

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JANUARY 12, 2021**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Thursday, January 12, 2021, in the Council Chambers at Northport City Hall.

The meeting was called to order by Chairman Dale Phillips. Upon roll call the following members were found to be present: Ms. Christy Bobo, Mr. David Kemp, Mr. Ernest O'Rourke, Mr. Dale Phillips, Mr. Scott Roland, Mr. James McKinney, Mr. Clay Randolph, and Mr. Kevin Williamson. Absent and failing to vote was Ms. Nancy Dawkins. Staff present were Julie Ramm, Planning Director, Doug Varnon, Interim City Engineer, Holly Phillips, Staff Engineer, Ron Davis, City Attorney and Nannette McKinney, Administrative Assistant.

Approval of Agenda – Motion by Mr. James McKinney to approve the agenda. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Kemp-Yes; Ms. Bobo – Yes; Mr. O'Rourke-Yes; Mr. Phillips-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

Approval of the Minutes – November 18, 2020. **Motion by Ms. Christy Bobo** to approve the minutes. **Second by Mr. Scott Roland.** Roll call vote was as follows: Ms. Bobo-Yes; Mr. Roland-Yes; Mr. Kemp-Yes; Mr. McKinney-Yes; Mr. O'Rourke- Yes; Phillips-Yes; Mr. Randolph-Yes; and Mr. Williamson-Yes. **Motion carried.**

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

Verification of No Conflict of Interest – Kevin Williamson stated he had a conflict with Maken Properties.

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

OLD BUSINESS

Selection of 2021 Chairman & Vice Chairman for Planning and Zoning Commission, 2021 year.

Motion by Mr. Kevin Williamson to elect Dale Phillips as Chairman. **Second by Mr. James McKinney.** Roll Call vote was as follows: Mr. Williamson-Yes; Mr. McKinney-Yes; Ms. Bobo-Yes; Mr. Kemp-Yes; Mr. O'Rourke-Yes; Mr. Phillips-Yes; Mr. Roland-Yes and Mr. Randolph-Yes. **Motion Carried.**

Motion by Mr. Dale Phillips to elect James McKinney as Vice Chairman. **Second by Mr. David Kemp.** Roll Call vote was as follows: Mr. Phillips-Yes; Mr. Kemp-Yes; Ms. Bobo-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Roland-Yes; Mr. Randolph-Yes and Mr. Williamson- Yes. **Motion Carried.**

NEW BUSINESS

S-01-21PP Dempsey Subdivision – Preliminary Plat for approximately 2.92 acres located between Graceland Road & Plum Road. **Waivers:** Half-Street Improvements, Capped Sewer and Sidewalks.

Julie Ramm stated Dustin Dempsey requests preliminary plat approval for a 2-lot subdivision located north of Cranberry Drive and south of Graceland Road. The total acreage of the subdivision is approximately 2.92 acres.

The proposed subdivision is not in the city limits but is within the City's Planning Jurisdiction. The following waivers are requested: Half-street Improvements, Capped Sewer, Sidewalks, and Dedication of Additional ROW on Graceland & Plum Road. Currently, there are no half-street improvements along Graceland Road and Cranberry Drive. The closest access to sewer would be Huntington Place or the Winn Dixie Shopping Center. There are no sidewalks in either of the adjacent neighborhoods.

Mike Hicks, Herndon, Hicks and Associates, Inc, 2728 Lurleen Wallace Boulevard, Northport, AL appeared before the commission representing Dempsey Subdivision. Mr. Hicks stated the parcel was obtained for access to the north, but now is no longer needed. The Property owner would like to sell the 3,000 square feet. Mr. Dempsey would like to purchase this parcel if request for preliminary plat is approved.

Motion by Mr. David Kemp to approve the Preliminary Plat request for approximately 2.92 acres located between Graceland Road & Plum Road including the following waivers: Half-street Improvements, Capped Sewer, Sidewalks, and Dedication of Additional ROW on Graceland & Plum Road. **Second by Mr. McKinney.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. McKinney-Yes; Ms. Bobo – Yes; Mr. O'Rourke-Yes; Mr. Phillips-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

A-01-21PP Maken Properties, LLC – Request Annexation approval for approximately 2.8 acres located at the Intersection of US Hwy 43 and Tom Montgomery Road.

