapping constraints, it is not the whole parcel. She stated there is a strip that is 40 foot wide that runs the length of the property.

Mr. Kemp asked if the rest of the lot was in the County. Mrs. Ramm stated yes.

John Townsend, 1800 McFarland N Blvd, represented the petitioner. He stated that this property they requested for de-annexation is less than an acre. He stated that we have brought this before the commission and council and was not approved. He stated they are willing to put a restriction on the deed that if the property was to be annexed in the future that it would be annexed back into the Northport City's limits. He stated that the annexation was done on a transaction agreement for the property and that fell through.

Mr. Turner asked if there would be anything allowed that he cannot do without annexed in the city. Mr. Townsend stated no.

Mr. Wiggins asked what the petitioner's hardship was. Mr. Townsend stated that the petitioner did not currently have a hardship. He stated that they think the de-annexation from the perception of the city when services are ran through this area, there could be, but with the deed restriction on the property there would not be any.

Mr. Ward asked if this was just one parcel. Mr. Townsend stated yes, but there is just a sliver on the property that we are petitioning for. He stated Mr. Dockery does own the whole parcel.

Mr. Turner asked if the annexation was made in error or due to legal description being incorrect. Mr. Townsend stated that essentially what happened was representations were made for a sale and that had to be done to move forward. He stated, however the sale failed.

Mr. Wiggins asked if the adjoining property was in the City Limits. Mr. Townsend stated that all the property is in the county.

Mr. O'Rourke asked if any other properties were annexed in of the owners or only the sliver of property. Mr. Townsend stated that was correct, just the small portion of the property.

Chairman Turner opened the public hearing.

With no one appearing to speak on this matter, Chairman Turner closed the public hearing.

Mr. Turner asked the legal department about the deed, is this from a city's standpoint, can this be enforced. Mr. Cunningham stated he think it could be we would just have to challenge the petition. He stated it would be reviewed and recorded and did not think this would be an issue. Mr. Turner asked if this is in our planning jurisdiction. Mr. Cunningham stated that was correct.

Motion by Mr. Ward to make a favorable recommendation to the City Council to de-annex approximately 0.97 acres located at 517 Martin Road East. **Second by Mr. Turner** Roll call vote was as follows: Mr. Ward - Yes; Mr. Turner – No; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. O'Rourke – Yes; and Mr. Wiggins -No. **Motion Carried**

d. SP-3-23 Mavis Southeast, LLC – Mavis Southeast, LLC requests conditional use approval located west of Highway 69 North and north of Mitt Lary Road.

Mrs. Julie Ramm stated the petitioner 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.

Mr. Turner asked if they were going to the Zoning Board of Adjustments. Mrs. Ramm stated yes, for the foundation landscaping requirements. Mr. Turner asked if it would be like the corridor, where the Sprint Mart that is established. Mrs. Ramm stated they would have to meet the zoning ordinance as far as landscaping is concerned.

Mr. Ward asked if this location was all zoned C-3. Mrs. Ramm stated that this parcel is zoned C-3, The adjoining properties to the north, east and west are all zoned for C-3 and the property to the south is unincorporated at this point.

Mr. Turner asked about the building materials for this zone. Mrs. Ramm stated that the building materials will have to meet the zoning ordinance, and they would not allow a metal building in this zone, however they will have roll up garage doors, but the rest will have to meet the façade requirements.

Bryan Winter, 3515 Watermelon Road, represented the petitioner Mavis Southeast, LLC. He stated he has been working with Mavis and Publix on this project. He stated Mavis has stores all over and that this should be a nice facility. He stated this is a block building that will look like brick, and they will have roll up glass doors. He stated they are offering sign on bonuses for employees, and they are going to be providing benefits for them.

Mr. Turner asked if the business would have normal hours of operation. Mr. Winter stated they would have normal business hours.

Mr. Ward asked if there was a study done on the need for this type of business in the proposed location. Mr. Winter stated there was not, but he believes the growth in this area will be beneficial within the residential area. Mr. Ward asked about how many appointments they would be averaging. Mr. Winter stated he was not sure, but the building will have 4 bays on either side with two entrances into the business.

Mr. Wiggins asked if this proposed location would look like the location on Lurleen B Wallace Boulevard. Mr. Winter stated it will have the same color scheme, but the building would be new and not existing like the Lurleen B Wallace Boulevard location. Mr. Winter stated that they are purposing a light color façade color with their signature color of turquoise blue and yellow signage like the other facilities.

Mrs. Kelly stated her concern was the esthetics of the building with the surrounding area. She stated her concerns are seeing tires stacked up along with cars elevated. She asked if glass for the façade met the zoning ordinance. Mrs. Ramm stated yes.

Mr. Turner asked about the outside storage of vehicles, and if they would be contained after hours. Mr. Winter stated that outside storage is not an option. He stated there may be cars outside, but they will be intact.

Mr. Ward asked if they would be building a similar store here in Northport as to what they are building in Tuscaloosa. He stated yes and showed a thumb drive as to what they are proposing for the area.

Chairman Turner opened the public hearing.

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

Motion by Mr. Wiggins to make a favorable recommendation to City Council on the Conditional Use for an auto service station in a C-3 (General Commercial) zoning district located at 1200 Mitt Lary Road. **Second by**

Mr. Lewis. Roll call vote was as follows: Mr. Wiggins – Yes; Mr. Lewis – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – No; Mr. O'Rourke – Yes; Mr. Turner – Yes; and Mr. Ward – Yes. **Motion Carried.**

CITIZEN COMMUNICATIONS

DISCUSSION

a. **Tom Sims: Preliminary and Master Plan for The Terrace at Northcreek**

Mr. Sims came before the commission to receive feed back on the Preliminary Plat and Master Plan for the Terrace at Northcreek. He stated that with the rezonings for this potential development failing and before resubmitting any requests, he wanted to see what their ideas and needs are for this development.

Mr. Ward asked what the density and selling price for the future homes would be. Mr. Sims stated that with the cost of materials that they would range from $300,000 and up to $400,000. Mr. Ward also asked if the new addition would connect to the current Phase 1 that is established. Mr. Sims stated yes.

Mr. Kemp stated that he did not personally agree with the amount of variances that were requested. He would like to see the variance requests reduced.

Mr. Wiggins asked what type of amenities would be available for this development. Mr. Sims stated that there will be two different parks, a dog park and walking trail.

Mrs. Hayes asked about the main entrance for the subdivision. Mr. Sims stated that it will be located at the divided of Northcreek Boulevard this would also be a second entrance into the subdivision.

Mr. Turner stated that in general that from a commission standpoint that this needs to be formally submitted to staff for review and comments. He stated that any development wanting this level of feed back would need to go through staff.

b. **Vice Chairman Elect:**

Jason Ward nominated Clay Randolph for the Vice Chairman.

Motion by Mr. Ward to nominate Clay Randolph for the Planning Commission Board Vice Chairman for the term to expire on December 31, 2023. **Second by Mr. Wiggins.** Voice roll call vote. **Motion Carried.**

c. Meeting for July 18, 2023

Motion by Mr. Turner to move the July 11, 2023, Planning Commission Meeting to July 18, 2023. **Second by Mr. Kemp.** Voice roll call vote. **Motion Carried.**

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

Kevin Turner, Chairman

ATTEST:

Julie Ramm, Secretary