

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, FEBRUARY 9, 2021**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Thursday, February 9, 2021, in the Council Chambers at Northport City Hall.

The meeting was called to order by Chairman Dale Phillips. Upon roll call the following members were found to be present: Ms. Christy Bobo, Mr. David Kemp, Mr. Dale Phillips, Mr. Scott Roland, Mr. James McKinney, Mr. Clay Randolph, and Mr. Kevin Williamson. Absent and failing to vote was Ms. Nancy Dawkins and Mr. Ernest O'Rourke. Staff present were Julie Ramm, Planning Director, Doug Varnon, Interim City Engineer, Holly Phillips, Staff Engineer, Ron Davis, City Attorney and Nannette McKinney, Administrative Assistant.

Approval of Agenda – Motion by Ms. Christy Bobo to approve the agenda. **Second by Mr. David Kemp.** Roll call vote was as follows: Ms. Bobo-Yes; Mr. Kemp-Yes; Mr. McKinney-Yes; Mr. Phillips-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

Approval of the Minutes - None

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

Verification of No Conflict of Interest – Councilwoman Bobo abstained from voting on item C & D and Chairman Phillips abstained from item D.

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

OLD BUSINESS

Mayor Bobby Herndon gave words of encouragement to the commission.

NEW BUSINESS

S-03-21PP 1017 Martin Luther King, Jr. Boulevard – McGiffert Properties, LLC requests preliminary plat approval of a two-lot subdivision consisting of 7.97 acres located 1017 Martin Luther King Boulevard & 9th Avenue. **Waivers:** Half-Street Improvements and Sidewalks.

Julie Ramm stated McGiffert Properties, LLC requests preliminary plat approval for a two-lot subdivision located at 1017 Martin Luther King, Jr. Boulevard. The total acreage of the subdivision is approximately 7.97 acres. The following waivers are request: Half-Street Improvements and Sidewalks.

AL Cabaniss, PE, PLS, Cabaniss Engineering, 2416 Trenton Drive, Tuscaloosa, AL appeared before the board accompanied by Price McGiffert of McGiffert Properties, LLC. Mr. Cabaniss stated the request for preliminary plat approval for a two-lot subdivision. Mr. Cabaniss stated they would like to Demo the building to build an office warehouse. Mr. McGiffert is proposing to buy a portion of the lot owned by Bruce Chandler. The plat would combine the two lots into one lot. Mr. Cabaniss stated he will be requesting the entire property to be zoned M-1.

James McKinney stated the sewer line needs to be surveyed because there is an abandoned line that is not active.

Mr. Cabaniss requested records of the sewer lines.

Holly Phillips stated the city has a capital improvement project that includes half-street along Martin Luther King Jr. Blvd. currently in the design phase. The petitioner has agreed to dedicate right-of-way at no cost for this project in exchange for these waivers.

Motion by Mr. Dale Phillips to approve the preliminary Plat, S-01-21PP, 1017 Martin Luther King, Jr. Boulevard consisting of 7.97 acres to include the following waivers: Half Street Improvements and Sidewalks located 1017 Martin Luther King Boulevard & 9th Avenue. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. Phillips-Yes; Mr. Kemp-Yes; Ms. Bobo–Yes; Mr. McKinney-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

S-04-21PP Resurvey of Lots 11-16 and Lots 21 & 22 of Kennedy Realty Company Subdivision. – Paragon Acquisition Company, LLC requests preliminary plat approval for a two-lot subdivision consisting of 2.48 acres located at the corner of 28th Street and 20th Avenue. **Waivers:** Right of Way Dedication and Half Street Improvements and Sidewalks along 20th Avenue and 28th Street.

Julie Ramm stated Paragon Acquisition Company, LLC requests preliminary plat approval for a two-lot subdivision located at the corner of 28th Street and 20th Avenue. The total acreage of the subdivision is approximately 2.48 acres. The following waivers are request: Right-of-Way dedication on 28th Street, Half-Street Improvements along 20th Avenue and 28th Street, and sidewalks along 20th Avenue and 28th Street.

Adam Ingram, TTL, 2890 Rice Mine Road, NE, Tuscaloosa, Alabama appeared before the board representing Paragon Acquisition Company. Mr. Ingram stated lot two is the smaller lot and the owner has a buyer. Lot one would be developed in the future. Mr. Ingram also stated the right of way that is shown is not the full amount required because of the location of the existing house. Mr. Ingram stated the half streets improvements and sidewalks are very narrow and has a very shallow storm sewer. In order to install curb and gutter and sidewalks it would have to continue downstream off the site.

