

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, DECEMBER 14, 2021**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, December 14, 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. Jamie Dykes, Mr. James McKinney, Mr. Ernest O'Rourke, Mr. Dale Phillips, Mr. Clay Randolph, Mr. Scott Roland, and Jason Ward. Absent and failing to vote was Ms. Nancy Dawkins and Mr. David Kemp. Staff present were Julie Ramm, Planning Director, Shaun Patten, Planner I, Tera Tubbs, City Engineer, Brad Matthews, Senior Engineer, Ron Davis, City Attorney and Nannette McKinney, Administrative Assistant.

Approval of Agenda – Motion by Mr. James McKinney to move Item A. SP 12-21 The Townes at Clearlake after Item F of the agenda. **Second by Mr. Dale Phillips.** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Phillips-Yes; Ms. Dykes-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Ward-Yes; **Motion Carried.**

Approval of Agenda – Motion by Mr. Scott Roland to approve the December 14th agenda. **Second by Mr. James McKinney.** Roll call vote was as follows: Mr. Roland-Yes; Mr. McKinney-Yes; Mr. Phillips-Yes; Ms. Dykes-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; and Mr. Ward-Yes; **Motion Carried.**

Approval of the Minutes – Motion by James McKinney to approve the September 14th, October 12th, and November 9, 2021 minutes. **Second by Mr. Clay Randolph** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Roland-Yes; Ms. Dykes-Yes; Mr. O'Rourke-Yes; Mr. Phillips-Yes; Mr. Roland-Yes; and Mr. Ward-Yes; **Motion Carried.**

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

Verification of No Conflict of Interest – None

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

OLD BUSINESS

NEW BUSINESS

S-37-21MP Master Plan Grand Pointe – Delta Land Company LLC requests revised Master Plan approval for Grand Pointe located south of HomePlace Road.

Julie Ramm stated Delta Land Company, LLC requests a revision to the master plan for Grand Pointe Subdivision. This submission includes revised phase lines, as well as proposed amenities and location of a permanent detention pond. Mrs. Ramm stated Delta Land Company presented a preliminary plat for Phase 6 at the August Planning Commission meeting. The Commission did not approve the plat. The items of concern that were discussed at the meeting were the location of the detention pond, the open space and the amenities that were approved on the

master plan. The previous master plan showed a community park with clubhouse and playground equipment. The location of the detention pond was constructed near Windword Pointe Drive. Mrs. Ramm also stated the revised plan appears to address these concerns by moving the detention pond to the south of the property and providing a more central location for the community park. The proposed park includes a pavilion and playground equipment.

Innes McIntyre, Delta Land Company LLC, 141 North Memorial Drive, Prattville, AL appeared before the Commission representing Delta Land Company LLC. stating the request for a revision to the master plan for Grand Pointe Subdivision. Mr. McIntyre stated he has addressed all the issues mentioned from the last meeting.

Chad Haynie, President, Grand Pointe Homeowners Association, 12669 Leatha Circle, appeared before the Commission stating the HOA supports approval of the revised master plan.

Julie Ramm stated staff did not have any issues with the revised master plan.

Motion by Mr. Dale Phillips to approve request of revised Master Plan approval for Grand Pointe located south of HomePlace Road. **Second by Mr. Jason Ward.** Roll call vote was as follows: Mr. Phillips-Yes; Mr. Ward-Yes; Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; and Mr. Roland-Yes; **Motion Carried.**

S-32-21PP Grand Pointe Phase 6 – Delta Land Company requests Preliminary Plat approval of approximately 18.7 acres located on Blackoak Drive and Windword Pointe Drive. **Waivers:** Valley gutter in lieu of standard curb and gutter.

Motion by Mr. Dale Phillips to allow the rehearing of S-32-21PP Preliminary Plat Grand Pointe, Phase 6 located on Blackoak Drive and Windword Pointe Drive. **Second by Mr. Ernest O'Rourke.** Roll call vote was as follows: Mr. Phillips-Yes; Mr. O'Rourke-Yes; Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. Ward-Yes; Mr. Randolph-Yes; and Mr. Roland-Yes; **Motion Carried.**

Julie Ramm stated Delta Land Company, LLC requests preliminary plat approval for Phase 6 of Grand Pointe Subdivision. Mrs. Ramm also stated changes to the proposed project include revised phase lines, relocation of open space, changes to proposed amenities, and location of a permanent detention pond. Mrs. Ramm stated the preliminary plat for Phase 6 includes 49 single family residential lots with two open space lots. Phase 6 is located on Blackoak Drive and Windword Pointe Drive. The total acreage for this phase is 18.7 acres. Mrs. Ramm also stated the developer is requesting a waiver to use Valley gutters in lieu of standard curb and gutter.

