

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 9, 2021**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Thursday, March 9, 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. Dale Phillips, Mr. Scott Roland, Mr. James McKinney, Mr. Ernest O'Rourke and Mr. Kevin Williamson. Absent and failing to vote was Ms. Nancy Dawkins and Mr. Clay Randolph. 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. David Kemp to approve the agenda. **Second by Mr. James McKinney.** Roll call vote was as follows: Mr. Kemp -Yes; Mr. McKinney -Yes; Ms. Bobo–Yes; Mr. Phillips-Yes; Mr. O'Rourke-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

Approval of the Minutes – Motion by Mr. David Kemp to approve January 12, 2021 minutes. **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; and Mr. Williamson-Yes. **Motion carried.**

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

Verification of No Conflict of Interest

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

OLD BUSINESS

Chairman Phillips stated item S-07-21MP Hunter Creek Road Residential was heard at the January 12, 2021 Planning and Zoning Commission meeting and the requested Master Development Plan approval failed. Chairman Phillips also stated Nibroc Development, LLC has revised the Master Development Plan and would like to present this item as old business.

Adam Ingram, TTL, Inc. 2890 Rice Mine Road NE, Tuscaloosa, AL appeared before the Commission accompanied by the owner. Mr. Ingram stated the orientation of the units and the number of units were changing from 27 total units and 60 bedrooms to 22 units and 46 bedrooms. Mr. Ingram also stated a dog park, walking trail leading to the creek, and pavilion has been added as amenities. Mr. Ingram stated the separation on the northside of the community was 20 feet and has been revised to 30 feet for more separation.

Motion by Ms. Christy Bobo to rehear S-07-21MP, Hunter Creek Road Residential project because of the significant changes to the plan. **Second by Mr. Ernest O'Rourke.** Roll call vote was as follows: Ms. Bobo-Yes; Mr. O'Rourke-Yes; Mr. Kemp–Yes; Mr. McKinney–Yes; Mr. Phillips-Yes; Mr. Roland-Yes; Mr. Williamson-Yes. **Motion Carried.**

NEW BUSINESS

S-05-21PP Resurvey Lots 76 & 77 Montgomery Farm – Joseph Brown request preliminary plat approval of approximately 1.05 acres located on 12958 Joshua Street. **Waivers:** Sidewalks.

Julie Ramm stated Joseph Brown requests preliminary plat approval for the Resurvey of Lots 76 and 77 of Montgomery Farm Subdivision located at 12958 Joshua Street. The total acreage of the resurvey is 1.05 acres. Mr. Brown is asking for a waiver from the sidewalk requirements. Mrs. Ramm stated Mr. Brown recently purchased the two lots. During the purchase process, it was discovered the house that was constructed on Lot 77 was built over the side setback line. Mrs. Ramm also stated when the original subdivision was constructed, sidewalks were required but many were never installed. In 2014, staff developed a sidewalk plan for the neighborhood.

Bobby Herndon, Herndon, Hicks & Associates, 2728 Lurleen Wallace Blvd. Northport, AL appeared before the Commission representing Mr. Joseph Brown. Mr. Herndon stated Mr. Brown would like to combine two-lots into one.

Julie Ramm stated there are two lots directly to the east of the property that have sidewalks.

Dale Phillips stated he supports sidewalks and feels they should be a priority.

James McKinney asked the feasibility of installing sidewalks.

Doug Varnon, City Interim Engineer, stated Joshua Street is the street to the north and is somewhat flat. Mr. Varnon stated on Brandon James the terrain drops off. Mr. Varnon also stated he thought it would be difficult to put in sidewalks on Brandon James and stay within right of way.

Motion by Mr. James McKinney to only grant approval for sidewalks on Joshua Street and not on Brandon James. **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.**

Bobby Herndon stated he would like to put money into the Sidewalk Bank if that was an option.

