

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MAY 12, 2020**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, May 12, 2020 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: Mr. Shawn Blackburn, Mr. David Kemp, Mr. John Myers, Mr. Dale Phillips, Mr. Tony Roberts and Mr. Scott Roland. Absent and failing to vote were Ms. Nancy Dawson, Mr. Michael Manson, Mr. Jerry Pruitt. Staff present were Julie Ramm, Planning Director, Ron Davis, City Attorney, Max Snyder, Development Coordinator, Holly Phillips, Staff Engineer and Nannette McKinney, Administrative Assistant.

Approval of Agenda – **Motion by John Myers** to approve agenda. **Second by Mr. David Kemp**. Roll call vote was as follows: Mr. Myers-Yes; Mr. Kemp-Yes; Mr. Blackburn-Yes; Mr. Phillips-Yes; Mr. Roberts-Yes; and Mr. Roland-Yes. **Motion carried.**

Approval of the Minutes – March 10 and April 14, 2020. **Motion by John Myers** to approve the minutes. **Second by Mr. Shawn Blackburn**. Roll call vote was as follows: Mr. Myers-Yes; Mr. Blackburn-Yes; Mr. Kemp-Yes; Mr. Phillips-Yes; Mr. Roberts-Yes; and Mr. Roland-Yes. **Motion carried.**

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

Verification of No Conflict of Interest – Chairman Phillips confirmed there were no conflicts of interest with Commission Members.

Chairman Phillips suggested presenting item **d.** A-02-20 Hilary Shirley to the commission first at the request of applicant.

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

A-02-20 Hilary Shirley – De-annexation of 74.91 acres located on 14775 Highway 69.

Julie Ramm stated this is a request from Hilary Shirley requesting de-annexation of approximately 74.91 acres located on 14775 Highway 69. This property was annexed by Mr. Shirley and Wendell Shirley in August of 1994. The Shirley's at the time proposed a residential development for the property. However, the land has remained undeveloped.

Bobby Herndon, Herndon Hick & Associates, 2728 Lurleen B. Wallace Blvd. representing Hilary Shirley. Mr. Herndon stated Mr. Shirley would like to respectively withdraw his petition.

Motion by David Kemp to grant withdrawal of De-annexation of 74.91 acres located on 14775 Highway 69. meeting. **Seconded by Tony Roberts**. Mr. Kemp-Yes; Mr. Roberts-Yes; Mr. Blackburn-Yes; Mr. Myers-Yes; Mr. Phillips – Yes; and Mr. Roland-Yes. **Motion Carried.**

OLD BUSINESS

SP-07-20 Ballard Concrete – Conditional Use to allow a concrete plant including the outdoor storage of machinery and the storage of sand, gravel, and blocks in a (M-1 Light Industrial zone) located at 2000 30th Avenue.

Julie Ramm stated Ballard Concrete requests Conditional Use approval to operate a Concrete Plant including outdoor storage of machinery and the storage of sand, gravel, and blocks in a n M-1 Light Industrial Zone. The proposed location is at 2000 30th Avenue and is in an industrial zone. Although Table 4-1 does not specifically list a concrete plant as an allowable use, Section 408 does include a concrete plant in the description of uses.

Mr. Ross Wiggins, 11985 McPherson Landing Road, Tuscaloosa, 35405 stated Ballard Concrete is proposing to re-open at this location. Mr. Wiggins stated Ballard concretes estimated gross income each year is \$1.2 to \$1.5 million. He also stated they plan to employ 20 people.

Mr. Wiggins stated storage for outdoor materials will be at a minimum and it will be walled in so there will be no runoff or scattering of materials.

Julie Ramm stated she received an email from a resident with questions about ADEM and EPA permits and would like Mr. Wiggins to address those questions.

Mr. Ross Wiggins stated both ADEM and EPA permits have been received and approved.

Holly Phillips stated the only request from City Engineering would be to restrict routes downtown from heavy traffic. Mrs. Phillips suggested, going left on 5th and north on Main Avenue to stay out of downtown Northport.

Mr. Wiggins stated they will respectfully do their best to route their traffic around the downtown area.

Mr. John Myers asked how many trucks will be operating.

Mr. Wiggins stated they will start with six.

Mr. Myers asked what is the weight of the trucks.

Mr. Wiggins stated a loaded truck has estimated weight of less than 50 tons.

