

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JANUARY 14, 2025**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, January 14, 2025, in the City 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. Tracey Kelly, Mr. Roland Lewis, Mr. Clay Randolph, Mr. Kevin Turner, Mr. Jason Ward, and Mr. Karl Wiggins. Absent and failed to vote: Mrs. Jennifer Hayes and Mr. Timothy Martin. Staff present were Mrs. Julie Ramm, Planning Director, Mr. Chris Cunningham, Assistant City Attorney, Mr. Shaun Patten, Zoning Administrator, Mr. Brad Matthews, Assistant City Engineer, Ms. Meredith Mullins, Planner, Mrs. Katelyn Lesley, Administrative Assistant.

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 of Previous Meeting(s) –

Motion by Mr. Lewis to approve the minutes of the regular meeting minutes for December 17, 2024.

Seconded by Mr. Wiggins. Voice vote was given. **Motion Carried.**

Verification of No Conflict of Interest – None

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

Disclosure of Ex Parte Communication – None

Old Business

- A. **R-24-5 Dream Investment Group, LLC** – Dream Investment Group, LLC requests rezoning for approximately 3.36 acres located at Station Circle, east of Highway 43 N, from RS-1 (Family Single Residential) to C-3 (General Commercial).
- B. **S-25-24 RSVY Lot 1R of the RSVY of Northport Station, Ph I & Unplatted Land** – Herndon Hicks & Associates requests preliminary plat approval for approximately 1.84 acres located at 4419 Highway 43 N.

Mrs. Ramm stated that Dream Investment Group is requesting a rezoning of approximately 3.36 acres located east of Highway 43 North at Station Circle from Single-Family Residential (RS-1) to General Commercial (C-3). The current site consists of a single lot development with a mix of restaurant, retail, and similar commercial uses. It is surrounded to the east by undeveloped land in the county (no zoning), to the north by a single-family residential neighborhood zoned Residential Single-Family (RS-1), to the west across Highway 43 by a mostly undeveloped lot zoned General Commercial (C-3), and to the south by an undeveloped lot zoned General

Commercial (C-3). The future land use plan found within Northport Compass shows this property as a combination of "General Mix" and "Limited Mix Use". Mrs. Ramm also stated that Herndon, Hicks and Associates is requesting a preliminary plat approval for approximately 13.84 acres located east of Highway 43 North at Station Circle and they are not requesting any waivers. The current site consists of a single lot development with a mix of restaurant, retail, and similar commercial uses. It is surrounded to the east by undeveloped land in the county (no zoning), to the north by a single-family residential neighborhood zoned Residential Single-Family (RS-1), to the west across Highway 43 by a mostly undeveloped lot zoned General Commercial (C-3), and to the south by an undeveloped lot zoned General Commercial (C-3).

Mr. Turner asked Mr. Matthews if Engineering was ok with the note on the plat about the detention pond being the responsibility of the developer was sufficient. Mr. Matthews stated that we would probably be better off stating someone other than the developer is responsible for the detention pond, such as, owners of certain lots are responsible for the detention pond maintenance.

Bobby Herndon, Herndon, Hicks and Associates, 2728 Lurleen B Wallace Boulevard, spoke at the podium. HE stated that they are requesting the residential portion to be rezoned to General Commercial (C-3). Mr. Turner asked as far as on the rezoning there is not access to this portion from anywhere else and if it was meant to be a continuous development, Mr. Herndon stated that was correct. Mr. Turner asked the commission if anyone had any questions about the rezoning portion, with no questions from the commission he moved to the Subdivision case. Mr. Turner asked Mr. Herndon if he was ok with assigning the maintenance of the detention pond to the owner of a certain lot, Mr. Herndon stated that it was no problem to change that wording on the final plat.

Chairman Turner opened the floor for a public hearing.

Chairman Turner closed the floor for a public hearing.

Motion by Mr. Turner to make a recommendation to the Council to approve the rezoning of approximately 3.36 acres located at Station Circle, east of Highway 43 N, from RS-1 (Family Single Residential) C-3
Seconded by Mr. Kemp. Roll call was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis - Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

Motion by Mr. Turner to approve the preliminary plat for approximately 13.84 acres located at 4419 Highway 43 North. **Seconded by Mr. Wiggins.** Roll call was as follows: Mr. Turner – Yes; Mr. Wiggins – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. Randolph – Yes; and Mr. Ward – Yes. **Motion Carried.**

C. AMD-24-03 City of Northport – The City of Northport proposes amendments to the Subdivision Regulations.

Mrs. Ramm stated that the City of Northport is requesting an update to the subdivision regulations. During the November meeting, the Commission made a favorable recommendation to City Council for amendments to the zoning ordinance. Staff is currently working in conjunction with KPS to clean up redundancies and conflicts between the new ordinance and other sections of the City's development code. The first one deals with Master Plan, Special District Plan, and Waivers – Staff is proposing an update that would facilitate waivers being part of the discussion for Master Plans and Special District Plans. This amendment would allow the commission to consider these waivers earlier in the process, and any subsequent preliminary plat that matches an approved Master Plan or Special District Plan would be considered a conforming plat; the second one deals with

Landscaping – Staff is proposing an amendment to remove landscaping requirements within the city limits, as these are already addressed within the zoning ordinance.

