

**PLANNING COMMISSION  
CITY OF MADISON, ALABAMA  
MINUTES OF THE MARCH 22, 2012 RESCHEDULED 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	PRESENT
CYNTHIA MCCOLLUM	PRESENT
STEVEN RYDER, C.A.P.Z.O.	PRESENT
CAMERON GROUNDS, C.A.P.Z.O.	PRESENT
DAMIAN BIANCA	PRESENT
LEWIE L. BATES, III, C.A.P.Z.O.	ABSENT
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; SHERRI BLAIR, ZONING ADMINISTRATOR.

**REGISTERED PUBLIC ATTENDEES**

Paul Duskin, Loren Dickerson, Council Member Tim Holcombe, Howard Benson, Sharon Witczak, Desiree Palmer, Wayne Blaxton, and Ed Collins.

**ACCEPTANCE OF AGENDA**

Johnny Blizzard stated that the Brighton Park plats were not ready for approval by the Planning Commission. Chairman Potter accepted the agenda with the removal of the Brighton Park plats 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 and the February 16, 2012 Regular Meeting.

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**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**

**Layout Plat Approval**

1. *Palmer Preserve*  
*Location: East of County Line Road on the north side of Palmer Road*  
*Representative: Smith Engineering Co., Inc.*  
*Owner/Applicant: Palmer Road Enterprises, LLC*  
*Lots: 55*  
*Acreage: 15.76*

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant is requesting that the approved layout plat for *Palmer Preserve* be amended to increase the number of lots from 41 to 55. The requested amendment will provide a new street and lot configuration. Staff and the Technical Review Committee recommend approval of the amended layout plat for *Palmer Preserve Subdivision* with the satisfaction of outstanding contingencies which are variances being requested by the developer.

**Outstanding Staff Comments:**

1. The applicant is requesting a variance to Section 5-4-13 of the Subdivision Regulations to increase the maximum cul-de-sac length from 800 feet to 870 feet for Walking Trail Way.

2. The applicant is requesting a variance to Section 5-5 of the Subdivision Regulations to increase the maximum block length from 720 feet to 1,050 feet.
3. The applicant is requesting a variance to Section 5-3-9 of the Subdivision Regulations to increase the maximum number of lots with one access to the adjoining collector street from 51 lots to 55 lots.

Staff supports the variance requests for the increase in the cul-de-sac length, the increase in block length, and to increase the number of lots from 41 to 55 with an access to the adjoining collector street. The Fire Marshal also supports this request.

**Developers Comments:** No comments.

**Public Comments:** No comments.

**Board Comments:** Mr. Ryder asked about the sidewalks that were originally required on the layout plat. Director Bell stated that those requirements still apply to this layout plat.

**Motion:** Vice-Chairman Brooks moved to approve the variance to Section 5-4-13 of the Subdivision Regulations to increase the maximum cul-de-sac length from 800 feet to 870 feet for Walking Trail Way. Mr. Cowles seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

**Motion:** Vice-Chairman Brooks moved to approve the variance to Section 5-5 of the Subdivision Regulations to increase the maximum block length from 720 feet to 1,050 feet. Mrs. McCollum seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye

Troy Wesson

Aye

**Motion carried**

**Motion:** Vice-Chairman Brooks moved to approve the variance to Section 5-3-9 of the Subdivision Regulations to increase the maximum number of lots with one access to the adjoining collector street from 51 lots to 55 lots. Mr. Ryder seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

**Motion:** Vice-Chairman Brooks moved to approve the amended layout plat for *Palmer Preserve*. Mr. Ryder seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

**Preliminary Plat Approval**

2. *Palmer Preserve*

*Location: East of County Line Road on the north side of Palmer Road*

*Representative: Smith Engineering Co., Inc.*

*Owner/Applicant: Palmer Road Enterprises, LLC*

*Lots: 55*

*Acreage: 15.76*

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant is requesting approval of the preliminary plat for *Palmer Preserve*. The proposed preliminary plat will create 55 lots on 15.74 acres of land and the construction of 2 public streets. Staff and the Technical Review Committee recommend approval of the amended preliminary plat for *Palmer Preserve* Subdivision with the satisfaction of outstanding contingencies.

