

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 12, 2023**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, September 12, 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. Tracy Kelly, Mr. Clay Randolph, Mr. Kevin Turner, Mr. Jason Ward and Mr. Karl Wiggins. Absent and failed to vote were Mr. Roland Lewis and Mr. Ernest O'Rourke. Staff present were Mrs. Julie Ramm, Planning Director, Mr. Chris Cunningham, Assistant City Attorney, Mr. Shaun Patten, Zoning Administrator, Ms. Meredith Mullins, Planner, Mrs. Morgan Williams, Administrative Assistant, and Mr. Brad Matthews, Assistant City Engineer.

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

Approval of Agenda – Motion by Mr. Turner to approve the September 12, 2023, agenda with the addition of an executive session at the end of the meeting before adjournment, as well as, swapped to hear item E & D under old business. **Second by Mr. Wiggins.** Voiced roll call was given. **Motion Carried.**

Approval of the Minutes – Motion by Mr. Kemp to approve the August 8, 2023. **Second by Mr. Randolph.** Voiced roll call was given. **Motion Carried.**

Verification of No Conflict of Interest & Disclosure of Ex Parte Communication – Mr. Turner had a conflict of interest with Old Business, items D & E. Mr. Randolph presented the cases.

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

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

OLD BUSINESS

- a. **R-10-23 Northcreek Properties, LLC** – Northcreek Properties, LLC requests rezoning from C-3 (General Commercial) to RS-3 (Single – Family Residential) of approximately 1.91 acres located at the east dead end of Northcreek Boulevard. **WITHDRAWN**

Mrs. Ramm stated that Northcreek Properties has requested to rezone 1.91 acres located at the east dead end of Northcreek Boulevard. She stated that the property is currently zoned C-3 (General Commercial) and they have

requested to rezone to RS-3 (Single – Family Residential). Mrs. Ramm stated that the case does meet the rezoning requirements.

Mr. Turner asked if the previous communications from the petitioner were to withdraw the petition. Mrs. Ramm stated that was correct. Mr. Turner asked if the petitioner was present and would like to make a statement. No one was present.

Motion by Mr. Turner to withdraw case R-10-23 Northcreek Properties, LLC requested by the petitioner. **Seconded by Mr. Wiggins**. Voice roll call was given. **Motion Carried**.

- b. **R-11-23 Sullivan Properties, LLC** – Sullivan Properties, LLC requests rezoning from RS-1 (Single-Family Residential) to RS-3 (Single – Family Residential) of approximately 14.17 acres located at the east dead end of Northcreek Boulevard. **WITHDRAWN**

Motion by Mr. Turner to withdraw case R-11-23 Sullivan Properties, LLC requested by the petitioner. **Seconded by Mr. Kemp**. Voice roll call was given. **Motion Carried**.

- c. **R-12-23 Sullivan Properties, LLC** – Sullivan Properties, LLC requests rezoning from RS-1 (Single – Family Residential) to RS-4 (Single - Family Residential) of approximately 55.28 acres located at the east dead end of Northcreek Boulevard. **WITHDRAWN**

Motion by Mr. Turner to withdraw case R-12-23 Sullivan Properties, LLC requested by the petitioner. **Seconded by Mr. Randolph**. Voice roll call was given. **Motion Carried**.

- d. **SP-6-23 The Residences at Moore's Bridge Pointe** – Morgantown Development Company, Inc. request Conditional Use/ Master Development Place approval of a performance residential development located west of US Highway 43 and south of Applewood Drive. (This item was originally item E under Old Business)

Mr. Turner left the meeting due to a conflict of interest regarding this case.

Mrs. Ramm stated that Morgantown Development Co, Inc has requested Conditional Use/Master Development Plan for a performance residential development and Preliminary Plat approval of approximately 1.13 acres located west of US Highway 43 and south of Applewood Drive. She stated that the master development plan consists of 12 units on one lot and platted open space. She stated they are requesting a waiver on the preliminary plat of the 200' rear setback on US Highway 43. Mrs. Ramm gave a little history on the subdivision and stated that the previously approved master plan was done in 2005 and was included in the packet. She stated that in 2007, in phase 2 that when developed that the petitioner was allowed to change concept of the approved master plan. Mrs. Ramm stated that from 20 multi-family units to 17 single family de-attached homes on individual lots. She stated they were allowed to do so without seeking approval from the Planning Commission. Mrs. Ramm stated that the original master plan included some amenities which were never constructed and the petitioner's reasoning was those amenities were not constructed due to the walking trail would have crossed a

privately owned lot and would interfere with homeowner privacy. Mrs. Ramm stated that city staff does not have the ability to remove or waive amenities that were approved by the Planning Commission. She stated that the revised master plan does show open space but does not provide any amenities for the development and it would be up to the Commission to require amenities in the open space that is proposed.

Mr. David Kemp asked if the previous amenities were just a walking trail. Mrs. Ramm stated that it was a walking trail and a couple of architectural foot bridges.

Mr. Wiggins asked if the 17 lots had been built on. Mrs. Ramm stated that they have. Mr. Wiggins asked if they would not be approving those. Mrs. Ramm stated no, the property located presented is in between the two existing subdivisions for one development. Mr. Wiggins asked if we must revise the master plan to take that off. Mrs. Ramm stated that the original master plan showed that the 12 units with the preliminary plat that will be discussed tonight were shown as commercial, that is the essential revision.