Michael McGuire, McGuire Associates a Division of GSA, 2315 14th Street, Tuscaloosa, 35401 appeared before the Commission representing Delta Land Company.

Chad Haynie, President, Grand Pointe Homeowners Association, 12669 Leatha Circle, appeared before the Commission stating the HOA supports the preliminary plat approval request.

James McKinney asked are there plans to build playground equipment, park, and pavilion in this phase before the Final Plat is signed.

Michael McGuire stated yes.

Innes McIntyre stated yes.

Dale Phillips asked Engineering staff if the detention pond would affect any wetlands.

Brad Matthews stated no.

Dale Phillips asked if the waiver of Valley gutter in lieu of standard curb and gutter would be consistent with other phases.

Innes McIntyre stated yes.

Motion by James McKinney to approve S-32-21PP, Grand Pointe, Phase 6 with provisions that the proposed playground equipment, community park and pavilion will be built before the signing of the Final Plat and approval of the waiver for Valley gutter in lieu of standard curb and gutter. **Second by Mr. Dale Phillips** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Phillips -Yes; Ms. Dykes-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; and Mr. Ward-Yes; **Motion Carried.**

S-38-21PP RSVY of Lot 6B of Golden Retriever's Addition to Greenbriar Place – NRPC Holdings, LLC requests Preliminary Plat approval for 1.8 acres located at 4310 Watermelon Road. **Waivers:** Sidewalks

Julie Ramm stated NRPC Holding, LLC requests preliminary plat approval for the Resurvey of Lot 6B of Golden Retriever's Addition to Greenbriar Place located at 4310 Watermelon Road. The plat consists of two lots on 1.8 acres. The developer is requesting a waiver on the sidewalk requirement.

Eric Hamner, TTL, Inc. 3516 Greensboro Avenue, Tuscaloosa appeared before the Commission representing NRPC Holdings, LLC. Mr. Hamner stated currently there is a development on the north side of the property. The south end of the lot is vacant. Mr. Hamner stated the owner is proposing to build a medical facility on the vacant lot. Mr. Hamner stated there will be a common access across the existing parking lot. Mr. Hamner also stated the request for a waiver from sidewalks along Watermelon Road. There are currently no sidewalks in the area.

Julie Ramm stated there is approximately 1700 linear feet to the nearest sidewalk.

Dale Phillips stated the options for sidewalks are:

1. You can put in sidewalks; 2. You may donate to the sidewalk fund; 3. Commercial properties can be granted a full waiver.

Eric Hamner stated he was asking for the Commercial full waiver.

Dale Phillips asked if the existing parking lots be used for the proposed building.

Eric Hamner stated the plan is not to share parking, only access into the parking lot.

Julie Ramm stated staff requested not to have an additional access on Watermelon Road.

Dale Phillips stated there are no sidewalks currently adjacent to this development.

Motion by Mr. Dale Phillips - for complete waiver of sidewalks for S-38-21PP Resurvey of Lot 6B of Golden Retriever's Addition to Greenbriar Place located at 4310 Watermelon Road. **Second by Mr. Scott Roland.** Roll call vote was as follows: Mr. Phillips-Yes; Mr. Roland-Yes; Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; and Mr. Ward-Yes; **Motion Carried.**

Motion by Mr. James McKinney – to approve S-38-21PP Resurvey of Lot 6B of Golden Retriever's Addition to Greenbriar Place located at 4310 Watermelon Road. **Second by Mr. Ernest O'Rourke.** Roll call vote was as follows: Mr. McKinney-Yes; Mr. O'Rourke-Yes; Ms. Dykes-Yes; Mr. Phillips-Yes; Mr. Roland-Yes; Mr. Randolph-Yes; and Mr. Ward-Yes; **Motion Carried.**

R-21-21 Bobby Franks – Requests rezoning to BAN (Bridge Avenue North) for approximately 9.105 acres located at 1007 Rice Mine Road.

Julie Ramm stated Bobby Franks, on behalf of Ziggy Properties, requests rezoning of approximately 9.105 acres located at 1007 Rice Mine Road. The property is currently zoned MFH Multi-family Housing and Conservation. Mrs. Ramm stated the petitioner is requesting Bridge Avenue North zoning.

Bobby Herndon, Herndon Hicks, and Associates, 2728 Lurleen B. Wallace Boulevard appeared before the Commission representing Bobby Franks. Mr. Herndon stated Mr. Franks is requesting rezoning to BAN (Bridge Avenue North) for approximately 9.105 acres. Mr. Herndon stated Mr. Franks is interested in development for commercial property in the area east of Mathews Elementary School and The Levee.