Mr. Ron Davis stated the board can choose to put conditions on the route of the trucks.

Mrs. Julie Ramm stated there are some areas along 5th Street toward downtown that has issues with settling in the roadway and any additional traffic from trucks will compound those issues.

Mr. Tony Roberts stated his concern is the revenue would not be enough to pay for the damage of the roads caused by the trucks.

Mr. Wiggins stated he would be personally dispatching suppliers and will be responsible for the route of the trucks. Mr. Wiggins also stated some services would be contracted out.

Mr. Dale Phillips stated if contracted out we lose some control of their routes.

Mr. Wiggins stated the contractor must abide by our traffic pattern.

Motion by Tony Robert – to make a favorable recommendation to City Council with conditions limited to the area that currently has an approved ADEM permit and with vehicle restrictions from any of the Historic District

or Downtown area. **Seconded by Dale Phillips.** Mr. Roberts-Yes; Mr. Phillips-No; Mr. Blackburn-Yes; Mr. Kemp-No; Mr. Myers – No; and Mr. Roland-Yes. **Motion Failed.**

NEW BUSINESS

S-08-20 Airport Road Subdivision – Preliminary Plat for approximately 3.54 acres located on 5th Street and Robert Cardinal Airport Road. **Waivers:** Sidewalks, Half Street Improvements and Capped Sewer.

Julie Ramm stated Brilliant Coal Company requests preliminary plat approval for a 5-lot subdivision located near the intersection of 5th Street and Robert Cardinal Airport Road. The total acreage of the subdivision is approximately 3.54 acres. The following waivers are requested: Sidewalks, Half-street Improvements and Capped Sewer. The closest sewer that is available to this property is on the east side of Harper Creek. Accessing the sewer would require crossing the creek which would not be feasible for the 5-lot subdivision. Half-street improvement the petitioner states there is already adequate width and shoulders in place along both 5th street and Robert Cardinal Airport Road. There are no existing curb and gutters in the area. Mrs. Ramm also stated the portion of Robert Cardinal Airport Road that is adjacent to proposed lots 3, 4, and 5 is a county road. Typically, the County does not encourage the installation of sidewalks along County maintained roads. The closest sidewalk is approximately ½ mile to the east near West Circle Apartments.

Mr. Brad Bull, 803 Main Avenue, representing Airport Road Subdivision.

Mr. Kemp asked for clarification on lots.

Mrs. Ramm stated there is a propose driveway access easement between lots 2 & 3. There will be a shared drive.

Mrs. Phillip stated the zoning ordinance states there should be a 300-foot separation of driveways

Mr. Bull asked if this ordinance applies since this is a county road.

Mr. Phillips stated the property is still subject to the zoning ordinance.

Mr. Bull stated he thinks there is approximately 280 feet instead of 300 feet separation.

Motion by Tony Robert – I move to approve the Preliminary Plat including waivers for S-08-20PP Airport Road Subdivision, located on 5th Street and Robert Cardinal Airport Road. **Seconded by David Kemp.** Mr. Roberts-Yes; Mr. Kemp-Yes; Mr. Blackburn-Yes; Mr. Myers-Yes; Mr. Phillips – Yes; and Mr. Roland-Yes. **Motion Carries.**

R-02-20 Brilliant Coal Company – Rezoning of 3.07 acres from RS.3 & AG to RS.3 & C.3 located on Robert Cardinal Airport Road.

Mrs. Ramm stated Brilliant Coal Company requests rezoning of 3.07 acres from RS-3 and AG to RS-3 and C-3. The petitioner requests lots 1, 2, and 3 of the proposed Airport Road Subdivision be rezoned from RS-3 and AG to C-3. These lots will access directly onto Robert Cardinal Airport Road. The petitioner also requests lots 4 and 5, which access directly from 5th Street, be rezoned from RS-3 and AG to RS-3. The request does meet all necessary acreage requirements for rezoning. Staff received an email from adjoining property owner Timothy Clemons, 4509 5th Street. Mr. Clemons stated he was fully against the rezoning request. He also noted the property was sold extremely cheap causing a decrease in property value. Mr. Clemons also stated concerns of a warehouse structure being built in the area would cause a higher crime rate.

Mr. Phillip asked Mr. Bull what his intentions were for the property.

Mr. Bull stated lots 4 and 5 are going to stay residential. He owns lot 4 and lot 5 belongs to Mrs. Donovan. Mr. Bull stated he and Ms. Donovan decided to divide the lots in half. He also stated he does not have a concrete plan for the property. His vision has been to keep the property for small service business owners like himself.