Motion by Mr. David Kemp to give the Owner the option of placing the sidewalks or contributing to the Sidewalk Bank along Joshua Street. **Second by Mr. Dale Phillips.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. Phillips- Yes; Ms. Bobo-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

Motion by Mr. David Kemp to approve the Resurvey Lots 76 & 77 Montgomery Farms preliminary plat approval of approximately 1.05 acres located on 12958 Joshua Street. **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; and Mr. Williamson-Yes. **Motion carried.**

S-06-21PP Forest Glen Phase VII Subdivision – Longleaf Engineering, LLC requests preliminary plat approval of a seven-lot subdivision consisting of 11.56 acres located at the end of Burks Parkway.

Julie Ramm stated Adam & Melissa Springer requests preliminary plat approval for Forest Glen Phase VII located north of Burks Parkway, east of Arbor Oaks Road, and north of Briar Meadow Lane. This is proposed phase will

consist of seven lots on approximately 11.56 acres. Four of the lots will be for residential uses, one lot will be a resurvey of lot 279, and there will be two lots that will be used as a detention facility for the proposed subdivision. This preliminary plat was originally presented and approved by the Commission in October of 2020. At that time, the subdivision consisted of four residential lots and one resurvey lot. Since that time, two lots have been added for detention for this phase. No waivers are requested. All other proposed improvements are the same as was previously approved at the October 2020 Commission meeting. Mrs. Ramm also stated the staff does recommend the Commission ask for clarification on maintenance of the detention areas. Mrs. Ramm stated Note 14 on the plat states the detention ponds will be maintained by the HOA. Mrs. Ramm stated staff would like clarification if the HOA is aware they will be taking over maintenance of these pond.

Tom Simms, Longleaf Engineering, LLC, 432 65th Street, Suite A, Tuscaloosa, appeared before the board on behalf of Mr. & Mrs. Springer stating this project has not changed since it came before the Commission in October. Mr. Simms stated previously we allocated some easements to the detention pond area. Mr. Simms also stated during the construction plan process we decided the detention ponds would be better suited for individual parcels instead of easements, which required us to come back to the board for re-approval of the preliminary plat. Mr. Simms stated he also had discussions with staff about future maintenance of these ponds being maintain by the HOA of Forest Glen. Mr. Simms also stated they needed approval from the HOA. Mr. Simms stated he would like to request approval for the preliminary plat contingent on approval of the HOA.

Dale Phillips asked staff engineering their opinion of the contingent clause.

Doug Varnon, Interim City Engineer, stated it would help the project progress. Mr. Varnon stated the contingent clause takes it out of the Commission's hands and puts it on the staff. Once staff sees the contingent clause satisfied, the project can proceed.

Ron Davis, City Attorney, stated the developer would need a letter of agreement from the HOA acknowledging the procedure of maintenance of the detention pond. Attorney Davis stated he would approve the agreement.

Tom Simms stated the detention ponds would not fix everyone's existing water problems. Mr. Simms stated what they are proposing will help some of the run-off. Mr. Simms stated the detention pond document Mr. Davis was referring to would have standard detention pond language. He said the agreement states and outlines the maintenance procedures on how to maintain and inspect the ponds which will be incorporated into the documentation to make sure the HOA knows what they are entering into

Jamey Roberts, 13758 Randa Parkway, Northport, appeared before the board stating his concern is the developer is only addressing the run-off issues on the lots he is developing, and the water comes onto his property.

Tom Simms stated they have addressed the run-off issues on this phase.

Motion by Mr. David Kemp to table S-06-21PP until the recommended documentation is provided. **Second by Mr. James McKinney.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. McKinney-Yes; Ms. Bobo-Yes; Mr. O'Rourke-Yes; Mr. Phillips-Yes; Mr. Roland-Yes; Mr. Williamson-Yes. **Motion Carried.**

Motion by Mr. Scott Roland to amend agenda the and allow R-02-21 McGiffert Properties, LLC to move ahead on the agenda. **Second by Ms. Christy Bobo.** All the Commissioners were in favor.

R-02-21 McGiffert Properties, LLC – Rezoning of approximately 7.97 acres located at 1017 Martin Luther King Boulevard from OI (Office-Institutional) to M1 (Light-Industrial).

Julie Ramm stated McGiffert Properties, LLC is requesting rezoning of 7.97 acres located at 1017 Martin Luther King, Jr. Boulevard from OI (Office Institutional) to M1 (Light Industrial). The developer is proposing an office warehouse use. However, the Commission must consider all uses in this zoning classification.