Al Cabaniss with Cabaniss Engineering, 600 Lurleen B Wallace South, stated that this is a 2005 master plan with larger homes to the north for the first phase of this development. He stated the second phase is the townhomes and were built in 2016-2017. Mr. Cabaniss stated there was a different zoning ordinance and zoning administrator and at that time. He stated that the un-attached units are the exact same floor plan and style but on individual lots. Mr. Cabaniss stated that when this happened, lot 20, which is now lot 17, due to constraints on the detention ponds would require a walking trail to come around on both ends and would go through private property. He stated that they did receive building permits and certificates of occupancy. He stated that the original 2005 master plan showed that the property proposed tonight, was to be commercial property but we need more residential property now. He stated tonight's petition is the exact same floor plans that were built in phase two and building them as a connecting structure. Mr. Cabaniss stated that the units will be 2-bedroom and 2.5 bath with an attached garage. He stated the waiver request is a 200' setback on the right of way of US Highway 43 that would wipe this property out on this side. He stated that they are in the special corridor on landscaping, and it will be done heavily on Highway 43. He stated that there are some sewer lines in this area, but they will find a way to incorporate the trees.

Mr. Kemp asked what kind of setbacks were on the Highway 43 side. Mr. Cabaniss stated he believes it 35' and he knows there is a 35' sewer easement and they would meet the zoning setbacks on the other three sides.

Mrs. Hayes asked how much open space there was and if there were any amenities planned. Mr. Cabaniss stated that the total site is 1.13 acres. He stated that when we go through the LDP process, we do not have any amenities but certainly open to doing some.

Chairman Randolph opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Motion by Mr. Randolph to make a favorable recommendation for case SP-6-23 to the City Council to approve the Conditional Use/Master Development Plan for a performance residential development located west of US Highway 43 and south of Applewood Drive. **Second by Mr. Ward.** Roll call vote was as follows: Mr. Randolph – Yes; Mr. Ward – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

- e. **S-11-23 The Residences at Moore's Bridge Pointe** – Morgantown Development Company, Inc. request preliminary plat approval for approximately 1.13 acres located west of US Highway 43 and south of Applewood Drive. (This item was originally item D, under Old Business)

Mrs. Ramm stated that this is a companion case to Conditional Use/Master Plan in the previous case. She stated it is a preliminary plat with the same location as before. She stated that there is a waiver for the 200' rear setbacks that can be voted separately or combined.

Al Cabaniss with Cabaniss Engineering, 600 Lurleen B Wallace South, stated just like the discussion previously this will become one large lot. He stated that the sanitary sewer that was put in phase one will run through this proposed property and they will have water meters and sewer lines and should be minimal utilities in this phase.

Chairman Randolph opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Mr. Kemp asked for clarification about the sidewalk on US Highway 43. Mr. Cabaniss stated he does have a letter from ALDOT.

Motion by Mr. Randolph to make a motion to approve the preliminary plat case S-11-23 of approximately 1.13 acres located west of US Highway 43 and south of Applewood Drive to include the waivers for 200' rear setbacks and the sidewalks along US Highway 43. **Second by Mr. Wiggins**. Roll call vote was as follows: Mr. Randolph – Yes; Mr. Wiggins – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; and Mr. Ward – Yes. **Motion Carried.**

Mr. Turner re-entered the meeting.

- f. **S-14-23 RSVY of Lots 1-3, Block E of Crestmont Subdivision** – Magdalena Diego Juan requests preliminary plat approval of approximately 2.91 acres located at 3120 32nd Street.

Mrs. Ramm stated that Magdalena Diego Juan has requested preliminary plat approval for the Resurvey of Lots 1, 2, and 3, Block E Crestmont Subdivision located at 3120 32nd Street. The plat will combine three lots and one unplatted lot into one lot with a total acreage at 2.97 acres. Mrs. Ramm stated that they have requested a sidewalk waiver. She stated in a residential subdivision, the Commission has the option to require the installation of the sidewalks or the option to require payment into the Sidewalk Trust Fund.

Mr. Turner clarified with Mr. Matthews on the sidewalk waiver. Mr. Matthews stated that the waiver only applies to 37th Avenue.

Mr. Wiggins asked if this is taking 3 lots that were for homes and combining them into 1 lot. Mrs. Ramm stated that is correct, there is one house located here and 3 lots that were previously platted in subdivisions and one lot that is unplatted. She stated that all of these will be combined into one lot and only one house can be built here.

Josh Bonner with Sentell Engineering, 639 Blackbears Way, stated that the petitioner has requested to combine the 3 lots into 1 residential lot to be able to construct a barn on this site.

Chairman Turner opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Motion by Mr. Turner to make a motion to approve the preliminary plat case S-14-23 of approximately 2.97 acres located at 3120 32nd Street to include the waivers and payment to be made into the sidewalk bank. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Mrs. Hayes – Yes; Mrs. Kemp – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

NEW BUSINESS

- a. **SP-7-23 Mateo Felipe Baltazar** – Mateo Felipe Baltazar requests special use approval to allow the placement of a mobile home residence to be located at 6951 Baptist Campground Road. **CONTINUED UNTIL OCTOBER.**

Motion by Mr. Turner to continue until October 10, 2023, meeting requested by the petitioner. **Seconded by Mr. Randolph.** Voice roll call was given. **Motion Carried.**

- b. **R-13-23 Lynwood Springer** – Lynwood Springer requests rezoning approval of approximately 4.12 acres from HN (Historical Neighborhood) to REC (Recreation) located at 123 30th Avenue.

Mrs. Ramm stated that Lynwood Springer has requested to rezone approximately 4.12 acres located 123 30th Avenue. She stated that the property is currently zoned Historic Neighborhood and the petitioner has requested REC (Recreation) zoning. She stated that the property meets the requirements for rezoning.

Mr. Turner asked if this is to rezone the entire parcel. Mrs. Ramm stated no, it's 4.12 acres and there is a 2-acre portion to the south that is not included in the rezoning request. Mr. Turner asked if the 2-acre portion would remain zoned for HN (Historical Neighborhood). Mrs. Ramm stated yes.

