

**PLANNING COMMISSION  
CITY OF MADISON, ALABAMA  
MINUTES OF THE FEBRUARY 16, 2012 REGULAR MEETING**

**The meeting was called to order by Chairman Mike Potter at 5:30 p.m.**

**ATTENDEES**

**PLANNING COMMISSION MEMBERS**

<b>Planning Commission Chairman</b>	
MICHAEL POTTER, C.A.P.Z.O.	PRESENT
<b>Planning Commission Vice Chairman</b>	
STEPHEN BROOKS	PRESENT
<b>City Council Member</b>	
TIM COWLES	ABSENT
CYNTHIA MCCOLLUM	PRESENT
STEVEN RYDER, C.A.P.Z.O.	PRESENT
CAMERON GROUNDS, C.A.P.Z.O.	PRESENT
DAMIEN BIANCA	PRESENT
LEWIE L. BATES, III, C.A.P.Z.O.	PRESENT
TROY WESSON, C.A.P.Z.O	PRESENT

**PLANNING STAFF PRESENT**

AMY BELL, DIRECTOR OF COMMUNITY DEVELOPMENT AND PLANNING; GARY CHYNOWETH, P.E., CITY ENGINEER; KELLY BUTLER, CITY ATTORNEY; GINA ROMINE, PLANNER I AND RECORDING SECRETARY

**REGISTERED PUBLIC ATTENDEES**

Benjamin R. Little, Tim Holcombe, John Wessly, John Bryson and Ronica Ondocsin.

**ACCEPTANCE OF AGENDA**

Chairman Potter accepted the agenda as presented and proceeded with regular business.

**APPROVAL OF MINUTES**

The first order of regular business was the approval of minutes of the January 19, 2012 Regular Meeting. Ms. Romine stated the minutes were not yet completed and they would be distributed for approval during the March meeting.

**NEW BUSINESS**

**Discussion of rescheduling the March 15, 2012 regular scheduled meeting to March 22, 2012.**

Vice-Chairman Brooks moved to approve the rescheduling of the March 15, 2012 regular scheduled meeting to March 22, 2012. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

**Motion carried**

**PUBLIC COMMENT**

Chairman Potter opened the floor to public comment.

There being no public comment, Chairman Potter closed the floor for public comment.

**OLD BUSINESS**

There being no old business Chairman Potter preceded to the public hearings.

**PUBLIC HEARINGS**

**Requested Revision of the City of Madison's Zoning Ordinance (Map)**

- 1. The City of Madison Planning Commission held a public hearing to consider Charles Arocha's request to zone property on behalf of John and Alice Wessly. The property is located west of Hardiman Road and south of Halsey Drive and the requested change is from AG, Agricultural to R-3A, Single-Family Detached Residential District.*

**Staff Report:** Director Bell stated that the request is being presented prior to the annexation of this property into the City of Madison. Director Bell stated that the R-3A proposed zoning for single-family detached residential is consistent with the old Land Use Map previously used by the City. Director Bell stated that calls were received regarding deed restrictions and she is uncertain that of the resolution of those issues. Director Bell informed the Commission that matters such as deed

restrictions are a civil matter.

**Public Comments:** Mr. John Wessly the owner of the land stated that title research had been performed and no restrictions were found. Mr. Wessly stated that he originally purchased the property for the purpose of a church and was informed that he was deed restricted to only construct single-family housing or use the property for farming but was not aware of any other restrictions pertaining to this property. Benjamin Little attorney for the Halsey family stated that the deed restricted Mr. Wessly to only construct one single-family residence on the property. Mr. Updike, Halsey Road expressed concerns regarding water, sewer and additional traffic and also asked how many homes could be constructed on the property. Chairman Potter stated that the subdivision of land would be an issue related to the restrictions. Attorney Butler stated that the Planning Commission can only take action on the matter that was presented before them tonight. Director Bell stated the importance of knowing if the land use presented was acceptable to the Commission. Councilman Tim Holcombe, 215 Walden Glen Road asked for clarification on what was being proposed to be constructed on the property. Mr. Wessly stated single-family housing. City Engineer Gary Chynoweth addressed the concern regarding water and sewer and stated that if the property was to be subdivided it would be serviced by Limestone County Sewer and Madison Utilities would provide water. Mr. Bates stated that the request involves annexation and zoning and if the property were to be subdivided it would be brought before the Planning Commission for approval.