Julie Ramm stated Maken Properties (Aubrey McCarley) request annexation of approximately 2.8 acres of property located on the southwest corner of the Highway 43 and Tom Montgomery Road. The petitioner is asking for a zoning of C-3 (General Commercial) that will run concurrent with the annexation.

Bruce Higginbotham, P.E., Porter-Higginbotham Engineering, Inc. 2715 7th Street, Tuscaloosa, AL appeared before the commission accompanied by Aubrey McCarley, owner of Maken Properties. Mr. Higginbotham stated Ms. Ramm summed up the request as stated. Mr. Higginbotham also stated Mr. McCarley in the future would like to place his business on the property.

David Kemp asked if there were erosion issues.

Bruce Higginbotham stated yes.

Motion by Mr. David Kemp to make a favorable recommendation to the City Council for the annexation of approximately 2.8 acres located southwest corner of the Highway 43 and Tom Montgomery Road. **Second by Mr. Scott Roland.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. Roland-Yes; Ms. Bobo – Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Phillips-Yes; Mr. Randolph-Yes; and Mr. Williamson-abstain. **Motion carried.**

R-01-21 Maken Properties, LLC – Request rezoning of approximately 2.8 acres to C-3 (General Commercial) located at the Intersection of US Hwy 43 and Tom Montgomery Road.

Julie Ramm stated Maken Properties (Aubrey McCarley) requests rezoning of approximately 2.8 acres of property located on the southwest corner of the Highway 43 and Tom Montgomery Road intersection. The petitioner is asking for a zoning of C-3 General Commercial. Mr. McCarley has indicated on the rezoning petition the intent to relocate his business, Maken Environmental, to this location. However, the Commission must also consider any permitted use that would be allowed in the zone.

Maken Environmental will also petition the Zoning Board of Adjustment for a variance to allow a contractor storage warehouse and residential requirement of not more than three unrelated people living together in a

single household. Contractor Storage and warehouses are not permitted in C-3 and are only allowed in C-6 Conditional Use and permitted in M-1 and M-2.

Dale Phillips asked the definition of C-3.

Julie Ramm stated the uses in C-3 (General Commercial) are retail, business offices, multi-family by conditional use, churches, cemeteries, daycares, group homes, nursing home facilities, and neighborhood shopping centers.

Dale Phillips asked what type of equipment will be stored outside.

Aubrey McCarley stated pickup trucks and trailers.

Dale Phillips asked what type of building is being purposed.

Aubrey McCarley stated it will be a warehouse to store supplies. It will also have a firewall for an office and several room for short term stay for out of town employees.

Christy Bobo compared the facility to a fire station housing.

Aubrey McCarley stated the shop manager will live there full time.

Dale Phillips asked will the structure be under one roof.

Bruce Higginbotham stated it will be under one roof. Mr. Higginbotham also stated there will be 5 or 6 bedrooms with a common area.

Dale Phillips asked how many persons per room.

Aubrey McCarley stated one person per room.

Motion by Mr. David Kemp to make a favorable recommendation to the City Council for the rezoning of approximately 2.8 acres located to C-3 (General Commercial) located at the Intersection of US Hwy 43 and Tom Montgomery Road. **Second by Mr. Dale Phillips.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. Phillips-Yes; Ms. Bobo – Yes; Mr. McKinney-No; Mr. O'Rourke-No; Mr. Randolph-No; Mr. Roland-Yes; and Mr. Williamson-abstain. **Motion Failed.**

SP-01-21 Maken Properties, LLC – Request conditional use to allow Multi-Family (Temporary Housing) located at SW quadrant of the intersection of US Hwy 43 and Tom Montgomery Road.

Julie Ramm stated Maken Properties (Aubrey McCarley) request conditional use approval to allow multi-family in a C-3 zone. Mr. McCarley is proposing to relocate his business Maken Environmental. Mr. McCarley also is proposing to construct a facility with six bedrooms that will be used for temporary housing for his employees between projects. Multi-family housing is allowed in C-3, but only by Conditional Use approval.