Lynwood Springer, 2100 Main Avenue (office) and 15202 Stonehedge Cliff Road (residence), stated that they have requested the change from HN (Historical Neighborhood) to REC (Recreation). He stated that back in 1992 this was zoned for M2 (Industrial) and the city later rezoned the property. Mr. Springer stated that they would like to develop a RV Park that would be located across the road from Kentucky Park. He stated that he believes it will be beneficial with the new development to Kentucky Park that the City is constructing. Mr. Springer presented a powerpoint to the Commission and stated that the future RV Park will have an entrance that will be set back and gated with a keypad, enclosed gate, pedestrian gate with key pad, landscaping throughout the park and in the front entrance, barbeque area, pavilions, picnic tables, bathroom, pool and many more amenities. He stated they are wanting to have a requirement on the age of RV and campers that would be allowed to stay in the park and they would only be allowed to stay for short – term rental purposes. He stated based off the surrounding property he does not see this bring the value of their properties down.

Mr. Turner asked if the subject property was wooded now. Mr. Springer said yes.

Mr Wiggins asked if this will be one lot. Mr. Springer stated yes.

Chairman Turner opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Motion by Mr. Turner to make a favorable recommendation to the City Council to rezone approximately 4.12 acres located at 123 30th Avenue from HN (Historical Neighborhood) to REC (Recreation). **Second by Mr. Wiggins.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Wiggins – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; and Mr. Ward – Yes. **Motion Carried.**

- c. **A-08-23 Saroni Real Estate, LLC** - Saroni Real Estate, LLC requests annexation of approximately 2 acres located west of Highway 43 and south of River Oak Drive with the original zoning designation of C-3 (General Commercial).

Mrs. Ramm stated Saroni Real Estate, LLC has requested annexation of approximately 2.0 acres located at west of Highway 43 and south of River Oak Drive. She stated that the property will be zoned C-3 (General Commercial) and the property meets the requirements for annexation. She stated that the surrounding properties have already been annexed and zoned C-3 (General Commercial).

Mr. Ward asked for clarification on the location. Mr. Kemp stated this was not the corner where they had redone the house but the front side of the dirt pit where the ice machines are currently located.

The petitioner was not present.

Chairman Turner opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Motion by Mr. Turner to make a favorable recommendation of case A-08-23 to the City Council to annex approximately 2 acres located west of Highway 43 and south of River Oak Drive with the original zoning of C-3 (General Commercial). **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Wiggins – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; and Mr. Ward – Yes. **Motion Carried.**

- d. **S-22-23 Hightown Properties Master Plan** - Paige Howard requests master plan approval for approximately 3.99 acres located north of 36th Street and east of 26th Avenue.

Mrs. Ramm stated we have received communication from the applicant that they do wish to table this case until the October 10, 2023, meeting.

Paige Howard, 3026 Saratoga Lane and Jonathan Bonner, with Insite Engineering 515 Energy Center, stated we have recently resubmitted for items D & E and would like to give the staff more time to review.

Motion by Mr. Turner to table case S-22-23 till October 10, 2023, meeting per the petitioner's request. **Second by Mr. Wiggins.** Voice roll call was given. **Motion Carried.**

- e. **S-22-23 Hightown Properties, LLC Phase I-** Paige Howard requests preliminary plat approval for approximately 2.28 acres located at 2400 36th Street.

Motion by Mr. Turner to table case S-22-23 till October 10, 2023, meeting per the petitioner's request. **Second by Mr. Wiggins.** Voice roll call was given. **Motion Carried.**

- f. **S-16-23 New Beginning Family Worship Subdivision** – New Beginning Family Worship, Inc. requests preliminary plat approval for approximately 11.45 acres located at 1950 Park West Drive.

Mrs. Ramm stated that New Beginning Family Worship, Inc. has requested preliminary plat approval for approximately 11.45 acres located at 1950 Park West Drive. She stated that the plat will combine five lots into one lot. Mrs. Ramm stated that the petitioners have requested waivers for dedication of additional right of way and Fee-in-Lieu of Sidewalks. She stated that the ROW along Park West Drive is 50 feet, and the petitioner does not propose dedicating any additional ROW and staff does not object to this request. Mrs. Ramm stated that the petitioner has requested a Fee-in-Lieu waiver from the requirement to construct sidewalks. She stated that the site does not lie on a priority pedestrian corridor, is less than five lots, and there are no sidewalks on the adjoining properties.

Jimmy Duncan with Duncan Coker Associates, 320 Merchant Walk, stated that what triggered this subdivision was that they are wanting to construct a gymnasium on lot 11. He stated that this resulted in combining the lots into one. He stated there are two waivers.

Chairman Turner opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Mr. Turner asked Mr. Matthews if engineering had any issues with the dedication of right of way. Mr. Matthews stated no that there is already a 50 foot right of way and its consistent with Park West Drive.

Motion by Mr. Turner to make a motion to approve S-16-23 case for preliminary plat of approximately 1.88 acres located 1950 Park West Drive to include the waivers for dedication of the right of way and payment to be made into the sidewalk bank. **Second by Mr. Randolph.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Randolph – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Ward – Yes; and Mr. Wiggins - Yes. **Motion Carried.**

- g. **S-19-23 Geo's Automotive** – Jonathan Ray requests preliminary plat approval of approximately 1.88 acres located south of 33rd Street and east of 39th Avenue.

Mrs. Ramm stated that Jonathan Ray has requested preliminary plat approval for approximately 1.88 acres located south of 33rd Street and east of 39th Avenue. She stated that the plat will combine four lots into one lot. Mrs. Ramm stated that the petitioner has requested a Fee-in-Lieu of sidewalks waiver from the requirement to construct sidewalks. She stated that the site does not lie on a priority pedestrian corridor, is less than five lots, and there are no sidewalks on the adjoining properties.

