

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, May 10, 2022**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, May 10, 2022, in the Council Chambers at Northport City Hall.

The meeting was called to order by Chairman James McKinney. Upon roll call the following members were found to be present: Ms. Jamie Dykes, Mr. James McKinney, Mr. Scott Roland, Mr. Roland Lewis, Mr. Ernest O'Rourke, Mr. Clay Randolph and Mr. Jason Ward. Absent and failing to vote were, Mr. David Kemp and Mr. Dale Phillips. Staff present were Julie Ramm, Planning Director, Shaun Patten, Zoning Administrator, Brad Matthews, Senior Engineer, Ron Davis, City Attorney, and Chris Cunningham, Assistant City Attorney.

Approval of Agenda – Motion by Ms. Dykes to approve the agenda. **Second by Mr. Lewis.** Roll call vote was as follows: Ms. Dykes-Yes; Mr. Lewis-Yes, Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Ward-Yes; **Motion Carried.**

Approval of the Minutes – Motion by Mr. Lewis to approve the April 12, 2022, minutes. **Second by Mr. Roland.** Roll call vote was as follows: Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Lewis-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Ward-Yes; **Motion Carried.**

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

Verification of No Conflict of Interest – Councilwoman Dykes abstained from voting on case number R-22-01.

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

OLD BUSINESS

NEW BUSINESS

R-22-01 Jay Moyer

Mrs. Ramm stated Mr. Jay Moyer requests rezoning of .64 acres located at 3808 Highway 43 from RS-1 (Single Family Residential) to C-3 (General Commercial). The developer is proposing an insurance office for this property. However, the Commission must consider all uses in this zoning classification.

Mr. Jay Moyer with State Farm, 13800 Randa Parkway, appeared before the Commission representing himself. Mr. Moyer stated he would like the parcel to be rezoned from RS-1 (Single Family Residential) to C-3 (General Commercial) to grow his insurance office and to be more accessible to the public.

Chairman McKinney opened the public hearing.

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

Motion by Mr. Randolph to make a favorable recommendation to council to rezone .64 acres for case R-22-01. **Second by Mr. Ward.** Roll call vote was as follows: Mr. McKinney-No; Mr. O'Rourke-No; Mr. Randolph-Yes; Mr. Roland-No; Mr. Ward-Yes; and Mr. Lewis-No. **Motion Failed.**

R-22-02 Jack Kubiszyn

Mrs. Ramm stated JJK Development, LLC requests rezoning of .26 acres located at 2107 10th Street and 903 Main Avenue from MFH (Multi-Family Housing) to RCI (Residential/Commercial/Institutional). However, the Commission must consider all uses in the zoning classification.

Mr. Al Cabaniss with Cabaniss Engineering, 600 Lurleen B Wallace Blvd. S, Tuscaloosa, appeared before the Commission representing JJK Development, LLC for the rezoning of 2107 10th Street and 903 Main Avenue. Mr. Kubiszyn currently owns the neighboring lots of 2109 10th Street, 2107 10th Street and 903 Main Avenue. Rezoning these lots will allow for Mr. Kubiszyn to use the property as one lot.

Chairman McKinney open the public hearing.

Mrs. Ramm stated that 903 Main Avenue is zoned for RCI (Residential/Commercial/Institutional) and that the applicant is requesting 2107 10th Street be rezoned for RCI (Residential/Commercial/Institutional), which is currently zoned as MFH (Multi-Family Housing).

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

Motion by Mr. Ward to make a favorable recommendation to council to rezone .26 acres for case R-22-02. **Second by Mr. O'Rourke.** Roll call vote was as follows: Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; and Mr. Ward-Yes **Motion Carried.**

S-08-22 Resurvey of Lot 2 Jack Kubiszyn

Mrs. Ramm stated JJK Development, LLC request Preliminary Plat approval of Resurvey of Lot 2 Jack Kubiszyn located at 2107 10th Street and 903 Main Avenue. The preliminary plat will remove existing interior lot lines and combine the property into one lot. The total acreage is 1.31 acres. There are no waivers requested for this petition.

Al Cabaniss with Cabaniss Engineering, 600 Lurleen B Wallace Blvd. S, Tuscaloosa, appeared before the Commission representing JJK Development, LLC. Mr. Cabaniss stated that JJK Development, LLC owns the adjoining properties and is proposing to remove the existing interior property lines to combine the property to one lot. With the rezoning, if approved by council to a RCI (Residential/Commercial/Institutional), they will present in the future the development of commercial buildings with residential living above. Currently, they are only requesting to have a vote on the Preliminary Plat.

Chairman McKinney opened the public hearing.

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

Motion by Mr. Lewis to approve the Preliminary Plat for the Resurvey of Lot 2 Jack Kubiszyn of approximately 1.31 acres located at 2107 10th Street and 903 Main Avenue, case S-08-22. **Second by Ms.**

Dykes. Roll call vote was as follows: Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; and Mr. Ward-Yes **Motion Carried.**

S-06-22 Flatwoods Estates

Mrs. Ramm stated Waylon Properties, LLC is requesting Preliminary Plat approval for Flatwoods Estates Subdivision located east of Wensa Place. The subdivision consists of two lots with frontage on 36th and 37th Street. The total acreage is 5.4 acres. The petitioner is requesting a waiver to pay into the Sidewalk Trust Fund instead of constructing sidewalks along 37th Street.