Jamie Dykes, City Council Representatives, District 4, 4015 Frontier Street, Northport, AL appeared before the commission in a dual role. Councilwoman Dykes stated she has received calls from residence and neighbors that do not live in her district concerning the Conditional Use. Councilwoman Dykes asked the commission to deny the recommendation of the conditional use and refute the claim that this request is similar to the Fire

Department. She stated the fireman have a vested interest in our neighborhoods and Maken Properties, LLC does not.

Elizabeth Cook, 2210 Tom Montgomery, Northport, AL appeared before the commission stating concerns of Sex Trafficking possibly being bought to the area from non-resident staying at the Maken facility. Ms. Cook stated there are children unattended in the neighboring area and local schools. Ms. Cook stated she is not in favor of this recommendation.

Christy Bobo asked Mr. McCarley if his employees where full time or permanent employees.

Aubrey McCarley stated his employees are full time. Mr. McCarley also stated FBI background checks are done on all employees.

Christy Bobo stated Mr. McCarley has vetted in his employees and he knows them.

Motion by Mr. Dale Phillips to make a favorable recommendation to the City Council for the conditional use request to allow Multi-Family (Temporary Housing) located SW quadrant of the intersection of US Hwy 43 Tom Montgomery Road. **Second by Ms. Christy Bobo.** Roll call vote was as follows: Mr. Phillips-No; Ms. Bobo-Yes; Mr. Kemp – No; Mr. McKinney-No; Mr. O'Rourke-No; Mr. Randolph-No; Mr. Roland-No; and Mr. Williamson-abstain. **Motion Failed.**

S-02-21MP Nibroc Development, LLC – Request Master Plan approval for approximately 4.88 acres located at 3205 Hunter Creek Road.

Julie Ramm stated Nibroc Development, LLC requests Master Development Plan approval for 4.88 acres located at 3205 Hunter Creek Road. The proposed project is a 27-unit condominium development. The condos will consist of 21 two-bedroom units and 6 three-bedroom units. The property is currently zoned RS-SD which will allow for this type of development with Master Development Plan approval from the Planning Commission. Although there are no maximum density requirements in the zoning ordinance, the Master Development Plan must demonstrate compatibility between adjacent land uses. The project location is adjacent to RS-1 and RS-2 Single Family Residential zones on the north and west property boundaries. The properties to the south and east are zoned C-6 Highway Commercial. The average size of the single-family lots directly adjacent to the north (Brookside) are approximately .30 acre.

Hal Corbin, Nibroc Development and Corbin Custom Homes, LLC, Northport, AL appeared before the commission thanking everyone for discussing the requested Master Plan for Nibroc Development. Mr. Corbin stated he has built 30 homes in the Cottdale area in the last 2 years. The houses in the Cottdale area are a good comparison to the townhomes being requesting.

Adam Ingram, TTL, Inc, 2890 Rice Mine Road NE, appeared before the commission stating he was working with Hal Corbin. Mr. Ingram stated he wanted to highlight this is a Master Development Plan and not a final design. Mr. Ingram stated the property is already zoned special district for performance residential and mix use. Mr. Ingram also stated there is commercial along the highway and residential adjacent to the property. Mr. Ingram stated these are townhomes and not condominium. The townhomes are for sale and not for rent. There are no proposed amenities or improvements to the open space. The proposed open space will be left as a natural area with a retaining wall separating the residential development from the open space. Mr. Ingram stated each unit will have a single car garage and parking in the driveway. The three-bedroom units will have additional parking on the interior street. There is a total of 60 units. Mr. Ingram stated this development falls below the threshold in the code that would require a traffic study.