Al Cabaniss, PE, PLS, Cabaniss Engineering Inc. Court House Plaza, 600 Lurleen Wallace Boulevard South Suite 140, Tuscaloosa appeared before the Commission representing McGiffert Properties, LLC. Mr. Cabaniss stated he was accompanied by Price McGiffert. Mr. Cabaniss stated, Mr. McGiffert would like the entire parcel to be rezoned to M-1.

Motion by Ms. Christy Bobo to make a favorable recommendation to council to rezone approximately 7.97 acres located at 1017 Martin Luther King Boulevard from OI (Office Institutional) to M-1 (Light-Industrial). **Second by Mr. David Kemp.** Roll call vote was as follows: Ms. Bobo-Yes; Mr. Kemp-Yes; Mr. Phillips-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion carried.**

S-07-21MP Hunter Creek Road Residential – Nibroc Development requests Master Development Plan approval for approximately 5 acres located at 3205 Hunter Creek Road.

Rodney Connell, Power Plant Road, Tuscaloosa appeared before the commission. Mr. Connell thanked the Commission for their deep concerns of the City of Northport. Mr. Connell stated he would like to discuss the proposal of the Hunter Creek Road Project. Mr. Connell stated the Hunter Creek Road proposal involves new single-family townhomes along Hunter Creek Road with a dog park, walking trail, and gazebo/pavilion as some of the amenities. Mr. Connell stated one of the great things, the HOA will take care of the common area. Mr. Connell also stated they have listened to the concerns of the residents in the area and still want to help provide an affordable high-end living in Northport.

Adam Ingram, TTL, Inc, 2890 Rice Mine Road NE, Tuscaloosa, appeared before the Commission stating briefly some of the changes from the last submittal. Mr. Ingram stated the revised layout has reduced the number of units within the development from 27 to 22 units. The Institute of Transportation Engineers (ITE) trip generation yields a total trip per day of 128 with 11 occurring within the peak hour (down from the previously projected 157 and 14 trips). Mr. Ingrams also stated regarding privacy on the north end the closest unit is now 30 feet from the north property line verses 20 feet. Mr. Ingram stated the buildings that were running east to west are now running north and south. The plan for the end units on the north are to eliminate windows on the second floor or to use privacy glass. Mr. Ingram also stated the houses to the north would be to the left side with a level backyard and would go up hill as you go south with the property line at the peak of the hill. Mr. Ingram stated a the common area near the creek, a walking trail, dog park and a gazebo/pavilion would be some of the amenities of the development.

Jaime Conger, 1108 Vestavia Circle, Northport, appeared before the board speaking on behalf of multiple residents. Mrs. Conger stated she has listened to the changes made to the plan. Mrs. Conger stated significant changes is in the eye of the property holder. Mrs. Conger also stated the 10 feet difference between units and current residence is not far enough. Mrs. Conger stated the entrance is closer to Blackberry Lane, creating a worse traffic issue. Mrs. Conger also stated in the plans it was not clear on the visibility into the neighborhood from the north and south directions. Mrs. Conger stated there is still a density issue. There are 22 units and approximately 48 persons on 2 acres of useable land. Mrs. Conger also stated there is no additional parking for visitors and only 10 parking spaces for the entire community.

Mrs. Conger stated she has safety concerns about the walking trail because it will be circling a retention pond. Mrs. Conger also stated the retention pond would attract insects, snakes and have an odor. Mrs. Conger stated she is not against progress but did not think the approval of this project is what the neighbors are looking for.

George McLaurine, 403 Brookside Drive, Northport, appeared before the commission stating concerns of property values and did not think the changes made to the original plan warrant further consideration by the Commission.

Dr. John Hinton, City Councilman, District 3, 1809 Eagle Lake Street, Northport, appeared before the board stating his appreciation for the services rendered by each Commissioner. Dr. Hinton stated he met with Mr. Corbin and discussed the changes that were made. Dr. Hinton stated he has received calls, emails, and text messages from several resident in the Brookside and Vestavia area that are opposed of the development. Dr. Hinton stated he trusts the decision of the Commission.

