



CITY OF BOAZ  
Planning Commission Meeting Minutes  
June 01, 2023  
Boaz Public Library, Mastin Conference Room – 6:00 PM

I. Call to Order

Chairman Frix called the meeting to order at 6:00 P.M.

PRESENT

David Wallace  
Harrold Johnson  
Nick Borden  
Rodney Frix  
Paul Hale  
Steven Bates  
Darby Pruitt

ABSENT

Chris Alexander  
Josh Greer

II. Invocation

Nick Borden gave the Invocation.

III. Pledge of Allegiance

Harold Johnson led the Pledge of Allegiance.

IV. Adoption of Agenda

Motion made by Borden, Seconded by Wallace. The motion passed by unanimous voice vote.

V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting

1. Adopt the minutes of the Planning Commission Meeting dated April 13, 2023.

Motion made by Hale, Seconded by Borden. The motion passed by unanimous voice vote.

VI. Public Hearings

1. A public hearing to hear a request of a Preliminary Subdivision Plat from Mr. Randall Pankey. The Dogwood Farms II subdivision will be located along Bruce Road, starting at the intersection of Mcville Road toward State Route 168. Mr. Pankey is seeking to build Patio/Garden Homes on the property.

Motion made by Hale to open the Public Hearing at 6:07 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

Randall Pankey spoke for the Dogwood Farms II subdivision.

Chairman Frix asked if anyone else would like to speak on this item. There was no response.

Motion made by Bates to close the Public Hearing at 6:08 P.M., Seconded by Hale. The motion passed by unanimous voice vote.

2. A public hearing to hear a request from Brett Keller. Mr. Keller is seeking to rezone property located at 465 Gold Kist Street from R-1 (Low Density Detached Residential District) to R-3 (High Density Single-Family Residential District). Mr. Keller seeks to build a duplex on the property.

Motion made by Borden to open the Public Hearing at 6:09 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

Chairman Frix asked if anyone would like to speak on item number 2. There was no response.

Motion made by Borden to close the Public Hearing at 6:10 P.M., Seconded by Bates. The motion passed by unanimous voice vote.

3. A public hearing to approve a ROW dedication from TWAS Properties, LLC to the City of Boaz for a strip of land along Butler Avenue containing 0.14 Acres +/-, as described in the provided plat showing Lot 1, Parcel ID 1809303000063002, Book 6941, Page 281 TWAS PROPERTIES LLC, 72,049 Sq. Ft.+/- 1.65 Acres +/-.

Motion made by Borden to open the Public Hearing at 6:10 P.M., Seconded by Bates. The motion passed by unanimous voice vote.

Chairman Frix asked if anyone would like to speak on item number 3. There was no response.

Motion made by Hale to close the Public Hearing at 6:11 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

4. A public hearing to discuss an amendment of section 11.02.03 Procedure of the Boaz Zoning Ordinance no. 2021-1154, as follows:

Section 11.02.03 amended to add section (3) which provides as follows:

3. Upon receipt of a negative recommendation from the Commission, the Council review process may be initiated at the request of the Applicant. Any owner of adjoining property may also request the Council review process of any positive recommendation upon which the appealing adjoining property owner objected at the Commission hearing or in writing prior to the Commission hearing. An appeal shall be submitted in writing, on any form prescribed for that purpose by the City and accompanied by the required fee, and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. No fee is required where an appeal is filed by the Building Official or other public official in pursuance of his/her official duties. For Commission decisions taken after May 1, 2023, all Commission decision appeals to the Council shall be filed within ten (10) calendar days following the decision that is being appealed. The time will extend to the next business day when the tenth day falls on a day the City is not open for business. For Commission decisions prior to May, 2023, all appeals must be filed within six (6) months of the decision appealed from. The timely filing of an appeal shall stay the operation of the decision of the Commission. The Council will conduct a public hearing on all appeals where a public hearing was held prior to the decision being

appealed from. Notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

Motion made by Hale to open the Public Hearing at 6:11 P.M., Seconded by Borden. The motion passed by unanimous voice vote.

