

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 10, 2021**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, August 10, 2021, in the Council Chambers at Northport City Hall.

The meeting was called to order by Vice-Chairman James McKinney. Upon roll call the following members were found to be present: Ms. Christy Bobo, Ms. Nancy Dawkins, Mr. David Kemp, Mr. James McKinney, Mr. Ernest O'Rourke and Mr. Clay Randolph. Absent and failing to vote was Mr. Dale Phillips and Mr. Scott Roland. Staff present were Julie Ramm, Planning Director, Shaun Patten, Planner I, Tera Tubbs, 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 Ms. Nancy Dawkins.** Roll call vote was as follows: Mr. Kemp-Yes; Ms. Dawkins-Yes; Mr. McKinney-Yes; Ms. Bobo-Yes; Mr. O'Rourke-Yes; and Mr. Randolph-Yes; **Motion Carried.**

Approval of the Minutes – Motion by David Kemp to approve the minutes for July 13, 2021. **Second by Ms. Christy Bobo.** Roll call vote was as follows: Mr. Kemp-Yes; Ms. Bobo-Yes; Ms. Dawkins-Yes; Mr. McKinney-Yes; Mr. O'Rourke-Yes; and Mr. Randolph-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 – Vice Chairman McKinney explained the meeting procedures on the back of the agenda.

OLD BUSINESS

AMD 01-21 City of Northport – Request amendments Table 6-2 of the Zoning Ordinance.

Julie Ramm, Planning Director requests AMD 01-21 City of Northport be tabled. The City will re-advertise the amendment for a public hearing at the appropriate time.

Motion by Mr. David Kemp to table AMD 01-21 City of Northport indefinitely. **Second by Mr. Ernest O'Rourke.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. O'Rourke-Yes; Ms. Bobo-Yes; Ms. Dawkins-Yes; Mr. McKinney-Yes; and Mr. Randolph-Yes; **Motion Carried.**

NEW BUSINESS

S-18-21PP Grand Pointe Phase VI – Delta Land Company LLC requests Preliminary Plat approval of approximately 11.4 acres located west of Windword Pointe Drive and southwest of Sullivan Drive. **Waivers:** Valley Gutter in lieu of Standard Curb and Gutter.

Julie Ramm stated Delta Land Company, LLC requests preliminary plat approval of Phase VI of Grand Pointe Subdivision. This phase will consist of 43 Lots, including one open space lot, with an acreage of approximately

11.4 acres. Phase VI follows the master plan that was approved by the Commission in May of 2017. This phase is located west of Windward Pointe Drive and southwest of Sullivan Drive. The developer is asking for a waiver to install valley gutter instead of standard curb and gutter.

Michael J. McGuire, Senior Project Manager, McGuire Associates a Division of GSA, 2315 14th Street, Tuscaloosa, AL and Innes McIntyre, Delta Land Company LLC, 141 North Memorial Drive, Prattville, AL appeared before the Commission representing Delta Land Company LLC. Michael McGuire stated this is the next phase that is immediately west of Phase 5. The layout is like the Master Plan that was presented previously to the Commission in May of 2017. Mr. McGuire stated that DLC agreed to donate \$50,000 to the HOA for construction of the proposed amenities. The HOA has agreed to construct the remaining amenities. Mr. McIntyre stated he would also donate Lot 93 to the HOA for land to construct the amenities as approved on the Master Plan. Mr. McGuire also stated he is asking for a waiver to install valley gutter instead of standard curb and gutter.

Chad Haynie, President, Grand Pointe Homeowners Association, 12669 Leatha Circle, appeared before the Commission stating support of the project.

David Kemp asked if there was a detention pond in the area.

Michael McGuire stated there is a detention pond that was built on Lot 93 currently in conjunction with Grand Pointe, Phase V. Mr. McGuire also stated there is a detention pond in Phase IV.

James McKinney asked for clarification where the detention pond was located.

Michael McGuire stated the detention pond is located on Lot 93 in the open space.

James McKinney stated if Lot 93 is an open space, how can a detention pond be located there.

Michael McGuire stated the lot is large with other useable space.

David Kemp asked for clarification on the agreement between Delta Land Company and Grand Pointe Homeowners Association.

James McKinney stated the open space appears to be in a flood zone. Mr. McKinney also asked where the community park, playground and club house be built.

Michael McGuire stated there is plenty of area on Lot 93 and behind Lot 79 that is outside of the flood zone.

James McKinney stated it is not shown on the drawings. Mr. McKinney also stated the residents of Grand Pointe were promised a pool years ago and it wasn't built. Mr. McKinney stated a part of Lot 93 is not a part of this phase and does not match up with the drawing on the plat.