David Kemp stated he would like to make a recommendation for the Sidewalk Trust Fund to be offered if the waiver for the sidewalks are approved.

Motion by Mr. James McKinney to grant approval for Half-street Improvements along 20th Avenue. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Kemp-Yes; Ms. Bobo – Yes; Mr. Phillips- Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

Motion by Mr. James McKinney to grant approval of the Half street Improvements waiver along 28th Street. **Second by Mr. Dale Phillips.** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Phillips-Yes; Ms. Bobo –Yes; Mr. Kemp- Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

Motion by Mr. James McKinney to grant approval of the Sidewalks along 20th Avenue with stipulations that a minimum participation in the Sidewalk Trust Fund for future construction of sidewalks. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Kemp-Yes; Ms. Bobo–Yes; Mr. Phillips- Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

Motion by Mr. James McKinney to grant approval of the Sidewalks waivers along 28th Street with stipulations that a minimum participation in the Sidewalk Trust Fund for future construction of sidewalks.

Second by Mr. Scott Roland. Roll call vote was as follows: Mr. McKinney-Yes; Mr. Roland-Yes; Ms. Bobo – Yes; Mr. Phillips- Yes; Mr. Randolph-Yes; Mr. Kemp-Yes; and Mr. Williamson-Yes. **Motion carried.**

David Kemp stated his concerns about the right-of-way dedication.

Holly Phillips stated it's always good to have as much right -of -way you can. Mrs. Phillips stated 60 feet is the standard to construct a regular street section and sidewalks. Mrs. Phillips also stated this situation was different because there are roadside ditches and if you were going to put in sidewalks you will need the 60 feet.

Adam Ingram stated the house would be in conflict with a 60-foot right-of-way.

Ron Davis referenced a similar situation with Northport Baptist Church.

Julie Ramm stated the Planning and Zoning Commission voted to put a note on the plat for Northport Baptist Church dealing with similar situation. The note read, "In the event any portion of the existing buildings are removed, the north ROW along 10th Street in such areas shall move to 25 feet from centerline of the street."

Holly Phillips state 60 feet is needed for sidewalks.

Motion by Mr. David Kemp to grant approval for right-of-way dedication along 28th Street. **Second by Mr. Kevin Williamson.** Roll call vote was as follows: Mr. Kemp-No; Mr. Williamson-No; Ms. Bobo – No; Mr. McKinney-No; Mr. Phillips-No; Mr. Randolph-No; and Mr. Roland -No. **Motion Failed.**

Motion by Mr. David Kemp to grant preliminary plat approval of S-04-21PP Resurvey of Lots 11-16 and Lots 21 & 22 of Kennedy Realty Company located at the corner of 28th Street and 20th Avenue. **Second by Mr. James McKinney.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. McKinney-Yes; Ms. Bobo–Yes; Mr. Phillips-Yes; Mr. Randolph-Yes; Mr. Roland -Yes; and Mr. Williamson-Yes. **Motion carried.**

SP-02-21 AMD City of Northport – Request Administrative Clarification for Kenneth Walker Subdivision Located north of 9th Street and west of Main Avenue.

Julie Ramm stated the Planning Director seeks administrative clarification on the preliminary plat for Kenneth Walker Subdivision. The commission approved the preliminary plat for this subdivision on November 18, 2020. Brilliant Coal Company did not request a waiver on the installation of the sidewalks. However, the owner has requested that he be allowed to install sidewalks at the time the houses are constructed. Staff is asking for the Commission to clarify when the sidewalks must be installed.

David Kemp asked for clarification on when the sidewalks would be built.

Julie Ramm stated the builder would like to install the sidewalks when the houses are built.

Brad Bull, Brilliant Coal Company, LLC, 803 Main Avenue, Northport, Alabama appeared before the board stating he has no problem putting in the sidewalks. Mr. Bull stated he has 150 feet of frontage and when he builds the three houses, he would be removing approximately 150 feet of the sidewalk. Mr. Bull stated his request would be to put sidewalks in as he builds the three houses.

Dale Phillips asked if all three of the houses would be built at one time.

Brad Bull stated he may start with two houses and as he pours the driveway he will put in sidewalks.

Julie Ramm stated to the Commission that staff cannot sign the plat until sidewalks are installed or Commission decides differently.