Mr. Phillips asked if there would be any building on property right away.

Mr. Bull stated no.

Mr. Phillips asked if it would be allowed to fence in and park equipment with no structure.

Mrs. Ramm stated it would depend on the type of equipment. She also stated, if the rezoning is passed anything that is allowed in C-3 would be allowed on this property. Mrs. Ramm also stated that outdoor heavy machinery is not allowed in this zone, but the ordinance would not prohibit service trucks or vans.

Mr. Phillips stated he was not interested in a fenced in the area turned into a parking lot for trucks because of the complaints it creates in reference to crime.

Mr. Bull asked what is allowed in C3.

Mrs. Ramm stated you may read the list of allowable uses from table 4-1 of the Zoning Ordinance.

Mr. Roberts stated the difference in C3 is the business is one unit, when referencing office warehouse that is more like with a small show room and warehouse storage. A business that is enclosed has storage behind business.

Mr. Bull stated he may be able to get 5,000 square feet building on the lots. He would like to build a metal building within code requirements for small business.

Mrs. Ramm stated the definition for Office Warehouse is a facility combining office and warehouse functions in a single structure, for the primary purpose for wholesale trade, display, and distribution of products. Said facility is characterized by occasional truck delivery's and does not create nuisances such as dust, noise, or odor. Any warehouse activity with heavy trucking activity or nuisances shall be considered under the term "warehouse or wholesaling."

Mr. Bull stated he would like clarification on conditional use.

Mr. Roberts stated under the use warehouse you are putting material under resale rather than what you need for your trade. Most of trade businesses will not stock and resale.

Mrs. Ramm stated contract or storage yards are allowed in C6 not in C3 so that would not include this conditional use.

Motion by Tony Robert – To make a favorable recommendation for R-02-20 to council to rezone Lots 1, 2 and 3 to C-3 Lot 4 & 5 to RS-3. **Seconded by David Kemp**. Mr. Roberts-Yes; Mr. Kemp-Yes; Mr. Blackburn-Yes; Mr. Myers-Yes; Mr. Phillips – Yes; and Mr. Roland-Yes. **Motion Carries**.

Motion by Tony Robert – To grant SP-06-20 Conditional Use to allow Office/Warehouse in a C.3 zone located on Robert Cardinal Airport Road. **Seconded by Shawn Blackburn**. Mr. Roberts-No; Mr. Blackburn-Yes; Mr. Kemp-No; Mr. Myers-No; Mr. Phillips – No; and Mr. Roland-Yes. **Motion Fails**.

AMD 06-20 – Amendment to Design Review Standards pertaining to sidewalks.

AMD 07-20 – Amendment to Section 614 of the Subdivision Regulations pertaining to sidewalks.

Mrs. Ramm stated this proposed amendment will create the “Fee-in-Lieu of Sidewalks” program. In order to create the program, two amendments are proposed. The first is an amendment to Zoning Ordinance Section 1002.03.A.9. The second amendment is to Section 614 of the Subdivision Regulations. Both amendments contain the same text and outline when a developer may petition the Planning Commission to be able to contribute to the trust fund instead of installing sidewalks. The fees will be determined by the City Engineer and will be based on the total cost of sidewalk installation.

Motion by Tony Robert – To make a favorable recommendation to City Council for AMD 06-20 Amendment to Design Review Standards pertaining to sidewalks. **Seconded by David Kemp.** Mr. Roberts-Yes; Mr. Kemp-Yes; Mr. Blackburn-Yes; Mr. Myers-Yes; Mr. Phillips – Yes; and Mr. Roland-Yes. **Motion Carries.**

Motion by Shawn Blackburn – I move to grant approval of AMD 07-20 Amendment to Section 614 of the Subdivision Regulations pertaining to sidewalks. **Seconded by Dale Phillips.** Mr. Blackburn-Yes; Mr. Phillips-Yes; Mr. Kemp-Yes; Mr. Myers-Yes; Mr. Roberts – Yes; and Mr. Roland-Yes. **Motion Carries.**

XI. CITIZEN COMMUNICATION

XII. DISCUSSION

XII. ADJOURNMENT – 7:30 p.m.



Dale Phillips, Chairman

ATTEST: 

Julie Ramm, Secretary