Brandon Chambers, 609 Hunter Creek Road, appeared before the commission stating concerns of the impact of traffic that will be caused by the new car wash.

Ted Hicks, 3404 Blackberry Lane, appeared before the commission stating he has lived at the listed address for twenty years. Mr. Hicks suggested the developer build garden homes in the area.

Kathy Campbell, 303 Brookside Drive, appeared before the council stating a problem with flooding.

Julia Brock, 608 Brookside Drive, appeared before the commission stating she is asking the commission to protect and preserve the character of the neighborhood. Mrs. Brock also stated concerns of the positioning of garbage dumpsters near the Brookside property line, water pressure, aging sewer, declining property value, and crime.

Adam Ingram, TTL, Inc, 2890 Rice Mine Road NE, stated with the new plan they are not proposing any work to be done close to the neighborhood on the north. Mr. Ingram stated the terrain will have a natural separation from the development from the north. Mr. Ingram also stated the parking requirement is one parking space per bedroom. Each unit will have a garage. Mr. Ingram stated that prior discussions with staff, if there is a garage and someone parks behind it, you cannot count both as parking spaces. He stated that each driveway will accommodate two cars. There is four, three-bedroom units therefore we are short spaces and have proposed parking on the street. Mr. Ingram stated the property is zoned Performance Residential and the Developer did not request a rezoning. Mr. Ingram stated he thought ALDOT is working on addressing the traffic in the area along McFarland Boulevard. Mr. Ingram stated the walking trail is intended for daylight hours and persons using the walking trail that are not a resident would be trespassing.

Mr. Ingram stated the drainage issue on Two-Mile Creek is very large and any area that is developed close to the culvert under McFarland which is the controlling structure will not have any impact on the flooding. We are proposing a detention pond for any additional run-off. Mr. Ingram stated the Dumpster location was proposed on the Brookside area to prevent being close to the park. Mr. Ingram also stated he will move the dumpster if it is a concern.

Hal Corbin, Nibroc Development and Corbin Custom Homes, LLC appeared before the commission with a comparison of other properties in the area. Mr. Corbin stated the townhomes located a mile away are selling at an asking price of \$213,000. Mr. Corbin stated as growth keep happening there is a need for this development in the community.

Rodney Connell stated he would like to thank Northport and the citizens who attended. Mr. Connell stated they want to provide a product that families will be able to afford, with high end living, and great amenities.

Tony O'Rourke asked will there be Homeowners Association. (HOA)

Rodney Connell stated there will be an HOA.

Adam Ingram stated there is 22 more parking spaces because of the additional space in the garage, with 2 cars in the driveway, and street parking for the 3-bedroom units. Mr. Ingram stated street parking would not be allowed because of Fire Department requirements for access.

Rodney Connell stated he feels there are adequate parking spaces.

James McKinney disagreed with Mr. Connell on adequate parking.

Hal Corbin stated the walking trail was an amenity added. Mr. Corbin also stated possibilities of the dumpster being moved to add 2 parking spaces or eliminating the dog park for added spaces. Mr. Corbin stated they are willing to make changes to make the residents happy.

Adam Ingram stated he wanted to reiterate that he feels there is adequate parking.

James McKinney disagreed.

Dale Phillips asked staff the parking requirements.

Julie Ramm stated the technical definition of parking requirement has been met with 1 parking space per bedroom.

Motion by Mr. Dale Phillips to approve S-07-21 Master Plan Development Approval for Hunter Creek Road Residential located at 3205 Hunter Creek Road. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. Phillips-Yes; Mr. Kemp- No; Ms. Bobo-Yes; Mr. McKinney- No; Mr. O'Rourke- No; Mr. Roland-Yes; and Mr. Williamson-Yes. **Motion Failed.**

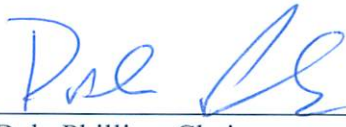
XI. CITIZEN COMMUNICATION

XII. DISCUSSION

XII. ADJOURNMENT

ATTEST:


Julie Ramm, Secretary


Dale Phillips, Chairman