OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 13, 2024

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, February 13, 2024, 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. Tracy Kelly, Mr. David Kemp, Mr. Roland Lewis, Mr. Timothy Martin, Mr. Clay Randolph, Mr. Kevin Turner, Mr. Karl Wiggins. Absent and failed to vote was Mrs. Jennifer Hayes and Mr. Jason Ward. 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.

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

Approval of the Minutes – **Motion by Mr. Martin** to approve the minutes of the regular meeting on January 9, 2024. **Second by Mr. Kemp.** Voiced roll call was given. **Motion Carried.**

Approval of Agenda – **Motion by Mr. Turner** to approve the February 13, 2024, agenda. **Second by Mr. Lewis.** Voiced roll call was given. **Motion Carried.**

Mr. Turner stated that we would reorder the hearing to hear Old Business item A first, hear Old Business item B and New Business item A together, and Old Business item C and D together.

Verification of No Conflict of Interest & Disclosure of Ex Parte Communication – To avoid the appearance of a conflict-of-interest Julie Ramm stated she would not be present during the hearing for Old Business item S-30-23 and New Business item S-4-24.

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

Old Business

A. **S-29-23 Rehearing The Terrace at Northcreek Master Plan Revision –** Brasher Holdings, LLC is requesting a revision to the Master Plan for approximately 72.22 acres for Phases II-V located at the east dead end of Northcreek Boulevard.

Phillip Grammer with Longleaf Engineering, 432 65th Street, stated the petitioner wished to table this case.

Mrs. Ramm stated that this item has been continued twice and will need to be resubmitted as a new petition to move forward.

Motion by Mr. Turner to continue withdrawal S-29-23 Rehearing Master Plan of The Terrace at Northcreek from the agenda. **Seconded by Mr. Lewis.** Voice roll call was given. **Motion Carried.**

B. **OLD BUSINESS:**

S-2-24 The Townes of North Lake Master Plan REHEARING – Courtstone, LLC is requesting a rehearing for the master plan of 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 master plan and preliminary plat approval for the Townes at North Lake that came before the Commission on September 12, 2023. She stated at that meeting, the motion to approve the master plan failed. Subsequently, the petitioner asked for the preliminary plat to be removed from the agenda. She stated since the submittal comes within six months of the denial, the Commission must determine if there has been substantial change in the fact of the case.

Mrs. Ramm stated that Courtstone, LLC has requested master plan and preliminary plat approval for the Townes at North Lake located east of Highway 69 and north of Hamnertown Road. The total acreage for the master plan is 183 acres and the preliminary plat would consist of 30 lots on 9.3 acres. The applicants are asking for the following waivers:

Minimum front setbacks, the zoning ordinance requires a minimum of 25' front setbacks and the applicant is proposing to reduce the front setback to 15' along with requesting 15' rear setbacks and side setbacks of 2', 3' for a total of 5'. Half-Street Improvements, the petitioner provided correspondence from the Tuscaloosa County Engineering Department that stated they will not require half-street improvements of sidewalks along this road. Stub Streets, the subdivision regulations require stub streets to connect to unplatted land at intervals between 400 -1200 feet. The petition is proposing stub streets along the east boundary of the subdivision. The city has received correspondence from the Tuscaloosa County Engineering Department that stated they are in support of not requiring stub streets at Capley Lane and Evans Drive. The petitioner indicated wetland and steam impacts would be increased if stub streets are required. Cul-De-Sac Length, a 1200 linear foot street ending with a temporary cul-de-sac is proposed for phase 1. However, extending and connecting this street to the other streets within the neighborhood is shown on the master plan.

Mrs. Ramm stated in the packet provided to the Commission are email correspondence from concerned citizens.

Mr. Turner asked Mr. Matthews for information on the traffic study. Mr. Matthews stated with the full master plan buildout and with the number of improvements to turn lanes and level of services provided will increase the delay time as this is developed.

Mr. Turner asked Mr. Walker about the traffic-related issues with this case and reasoning to rehear this case.

Jason Walker with TTL, LLC, 3516 Greensboro Avenue, stated that during the review process they went from pages of comments to be addressed down to two comments. The two comments received during the review process with staff have been addressed. He stated that with the construction improvements to Highway 69 and because of the growth on Highway 69, it will add growth to Northport. He stated that the entrance from Hamnertown Road is a borderline issue. Mr. Walker stated that technically this does meet the stop distance requirements. However, they may not be met if speeding is involved and there is not another place for entry on this side of the development.

Chairman Turner opened the floor for public comments.

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

Motion by Mr. Turner to rehear case S-2-24 The Townes at North Lake Master Plan Revision located east of Highway 69 and north of Hamnertown Road. **Seconded by Mr. Martin.** Roll Call was as follows: Mr. Turner – Yes; Mr. Martin – Yes; Mrs. Kelly – Yes; Mr. Kemp – Yes; Mr. Lewis – Yes; Mr. Randolph – Yes; and Mr. Wiggins – Yes. Motion Carried.

Mr. Turner asked the Commission if they had any questions for the petitioner on the Master Plan.