John Hinton, City Councilman, District 3, 1809 Eagle Lake Street, Northport, Alabama appeared before the board stating he serves the neighboring subdivision around Hunter Creek Road. Dr. Hinton stated his major concern was the traffic that already exist on Hunter Creek Road. Hunter Creek Road is the main corridor for four subdivisions in the area. Vestavia is the largest subdivision in the area and there are no traffic lights. Hunter Creek is carrying most of the traffic. In addition to the local traffic many people use Hunter Creek Road as a cut through from Highway 82 to Highway 69 which increases the traffic. Dr. Hinton also stated the 2019 Traffic Study provided by the Northport City Hall Engineering Department reveals that Hunter Creek Road had 1799 vehicles daily on Highway 82 South and 1193 vehicles on the Highway 69 side and Highway 82 has 4293 daily near Dutton Place and 38218 near Northbrook Apartments. This means Hunter Creek Road and Highway 82 intersection has approximately 40,000 vehicles per day. Dr. Hinton stated he concurred with the objections of the proposed townhomes.

Meredith Mullins, 420 Hunter Creek Lane, Northport, Alabama appeared before the commission stating she grew up in the neighborhood. Ms. Mullins stated there need to be a Traffic Study. Ms. Mullins also stated the development would take away additional green space and increase light, air pollution and water run-off. Two Mile Creek floods multiple properties every time there is a hard rain. Ms. Mullins stated she knows Mr. Corbin personally and he has developed nice high-quality homes, but what happens when he cannot get the asking price of the townhomes? Ms. Mullins asked if the Commission plans to approve the development that they make some adjustments to include landscaping, privacy fencing, and to consider the concerns of the resident.

Kim King, 1109 Vestavia Circle, Northport, Alabama appeared before the commission on behalf of some of the neighbors to oppose the approval of the Master Plan. Ms. King stated concerns about lights, noise, open space, traffic, and privacy.

George McLaurine, 403 Brookside Drive, Northport, Alabama appeared before the commission stating he is opposed of the development. Mr. McLaurine stated traffic concerns, potential damage from construction in degrading the banks of Hunter Creek, increased runoff to lead to flooding, and the property value.

Tyler Tucker, 4401 Ridgemont Avenue, Northport, Alabama appeared before the commission stating condos and townhomes attract students. Mr. Tucker stated it will be hard to keep the townhomes restricted to 3 people. Mr. Tucker also stated its hard to make a study of traffic and be sure each unit will house 3 people.

Chris Clark, 3808 Diamond Lane, Northport, Alabama appeared before the commission stating he is opposed of the development. Mr. Clark stated impact of traffic and lighting from the car wash and noise. Mr. Clark also stated concerns of safety.

Wes Thompson, 3401 Blackberry Lane, Northport, Alabama, appeared before the commission stating he is opposed to the development. Mr. Thompson does not want the community to change.

Brandon Chambers, 609 Hunter Creek Road, appeared before the commission stating he is opposed to the development. Mr. Chambers stated the character of the neighborhood would be changed from the noise and lights from the carwash. Mr. Chamber was also concerned about the impact this development will have on schools.

Peggy Thomaston, 3401 Blackberry Lane, Northport, Alabama, appeared before the commission stating she is opposed to the development. Ms. Thompson feels the development will be an eyesore to the community.

Mickey Cowell, 716 Sable Lane, Northport, Alabama appeared before the commission asking for clarification of the zoning.

Julie Ramm stated the property is currently zoned RS-SD, (Residential-Special District)

Mickey Cowell asked how long has the area been rezoned.

Julie Ramm stated it was rezoned in 2018. Ms. Ramm also stated it was rezoned from a map amendment of the request of the previous Director.

Pam Standifer, 208 Brookside Drive, Northport, Alabama appeared before the board asking clarification of the zoning.

Julie Ramm stated RS-SD would allow for different types of resident developments in a special district like a townhome or garden home.

Ted Hicks, 3404 Blackberry Lane, Northport, Alabama appeared before the council stating concerns of drainage in the area.

Ruby Wade, 103 Brookside Drive, Northport, Alabama appeared before the council stating she was opposed of the development.

Dale Phillips stated the concerns to address are traffic study, density, privacy, drainage, ingress, egress, occupancy, creek, and open space.

