

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 9, 2022**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, August 9, 2022, in the Council Chambers at Northport City Hall.

The meeting was called to order by Chairman Mr. David Kemp. Upon roll call the following members were found to be present: Ms. Jamie Dykes, Mr. David Kemp, Mr. Roland Lewis, Mr. Clay Randolph, Mr. Scott Roland, Mr. Kevin Turner and Mr. Jason Ward. Absent and failing to vote were Mr. Ernest O'Rourke. Staff present were Julie Ramm, Planning Director, Shaun Patten, Zoning Administrator, Meredith Mullins, Planner I, Morgan Williams, Administrative Assistant, Brad Matthews, Senior Engineer, Ron Davis, City Attorney, Chris Cunningham, and Assistant City Attorney.

Approval of Agenda – Chairman David Kemp recommend that the items under New Business “a” be read and heard with Old Business “a, b, and c”. He also recommended that we remove item New Business “b” by an email notification to be withdrawn by the petitioner.

Motion by Mr. Kemp to approve the agenda. **Second by Mr. Lewis.** Roll call vote was as follows: Mr. Kemp-Yes; Mr. Lewis-Yes; Ms. Dykes-Yes; Mr. Randolph-Yes; Mr. Roland-Yes; Mr. Turner-Yes; and Mr. Ward-Yes. **Motion Carried**

Approval of the Minutes – **Motion by Mr. Randolph** to approve the July 12, 2022, minutes. **Second by Ms. Dykes.** Roll call vote was as follows: Mr. Randolph-Yes; Ms. Dykes-Yes; Mr. Kemp-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; Mr. Turner-Yes; and Mr. Ward-Yes **Motion Carried.**

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

Verification of No Conflict of Interest – Mr. Scott Roland abstained from voting on the following case numbers: R-22-04, S-13-22, S-14-22 and R-22-07.

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

OLD BUSINESS

R-22-04 The Terrace at Northcreek –

Mrs. Ramm stated that Brasher Holdings, LLC requests rezoning of approximately 70.5 acres that is currently zoned RS-1 and is petitioned for RS-4 zoning. This property is located at the east dead end of Northcreek Boulevard.

R-22-07 Northcreek Properties, LLC –

Mrs. Ramm stated Brasher Holdings, LLC is requesting a rezoning from C-3 (General Commercial) to RS-4 (Single Residential Family) for approximately 2.3 acres located at the east dead end of Northcreek Boulevard.

Mrs. Ramm stated that both of these are part of a Master Development Plan and Preliminary Plat that will be included on this agenda for The Terrace at Northcreek.

Mr. Phillip Grammar, with Longleaf Engineering, representing Brasher Holdings, LLC stated these are two separate rezoning requests. The 2.3 acres was added to this development.

Chairman Kemp opened the public hearing.

Ken Faught, with Crimson Realty, located at 2615 6th Street, Ste. 9, stated he works with Brasher Developments. Mr. Faught stated that he has heard the requests all over that Northport is behind on the housing demand. There is approximately over 6,500 people that are trying to move to Northport but we do not have the housing for them. There has not been any major development since 2007/2008 when the financial crisis hit. He asked the commission to get on board.

With no one else appearing to speak on this matter, Chairman Kemp closed the public hearing.

David Kemp stated that we are looking for a change in the zoning with the waivers of width and set back requirements. The Zoning Board of Adjustments has granted these approval contingent on the passing of the rezoning on case R-22-04.

Mr. Kevin Turner asked what the reason for the smaller lots was. Phillip Grammar stated that it was an economic reason, and that people are looking for smaller lots. He stated that the current The Terrace at Northcreek has 50-foot lot sizes, as well as nearby neighborhoods with a 40-foot minimum lot size.

Mr. Lewis asked about the block length waiver. Mr. Grammar stated they are requesting a waiver from the 400 foot minimum but the development does meet the two tier lots that is required. Mr. Lewis asked if there would be a major reduction in lots if the waiver isn't granted. Mr. Grammar stated there would be a major reduction on the number of lots.

Mr. Turner asked if there was a need for various lot sizes.

Mr. Ward asked if this was a price point to reduce the lots sizes. Mr. Grammar stated there probably was but was not sure in the matter.

Mr. Kemp asked for the square footage on the lot sizes and if the petitioner knew them. He also asked how many lots this would include in the proposal. Mr. Grammar did not know the square footage but stated it would have 196 new lots.

Mrs. Ramm stated the minimum lot width is 55 feet and Mr. Patten stated they have requested the setbacks to go from 7 feet to 5 feet.

Mr. Turner asked with the 70 acres they have can they not get the lot sizes needed without rezoning this property. Mr. Grammar stated no they could not.

Mrs. Ramm stated when the Terrace at Northcreek, when it was originally developed, some lots there were reduced in size at a point during the construction period.