Innes McIntyre, Delta Land Company, LLC, 141 North Memorial Drive, Prattville, AL appeared before the Commission stating he was not involved when the community park, playground and club house was promised. Mr. McIntyre stated an agreement between Delta Land Company and Grand Pointe Homeowners Association has been made to give the HOA \$50,000 to complete the amenities that were approved on the master plan. Mr. McIntyre stated \$50,000 will not build a club house but will be a good start. Mr. McIntyre also stated the land will be donated and the lot will be leveled to make it available to build a building. Mr. McIntyre stated the money is in escrow and will be transferred after the meeting to the Grand Pointe Homeowners Association's bank account.

James McKinney asked when will the amenities be built.

Innes McIntyre stated it is up to the Homeowners Association. Mr. McIntyre stated Delta Land Company will not be building the clubhouse.

Chad Haynie stated while the Commission could have required Delta Land Company to build the amenities, they cannot require Delta Land Company to annex those phases into the HOA.

Ron Davis, City Attorney, appeared before the Commission stating the agreement made between Delta Land Company and Grand Pointe Homeowners does not bind The City of Northport in any phases.

Innes McIntyre asked for clarification.

Ron Davis stated he represents the City of Northport. The agreement between Delta Land Company and the HOA cannot be used to take away the power of the Commission or the City.

Innes McIntyre stated the agreement between Delta Land Company and Grand Pointe HOA was to help the remaining phases to run smoothly and the issue with the clubhouse would not come up again.

David Kemp asked the time frame to start building.

Chad Haynie stated the HOA plan is to take the \$50,000 along with the annual assessments from Phases 5,6,7 and 8 for the first 3 years and build the amenities in phases. Mr. Haynie stated the first thing would be a playground. Mr. Haynie estimated the cost to be under \$100,000 a year.

Brian Chandler, 12553 Winford Pointe Drive, appeared before the Commission stating his concern for the detention pond and open area to be where they are supposed to be when all phases are complete.

Nancy Dawkins asked what happens if the Board of the Homeowner Association changes.

Chad Haynie stated the Homeowners Association answers to the Homeowners of Grand Pointe. Mr. Haynie stated the HOA operates in the best interest of the homeowners. Mr. Haynie stated all phases should operate under one Homeowners Association.

Motion by Mr. James McKinney to approve S-18-21PP Grand Pointe Phase 6 and to include waivers for Valley Gutter in lieu of Standard Curb and Gutter, located west of Windword Pointe Drive and southwest of Sullivan Drive. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. McKinney-No; Mr. Kemp-No; Ms. Bobo-No; Ms. Dawkins-No; Mr. O'Rourke-No; and Mr. Randolph-No; **Motion Failed.**

R-5-21 Robert Drummond – Robert Mitchell Drummond requests Rezoning of approximately 29 acres from M-2 (Heavy Industrial) to RS-1 (Residential Single Family) located on the western side of 70th Avenue, north of Flatwoods Baptist Church and south of 52nd Street.

Julie Ramm stated Robert Drummond is requesting a rezoning of a parcel of land located west of 70th Avenue, north of Flatwoods Baptist Church, and south of 52nd Street from M-2 Heavy Industrial to RS-1 Single Family Residential. The total acreage of the property is 29.43 acres.

Robert Drummond, 5201 70th Avenue, appeared before the Commission requesting approval for rezoning to RS-1(Residential Single Family). Mr. Drummond stated he has no plans for subdividing and would like to build a house.

Motion by Mr. David Kemp for recommendation to City Council to rezone approximately 29.43 acres from M-2 (Heavy Industrial) to RS-1 (Residential Single Family) located on the western side of 70th Avenue, north of Flatwoods Baptist Church and south of 52nd Street. **Second by Mr. Ernest O'Rourke.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. O'Rourke-Yes; Ms. Bobo-Yes; Ms. Dawkins-Yes; Mr. McKinney-Yes; and Mr. Randolph-Yes; **Motion Carried.**

R-6-21 Nicholas Drummond – Nicholas Drummond requests rezoning approval of approximately 8 acres from AG to RS-1 (Residential Single Family) located on the eastern side of 70th Avenue, northeast of Flatwoods Baptist Church and south of 52nd Street.

Julie Ramm stated Nicholas Drummond is requesting a rezoning of approximately 8 acres of land located east of 70th Avenue, northeast of Flatwoods Baptist Church, and south of 52nd Street from AG Agricultural to RS-1 Single Family Residential.