Mr. Turner stated that we have heard this from a conditional use standpoint. Mrs. Ramm stated yes and that has already been given council's approval. Mr. Turner asked about the condition that was put on the conditional use for the pedestrian to be able to safely cross the street with engineering. Mr. Matthews stated that the petitioner's are proposing a possible way of crossing the street to the other side and will be looked at more with their LDP process. Mr. Matthews stated that they did not have any issues with this, and it can be satisfied.

Jimmy Duncan with Duncan Coker Associates, 320 Merchant Walk, represented Jonathan Ray, stated this is the same plan that has been heard previously they have added the proposed street crossing.

Mr. Turner asked if this is just to combine to one lot. Mr. Duncan stated yes.

Chairman Turner opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Motion by Mr. Turner. to make a motion to approve the S-19-23 case for preliminary plat of approximately 11.45 acres located south of 33rd Street and east of 39th Avenue to include the waivers and payment to be made into the sidewalk bank. **Second by Mr. Wiggins.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Wiggins – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; Mr. Ward – Yes; **Motion Carried.**

- h. A-09-23 Joe Rice** - Joe Rice requests annexation of approximately 49.29 acres located west of Prince William Way and north of Forest Glen Boulevard, with the original zoning of RS-SD (Residential Single Family – Special District).

Mrs. Ramm stated that Joe Rice has requested annexation of approximately 49.29 acres located west of Prince William Way and north of Forest Glen Boulevard. She stated that the petitioner requests an original zoning designation of RS-SD and the property meets the requirements for annexation.

Mr. Turner clarified that this and the next 3 items are all pertaining to the same location. He stated we will still vote on these separately.

Brock Corder with The Builders Group, 1307 25th Avenue, stated that the annexation of this property is necessary to access sewer and water and to bring this property into the city's limits as part of the Forest Glen Subdivision. He stated that they are purposing the final phases of that subdivision that will consist of 80 lots.

Mr. Turner stated that his understanding is that the subdivision has annexed in as they developed. Mr. Corder stated that was his understanding as well and that they were not the ones that developed the previous phases.

Chairman Turner opened the floor up for a public hearing.

George White, 11161 Knollwood Road, asked if this was to annex the entire piece or a portion. He stated it appears to have space on what is presently not developed. Mr. Turner stated that the petitioner has requested to annex the entire 49.29 acres into the city and nothing else. Mr. White asked if the entire section of that is being proposed and they will not be able to come back further down the road and annex another piece. Mr. Turner stated not unless they have gained control of another piece.

Caleb Hiatt, 13996 Prince William Way, stated he is concerned about annexing that amount of property with a neighborhood with only 2 entrances. He stated he is not for this.

Kim King, 11275 Arbor Oaks Road, stated that she is not concerned with the annexation of the property, but the concerns are for the zoning of RS-SD. She stated that the remainder of the neighborhood is RS-1 and that required much higher levels of setbacks, lot size and width and that RS-SD zoning has the lowest of the zones. Mrs. King stated that her concerns are that if you annexed the property in as RS-SD upfront instead of telling the neighborhood of all the variances that are included in, it hides the fact that the lots are not described on their lot sizes, widths, and the setbacks. She stated if this was to be zoned as RS-1, the neighborhood would be able to know what the variations from the rest of the neighborhood. Mr. Wiggins asked if she has seen the proposed Master Plan and what the reason for the smaller lots were. Mrs. King stated she has, and she does not think that the quality of the property has changed since the original master plan.

Mr. Turner asked Mrs. Ramm on the back history of this neighborhood. Mrs. Ramm stated that this was not developed under the current zoning regulations but there are certain sections of the neighborhood that were developed under RS-1, RS-2, and RS-3. She stated that there was one section Prince William Way that was zoned PUD, where essentially you have a mix of lot sizes, widths, and setbacks all through the neighborhood. She stated it was not developed as a cohesive to PUD.

With no one else to appear before the Commission, the public hearing was closed.

Motion by Mr. Turner. to make a favorable recommendation A-09-23 to the City Council to annex approximately 49.29 acres located west of Prince William Way and north of Forest Glen Boulevard with the original zoning of RS-SD (Residential Single Family – Special District). **Second by Mr. Randolph.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Randolph – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

- h. R-14-23 Joe Rice** - Joe Rice requests rezoning of approximately 4.48 acres from RS- 1 (Single – Family Residential) to RS-SD (Residential Single Family – Special District) located west of Prince William Way and north of Forest Glen Boulevard

Mrs. Julie Ramm stated that Joe Rice has requested rezoning of approximately 4.48 acres located west of Prince William Way and north of Forest Glen Boulevard from RS-1 (Single Family Residential) to RS-SD (Residential Special District) and the property meets the requirements for rezoning. She stated that this is an oddly shaped parcel located in between the previous annexation case and the lots that are already built on Arbor Oaks Road.

Mr. Corder stated that the discussion was covered in with the annexation in the previous case. He stated we are requesting to be rezoned RS-SD (Residential Single Family – Special District).

Chairman Turner opened the floor up for a public hearing.

With no one to appear before the Commission, the public.

Motion by Mr. Turner to make a favorable recommendation to the City Council to rezone approximately 4.48 acres located west of Prince William Way and north of Forest Glen Boulevard from RS-1 (Single – Family Residential) to RS-SD (Residential Single Family – Special District). **Second by Mr. Randolph.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Randolph – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

- i. **S-17-23 Forest Glen Master Plan Revision** – The Builders Group Development, LLC requests master plan revision approval of approximately 54 acres for Forest Glen Subdivision located west of Highway 69 and north of Mitt Lary Road.