Mr. Jimmy Duncan with Duncan Coker Associates, 302 Merchants Walk #250 Tuscaloosa, appeared before the Commission representing Waylon Properties, LLC. Mr. Duncan stated that Waylon Properties, LLC owns the property that consists of 5.4 acres located east of Wensa Place and is proposing to divide the property into two lots for single residential purposes. The existing structure on this property will occupy lot one, with right away access remaining off 37th Street. This will leave lot 2 for construction of another single use residential home, with right away access off 36th Street. The petitioner is asking for the waiver of sidewalks on 37th Street.

Mr. Duncan requested the waiver to pay into the Sidewalk Trust Bank instead of constructing sidewalks on 37th Street for Lot 1 that would consist of approximately 50 feet.

Chairman McKinney opened the public hearing.

Mr. Chris Kelley, 7017 36th Street Northport, stated that the drainage moves from Flatwoods Road, and comes across the petitioner's property onto his property. Mr. Kelley stated that he would like something to be done and is worried that when lot 2 is developed it will cause more flooding issues to his property.

Mr. Richard Kircharr, 3509 71st Avenue Northport, stated that his concerns are concerning 37th Street itself. The 50 ft on 37th Street ends just pass his parcel. Mr. Kircharr asked if the 37th Street will be the access for both lots.

Mr. Jimmy Duncan, stated on behalf of the concerns presented that Mr. Kelley's questioned regarding the drain and water issue, does not feel that it is not his client's problem to fix this since this has always been the flow of the water. As for Mr. Kircharr, 37th Street is not a private road and only lot 1 will access 37th Street.

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

Chairman McKinney and the Commission agreed to vote on the waiver and the preliminary plat together.

Motion by Mr. Randolph to approve the Preliminary Plat and requested waiver for the Flatwoods Estates of approximately 5.4 acres located east Wensa Place with frontage on 36th and 37th Street, case S-06-22. **Second by Mr. Roland.** Roll call vote was as follows: Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; and Mr. Ward-Yes **Motion Carried.**

S-07-22 600 Dollar Road Addition

Mrs. Ramm stated Arthur Lake is requesting preliminary plat approval for Dollar Road Addition Subdivision located at 600 Dollar Road. The subdivision consists of two lots with frontage on Dollar Road, Hunter Creek Lane and Turtle Bay Circle. The total Acreage is 8.69 acres. The petitioner is requesting two waivers: sidewalks and half-street improvements.

Mrs. Ramm stated the petitioner has requested a complete waiver from the sidewalk requirement. However, the petitioner's surveyor has been informed the only sidewalk waiver that can be granted by the Commission is a payment into the Sidewalk Trust Fund. Mrs. Ramm informed the Commission a waiver could be granted using Section 108 due to the circumstances in this case.

Mr. Kevin Hinkle with Montgomery and Hinkle, 203 Hargrove Road E Tuscaloosa, represented Mr. Arthur Lake. This property has two residential structures. Arthur Lake is requesting to divide the property into two separate lots using the drainage easement for the property line. Lot 1 will contain approximately 7.11 acres with road frontage on Turtle Bay Circle. Lot 2 will contain approximately 0.95 acres with road frontage on Dollar Road.

Mr. Hinkle stated that Mr. Lake is requesting waiver on the sidewalks for the preliminary plat since there are no existing sidewalks on Dollar Road nor Hunter Creek Lane. Also, Mr. Hinkle petitioner is requesting a waiver of half street improvements on Dollar Road and Hunter Creek Lane, due to the cost prohibitive and there are no existing curb in the area.

Chairman McKinney opened the public hearing.

Mr. William Hinton, 550 Dollar Road Northport, stated his property adjoins Dollar Road and Mr. Lake's. His concern was the water way and the flood plain and the creating of a dam on the property. He ADEM has been made aware of these issues.

Brad Matthew, Engineer for City of Northport, stated that we are familiar with the ADEM issues.

Mr McKinney asked Mr. Hinkle if there is future construction on the property would the property come back before the Commission.

Mr. Hinkle stated no further construction will be made on the property, there are already existing structures. This is just separating one lot into two.

Chairman McKinney and Commission agreed they would vote on the following separate: half street improvements waiver, sidewalk waiver and preliminary plat.

Motion by Mr. McKinney to approve the half street improvement waiver for preliminary plat for 600 Dollar Road, case S-07-22 with the understanding that any subsequent subdivision would require the approved waivers to be revisited. **Second by Mr. Lewis.** Roll call vote was as follows: Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; and Mr. Ward-Yes **Motion Carried.**

Motion by Ms. Dykes to approve the sidewalk waiver for Preliminary Plat for 600 Dollar Road, case S-07-22. **Second by Mr. Mr. Lewis.** Roll call vote was as follows: Ms. Dykes-Yes; Mr. McKinney-No; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; and Mr. Ward-Yes **Motion Carried.**

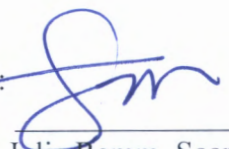
Motion by Mr. Randolph to approve the Preliminary Plat for the 600 Dollar Road Addition of approximately 8.69 acres, case S-07-22. **Second by Ms. Dykes.** Roll call vote was as follows: Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; and Mr. Ward-Yes **Motion Carried.**

XI. CITIZEN COMMUNICATION - None

XII. DISCUSSION – None

XII. ADJOURNMENT – Motion by Ms. Dykes with a second by Chairman McKinney to adjourn the meeting. By voice vote the meeting was adjourned.

ATTEST:


Julie Ramm, Secretary


David Kemp, Chairman