Mr. Turner asked the commission if they had any questions for staff on the proposed amendments, the commission did not have questions for staff.

Chairman Turner opened the floor for a public hearing.

Chairman Turner closed the floor for a public hearing.

Motion by Mr. Turner to approve the amendments to the subdivision regulations as proposed by staff.

Seconded by Mr. Kemp. Roll call was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis - Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

D. S-19-24 Resurvey Lots 40 & 41 Quinns Town – Susan Simon is requesting preliminary plat approval for approximately 0.25 acres located at 3700 14th Street.

Mrs. Ramm stated that Susan Simon is requesting a preliminary plat approval for approximately 0.25 acres located at 3700 14th Street. The proposed plat would consolidate the 2 current lots into 1 new lot. This lot consolidation is required to remove an interior lot line from the buildable area of the property. The current site consists of a residential property zoned RS-4. It is surrounded to the north and south by single-family residential properties zoned RS-4, to the east by a vacant lot zoned RS-4, and to the west by an undeveloped lot zoned Agricultural. Ms. Simon is requesting 3 waivers with this plat: **Sidewalks** - The subdivision regulations require that sidewalks be constructed along all right-of-way frontages, which would call for new sidewalks along 14th Street and 36th Avenue. The applicant is requesting that this requirement be waived, as there are no sidewalks in the immediate vicinity to connect to. The property currently sits at the dead end of 14th Street and is one lot south of the dead end of 36th Avenue; **Half-street improvements** - The subdivision regulations require that half-street improvements be constructed along all right-of-way frontages, which would call for full width paving and curb and gutter along both public streets. 14th Street currently has 23 feet of paving with valley gutter, while 36th Avenue has 11 feet of paving and no curb or gutter. The applicant has requested that this requirement be waived to match the existing infrastructure present throughout the neighborhood; **Right-of-way Dedication** - The subdivision regulations require that all public rights-of-way be a minimum of 60 feet wide. Both public rights-of-way within this plat are currently 40 feet wide. The applicant has requested this waiver to match the R.O.W. width present throughout the rest of the neighborhood. Mrs. Ramm also stated that the Future Land Use plan within Northport Compass identifies this area as “Conservation”, which is described as allowing for recreation and low intensity commercial uses. It is worth noting that this land use category was assigned due to the property lying within a special flood hazard area on FEMA’s maps. Any construction will be required to comply with all city, state, and federal development regulations.

Mr. Turner asked the commission if they had any questions for staff, the commission did not have any questions for staff.

Bobby Herndon, Herndon, Hicks and Associates, 2728 Lurleen B Wallace Boulevard spoke at the podium. He stated that this is a pretty simple subdivision with two lots for Ms. Simon, there was an older home on the lot but they had to tear it down, and they are wanting to build back but they had to get rid of the interior lot line. Mr. Herndon also stated it is in a regulatory floodway, to help maybe ease the discussion on the sidewalks and half street improvements, being in a regulatory floodway, you cannot do anything if you do not bring any fill

material in that flood way, it will be impossible to build the sidewalks and half-street improvements without any fill material.

Chairman Turner opened the floor for a public hearing.

Susan Simon, 3700 14th Street, spoke at the podium. She stated that the house has been sitting there for 60 years, her husbands family built the house then sold the house to Ms. Simon and her husband. The house had to have so many improvements done to it, when her husband passed away last year, she knew she would only be able to tear it down and rebuild or sell it, so they tore it down. They knew they were in a flood zone but they did not know the map had changed to show they were in a flood plain, because on their street it never flooded, they just want their house built back.

Chairman Turner closed the floor for a public hearing.

Mr. Turner stated since this is in an established area that already has established right of ways, street cross section, and no sidewalks in the area, he doesn't personally see an issue with granting these waivers, we will vote on them separately unless anyone has any thoughts they want to add.

Motion by Mr. Turner I make a motion to approve the preliminary plat to include waivers for sidewalks, half-street improvements and right-of-way dedication for approximately 0.25 acres located at 3700 14th Street.

