

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 8, 2023**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, August 8, 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: Mr. David Kemp, Mrs. Tracy Kelly, Mr. Roland Lewis, Mr. Clay Randolph, and Mr. Kevin Turner. Absent and failed to vote were Mr. Jennifer Hayes, Mr. Ernest O'Rourke, Mr. Jason Ward, and Mr. Karl Wiggins. Staff present were Mrs. Julie Ramm, Planning Director, Mr. Chris Cunningham, Assistant City Attorney, Mr. Shaun Patten, Zoning Administrator, Ms. Meredith Mullins, Planner, and Ms. Holly Phillips, Assistant City Engineer.

Mrs. Ramm stated that we had a quorum with five members being present and that the commission would be able to hear everything on the agenda except for the preliminary plats and those would be continued till September.

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

Approval of Agenda – Motion by Mr. Turner to approve the August 8, 2023, agenda with the addition of an executive session after the approval of agenda. **Second by Mr. Kemp.** Voiced roll call was given.
Motion Carried.

Mr. Cunningham certified the executive session is appropriate regarding potential litigation that should last no longer than 15 minutes.

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

The Commission meeting reconvene at 6:15 pm.

Approval of the Minutes – Motion by Mr. Lewis to approve the July 18, 2023. **Second by Mr. Kemp.** Voiced roll call was given.
Motion Carried.

Verification of No Conflict of Interest & Disclosure of Ex Parte Communication - None

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. **S-11-23 The Residences at Moore's Bridge Pointe** – Morgantown Development Company, Inc. requests preliminary plat approval for approximately 1.13 acres located west of US Highway 43 and south of Applewood Drive.

Mr. Turner stated that this case was tabled until September 12, 2023, due to lack of a quorum.

NEW BUSINESS

- a. **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.

Mrs. Ramm stated that the commission can continue to hear the case or table the case to be heard with the preliminary plat in September.

Al Cabaniss, represented Morgantown Development Company stated he thought it made sense to hear the cases together.

Motion by Mr. Turner to table the case SP-6-23 The Residences at Moore's Bridge Pointe until September 12, 2023, to be heard with the preliminary plat. **Second by Mr. Randolph**. Roll call vote was as follows: Mr. Turner – Yes; Mr. Randolph – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; and Mr. Lewis – Yes; **Motion Carried.**

- b. **A-6-23 William Rice** – William Rice requests annexation of approximately 0.74 acres located at 2015 Mitt Lary Road with original zoning of RS-1 (Single – Family Residential).

Mrs. Ramm stated that Mr. William Rice request annexation of approximately 0.74 acres located at 2015 Mitt Lary Road. She stated this annexation will annex an ingress/egress easement that will allow the adjacent property to the south to be eligible for annexation. Mrs. Ramm stated the original zoning would be RS-1 and does meet annexation requirements. She stated the easement is 20ft wide.

Mr. Turner stated this is in conjunction with case C. Mrs. Ramm stated yes, this is Mr. Rice's daughter. Mr. Turner asked if both parties would be coming in with the same zoning. Mrs. Ramm stated yes.

Robert Martin, Duncan Coker Engineering, stated that this is an extension of city limits so that the adjoining property can be annexed.

Chairman Turner open the floor for public comment.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Kemp to make a favorable recommendation to the City Council to annex approximately 0.74 acres located at 2015 Mitt Lary Road with original zoning of RS-1 (Single – Family Residential). **Second by Mr. Lewis**. Roll call vote was as follows: Mr. Kemp – Yes; Mr. Lewis – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; and Mr. Turner – Yes. **Motion Carried.**

- c. **A-7-23 Tyler and Caroline Oswalt** – Tyler and Caroline Oswalt requests annexation of approximately 5.20 acres located at 2121 Mitt Lary Road with original zoning of RS-1 (Single – Family Residential).

Mrs. Ramm stated that this the companion case to the previous. She stated that the annexation request was for approximately 5.2 acres located at 2121 Mitt Lary Road. She stated that the property will be zoned RS-1 and they meet the requirements for annexation. Mrs. Ramm stated this is to receive city services.

Chairman Turner open the floor for public comment.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Randolph. to make a favorable recommendation to the City Council to annex approximately 5.20 acres located at 2121 Mitt Lary Road with original zoning of RS-1 (Single – Family Residential). **Second by Mr. Turner.** Roll call vote was as follows: Mr. Randolph – Yes; Mr. Turner – Yes; Mr. Kemp – Yes; Mr. Kelly – Yes; and Mr. Lewis - Yes. **Motion Carried.**

- d. **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.

Tom Sims, Longleaf Engineering, requested that the cases R-10-23, R-11-23, and R-12-23 be continued until September.

Mr. Turner stated since the notifications have been sent out that they will open the floor up for a public hearing.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Turner. to table the case R-10-23 per the petitioner's request to September 12, 2023. **Second by Mr. Lewis.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Lewis – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; and Mr. Randolph – Yes; **Motion Carried.**

- e. **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.