Mrs. Julie Ramm stated that the discussion is for case S-17-23 and S-18-23. She stated that Builders Group Development, LLC has requested a revision to the master plan for Forest Glen Subdivision located west of Highway 69 and north of Mitt Lary Road. Mrs. Ramm stated that the preliminary plat for the Ninth Section Phase I is also on the agenda for the Commission's consideration and this phase consists of 23 lots on 11.7 acres. She stated that the petitioner has requested the waivers on the preliminary plat for maximum cul-de-sac length, stub streets, maximum lot depth, minimum front setback.

Mr. Turner asked if the waivers that Mrs. Ramm mentioned were specific to the preliminary plat and not the master plan revision. Mrs. Ramm stated that was correct. She stated that the previously approved master plan was in 2020 and that was for the revision to the seventh section.

Mr. Corder stated that the original master plan consisted of 79 units that would require fill in wetlands and along with clearing all 54 acres. Mr. Corder stated that the revision will show that they are only proposing to use 63% of the site and that over 20 acres will not be touched. He stated that the lots are 65' wide and 95'-100' wide and they will have 80 lots. Mr. Corder stated that the revision will consist of 2 amenities, one large undeveloped area that can be used at the Homeowners Association's discretion and one space that has been discussed with the Homeowners Association. Mr. Corder stated that he met with the HOA for Forest Glen Subdivision and has agreed to a partnership on the amenities with one of the open spaces at their discretion. Mr. Corder stated that they are aware of the number of entrances into the neighborhood and know that in time the Highway 69 entrances will be dealt with by ALDOT.

Mr. Turner asked if the open space would be undisturbed and asked what requirements can you put on this so it does not get disturbed. Mr. Corder stated he was under the impression by the zoning ordinance that this was required, and they would have to come back before this board for approval. Mr. Corder stated he would be willing to put conditions on the phase on what can and cannot be done with the undisturbed open space presented. Mr. Turner asked about the lot size and with some of the lots with growth and trees shown in the revision, does this not need to be open space and how can you know if the individual homeowners will not disturb the tree areas. Mr. Corder stated that he could not guarantee that homeowners will not disturb the tree areas on those lots and as a developer is it not up to them. Mr. Corder stated that including it to be included in open space on those lots would be something that would need to be reviewed by the engineers to see if they would still have access to the area. Mr. Turner asked how they are planning on reaching the open spaces for maintenance. Mr. Corder asked his engineer, Mr. Chris Crawford with TTL, to address this. Chris Crawford stated that you can access to from the bottom lot.

Mr. Ward asked if the petitioner was going to keep ownership of the open space. Mr. Corder stated no that he will turn it over to the HOA. Mr. Ward asked what if they do not want to take on the liability and will the City take over this. Mrs. Ramm stated that the city will not take over ownership. Mr. Corder stated from a developer standpoint, we do not intend to keep the property long term and turn this over to the HOA. He stated that if they do not want to do this, we would create another HOA to do so.

Mr. Turner asked if there were any other detention ponds in this neighborhood. Mr. Corder stated that there was not. Mr. Turner stated this would be a liability to accept. Mr. Corder stated that there are expenses that come with open spaces. Mr. Turner stated that in Phase IV on Marlow Circle, was this meant to be an open space. Mr. Corder stated that it does not make sense to be anything since it is not deep enough to be a lot.

Mr. Ward asked what they are expecting the selling price to be on the garden homes for these lots. Mr. Corder stated that they will not be less than existing homes, new construction is always more but will not know the exact price range until they go on the market.

Chairman Turner asked if there was anyone with the Homeowners Association to speak on the matter. There was not anyone. Chairman Turner opened the floor up for a public hearing.

Kim King, 11275 Arbor Oaks Road, stated that based off the original master plan and the idea of the master plan is to show the concept of the developing site. She stated that the neighborhood was specifically given a garden home section and what is being presented tonight is fundamentally changing this. She stated that the only reason for the amount of untouched open space is due to financial concerns of going into this portion of the property for development. She also stated that the liability that it puts on the HOA on the open space is an issue. Mrs. King stated that original master plan for this phase consisted of 79 lots on 53.77 acres, the new plan 81 lots with 34 acres, with the amount of the area for detention ponds and areas that cannot be touch. She stated a lot of the houses that will back up to this new development will consist of 3 neighboring properties which is not part of the original master plan and is not what the current owners signed up for when purchasing in this subdivision. She stated with houses of this size and closeness will create issues for run off. She is asking the board to deny this request and for it to be developed in the way it was intended to be.

Mr. Wiggins asked Mrs. King if the plan was developed as it was originally supposed to be, would that not cause issues with building houses on top of wetlands and creek area with natural draining, isn't doing what the original plan calls for detrimental to the area with causing flooding. Mrs. King stated that the master plan was approved before hand and that the new developers do not want to mess with it because of financial reasons.

Mary Byrd, 11467 Forest Glen Boulevard, stated that they had flooding issues that cause caving in. She stated that they put in a drainage system. She stated that she had concerns that it would be disturbed and they do not want their yards flooded. She also asked how close they are going to build, is our neighbor going to share our back fence and if they do, they are going to cover the drainage ditch. Mr. Turner asked if she was in the Forest Glen Garden home section. Mrs. Bird yes, she lives in this area.

Caleb Hiatt, 13996 Prince William Way, stated that he is concerned about traffic again and the last study with ALDOT for expansion of Highway 69 to Mitt Lary is scheduled for 2048. He stated that he understands that there are only 79 lots but when are enough homes enough. He stated that the area is growing but the traffic is still an issue. Mr. Kemp stated that the dates that are presented on the ALDOT website are a place holder because of current financing for the State of Alabama transportation. He stated when the money shows up then we will start on these projects. Mr. Kemp stated that the state is aware, and they have investigated projects that

will include turn lanes and that not all traffic studies are posted. Mr. Turner also stated that the City of Northport has made a comprehensive plan that addresses transportation plans, this may include new roads.