James McKinney asked staff if the area requested would be more restrictive zoning.

Julie Ramm stated it will be rezoned from residential to BAN (Bridge Avenue North) which is a commercial corridor and less restrictive.

Motion by Mr. Dale Phillips - for a favorable recommendation to City Council for rezoning to BAN (Bridge Avenue North) for approximately 9.105 acres located at 1007 Rice Mine Road. **Second by Mr. Scott Roland.** Roll call vote was as follows: Mr. Phillips-Yes; Mr. Roland-Yes; Ms. Dykes-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; Mr. Randolph-Yes; and Mr. Ward-Yes; **Motion Carried.**

SP 12-21 The Townes at Clearlake – Builder's Group Development, LLC requests Conditional Use approval of a performance residential development consisting of approximately 5.42 acres located south of Clearlake Street and west of Resource Lane.

Julie Ramm stated The Builder's Group Development, LLC is requesting conditional use approval of a performance residential development consisting of approximately 5.42 acres located south of Clearlake Street and west of Resource Lane. The townhome development will consist of 51 units with a total of 103 bedrooms. Mrs. Ramm also stated the property is zoned RM-2 (Residential Multi-family). However, any performance residential development must receive condition use approval.

Brock Corder, The Builders Group Development, LLC, 1307 25th Avenue, Tuscaloosa 35401 appeared before the Commission stating the Builders Group is a local company, with roots in Northport and intensely involved in the community. The Builder Group started on Main Avenue twenty years ago. Mr. Corder stated they are involved in The Homebuilder Association at the state and local level. Mr. Corder also stated the site was purchased in 2014 with 2 parcels. One parcel is the subject for tonight's meeting is 5.42 acres located south of Clearlake Street and west of Resource Lane zoned RM-2 (Residential Multi-family). Mr. Corder stated the site does contain approximately ½ acre of wetlands. Mr. Corder also stated a small portion of the site contains wetlands and will require a nationwide permit of Corp of Engineers. Mr. Corder stated there are no flood plains on the site. Mr. Corder stated The Builder's Group is proposing to call the development The Townes at Clearlake. The townhome development will consist of 51 units with a total of 103 bedrooms. Mr. Corder stated there are 4.4 acres of open space. (Four times the zoning requirement) Mr. Corder proposed several amenities

with a pickleball court adjacent to the wetland preservation area, community sidewalks, single-story and two-story homes with master bedroom on main level in all homes. Mr. Corder stated the concerns he has heard from neighbors include traffic, environmental/wetlands, flooding and property values. Mr. Corder also stated traffic in the area generate approximately 5 percent of the numbers of daily trips generated by Northwood Lake community. The original submittal has a full public access to Clearlake Street. Mr. Corder stated the Fire Department, City Engineer, and Administration were able to reduce this to a private drive with gated emergency access only for the Fire Department. There will be no vehicular traffic or construction traffic in Twin Lakes other than vehicles that will be needed to build the private driveway tie in. Mr. Corder also stated the environmental/wetland's study completed in 2014 indicated very minimal impact by development and erosion control will require a Certified Best Management Practices Plan and Permit from ADEM prior to construction. Mr. Corder also stated project sales prices are in the High \$100K to \$250K.

Jason Beams, 3971 Aspen Street, appeared before the Commission stating concerns for the future of the City of Northport and flooding.

Dr. Armen Amirkhanian, Assistant Professor, Civil Engineering Department, University of Alabama, 908 55th Street, appeared before the Commission stating the applicant requested no waivers, setback, or variance, but the plans submitted indicates there are. Dr. Amirkhanian stated his major concern is the safety of the dam. There are several deficiencies that are present in the dam, that were brought to his attention.

James McKinney asked which dam you are referring.

Dr. Amirkhanian stated the Clearlake Dam that adjoins the property. Dr. Amirkhanian also stated the NRCS would currently rate this as a low hazard because there is no potential loss of life. If there is development that meets the top of the dam, there is a high potential of loss of life if the dam fails. There are trees growing on the dam, that would lead to piping issues eventually. Dr. Amirkhanian also stated the spillway is draining across the toe of dam, which is not allowed by any modern engineering design specification, because this dam was built decades ago. This dam being built decades ago had low specification functions that are not valid anymore. We would reclassify the dam as a high hazard because there would be loss of life if the dam fails and floods this development. The dam would need an auxiliary spillway installed into the dam that is required by NRCS. Dr. Amirkhanian also stated the maximize purifications for this dam would be approximately 9 to 15 inches, which is a large amount, and the current flood plain is not graded for that because it is assumed the dam remains in place. This is not a flooding issue, but a dam failure issue.