Mr. Turner asked if the original master plan submitted has RS-4. Mrs. Ramm stated no that there was a wide variety of sizes

Motion by Mr. Ward to recommend to council the rezoning for case R-22-04 of approximately 70.5 acres from RS-1 to RS-4, including the variance from the Zoning Board of Adjustments on the property located at the east dead end of Northcreek Boulevard. **Second by Mr. Turner**. Roll call vote was as follows: Mr. Ward-Yes; Mr. Turner-No; Ms. Dykes-Yes; Mr. Kemp-No; Mr. Lewis-No; and Mr. Randolph-No; **Motion Failed**.

Motion by Mr. Kemp to recommend to council the rezoning for case R-22-07 of approximately 2.3 acres from RS-1 to RS-4 located at the east dead end of Northcreek Boulevard. **Second by Mr. Ward**. Roll call vote was as follows: Mr. Kemp-No; Mr. Ward-Yes; Mr. Dykes-Yes; Mr. Lewis-No; Mr. Randolph-Yes; and Mr. Turner-No; **Motion will proceed to City Council with a neutral recommendation**.

S-13-22 The Terrace at Northcreek II-V

S-14-22 The Terrace at Northcreek

The petitioner, Phillip Grammar, with Longleaf Engineering, asked to withdraw these requests.

Motion by Mr. Lewis to withdraw items B & C (S-13-22 & S-14-22) from Old Business on this agenda. **Second by Ms. Dykes**. Roll call vote was as follows: Mr. Lewis-Yes; Ms. Dykes-Yes; Mr. Kemp-Yes; Mr. Randolph-Yes; Mr. Turner-Yes; and Mr. Ward-Yes. **Motion Carried**.

R-22-05 Old Union Chapel Road –

Mrs. Ramm stated this is a request from Brasher Holdings requesting rezoning for Old Union Chapel Road located on Old Union Chapel Road from RS-1 to RS-4. The property does meet the requirements for acreage to rezone. The petitioner has requested a variance with the Zoning Board of Adjustments for minimum lot width and setbacks requirements for the zoning with contingency of the rezoning request approval.

Mr. Phillip Grammar, with Longleaf Engineering, representing Brasher Holdings, stated this is a nearby property to the R-22-07 & R-22-04 cases.

Chairman Kemp opened the public hearing.

With no one appearing to speak on this matter, Chairman Kemp closed the public hearing.

The City of Northport's staff did not have any additional comments concerning this request.

Mr. Turner asked if this was the same request and action as the rezoning for The Terrace at Northcreek request. Mrs. Ramm stated that this was a similar request in the same area and that there is similar housing in the area with the same zoning as requested.

Mr. Roland asked if there would be a connection to the U.S. Highway 43. Brad Matthews stated that there is no connection and to have one, if decided, would have to meet all protocol to connect to U.S. Highway 43.

Motion by Mr. Randolph to recommend to council the rezoning for case R-22-05 of approximately 24.3 acres from RS-1 to RS-4 located at the south side of far west end of Old Union Chapel. **Second by Mr. Roland**. Roll

call vote was as follows: Mr. Randolph-Yes; Mr. Roland-Yes; Ms. Dykes-Yes; Mr. Kemp-Yes; Mr. Lewis-Yes; Mr. Turner-No; and Mr. Ward-Yes **Motion Carried.**

S-12-22 Hunter Creek Road Subdivision
SP-02-22 – Nibroc Development LLC

Mrs. Ramm stated that Nibroc Development, LLC has requested approval of a Conditional Use/Master Development Plan and Preliminary Plat for 4.48 acres a location at 3205 Hunter Creek Road. The proposed project is a 22-unit townhome that consist of 18 two-bedroom units and 4 three-bedroom units. The property is currently zoned RS-SD and this type of development will require a Conditional Use. There are no maximum density requirements listed in the Zoning Ordinance. Mrs. Ramm stated the Master Development must be compatible with adjacent neighborhoods which are RS-1 & RS-2. This proposal does have that exceed what is allowed in the ordinance. They can be delt within the Conditional Use. The Preliminary Plat would allow the townhomes to be sold to individuals for housing. She stated the Master Plan and Conditional Use does require a majority vote to recommend to the council.

Mr. Jason Walker, with TTL located at 2890 Rice Mine Road, showed the commissioners and public a PowerPoint presentation regarding the proposal. He stated the following information: This is a 22-unit townhome development that consist of a lot of green and open space. For the most part, the developer is not getting down into the sloped area. This development is a build-to-sale and not a build-to-rent. The property will be property managed. They did conduct a traffic study, which stated 14 cars additional during peak times. Mr. Walker stated that drainage is a very serious concern, and they are aware and will have a detention pond provided to limit peak discharge. Mr Walker did address previous concerns regarding parking and stated that they are providing one space per bed and that does not include the garage for each unit plus guest parking. The trash dumpster has been moved to the south side of the project. The developer, Hal Corbin, has a lot of experience in this area and with these types of developments. He stated that these townhomes are marketed to families.