George White, 11161 Knollwood Road, stated that his concern is about drainage onto his property. He stated that the proposed green area that there is a right of way of Knollwood Road and there is not any other way to access this road. Mr. Turner stated he did not anticipate that a private property owner would be putting a road through the wetlands unless the city decided one needs to be there, then we would go through proper means to obtain this. He stated that as of now there are no plans for this.

Cristy Bridges, 14006 Prince William Way, stated that she lives on lot 92 and that her property backs up to this and she would like to preserve as much natural habitat as possible and create a buffer. She also stated that the HOA is not concerned about a gathering area for open space because they do not want to handle maintenance on it.

Barkley Garrett, 14039 Prince William Way, with the West Alabama Chamber of Commerce and a resident, stated that he is in favor of the development since there is not enough housing stock in the Northport area and the need is increasing. He also stated he would prefer this whole property to remain green space but that is not reasonable. He stated he does worry about the infrastructure with the neighborhood but he is in favor of the amount of natural open space and is hopeful that can contain a walking trail. He stated he has a greater fear that another builder will come in and not build a greater product and drive his value down, but he is aware of the type of work that The Builders Group does, and he is in favor. Mr. Garrett stated that he encourages us to put pressure on ALDOT for the traffic issues.

John Brock, 11727 Knollwood Road, asked about who he needs to speak with regarding regulating sediment run off. Mr. Kemp stated that he will need to contact ADEM with a sediment issue and most of the time they will not check things unless there is a complaint, someone will need to contact them. Mr. Turner stated that anything over an acre will be permitted through ADEM as well as the City of Northport has inspectors that will inspect monthly.

Curtis Baggett, 14046 Prince William Way, stated he is not speaking on behalf of the HOA but he stated that there are some concerns of water runoff and walking trail in the green space area. He stated that he is hopeful they can work with Mr. Corder on these.

With no one else to appear before the Commission, the public hearing was closed.

Mr. Corder addressed the complaint issues. He stated that he would like to see Forest Glen Subdivision completed the correct way and he stated that if an out of state contractor comes in, they will have deeper pockets and will not have the communities' best interests at heart as someone who is local. Mr. Corder stated that the drainage issue will be dealt with through engineering with TTL and the City of Northport Engineering Departments and it is tough for plans to be approved with Northport because their staff does what is right. He stated that in terms of liability, everything we do is a liability.

Motion by Mr. Ward to approve case S-17-23 on the master plan revision for Forest Glen Subdivision located west of Highway 69 and north of Mitt Lary Road. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Ward – Yes; Mr. Kemp- Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; Mr. Turner – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

- j. **S-17-23 Forest Glen Ninth Section** – The Builders Group Development, LLC requests preliminary plat approval for approximately 11.7 acres located west of Prince William Way and north of Forest Glen Boulevard.

Mrs. Ramm stated that this is phase one that contains 23 lots with the waivers that are included. Mrs. Ramm stated that the subdivision regulations allow a maximum of 600 feet for the cul-de-sac length and the proposed cul-de-sac is approximately 680 feet in length. She stated that the subdivision regulations require stub streets at intervals of 400 – 1200 feet and the proposed preliminary plat and master plan does not show any stub streets to adjacent properties. Mrs. Ramm stated that the subdivision regulations establish the maximum lot depth at not greater than five times the width of the lot at the building line. She stated that lots 98-101 are 65 feet in width with maximum depths of 330 feet, 374 feet, 418 feet, and 418 feet, respectively and the petitioner states that the increased lot depth is due to the severity of the terrain in the rear of the lots. Mrs. Ramm stated that the minimum front setback for RS-SD zones is 25 feet as established by the zoning ordinance and the petitioner is requesting a front setback of 20 feet. Mrs. Ramm stated that the zoning ordinance does give the Planning Commission the authority to waive the setback requirements in this zoning district and the front setbacks in Forest Glen range from 35 feet to 20 feet.

Mr. Turner stated that this phase will include the open space lot and the open space with the amenity on it.

Chairman Turner opened the floor up for a public hearing.

With no one to appear before the Commission, the public hearing was closed.

Mr. Turner asked Mr. Matthews if engineering had any thought on the waiver requests. Mr. Matthew addresses the cul-de-sac and stub street waivers. He stated that the petitioner sighted the reasons with legitimate concern that they are pointing out. Mr. Matthews stated that he would turn the maximum lot depth over the planning for their feedback. Mrs. Ramm stated that the setbacks in the neighborhood consist of 25' – 30', so there is a wide variety of depth.

Mr. Randolph asked the petitioner on the lot depth for lots 98-101, if leaving this as open space would address the maximum lot depth. Mr. Corder stated if this is an issue, we could leave it as an open space. Mr. Turner stated that this would affect the plat. Mrs. Ramm stated that would also require another master plan revision. Mr. Corder stated there must be a way to put the restriction on those lots with leaving that area natural if we can. Mr. Turner asked what the rear setbacks were on those lots. Mr. Corder stated 20' but we are unsure if we can revise this without revision of the whole plan. Mrs. Ramm asked the legal department if there would be issues on putting contingent on putting on a revision on the case for the approval of the final plat. Mr. Cunningham stated he does not think this would be an issue. Mr. Corder stated could do a 100' buildable depth max on those lots from the front setback.

Motion by Mr. Turner to approve the preliminary plat of approximately 11.7 acres located west of Prince William Way and north of Forest Glen Boulevard to include the waivers of maximum cul-de-sac length, stub streets, maximum lot depth and minimum front setback with the condition of lots 98-101 with a buildable 100' from the front setback. **Second by Mr. Wiggins**. Roll call vote was as follows: Mr. Turner – Yes; Mr. Wiggins – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; and Mr. Ward – Yes.
Motion Carried.

The Commission dispersed for a 5-minute recess at 8:24 pm and will convene at 8:29 pm.