Mr. Kemp stated that he is not opposed to the concept of the development, but he is worried about the traffic on Hamnertown Road and the sewer capacity. He stated that the stop distance is an issue and that the area available for sewer is only 42 lots and you are asking for 30 lots. Mr. Kemp asked what will happen to the sewer system then. Mr. Walker stated that if building out 30 lots is the issue then there are bigger issues to worry about with the sewer. He stated he does not believe this is a tipping point.

Mr. Kemp asked if they were able to move the entrance on Hamnertown Road to the east some to allow more availability to sight. Mr. Walker stated that if we fix this just because of the terrain and squeeze an "S" curve in, it could work but cause issue later down the road. He stated he and the developer would be willing to communicate with Tuscaloosa County to see about implementing something to help with speed for sight distance in this area.

Mr. Randolph asked Mr. Walker why they could not use the entrance from Highway 69 for the first phase of the building access. Mr. Walker stated that at this time the sewer is only accessible from Hamnertown Road side of the development.

Mr. Kemp asked Mr. Walker after the first phase what would be the next phase and will this require another traffic study. Mr. Walker stated a second entrance would be required in any future phases and additional traffic studies would be performed.

With no more discussion from the Commission on the Master Plan, Chairman Turner opened the floor for a public hearing.

Roger Worthington, 801 Hamnertown Road, stated that the entrance on Hamnertown Road will come out in his front yard. He asked where the development will be getting their water from, Carrols Creek or Northport and as well as sewer.

Brock Corder with the Builders Group, 2848 Meadowlark Lane, stated that as a builder he is excited about this development. He stated it means something that you have the need for this type and size development in our city. He stated this means people want to live here and that is growth for Northport.

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

Mr. Turner stated in response to the comment from Mr. Worthington, in order to have services from the city provided, you have to be annexed into the city. This property does meet that requirement.

Mr. Turner asked will it be provided by the developer. Mr. Walker stated that the territory of services is still being discussed with the City of Northport and Carrols Creek.

Motion by Mr. Martin to approve the master plan revision for approximately 183 acres located east of Highway 69 and north of Hamnertown Road. **Seconded by Mr. Wiggins.** Roll call was as follows: Mr. Martin – Yes; Mr. Wiggins – Yes; Mrs. Kelly – Yes; Mr. Kemp – No; Mr. Lewis – Yes; Mr. Randolph – Yes and Mr. Turner – Yes. **Motion Carried.**

D. **S-3-24 The Townes of North Lake** – Courtstone, LLC is requesting preliminary plat approval of approximately 9.3 acres located east of Highway 69 and north of Hamnertown Road.

Mr. Turner asked about the waivers requested in more detail. Mr. Walker stated that they are asking for the cul-de-sac length part of the phasing for phase one. He stated that the stub streets are not wanted by the County, and they submitted a letter in support of it. Mr. Walker stated that the front setbacks are requested due to the type of development and building of the homes in this neighborhood. He stated that they will have a garage that is setback from the house and will allow for the extra space in the driveway.

Mr. Turner asked if this development would have covenants and be run by a homeowner's association. Mr. Walker stated that this development with have a set of covenants with descriptions and rules on building styles, color, etc. that will be establish simultaneous with the recording of the final plat. He stated that the open space provided in this development will be maintained by the homeowner's association. He stated that they will also oversee the upkeep of the retaining wall that will be located in the rear of this phase development on the east side. He stated this is the reason for the rear setback request.

Mr. Lewis asked about the sidewalks. Mr. Walker stated that the county road will not have sidewalks.

Mr. Kemp asked if the homeowners' association would be in place from the beginning and when can the city expect this. Mr. Walker stated again that they would be filing the covenants from this development along with recording the final plat.

Mr. Randolph asked about the retaining wall. Mr. Walker stated that the highest point of the retaining wall may be 20 ft at the deepest of the terrain, but this is in one spot. He stated that it would be +/- 8 foot tall.

Chairman Turner opened the floor for public comment.

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

Motion by Mr. Turner to approve the preliminary plat for approximately 9.3 acres located east of Highway 69 and north of Hamnertown Road to include the waivers requested. **Seconded by Mr. Wiggins.** Roll Call was as follows: Mr. Turner – Yes; Mr. Wiggins; Yes; Mr. Kemp – Abstained; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. Martin – Yes; and Mr. Randolph – Yes. **Motion Carried.**

NEW BUSINESS:

A. **S-4-24 Forest Glen Master Revision** – Adam Springer is requesting a revision to the master plan for approximately 12.54 aces located south of Randa Parkway and east of Arbor Oaks Road.

Chairman Turner made it aware that Mrs. Julie Ramm has removed herself from the room.

Ms. Mullins stated Adam Springer has requested preliminary plat approval for approximately 12.54 acres located south of Randa Parkway and east of Arbor Oaks Road. As this layout differs from the current approved master plan for Forest Glen, a revision will be required before the plat could be approved. The plat and master plan cases can be heard together but will require separate votes.