Motion by Mr. David Kemp to grant SP-02-21 AMD, City of Northport for Administrative Clarification for Brilliant Coal Company to complete sidewalks as each individual house is built and a CO (Certificate of Occupancy) not be issued until sidewalk in front of the house being built is completed. **Second by Mr. James McKinney**. Roll call vote was as follows: Mr. Kemp -Yes; Mr. McKinney-Yes; Ms. Bobo—abstain; Mr. Phillips- Yes; Mr. Randolph-Yes; Mr. Roland -Yes; and Mr. Williamson-Yes. **Motion carried.**

SP-03-21 MackHinton Homes, LLC – Request conditional use approval for a Group Home located on approximately 0.60 acres at 820 8th Street.

Julie Ramm stated MackHinton Homes, LLC is requesting conditional use approval to allow a Group Home in a Single-Family Residential neighborhood. The property is located at 820 8th Street and is currently zoned RS-4. The total acreage for the site is .60 acres. The proposal is to construct a group home for approximately 20 children. There will also be living accommodations for staff/administrative personnel, as well as kitchen and dining facilities. The total square footage of the proposed structure is approximately 6,050 square feet.

Tom Simms, Longleaf Engineering, 432 65th Street, Suite A, Tuscaloosa, Alabama appeared before the board representing MackHinton Homes, LLC, accompanied by Shawn Blackburn. Mr. Simms stated he is requesting conditional use approval to be able to put a group home in a residential RS-4. Mr. Simms also stated Mr. Blackburn is trying to fill a public need to provide a home type environment for children. There are over 6,000 children in the State of Alabama living in facilities.

Anthony Lee, 808 8th Avenue, Northport, Alabama appeared before the board asking if the children living at the facility would have any disabilities.

Eddie Haley, 1002 Rice Mine Road, Northport, Alabama appeared before the board stating concerns of violence a group home may attract.

Julie Ramm stated she received an email from Golden B. Lee-Dunn, 808 8th Avenue, Northport, Alabama stating she resides directly next to the proposed Group Home. Ms. Dunn stated she does not agree with the group home being built so close to her property. Ms. Dunn also stated concerns of trees being cut and destroying her property.

Ricky Wilson, 904 9th Street, Northport, Alabama appeared before the board stating his concerns of a facility being in the neighborhood.

John Wedgeworth, Jr. 802 9th Street, Northport, Alabama appeared before the board stating he has lived in the neighborhood for 53 years. The neighborhood is quiet and he is concerned with violence if the group homes is built.

Shawn Blackburn, 809 8th Avenue, Northport, Alabama appeared before the board commending the Planning and Zoning Commission for doing a great job. Mr. Blackburn also stated he was not going to fall out with his neighbors about a piece of property and an idea. He has known the residence in the area all his life. Mr. Blackburn stated he will be withdrawing his request.

James McKinney stated he appreciated Mr. Blackburn's proposal for a children group home. Mr. McKinney stated his parents raised foster children. Mr. McKinney also stated he hopes Mr. Blackburn does not give up on pursuing the idea in another location.

Motion by Mr. James McKinney to accept withdrawal of SP-03-21 MacKHinton Homes, LLC located at 820 8th Street. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. McKinney -Yes; Mr. Kemp-Yes; Ms. Bobo—Abstain; Mr. Phillips-Abstain; Mr. Randolph-Yes; Mr. Roland -Yes; and Mr. Williamson-Yes.
Motion carried.

XI. CITIZEN COMMUNICATION

XII. DISCUSSION

Dale Phillips stated Shawn Blackburn showed true character by withdrawing his request. Mr. Phillips also stated the Planning and Zoning Commission does not answer to City Council or Mayor and as long as he is chairperson of the Commission, he will decide who address the Commission. Mr. Phillips stated anyone may address a project. Mr. Phillips also stated if anyone has a problem with the decision the Commission makes, be professional and state it to the Commission.

Dale Phillips stated Councilman Hogg requested to form a committee concerning the Green Village Mobile Home Park located in his district. Mr. Phillips stated he has appointed Mr. James McKinney, Mr. David Kemp, Ms. Nancy Dawkins and himself from the Planning and Zoning Commission to help Mr. Hogg in his efforts to address zoning and other issues in the area.

James McKinney stated he would like to suggest a rule change on how business is conducted. Mr. McKinney would like the Commission to hold off on any other action until the property has been annexed.

Julie Ramm stated Mr. McKinney’s suggestion would require an ordinance change.

James McKinney stated he would like to see a trust fund for half-street improvements. Mr. McKinney stated most business developments are requesting waivers on half-street improvements to save money.

XII. ADJOURNMENT

ATTEST: 

Julie Ramm, Secretary



Dale Phillips, Chairman