- k. **S-20-23 The Townes at North Lake Master Plan** – Courtstone, LLC requests master plan approval for approximately 183 acres located east of Highway 69 and north of Hamnertown Road.

Mrs. Ramm stated that Courtstone, LLC has requested a rehearing of the preliminary plat for the Townes at North Lake that came before the Commission on July 18, 2023. She stated that at that meeting, the motion to approve the waiver for a master plan failed. Mrs. Ramm stated subsequently, the motion to approve the preliminary plat also failed and because their resubmittal comes within one year of the denial, the Commission must determine if there has been a substantial change in the facts of the case. Mrs. Ramm stated an affirmative vote of five members is needed to grant the reconsideration request.

Mrs. Ramm stated that Courtstone, LLC requests master plan and preliminary plat approval for the Townes at North Lake located east of Highway 69 and north of Hamnertown Road. She stated that the total acreage of the master plan is 183 acres, and the preliminary plat consists of 30 lots. Mrs. Ramm stated the following waivers are requested minimum front setback, half-street improvements, sidewalks, and stub streets.

Bryan Winters, represented The Townes at North Lake, presented a power point of an example of what this type of development would do for this area. He stated that this type of community keeps people in the same place from young age adults and allows them to age in the same area. He stated that there are trees along the roadway and porches close to the road that give the close-knit feel. He stated that tonight they are here on the preliminary plat for 30 lots, but the zoning code requires a master plan. He stated that there is not enough sewer available to house over 450 plus homes that would be included in this development. He stated we may be over 10 years down the road till this is completely built out. Mr. Winters stated that the master plan is what they are purposing to build out. He stated that the substantial change of having a master plan is substantial enough to rehear the case on the preliminary plat.

Greg Tidmore presented the updates to the master plan and vision. He stated that the master plan itself is based off new urbanism of knowing your neighbors, walkways and the close knit feel. He stated that there are a lot of different housing sizes which are called living in place, which is a type of community that you move into as a young couple and live in the same neighborhood as life grows without leaving the area. He stated that they are trying to incorporate a live/work section on the entrance of Highway 69 that consists of the home on top and business on the lower half. Mr. Tidmore stated there will be garden homes, cottages, courtyard lots, estate lots, and urban lots with front garages and some with garages located in the rear. They have provided the cottages around the lake with front porches facing the lake. Mr. Tidmore stated that there are no stub streets in phase one, but they are planning on having stub streets throughout the development in adequate locations. Mr. Tidmore went over some of the lot sizes. He stated that there are 40' cottage lots with access with a rear alley, courtyard lots that are narrow that have driveways in the rear, traditional lots with access garage from the street with the garages set back from the homes. This will also get into the minimum setback waivers that we are asking for. The estates lots are the larger homes with street access and having the garages set back from the homes. There will be live/work homes with them being 3 story buildings with a store front on the bottom level with home on the second and third floor. Mr. Tidmore went over the amenities that include a lake with pier, dog park, pavilion, fire pits and maybe a community garden.

Mr. Winters stated that this is different than anything Northport has seen. He stated that there is an ability to have growth around the area. He stated that Northport wants growth in areas but to get the new business in an area you have to have rooftops.

Mr. Turner stated that the proposed traffic improvements are an issue and asked what the traffic study stated. Mr. Winters stated that there have been 2 traffic studies done. The first one was done on Highway 69 on traffic lanes, but we must have to have sewer in before we can develop that area. He stated they will probably have to have another traffic study done again when we get to that portion of the development. He stated that the second traffic study on the Hamnertown Road stated that they have provide for turn lanes but as of right now the traffic study states they are not needed right now. Mr. Winters stated that the county stated that they do not require half street improvements on Hamnertown Road but that is one of the waivers that we have asked for.

Mr. Turner asked if the staging of the master plan are chronological or is this is how you listed the phases of development. Mr. Winters stated it is not done in order. It will all depend on the sewer when they move forward. He stated that they must have a separate entrance for the fire department for more than 30 lots and they have added a stub street on a county road if they are needed. He stated stub streets are not always wanted by neighbors, but we will put the right of way in but not the stub streets until they are needed. Mr. Winters stated those are in the second phase.

Mr. Kemp asked about the block sizes. Mr. Winters asked Adam Ingram what the size of the blocks were. Mr. Ingram stated that the courtyard lots are 40' lots and the larger lots are 90'. Mr. Kemp stated that there are certain requirements for block lengths. He stated he would also like to know when they are going to address the Highway 69 entrance. Mr. Winters stated that will happen when we have sewer available. Mr. Kemp said that will need to be done before the second phase because you have mentioned use of a county road for an entrance. Mr. Winters stated that is another entrance, but Highway 69 is the main entrance. He stated that they do not want to do all of that and not know if they are going to have the sewer available for the development. Mr. Kemp stated his concern is that master plans that go for 10 years long because we don't know what will be in 10 years. Mr. Winters stated the way the code is written they must submit a master plan. Mr. Kemp asked why not wait on the development when you know that the infrastructure is available for the whole development. Mr. Winters stated because they have 30 lots that they can do now. Mr. Kemp stated this is just a cheaper way of doing this. Mr. Winters stated that the city urged us to come into the city if this was not the case we would have never brought this into the city.

Mr. Kemp stated that to clear the air that he does not have anything to do with permitting on entrances and exits on Highway 69.

Mr. Randolph asked if this traffic study was done for this master plan. Mr. Winters stated that the traffic study was done on the Highway 69 entrance when this proposal started due to it being the main entrance but when the sewer issue came up, we went down Hamnertown Road and had another traffic study done. Mr. Matthews stated that the traffic study that was presented to staff was for the full build-out and not specific to the first phase.