Adam Ingram, TTL stated the number of units are below the threshold for requiring a developer to do a traffic study. Mr. Ingram stated most of the traffic issues that have been discussed are more of a global issue that maybe the city should consider on the highway.

Mr. Ingram stated 2-Mile Creek is a massive drainage basin. Mr. Ingram also stated less drainage will be going toward Hunter Creek Road and the detention pond will handle the access before it gets to the creek.

Mr. Ingram stated the 20-foot separation between the northern area building and the adjoining residential area meets the code requirements. Mr. Ingram also stated there will be perimeter landscaping buffer from the adjoining property owners.

Mr. Ingram stated there are no formal amenities shown for open space, but that doesn't mean something would not be added. Mr. Ingram stated in the code one of the items listed as open space is a natural preserve. The natural preserve will help for privacy and to also reduce the impact of corrosion to the creek.

Dale Phillips asked if there will be a Homeowners Association formed.

Hal Corbin stated yes.

Tony O'Rourke asked what attracted the developers to the area.

Hal Corbin stated the location being close to downtown, affordability and convenience attracted him to the area.

Kevin Williamson asked if the project would be feasible with less than 27 units.

Hal Corbin stated it would not be feasible.

James McKinney stated one of the problems he has is the open space. Mr. McKinney asked where would the children play? Mr. McKinney also stated he does not think this is the best master plan for this property.

Hal Corbin stated there are local parks and recreation.

David Kemp stated he does not see how the drainage will do what it is supposed to naturally. Mr. Kemp stated the post run-off should be equal to or less than the pre-runoff. That is an ADEM requirement on development. Mr. Kemp also stated the density was an issue.

Adam Ingram stated a preliminary drainage report was done. There will be a slight amount of fall away from Hunter Creek Road and they will have drainage inlets that will eventually get in the storm sewer and flow toward the creek. Mr. Ingram stated they will not have a problem handling the detention.

Dale Phillips stated he had concerns about privacy on the north end and ingress and egress.

Hal Corbin stated they have maximized the layout concerning density. Mr. Corbin also stated they are not trying to devalue anyone's property.

Dale Phillips stated concerns about the buffer areas.

Hal Corbin stated a fence will be at the property line as the land trends downward toward Highway 82. The elevation at the property line will be the highest elevation on the property. The fence placed at the top will drop down fifteen or sixteen feet. Mr. Corbin also stated if the City will allow, they will look at putting up an 8-foot fence. Mr. Corbin stated they will also be mindful of lighting and flood lights would be limited.

Kevin Williamson asked if there were any concerns from the Fire Department. Mr. Williamson also stated the building has a certain distance for a fire retaining wall.

Julie Ramm stated the Fire Department verified that the plan that was submitted today does meet those qualifications. The Fire Department will have some requirements for signage and no parking on the streets so they can maintain access. Staff will make sure those codes are followed.

Hal Corbin stated they had also discussed a walking trail in the natural area.

Doug Varnon, Interim City Engineer, stated drainage can be worked out in the plan review phase.

James McKinney asked how many phases this development will have.

Hal Corbin stated the process for this development will be one building at a time.

Adam Ingram stated the way it is drawn on the Master Plan all the infrastructure will be built in one phase. Mr. Ingram also stated in reference to drainage, it will all be addressed in the planning review stage.

Motion by Mr. David Kemp to approve the Master Plan, S-02-21MP of approximately 4.88 acres located to located at 3205 Hunter Creek Road. **Second by Mr. Scott Roland.** Roll call vote was as follows: Mr. Kemp-No; Mr. Roland-No; Ms. Bobo – No; Mr. McKinney-No; Mr. O'Rourke-No; Mr. Randolph-No; Mr. Phillips-No; and Mr. Williamson-No. **Motion Failed.**

XI. CITIZEN COMMUNICATION

XII. DISCUSSION

Dale Phillips stated the Adjoining Property Owners letter should be rewritten to invite concerned citizens to the work session to listen only and the public hearing is the time they can actually voice their opinion.

XII. ADJOURNMENT


Dale Phillips, Chairman

ATTEST:


Julie Ramm, Secretary