Mr. Turner stated since the notifications have been sent out that they will open the floor up for a public hearing.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Turner. to table the case R-11-23 per the petitioner's request to September 12, 2023. **Second by Mr. Randolph.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Randolph – Yes; Mr. Lewis – Yes; Mr. Kemp – Yes; and Mrs. Kelly – Yes; **Motion Carried.**

- f. **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.

Mr. Turner stated since the notifications have been sent out that they will open the floor up for a public hearing.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Turner. to table the case R-12-23 per the petitioner's request to September 12, 2023. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; and Mr. Randolph – Yes. **Motion Carried.**

g. **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.

Mr. Turner stated that this was an item of lack of a quorum approval that will be tabled until September.

Mr. Turner stated since the notifications have been sent out that they will open the floor up for a public hearing.

Kanna Davis, 3400 28th Street, stated that her and her brother are co-owners of their mother's property. She stated there is a huge ditch that runs beside it and that the ditch that runs by their property also cuts through the petitioner's property. Ms. Davis stated that they have had issues with the ditch from overflowing and has draining issues that have caused issues with the sewer lines in the past. She asked if the issues would be addressed when reviewing the case.

Mr. Turner stated that they should reach out to city staff, and they would be able to show what is being proposed in detail. He stated that he believes that what is being proposed is a single-family residence is to clean up the property. He encouraged Ms. Davis to give Public Works a call so they could investigate the issue.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

h. **SP-8-23 TBG Canetuck** – TBG Canetuck requests approval of an Access Easement for property located south of Clearlake Street and east of Northwood Lake Drive East.

Mrs. Ramm stated that TBG Canetuck requests approval of an Access Easement for the property located south of Clearlake Street and east of Northwood Lake Drive East. She stated that the zoning ordinance requires in terms of issuing a building permit, the subject lot must have a legal access to a publicly owned and maintained road. Mrs. Ramm stated that legal access can be granted by the property having road frontage, a flag lot approval, or by access easement. She stated that the plat that was denied at last month's Commission meeting would have given the lot road frontage and legal access. Mrs. Ramm stated however, since that plat was denied, TBG Canetuck is requesting approval of an access easement to provide legal access to the landlocked parcel. She stated that if approved, the access easement would only be allowed to serve one single family dwelling and permitted accessory structure. Mrs. Ramm stated that per the ordinance, the easement has been recorded in probate. She stated that before issuing a certificate of occupancy there must be a suitable hard surface driveway for emergency vehicle access and relieve the City of Northport for any obligations of repairing of the suitable hard surface driveway.

Mr. Kemp asked regarding regulation on the code, the only thing that can happen on this case, is the access to one single family residence or additional accessory structure and not to access a potential development. Mrs. Ramm stated that yes.

Bryan Winter, representing TBG Canetuck, stated that as Mr. Kemp asked, this can only be used for access of one single family home. He stated in order to build a house at this location we have to have access easement otherwise the property is useless. Mr. Winters stated the required recorded access easement has been recorded and a copy should be in the commission's packets. He stated that we have met each of the requirements that are found in the code Section 1006.01 Access Easement: The easement has been recorded and only one house will be the on site. They must pass inspections by the city and engineering team will have to look at this as well. Mr. Winters stated that this lot is about 1 acre.

Mr. Turner asked if this would be the access to construct the residence. Mr. Winters stated yes. Mr. Turner asked if there would be access through the rear of the property. Mr. Winters stated no. He stated the whole issue to go to another development in that area was discussed by city staff and that type of development would have cost a lot of money for roadway. He stated that all they want to do is access one single house.

Armen Amirkhanian, assistant professor at the University of Alabama Civil Engineering Department, 908 55th Street, former vice president with GEO Technical, investigation firm from Florida, and licensed professional engineer in three states, including Alabama. He stated that his concern about the easement and development of the 15' section would impact the structural integrity of the dam that is part of the road. He stated that the dam has already received a lot of damage that can be seen by driving by. The asphalt is sheering around the edge and the slope is beginning to fail. He stated that the original design of the dam was not ideal. Mr. Amirkhanian stated that he presented these issues two years ago to the commission and city council for the developments. He stated that any type of development now puts the dam as a high hazard. Mr. Amirkhanian stated that if you are going to conserve development right where the dam is, you are going to have some structural issues. He stated this is going to cause erosion along with significant issues that will happen when disturbing the land. He stated part of the commission's job is to consider the engineering aspects of this.

Jana Morrison, 1801 Clearlake Street, stated that there are some things that need to be on record. She stated we all know that city council approved the development of the 5 acres for the townhomes. However, they did not approve the use of Clearlake Street or the current plat they are calling landlock that was taken out of the petition for the townhomes to be approved. Mrs. Morrison stated that we do know that Clearlake Street has been used beyond means for the tie-ins to utilities. Mrs. Morrison stated her neighbors informed Mr. Corder on June 7th that the gate that had been previously closed for Alabama Power was open and allowed anyone access to the development. She stated that the gate was closed on July 28th. She stated that she is asking the commission to ensure that Clearlake Street is protected from trucks and traffic be enforced with any motion made. She stated on the record, even though this is a single-family home, that this development is still located downstream of a current low risk dam that is not being raised to a higher risk. She asked for reassurance that this will not be rezoned later down the road.