**Board Comments:** No comment

**Motion:** Mr. Ryder moved to approve the Charles Arocha's request to zone property on behalf of John and Alice Wessly. The requested zoning is for R-3A, Single-Family Detached Residential District. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

**Motion carried**

- 2. The City of Madison Planning Commission held a public hearing to consider an ordinance of the City of Madison relating to zoning; amending the Zoning Ordinance to revise the permitted uses table; providing an effective date. Requested change to Section 4-8A-6 Permitted Uses for B-1, B-2, B2/S1, B-3 and MC Table 1.*

**Staff Report:** Director Bell stated that the request is for the permitted uses table and for two specific changes relating to off-site alcohol sales in the MC, Medical Center District and the B-2, Community Commercial District for restaurants and gas stations. Director Bell pointed out that the Board may take separate action on restaurants and gas stations and informed the Commission that this item had been submitted to Council to amend the ordinance.

**Public Comments:** No comment

**Board Comments:** Chairman Potter thanked Mr. Grounds for the clarification regarding alcohol sales at gas stations.

**Motion:** Vice-Chairman Brooks moved to approve off-site alcohol sales at gas stations in the MC, Medical Center District as a Special Exception and off-site alcohol sales in association with a restaurant as an allowable use in B-2, Community Commercial and MC, Medical Center District. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

**Motion carried**

- 3. The City of Madison Planning Commission held a public hearing to consider an ordinance of the City of Madison relating to zoning; amending the Zoning Ordinance to revise the Zoning Ordinance Authority and to consolidate the Administration and Enforcement of the regulations; providing an effective date. Requested change to Article I: Purpose and Authority; Article II: Title; Article IX: Administration and Enforcement; Article XI: Amendments; and Article XIII: Remedies and Penalties.*

**Staff Report:** Director Bell stated that as revisions were being made they would be brought before the Commission to hold a public hearing. Director Bell asked the Commission not to vote on the items individually as presented and that the document would be brought back before the Commission as a completed document for approval. Director Bell stated that the internal meeting with other agencies and also with the building, engineering and development communities had been held and was very beneficial. Director Bell stated that Ms. Romine had already begun implementing the process for digital submittals. Director Bell explained that currently Section 14 regarding process included requirements that were more than required by state law and were very

costly. Director Bell continued with an overview of the changes that were being proposed such as temporary determinations of compliance, fees listed in a table rather than throughout the ordinance, and that the remedies and penalties would be clarified for code enforcement purposes. Director Bell stated that the Technical Review Committee was being run very well by Chief Planner Blizzard and Ms. Romine and the changes will outline the process and provide a clearer interpretation for anyone reading the ordinances and codes. Director Bell asked for the Commission's input regarding a time limit for approvals to be complete and on the sections presented in general.

**Public Comments:** No comment

**Board Comments:** Chairman Potter commended Chief Planner Blizzard for his role in the rewrite of the Codes and Regulations and stated that he was doing a fabulous job.

### Site Plans

1. *Walgreen's*

*Location: southwest corner of the intersection of Brown's Ferry Road and County Line Road*

*Representative: Gonzalez-Strength and Associates/ RKM Development Alabama, Inc.*

*Owner/Applicant: William F. Wann & Gayle Wann Guy*

*Acreage: 1.92*

**Staff Report:** Director Bell summarized the request submitted by Walgreen's and stated all contingencies had been satisfied.

**Outstanding Staff Comments:** No comment

**Developers Comments:** No comment

**Board Comments:** No comment

**Motion:** Vice-Chairman Brooks moved to approve the site plan for *Walgreen's*. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

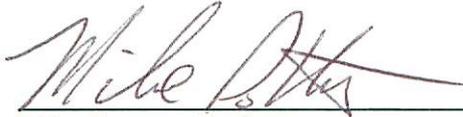
Michael Potter	Aye
Stephen Brooks	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

**Motion carried**

**ADJOURNMENT**

With no additional business to discuss Chairman Potter adjourned the meeting at 6:30 p.m.

**Minutes Approved,**



**Mike Potter, Chairman**

**ATTEST:**



**Gina Romine, Planning Commission Secretary**