George Adair, Retired Director of Public Utilities, Municipalities of North Alabama, South Florida, and Connecticut, 2108 Fountain Way, appeared before the Commission stating the issues he would like to address comes from experience. Mr. Adair recommended a close look at the water and sewer for this site. Mr. Adair asked if there was adequate water infrastructure provide adequate fire flow to the hydrants to be installed in the developments. Mr. Adair also had concerns about the capacity for the sanitary sewers. If infrastructure for water or sewer is needed the developer should assume the cost of the improvements to provide services to the development.

Jana Morrison, 1801 Clear Lake Street, appeared before the Commission stating concerns for the restricted covenants of Twin Lakes that are in place. Ms. Morrison stated according to the covenants the developer cannot cross the Twin Lakes subdivision, the piece of property has been called the sliver (Lot 18) for commercial use or emergency access to get to commercial property. It is intended for residential use only. Ms. Morrison also stated the access road, as planned, will allow additional traffic onto a narrow Clearlake Street. The two dams at Twin Lakes are suspect with more and heavy traffic. The dam closest to Highway 69 was recently reinforced with rock following the flood we experienced in Northport. Ms. Morrison also had concerns about property values and square footage of the proposed units.

David Kirkendoll, 4511 Twin Lakes Court, appeared before the Commission stating he shared a lot of the same concern Ms. Morrison spoke off.

Michael Holt, Owner, Tiger Rock/Bama Tan, Resource Lane appeared before the Commission stating he is not opposed to growth. However, growth greatly affects those who have already invested in the community for many years. It has been a challenge for his tenants and their customers to turn onto Highway 69 from Resource Lane due to the amount of traffic. Mr. Holt stated adding this development with the additional traffic will only be adding to the existing traffic and safety of all who come and go on Resource Lane.

Anna Davis-Abel, English Teacher, 4512 Twin Lake Court, appeared before the Commission stating issues with trash, and people assuming they have access to the lake. The dam and lakes are privately maintained by a team of property owners. Mrs. Abel requested a name change if this development is approved. Mrs. Abel also stated the map on The Builders Group website shows the current placement of the subdivision to be at her house and would like it to be corrected.

Harry Mays, Retired Battalion Chief of Mountain Brook Fire Department, 5002 Northwood Lake Dr. E. appeared before the Commission stating concerns of the proposed development being gated.

Julie Ramm read an email from Dr. Hinton, Councilman for District 3 Northport stating concerns from residents about the proposed development. The concerns stated were traffic, and possible flooding. Dr. Hinton also stated he met with Mr. Corder, the developer for the project and thinks he will build quality town homes and do everything possible to conform to expectations. His statement stated these affordable one-two bedroom homes will perhaps meet a need for a segment of the Northport population. Dr. Hinton also stated they are misplaced and should be built in a different location.

Julie Ramm stated in November 2013 there were two items on the Planning and Commission agenda requesting a rezoning for 6.79 acres from RS-1 (Single Family Residential) and RG-3 (Multiple Family Residential) to RS-4 (Single Family Residential) for property located on the south side of Clear Lake Street and east of Northwood Lake Drive East. There was a rezoning and Preliminary Plat requested on the same property. The petitioner at the meeting requested that those items be tabled until the January 14, 2014 meeting. Mrs. Ramm read an email from Tom Sims, TTL address to Mrs. Flora Gay and copied Mr. Corder stating on behalf of The Builders Group we would like to withdraw the Preliminary Plat request for The Old Town Subdivision from the upcoming hearing. At this time, they do not feel the required setbacks will allow adequate density in the proposed neighborhood. Mr. Corder stated in the email he would review his option to see if he would develop the property in the future.

Mrs. Ramm stated she could not find where the rezoning was voted on by the Commission or Council. Mrs. Ramm also stated there was an map amendment in 2018 that only dealt with Single Family Residential zones, not multifamily zones. These comments were made as a follow up to Mr. Corder's presentation.

Mr. Corder addressed the question why there are no variances. Mr. Corder stated variance were on the original submittal for full access on Clearlake Street. We were asking for setback variances, because the public road created the opportunity for two RS lots, but the setbacks didn't work according to the regulations. Mr. Corder stated when working out the access with the Fire Department to allow a private driveway, the variance request was withdrawn and eliminated the request for a variance and any waivers.