Seconded by Mr. Lewis. Roll call was as follows: Mr. Turner – Yes; Mr. Lewis – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Randolph – Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

New Business

- A. **R-25-1 The Townes at Vestavia** – Cabanis Engineering requests preliminary plat approval for approximately 4.65 acres located on the West side of Applejack Boulevard and South of Vestavia Hills. **Continued to February Meeting – NO ACTION REQUIRED.**

- B. **R-25-1 Terrace at Northcreek** – Longleaf Engineering is requesting a revision to the Special District Plan for approximately 84.77 acres for the The Terrace at Northcreek, located at the east dead end of Northcreek Boulevard.

Mrs. Ramm stated that Longleaf Engineering is requesting a revision to the Special District Plan for the Terrace at Northcreek. The total acreage for the plan is 72.2 acres. The plan includes 163 single family residential lots plus 11 open space lots. The property is located at the east dead end of Northcreek Boulevard. The Commission previously approved a master plan for this development in September of 2024. They are requesting to change the setbacks to 10' setbacks and they are requesting that the materials be changed to allow a mixture of masonry and fiber cement siding, the development was previously approved for all-brick exteriors. This area is primarily shown as "High to medium density transition" on the future land use plan contained within Northport Compass. The proposed development appears to be compatible with the comprehensive plan.

Mr. Turner asked the Planning Commission if they had any questions for the staff, the Commission did not have any questions for staff.

Jerry Howard, 3111 Timberlake Drive, spoke at the podium. He stated that they purchased the property, they are familiar with the property and prepared to build it out how its currently zoned. He stated with the 3 different

product sizes, they think that phase 2 can be enhanced with a drive-by product, which means it will be a more narrow product with the garage at the back, with the master on the main floor, with the topography of this property it will benefit them with the look of the product on the larger lots in phase 2. He also stated that he side setback that applies throughout because they have a larger product they are trying to squeeze on the lots, by the end they will shuffle it side to side giving them room to accommodate slopes on the stair step lots, air condition units that reside next to the home. They do this all over the place and it is not unusual for them especially with a property of this size, that's why they are asking for the change in setback and this also gives people more space in the back yard to have dogs, etc. For the materials change, they provided renderings of the homes they build and every one of them has 2-3 styles of elevations. Mr. Turner asked Mr. Howard when he says drive by if that means the garage in the rear of the home, Mr. Howard confirmed that was correct, Mr. Turner asked if there are any other subdivisions where they did a front set back of 10', Mr. Howard stated that there would be a 50'-60' ROW with a 10' front setback. Mr. Howard also stated that this helps encourage off street parking because there is more room to park on the driveway. Mr. Turner stated that going from a 25' to a 10' setback is a huge jump and looking at it in the earlier pre-meeting we don't have any subdivisions that have that short of a front setback, the concern being the 10' utility easement and the house being right on that line with that short of a front setback. Mr. Turner asked if all of the homes in phase 2 would be of the drive-by style. Mr. Howard confirmed that was correct. Mr. Turner also asked if everything outside of that was going to be the other styles, Mr. Howard confirmed that everything outside of phase 2 would be traditional front-load. Mr. Lewis asked Mr. Howard how many homes would be in phase 2. Mr. Howard stated that there would be 28 homes in phase 2. Mr. Randolph asked if there is a 10' utility easement outside of ROW. Mr. Matthews stated the city utilities are generally located in the ROW, with the utility easement being reserved for the non-city utilities. Mr. Randolph asked when that utility easement determination was made or if that is a standard 10'. Mr. Matthews confirmed that is a standard 10'. Mr. Randolph asked Mr. Howard if they had taken that into consideration. Mr. Howard stated that it was not uncommon, Alabama Power is typically 2-3' into the property line and into the lot, Auburn approved the 10' utility easement. Mr. Turner asked Mr. Howard if they had a 10' utility easement and 10' front setback in Auburn. Mr. Howard stated that was correct. Mr. Turner stated that really what we are doing is increasing the buildable area of all of the lots. Mr. Howard stated that was correct. Mr. Turner stated he didn't know which one but the building materials and the trade off is the set back or is it the set back and the trade off is the building materials, open space wise nothing is changing, amenity wise nothing is changing; but we are potentially reducing yard size by increasing the buildable area of each lot. Mr. Howard stated that we would be decreasing the front yard but increasing the rear yard. Mr. Kemp asked Mr. Howard what this would do to the surface area drainage, you won't have the grass there to soak up the water. Tom Sims with Longleaf Engineering said basically the subdivision was designed with all the drainage structures and such to accommodate, they have a maximum impervious ratio even though some of the footprints wouldn't meet that maximum number. Mr. Lewis asked if the reduced setback means larger footprint and more square footage. Mr. Howard stated that it would definitely be more square footage. Mr. Wiggins asked what the general square footage would be, Mr. Howard stated that it would be a wide range between 2800-3400 square feet. Mr. Ward asked if there was a price point, for phase 2. Mr. Howard stated that was a question for the estimators but what they build on a similar price lot in Pelham is \$380k-\$450k. Mr. Randolph asked how they arrived at the number for the 10' setback. Mr. Howard said it is based off of the typical drive-by home. Mr. Randolph stated you start with the depth of the lot, you determine the rear setback line, the length of the house and that is what gets you the number for the front setback line? Is there any leeway there? Mr. Howard stated they didn't want to push back the porch. Mr. Wiggins asked Mr. Howard if there was any fencing in the back yard. Mr. Howard stated that is homebuyer preference and they limit the types of fencing used in most situations. Mr. Randolph asked if a 15' setback would not work. Mr. Howard stated that this would cramp the largest footprint and would take away the larger footprint houses. Tom Sims with Longleaf Engineering stated if the Planning and Zoning Commission were to approve that he would reach out to the Utility Companies to let them know there are houses closer to the easement.