City Attorney Christie Knowles addressed the Planning Commission to explain the legal reasons for the appeal.

Building Inspector Nick Borden stated the Planning Commission would still have the final say over subdivisions.

Chairman Frix said his concern was the date on the amendment. Frix would like it to be effective the day it is voted on, or that it would be wide open for anyone.

Chairman Frix announced the floor was open for anyone wanting to speak on item number 4.

Speaking for the Zoning appeal:

Mark Turk

2378 US Hwy 431

Boaz, AL 35957

Alex Pope

2358 US Hwy 431

Boaz, AL 35957

Donald Bolding

582 Pleasant Hill Cutoff Road

Boaz, AL 35957

Speaking against the Zoning Appeal

Chad Cofield

1213 James Street

Boaz, AL 35957

Shirley Edmondson

1147 James Street

Boaz, AL 35957

Motion made by Hale to close the Public Hearing at 6:31 P.M., Seconded by Borden. The motion passed by unanimous voice vote.

## VII. New Business

Motion made by Borden, Seconded by Bates. The motion passed by unanimous voice vote.

1. Entertain a motion to approve the preliminary plat provided by Mr. Pankey of Bradco Home Builders LLC, for The Dogwood Farms II Subdivision.

Motion made by Hale to approve, Seconded by Borden. The motion passed by unanimous voice vote.

2. Entertaining a motion to approve to rezone property located at 465 Gold Kist Street, from R-1 (Low Density Detached Residential District) to R-3 (High Density Single-Family Residential District). Mr. Keller seeks to build a duplex on the property.

Motion made by Borden to approve, Seconded by Bates. The motion passed by unanimous voice vote.

3. Entertain a motion to approve a ROW dedication from TWAS Properties, LLC to the City of Boaz for a strip of land along Butler Avenue containing 0.14 Acres +/-, as described in the provided plat showing Lot 1, Parcel ID 1809303000063002, Book 6941, Page 281 TWAS PROPERTIES LLC, 72,049 Sq. Ft.+/- 1.65 Acres +/-.

Motion made by Borden to approve, Seconded by Pruitt. The motion passed by unanimous voice vote.

4. Entertain a motion to approve amending the Boaz Zoning Ordinance 2021-1154, Article 11 Administration and Enforcement as follows:

Section 11.02.03 amended to add section (3) which provides as follows:

3. Upon receipt of a negative recommendation from the Commission, the Council review process may be initiated at the request of the Applicant. Any owner of adjoining property may also request the Council review process of any positive recommendation upon which the appealing adjoining property owner objected at the Commission hearing or in writing prior to the Commission hearing. An appeal shall be submitted in writing, on any form prescribed for that purpose by the City and accompanied by the required fee, and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. No fee is required where an appeal is filed by the Building Official or other public official in pursuance of his/her official duties. For Commission decisions taken after May 1, 2023, all Commission decision appeals to the Council shall be filed within ten (10) calendar days following the decision that is being appealed. The time will extend to the next business day when the tenth day falls on a day the City is not open for business. For Commission decisions prior to May, 2023, all appeals must be filed within six (6) months of the decision appealed from. The timely filing of an appeal shall stay the operation of the decision of the Commission. The Council will conduct a public hearing on all appeals where a public hearing was held prior to the decision being appealed from. Notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

Motion made by Borden to approve, Seconded by Hale. Those voting in favor to approve were Borden, Bates, Johnson, Hale, and Pruitt. Those opposed were Frix and Wallace. The motion passed to approve.

VIII. Adjourn

Motion made by Hale, Seconded by Borden. The motion passed by unanimous voice vote.

The meetin adjourned at 6:35 P.M.

Minutes prepared by City Clerk/ Treasurer Beth Stephens.