Chairman Kemp opened the public hearing.

Jaime Conger, 1108 Vestavia Circle, represented a large number of concerned community members, stated she has given a large amount of her time on this matter being, this is the third time she has had to defend her neighborhood. They have voiced their concerns. She asked what has changed since the December 2021 meeting when this was voted on. She stated they have had two floods and the developer has added a couple of parking spaces. Mrs. Conger stated that the City has a study for Two Mile Creek, why would the City start allowing the development of this area before receiving the completed study. She stated that the entrance to the townhomes is not a well thoughtout, regarding no turning lanes. She asked how have fire, police, waste management, etc. would have room to turn around. Mrs. Conger stated that the market is not the best and feels that these will be empty developments.

John Rivers, 3601 Hunter Creek Road, stated he already has foundation issues from previous floods and has issues from the car wash, that is near, his property.

George McLaurine, 403 Brookside Drive, stated he is concerned with the way that this was presented to the commission. In reality only half of this property is unusable. He stated he believes that the slope and walking trail will be flooded. He had concerns regarding the trash and stated that owners that boarder the Brookside Drive will need a dumpster. He is also worried about the value that it will do to Brookside and Blackberry Lane

from this development. He stated they will have people overlooking in their back yards the way this layout is done.

Charlyne Chamlers, 3609 Hunter Creek Road, stated she is at the meeting to represent the younger community. She stated that the neighborhood, landscape, and community is what brought her to this area and does not feel this is the right fit for our area.

Julie McLaurine, 403 Brookside Drive, state that she wished that the study on Two Mile Creek that the City Council has requested was completed. She stated that her home was one that flooded in the previous flood of Two Mile Creek, and she is afraid of another flood. She fears that if something is done before the flood study that it will happen again. She stated there has been nothing done to the creek since, other than they did replace a sewer pipe but there is still debris left from the previous flood.

Dr. Hinton, addressed the study itself and stated that it should be complete by the end of this summer and following the completion of the study is when they will address the areas that are in need of improvements. Dr. Hinton stated we had twelve homes flooded and the people have spent thousands of dollars to get their homes back together. He is bothered that we are trying to do something that could cause this to happen again just like the public, but he does realize that they have made some changes to their proposal and still believes it is out of place.

Mr. Bryan Winters, attorney, stated the primary concern he is hearing is the flooding, but the reality is fear. He stated that we have inside and outside engineers that will work on this issue. He also stated that this would not be Section 8 housing and would not be directed towards a certain race.

Pam Standifer, 208 Brookside Drive, stated we are strictly asking the commission to not approve this proposal until the study is complete.

With no one else to speak on this matter, Chairman Kemp closed the public hearing.

Commission Member Clay Randolph stated that there will always be a traffic issues with the way Highway 82 and Highway 69 are, but we cannot stop development on this issue. Mr. Randolph also stated that the flooding, the City is doing their best on the issue. This particular development is downstream and will have detention pond.

Mr. Ward asked about the square footage of the units. Mr. Walker stated they were proposed at 1,700 – 1,800 square foot per unit.

Mr. Roland asked about the 15 feet lower to the northern part of the property levels. Mr. Walker stated that there was a 10 – 15 feet lower than upstream.

Mr. Turner asked what the appearance would be as you go up Hunter Creek Road. Mr. Walker stated that you will be looking at the back of the units. All units will have a privacy fence and landscaped as required by the City.

Mr. Turner asked if the utilities would meet City regulations. Mr. Walker said they would.

Motion by Mr. Ward to move to grant approval and recommend to the City Council for the Master Development Plan/Condition Use for a performance residential development located at 3205 Hunter Creek

Road for case number SP-02-22. **Second by Mr. Randolph.** Roll call vote was as follows: Mr. Ward-Yes; Mr. Randolph-Yes; Ms. Dykes-Yes; Mr. Kemp-Yes; Mr. Lewis-Yes; Mr. Roland-Yes; and Mr. Turner-Yes. **Motion Carried.**

Motion by Mr. Randolph to grant approval for Preliminary Plat approval of approximately 5 acres located at 3205 Hunter Creek Road on case number S-12-22. **Second by Mr. Roland.** Roll call vote was as follows: Mr. Randolph-Yes; Mr. Roland-Yes; Ms. Dykes-Yes; Mr. Kemp-Yes; Mr. Lewis-Yes; Mr. Turner-Yes; and Mr. Ward-Yes. **Motion Carried.**

NEW BUSINESS

I. CITIZEN COMMUNICATIONS

II. DISCUSSION

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



David Kemp, Chairman

ATTEST:


Julie Ramm, Secretary