Sandra Hampel, 4500 Twin Lakes Court, stated we have lived here for over 50 years. She stated her property borders Clearlake Street and she wanted to go on record for her questions and concerns. Mrs. Hampel stated we want to ensure that the granting of the access easement that there will be no traffic on Clearlake Street that will affect the area, with the road and dam. She stated that they do not want any traffic coming from Resource Drive. Mrs. Hampel stated that the street can not take anymore. She stated that the road is too narrow. She stated she appreciates Mr. Corder; he has been very accommodating with the citizen, and he will continue this. Mrs. Hampel asked the commission to weigh all factors.

Kay Holden, 3010 Natchez Landing Court, stated that she sent the commission a letter and pictures that she would go over. She stated that this home is in a unique place that will require you to cross a dam to get to this

property, whether it's Northwood Lake Drive East dam or the Clearlake Street dam. She stated 80 percent of Northwood Lake was built prior to 1980, our dam was less than 30 years old and today is over 68 years. She stated this dam is jointly owned by the Northwood Lake HOA and the City, Northwood Lake HOA owns the dam and the city owns the road. Mrs. Holden stated that they have been doing nothing but maintenance within the last 5 years to ensure that this 68-year-old dam is safe. She stated that there is daily traffic that crosses but the daily traffic is rarely large trucks or construction trucks, phone calls are made immediately if we see a 6-axle come through. She stated that the Northwood Lake Drive East dam will be used to get to this area for construction. Mrs. Holden asked that they be allowed to use the back way by coming up Resource Drive, that the petitioner has built to access this location during the build. She asked why the access road was already built by the petitioner.

Davy Kirkendoll, 4511 Twin Lakes Court, asked regarding the zoning map that was mailed out on the triangle area. He stated that he would like to propose a compromise with the area neighbors and The Builders Group to annex the lot into Twin Lakes Subdivision. He stated this would allow the petitioner to have access to the lake. He asked in return a barrier is put up at the end of the road. He stated the way that it looks right now is not very neighborly and it is not fair. Mr. Kirkendoll stated he understands that the dam is an issue but that it can be accessed through Dove Creek Road.

Mrs. Ramm read Mr. Wiggins' statement, due to his absence. His email stated he is opposed to the petition request due to concerns about houses built south of the dam. He is also concerned about the heavy equipment that would have to access the property and the damage it would cause to the dam.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Mr. Winters stated that the dams in question here are private dams and the issues that are problematic need to be addressed by the Homeowners Association and neighbors. He stated that the city has exceptional engineers, as well as Mr. Corder, that can handle the overseeing of this petition's request. Mr. Winter stated that this is going to be one residential home out of hundreds of homes in this area. He stated the access easement is not going to bother this and should not be an issue. Mr. Winters stated that Mr. Corder owns this property and the gate and that if he would like to leave the gate open, as property owners, he can do so, especially since the City itself requested the utilities be brought in on both sides. He stated that these are public streets and should not be an issue for the trucks using them or them having to go around. He stated that if there are weight limitations, they should be posted and laws should be followed. Mr. Winters stated that the number of people that live in the area and travel, move, and/or have had construction done to their property, along with buses have crossed this dam. He stated that the access road on Resource Drive cannot be an access to the development and the only reason it is there was to meet the requests from the city. Mr. Winters addressed the issue of living downstream of the dam. He stated that Mrs. Morrison also lives south of the dam.

Motion by Mr. Randolph to approve the Access Easement for the property located south of Clearlake Street and east of Northwood Lake Drive East. **Second by Mr. Kemp**. Roll call vote was as follows: Mr. Randolph – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; and Mr. Turner – No. **Motion Carried.**

CITIZEN COMMUNICATIONS

DISCUSSION

Mr. Turner stated that the items on the agenda that had to do with the Northcreek and Sullivan Properties, he had a meeting with Mr. Sullivan. He stated that the level of feedback regarding setbacks and zoning was productive. Mr. Patten agreed that with them continuing the cases gives them time to go back to the drawing board and work with the feedback that was given. Mr. Turner stated with zoning there are flexibility and different types of zoning, that its not all or nothing and we should look at what is best for the neighborhood.

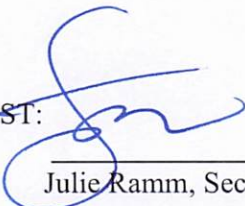
Mrs. Ramm stated the Comprehensive Plan Open House was pushed back to August 28th from 4:30-6pm and will be a come and go and give the community time to speak to the consulting staff. She stated at 6pm they will have a formal presentation which will be held in the Council Chambers. Mrs. Ramm stated on a staff level we have continued to go through the draft plan, and we currently have one left to review. Mrs. Ramm stated that the consultant will send us an updated draft plan that she will send out to the Commission.

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



Kevin Turner, Chairman

ATTEST:



Julie Ramm, Secretary