Ms. Mullins stated the primary difference between what is purposed and what has already been approved is in the 7th section of the neighborhood. The current plan shows 4 large lots with a cul de sac on Burks Parkway. The proposed layout would remove the planned cul de sac and leave the central section as one large lot, along with adding to the rear yards of lots 279, 232, and 233. She stated that lot 232 would also see an increase to their northern side yard. She stated that the applicant has requested a cul de sac construction waiver with the plat. The subdivision regulations require that a cul de sac be provided at the closed end of a public street. The applicant has requested that they not be required to construct this improvement due to the cost of construction exceeding the value of the land. She stated that applicant also has requested a waiver from the requirements to connect water lines, but this requirement is found in municipal code and not subdivision regulations and would thus be outside the scope of Planning Commission waivers.

Chris Sentell with Sentell Engineering, 639 Black Bears Way, stated that the applicant owns this property and the property that their house is set on. They are requesting a master plan revision to be able to give a couple of lots, including their additional yards in the rear of their lots. He stated they are not planning on developing this property but leaving it as is. He stated that the cul-de-sac area is too small, and it still does not meet the requirements as is.

Mr. Turner asked staff if the cul-de-sac construction would cause issues for garbage and trash pickup. Mr. Matthews stated that Public Works currently has to back all the way down the length of Burks Parkway, due to there being no cul-de-sac available for them to turn around.

Mr. Turner asked about the master plan being in the middle of the subdivision and the concern is do we keep going on this and record the plat.

Mr. Wiggins asked did they had any intent on building on the property. Mr. Sentell stated no.

Chairman Turner opened the floor up for a public hearing.

Adam and Melissa Springer, 14041 Briar Meadow Lane, stated that this is their property, and they have no plans on developing or building anything in the future. She stated that they have 3 boys, and they use this as their playground and would like to leave it as naturally as possible. She stated they spoke to the fire Marshall regarding the cul de sac and they stated they had no issues with it.

Patrick and Jennifer Howell, 14043 Briar Meadow Lane, stated that they live on lot 232 and would be one of the neighbors whose property would be extended if this is approved. She stated that they want to put a pool in and would like to be able to have a backyard still available too. They plan on extending their fence around the addition and are thinking of planting some trees for privacy.

Scott Kirchberg, 14035 Briar Meadow Lane, stated that they applicants have a fire pit that sits on the large portion of their property and approving this would allow for the fire pit to be within the property line of their residence which falls under the HOA. He stated that this is not allowed in their rules and regulations.

Mr. Turner stated that the City does not have any authority over the homeowner's association and that would be handled within the neighborhood.

Justin Jenkins, 13794 Randa Parkway, stated that they do not have any major issues with this except for the top northern lot that will be adding more yards to the side yard of the lot. He stated that they already have issues with water run off that runs from the top of the hill down towards their residence.

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

Motion by Mr. Martin to approve the master plan revision for approximately 12.54 acres located south of Randa Parkway and east of Arbor Oaks Road. **Seconded by Mr. Kemp.** Roll call was as follows: Mr. Martin – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. Randolph – No; Mr. Turner – No; Mr. Wiggins – Yes. **Motion Failed.**

OLD BUSINESS

B. **S-30-23 Forest Glen Seventh Section** – Adam Springer is requesting preliminary plat approval for approximately 12.54 acre located south of Randa Parkway and east of Arbor Oaks Road.

Mr. Turner asked Mr. Sentell if they planned to continue with this case being heard since the master plan revision was denied.

Mr. Sentell requested that the case be withdrawn.

Motion by Mr. Turner to withdraw case S-30-23 Forest Glen Seventh Section from the agenda. **Seconded by Mr. Martin.** Voiced roll call was given. **Motion Carried.**

CITIZEN COMMUNICATIONS

DISCUSSION

a. Mrs. Ramm stated that they will be holding a Zoning Workshop on February 20, 2024. She stated she has informed the City Council of this, and we have been advertising to the public for the event. She stated we are hopeful for to have a good turn out for the public involvement for this work session. She stated that there will be 4-5 work sessions for the Zoning Workshop. She hopes to have a draft to review and has set a date to do so on March 7, 2024, at 5:30 pm

b. Mrs. Ramm stated that they are waiting to get back the final draft from the changes that were made after the work session that was held on January 25, 2024, for the Comprehensive Plan. The Commission agreed to review the final document at the March meeting without calling a special-called public hearing.

c. Mrs. Ramm stated that the next Planning Commission meeting is scheduled for March 12, 2024, and this is Spring Break. The Commission made the decision and voted to move the March meeting to March 19, 2024.

Motion by Mr. Turner to move the March 12, 2024, meeting to March 19, 2024. **Seconded by Mr. Randolph.** Voiced vote was given. **Motion carried.**

ADJOURNMENT – Meeting adjourned at 7:31 p.m.

Motion by Mr. Turner to adjourn the February 13, 2024, meeting**. Seconded by Mr. Martin.**

Kevin Turner, Chairman

ATTEST:

Julie Ramm, Secretary