Mr. Turner asked if there is any lighting plans on the sidewalks. Mr. Winters stated that they do not have that right now. Mr. Turner asked if they would have streetlights. Mr. Winters said yes. Mr. Turner asked on the stub streets with access to the county roads, example 4B, states improve existing dirt road, Mr. Winters stated yes that is a county road. Mr. Turner asked if the county was in charge of improving their road. Mr. Winters stated that the county road will have to be improved if needed for access. Mr. Turner stated that you want to access this. Mr. Winters stated that someday we would access this. Mr. Turner asked who would make the improvements when it got to that point. Mr. Winters stated that hopes the county would because he believes someday there will be more houses on that road. Mr. Turner asked why the county would improve their road into a stub street but not the entrance on Hamnertown Road. Mr. Winters stated that there is an opportunity to put a stub street. Mr. Turner asked so this is not required. Mr. Winters stated no but at some point, when we get

to this, we will have to work with the county on stub street. Mr. Matthews stated that according to the International Fire Code that on the east side of the traffic circle if greater than 30 homes were built then a secondary entrance east of the traffic circle would be required. He stated that any expenses that went with that would fall on the developer.

Mr. Randolph asked about the side setbacks. He stated the plat shows 2' - 3' for a total of 5' but on the rendering it states something different. Mr. Randolph asked for clarification. Mr. Winters stated they should all have 5'. Mr. Kemp stated that is another concern about the side setbacks and that it is too close. Mr. Winters stated it should be 5' and they will fix this. He stated on the garden homes it should be 5' on either side. Mr. Randolph asked if this will change the master plan. Mr. Turner stated the typo is only on the plat and everything else calls for 5'.

Chairman Turner opened the floor up for a public hearing.

Mr. Turner noted that the plat presented tonight by the petitioner is different than was in their packet. Mrs. Ramm stated this does not show the improvements to Hamnertown and Highway 69.

Ray Glenn, 710 Hamnertown Road asked that if we are going to put sewer there that we do it correctly. He stated that the entrance to Hamnertown Road was supposed to be an emergency entrance at the beginning. He stated that the small rise to the left on Hamnertown Road is dangerous due to the people coming from the opposite direction you cannot see. Mr. Glenn stated he believes we do not have a strong enough plan to be voted on in his opinion.

Roger Willington, 801 Hamnertown Road, stated that the entrance comes into his front yard and he is concerned about the entrance and traffic that comes through the area.

Deanna Capley, 7725 Capley Lane, stated that the stub road off Capley Lane entrance is located right through her front yard and her family that live within the circle that is circled off for the stub road. She also stated that the entrance on the Hamnertown Road is dangerous.

Josh Bell, 201 Bell Road, stated that he misunderstood the traffic study. He stated he was under the impression that the entrance would be on Highway 69. He stated that Hamnertown Road went from an emergency entrance for phase one of the development. He stated that it is now going to be the primary access for 30 homes and that doesn't include when the rest of the development when it is developed. Mr. Bell stated that you cannot tell people they cannot drive through Hamnertown Road once the Highway 69 entrance is available. Mr. Bell stated that the stub streets Mrs. Capley discussed goes right through the wetlands and why would we show a stubstreet in wetlands and the other is a county road that was built by the county for the people that live there to get to their homes. He asked where was the county going to get the land to upgrade it, take it from the landowners.

With no one to else appear before the Commission, the public hearing was closed.

Mr. Winters addressed the issues on Hamnertown Road on the turn lanes, when we get to the next phases, we will come back to address those issues. He stated we can do something as a community about that road. Mr. Winters stated we have moved that intersection over at Bell Drive and that way it almost becomes a 4 way. Mr. Winters stated the people with concerns need to sit down and talk to Commissioner Acker and Mr. Tracy Criss on this matter. Mr. Winters stated that he is not sure where those houses are on the stub streets. He stated that this is a public road, but it is a requirement for them to be put in.

Motion by Mr. Turner to approve the master plan for approximately 183 acres located east of Highway 69 and north of Hamnertown Road. **Second by Mr. Ward.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Ward - Yes; Mrs. Hayes – Yes; Mr. Kemp – No; Mrs. Kelly – No; Mr. Randolph – Yes; and Mr. Wiggins – Yes. **Motion Failed.**

- l. **S-21-23 The Townes at North Lake Preliminary Plat – REHEARING** - Courtstone, LLC request preliminary plat approval for approximately 13 acres located east of Highway 69 and north of Hamnertown Road.

Bryan Winters withdrew the case.

Motion by Mr. Wiggins to withdraw case S-21-23 per the petitioner’s request. **Second by Mr. Randolph.** Roll call vote was as follows: Voice roll call was given. **Motion Carried.**

- m. **AMD-03-23 City of Northport** - City of Northport request amendments to Article VIII of the Zoning Ordinance.

Julie Ramm requested on the city’s behalf that the case be continued.

Motion by Mr. Turner to table case S-21-23 per the petitioner’s request. **Second by Mr. Wiggins.** Roll call vote was as follows: Voice roll call was given. **Motion Carried.**

Mr. Cunningham certified the executive session is appropriate regarding potential litigation that should last no longer than 5 minutes.

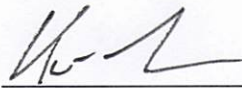
Motion by Mr. Turner to enter an executive session. **Second by Mr. Randolph.** Voiced roll call was given. Motion Carried.

Motion by Mr. Turner to call a special called meeting Thursday, September 21, 2023, at noon to hear case - 21-23. **Second by Mr. Wiggins.** Voiced roll call was given. **Motion Carried.**

CITIZEN COMMUNICATIONS

DISCUSSION

ADJOURNMENT – Motion by Mr. Turner to adjourn the meeting. **Seconded by Mr. Randolph.** Roll Called by voice vote the meeting was adjourned.



Kevin Turner, Chairman

ATTEST:



Julie Ramm, Secretary