Mr. Corder stated he do not own Clearlake Dam and will not be impacting the dam. The only connection proposed is a private driveway to Clearlake Street. Mr. Corder also stated he is unaware of the covenants for the sliver for Lot 18 but will review it. Mr. Corder also stated there have been no issues regarding utilities, water and sewer. Mr. Corder stated any issues regarding the gate on the private driveway will be addressed at the Fire Department's request. There are two entrances (Clearlake Street and Resource Drive) into the proposed subdivision. There is a device that can be place on the gate for emergencies that will automatically open the

gate. Mr. Corder also addressed Mrs. Ramm on the item from 2013, stating the submission had been submitted before the property had closed. Mr. Corder stated he didn't remember the withdrawal, but in his opinion, he didn't think it had a favorable recommendation.

Dale Phillips stated the Commission does not have any authority over dams and covenants. Mr. Phillips asked Mr. Corder his intentions on flooding, run off or adding to existing problems.

Tom Sims stated a sub-surface detention system will be installed to control the run-off for the development.

Brad Matthews stated the City's MS4 permit with ADEM requires that we will not allow any increase in run-off and there are additional City Codes to enforce that. Mr. Matthews also stated it will be Mr. Corder's Engineers responsibility to demonstrate they are not increasing any run-off. Mr. Matthews stated the plan is to incorporate underground detention.

Mr. Corder stated he is confident in the layout of the design of the wetlands. The wetland study completed in 2014 indicated minimal impact by development but required a Nationwide Permit from the Corps of Engineers and mitigation prior to construction.

Dale Phillips asked what would be impacted.

Tom Sims stated less than 20 feet.

Dale Phillips asked for information on property values.

Mr. Corder stated history has proven that adjacent property values rise with new investment in an area. Projected sales prices are High \$100k to \$250k.

Dale Phillips asked Mr. Corder if he would classify the development as low-income housing.

Mr. Corder stated no.

Dale Phillips asked if there were any intention of Section 8 Housing.

Mr. Corder stated no.

Dale Phillips asked Fire Chief Marshall Bart if he had any concerns.

Marshall Bart stated the slope on Resource Drive was more than allowed.

Dale Phillips asked would a gate be utilized.

Marshall Bart stated an emergency access on the gate with a keypad control and siren access.

Dale Phillips asked would a gate be utilized on the entrance to Clearlake Street.

Mr. Corder stated most of the residents will be single car users and not more than two. There will be approximately a 103 parking spaces. Mr. Corder stated he is willing to work with the Staff about traffic along Resource Drive for a solution on a cross walk. Resource Drive is a public road and would have to be approved by the City.

James McKinney stated he was against one way in and out of a development. Mr. McKinney stated for traffic flow it would be better to go through Northwood lake.

Mr. Corder agreed with Mr. McKinney.

Ernest O'Rourke asked why this area was chosen for the townhomes.

Mr. Corder stated the representation here tonight confirms the area is a good place to live. Mr. Corder stated they purchased this site in 2014, base on its zoning.

James McKinney stated he would like to hear comments for the Legal Department on the covenants

Ron Davis stated the City does not enforce the covenants of HOA's.

James McKinney asked would it be a problem of a name change suggested by Mrs. Abel.

Mr. Corder stated there would be no problem at all with a name change and he will follow-up with the location on the website also.

Motion by Mr. Dale Phillips - for a favorable recommendation to City Council for Conditional Use approval of a performance residential development consisting of approximately 5.42 acres located south of Clearlake Street and west of Resource Lane. **Second by Mr. Jason Ward.** Roll call vote was as follows: Mr. Phillips-Yes; Mr. Ward-No; Ms. Dykes-No; Mr. McKinney-No; Mr. O'Rourke-No; Mr. Randolph-Yes; and Mr. Roland-Yes; **Motion Failed.**

Jason Ward stated his reason for voting no is because of the traffic flow.

XI. CITIZEN COMMUNICATION - None

XII. DISCUSSION

Election of Chair & Vice Chairman for Planning and Zoning Commission

Motion by Mr. Dale Phillips – to elect James McKinney as Chairman of the Planning and Zoning Commission. **Second by Mr. Ernest O'Rourke.** **Motion Carried.**

Motion by Mr. Dale Phillips – to elect David Kemp as Vice Chairman of the Planning and Zoning Commission. **Second by Mr. Ernest O'Rourke.** **Motion Carried.**

XII. ADJOURNMENT – Motion by Mr. Phillips to adjourn the meeting.
By voice vote the meeting was adjourned.


Dale Phillips, Chairman

ATTEST: 
Julie Ramm, Secretary