Chairman Turner opened the floor for a public hearing.

Chairman Turner closed the floor for a public hearing.

Mr. Turner asked the commission for any thoughts that they might have. Mr. Randolph stated that he likes the renderings, but he is concerned about the easement and how it will effect the city. Mr. Turner agreed with Mr. Randolph. Mr. Lewis stated that it puts him in the mindset of the Townes at Northriver. Mr. Randolph asked if we weren't to approve, the homes proposed for the other phases would have to be built in this phase. Mr. Patten stated that if this was not approved, the only thing that would have to change is the siding. Mrs. Ramm stated that the trade-off is driveways would not dominate the public's views on the street. Mr. Turner asked Mrs. Ramm if this was going to be a recommendation to City Council for revising the Special District Plan. Mrs. Ramm stated that was correct, it will be a majority votes present, everything that you see tonight will be sent to Council. Mr. Turner asked if the homes we see in phase 2 they cannot go and build in phase 3 and vise versa. Mrs. Ramm stated that was correct, but we aren't going to say that all of the houses have to be Jefferson A and white brick. Mr. Howard stated they have an architect that

Motion by Mr. Turner I make a motion for a favorable recommendation to City Council to revise the Special District Plan for approximately 84.77 acres for the Terrace at Northcreek, located at the east dead end of Northcreek Boulevard. **Seconded by Mr. Wiggins**. Roll call was as follows: Mr. Turner – No; Mr. Wiggins – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. Randolph – Yes; Mr. Ward – Yes. **Motion Carried.**

COMMITTEE REPORTS

OTHER AND MISCELLANEOUS BUSINESS

A. Review the Planning and Zoning Commission Bylaws

Mrs. Ramm stated that the Commission needed to review the by-laws for any changes and a vote will be made in the 2024 year to adopt.

Mr. Turner reviewed the updates from last year:

- Article 4.C with changes made to the deadline of a rehearing from 12 months to 6 months and only be allowed to submit a rehearing one time in 6 months.
- The Commission agreed on 180 days with the 30-day extension.

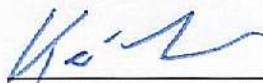
Mr. Cunningham reviewed abstaining and the impact of that, he cannot find where you cannot abstain. He stated that in Roberts Rules of Order an abstention is a “no” vote, but the by-laws have the same effect as state law, you could change an abstention to be a “yes” vote. State Code says you must state a reason for the abstention, the impact of failure to state a reason on the grounds for disapproval is approval of the plat. Mr. Cunningham stated that he needed to correct something from the October meeting, the commission has 30 days to state the reason for denial, theoretically you can give a reason at a later date but that would have to be at a Special Called meeting of the Planning Commission, when a quorum is present. He stated he does not have a

perfect case. The grounds of disapproval will need to be stated at the end of the voting so that you do not influence the vote. Mr. Kemp asked if he has issues with something, he needs to bring it up before voting but when he votes he cannot bring up his issues with it. Mr. Cunningham stated practically speaking Roberts Rules of Order kind of defines abstaining as not voting. Mr. Cunningham also stated that most of the reasons he could see to abstain would be conflict of interest which would really be best handled as recusal. The grounds for disapproval would still have to meet the requirement of a "no" vote to hold up in court.

Mrs. Ramm stated that Mr. Ward had to leave due to a scheduling conflict.

ADJOURNMENT – Motion by Mr. Turner. Seconded by Mr. Wiggins

Meeting was adjourned at 7:17pm.



Kevin Turner, Chairman

ATTEST:



Julie Ramm, Secretary