Nicholas Drummond, 5201 70th Avenue, appeared before the Commission requesting rezoning approval from AG to RS-1 (Residential Single Family).

Motion by Ms. Nancy Dawkins for recommendation to City Council to rezone approximately 8 acres from AG to RS-1 (Residential Single Family) located on the eastern side of 70th Avenue, northeast of Flatwoods Baptist Church and south of 52nd Street. **Second by Ms. Christy Bobo.** Roll call vote was as follows: Ms. Dawkins-Yes; Ms. Bobo-Yes; Mr. Kemp-Yes; Mr. O'Rourke -Yes; Mr. McKinney-Yes; and Mr. Randolph-Yes; **Motion Carried.**

S-19-21MP 1871 Subdivision – 1871, LLC requests revised master plan approval for 1871 Subdivision located at the southeast corner of McFarland Boulevard and Airport Road.

Julie Ramm stated 1871, LLC is requesting a revision to the master plan for 1871 Subdivision. The previous master plan was approved by the Commission in August of 2019. Mrs. Ramm state the revision includes the removal of the cul-de-sac street at the end of Trade Center Drive. Lot 4 as shown on the master plan has access to a public street. Mrs. Ramm also stated City Staff will ensure that adequate internal access is provided during the development of lot 4.

Paul Burkhalter, McGiffert and Associates, LLC, 2814 Stillman Boulevard, appeared before the Commission representing 1871, LLC. Mr. Burkhalter stated 1871, LLC is requesting the revision to the master plan to include the removal of the cul-de-sac street at the end of Trade Center Drive. Mr. Burkhalter also stated the utilities and water are on site.

Motion by Ms. Christy Bobo to approve the revision to the master plan for 1871 Subdivision. **Second by Mr. Clay Randolph.** Roll call vote was as follows: Ms. Bobo-Yes; Mr. Randolph-Yes; Mr. Kemp-Yes; Ms. Dawkins-Yes; Mr. O'Rourke -Yes; and Mr. McKinney-Yes; **Motion Carried.**

S-20-21PP 1871 Subdivision Phase IV – 1871, LLC requests Preliminary Plat approval of a one lot subdivision of approximately 11 acres located south of Trade Center Drive and east of 1871 Subdivision Phase III. **Waivers:** Sidewalks

Julie Ramm stated 1871, LLC is requesting a preliminary plat approval for Lot 4 of Phase IV of 1871 development. Mrs. Ramm stated this phase will consist of one lot with an acreage of approximately 11.4 acres

located to the east of Phase III and south of Trade Center Drive. Mrs. Ramm also stated the developers are asking for a waiver from the installation of sidewalks along Trade Center Drive.

Paul Burkhalter, McGiffert and Associates, LLC, 2814 Stillman Boulevard, appeared before the Commission representing 1871, LLC. Mr. Burkhalter stated he was asking for Preliminary Plat approval for Lot 4 and waivers for sidewalks.

Motion by Mr. James McKinney to approval the waiver for sidewalks located at south of Trade Center Drive and East of 1871 Subdivision Phase III with a payment into the Sidewalk Bank as determined by the City Engineer. **Second by Mr. David Kemp.** Roll call vote was as follows: Mr. McKinney-Yes; Mr. Kemp-Yes; Ms. Bobo-No; Ms. Dawkins-Yes; Mr. O'Rourke-Yes; and Mr. Randolph-Yes; **Motion Failed.**

Motion by Ms. Christy Bobo to approve the waiver for sidewalks located at south of Trade Center and East of 1871 Subdivision Phase III. **Second by Mr. David Kemp.** Roll call vote was as follows: Ms. Bobo-Yes; Mr. Kemp-Yes; Ms. Dawkins-Yes; Mr. McKinney-No; Mr. O'Rourke -Yes; and Mr. Randolph-Yes; **Motion Failed.**

Motion by Ms. David Kemp to approve Preliminary Plat of Phase IV of 1871 Development, a one lot subdivision located south of Trade Center Drive and east of 1871 Phase III. **Second by Mr. Ernest O'Rourke.** Roll call vote was as follows: Ms. Kemp-Yes; Mr. O'Rourke-Yes; Mr. Bobo-Yes; Ms. Dawkins-Yes; Mr. McKinney -Yes; and Mr. Randolph-Yes; **Motion Carried.**

XI. CITIZEN COMMUNICATION - None

XII. DISCUSSION

XII. ADJOURNMENT – Motion by Mr. Kemp and Second by Ms. Bobo to adjourn the meeting.
By voice vote the meeting was adjourned.


James McKinney, Vice Chairman

ATTEST:


Julie Ramm, Secretary