**Outstanding Staff Comments:**

1. Payment of application and drainage review fee - \$128.80.

**Developers Comments:** No comments.

**Public Comments:** No comments.

**Board Comments:** No comments.

**Motion:** Mr. Ryder moved to approve the amended preliminary plat for *Palmer Preserve* subject to satisfaction of the outstanding contingencies. Mr. Cowles seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

**Final Plat Approval**

3. *Hospital Park, Phase 2*  
*Location: Highway 72 West, east of Balch Road*  
*Representative: Goodwyn, Mills and Cawood Inc.*  
*Owner/Applicant: Street Side Partners, Inc.*  
*Lots: 2*  
*Acreage: 11.06*

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant is requesting final plat approval for *Hospital Park Subdivision, Phase 2*. Staff and the Technical Review

Committee recommend approval of the final plat for *Hospital Park Subdivision, Phase 2* with the satisfaction of outstanding contingencies.

**Outstanding Staff Comments:**

1. The application and sign fee will be provided to the applicant after assessment by the City of Madison Street Department.
2. A performance bond in the form of a Letter of Credit must be submitted to the Planning Department within 30 days after the subdivision plat is approved by the Madison Planning Commission.
3. A finished floor elevation must be established for each lot.
4. Please provide the following signatures:
  - A. Mortgage holder
  - B. Notary's acknowledgement
  - C. Huntsville Utilities

**Developers Comments:** No comments.

**Public Comments:** No comments.

**Board Comments:** No comments.

**Motion:** Mr. Cowles moved to approve the final plat for *Hospital Park Subdivision, Phase 2* subject to the satisfaction of the outstanding contingencies. Mrs. McCollum seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

**Certified Plat Approval**

4. *Rainbow Mountain Preserve, Phase 2*  
*Location: North end of Kensington Drive*  
*Representative: Goodwyn, Mills and Cawood Inc.*  
*Owner/Applicant: Rainbow Mountain Preserve, LLC*  
*Lots: 1*  
*Acreage: 3.01*

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant is requesting that lots 8, 9, and 10 be consolidated into one lot and that the pedestrian right-of-way be relocated to traverse westward between lots 7 and 8, and traverse north between lot 8 and the properties located in *Clift's Cove Subdivision*. The pedestrian right-of-way will terminate at the south boundary of *Clift's Cove*. Staff and the Technical Review Committee recommend approval of the certified plat for Rainbow Mountain Preserve, *Phase 2* with the satisfaction of outstanding contingencies.

**Outstanding Staff Comments:**

1. The easements running parallel to the existing side yard property lines for lots 8, 9 & 10 must be vacated by the City Council.
2. The existing pedestrian right-of-way must be vacated by the Madison City Council. The property within the right-of-way will be divided equally between the adjoining property owners in accordance with state law.
3. Payment of the application and drainage review fee of \$65.00.

**Developers Comments:** No comments.

**Public Comments:** Loren Dickerson, 100 Hidden Springs Court, stated he was opposed to the relocation of the pedestrian easement adjacent to Clift's Cove. Sharon Witzak, (address not given), feels that proper notice was not given and that she opposes the change to the pedestrian path. Council member Tim Holcombe stated that it appears that the large tract of land is land locked. Chief Planner Blizzard indicted the access point on Scenic Drive for the property.

**Board Comments:** Members of the Board asked about the current path and subject property. Mr. Bianca asked if the petitioner could request for the pedestrian access be vacated entirely and not maintain any pedestrian access. Director Bell stated that it is a possibility for staff to evaluate, but at this point staff was recommending that it be relocated to the other side of the property in order for it not to divide someone's property at a later time. However, it is something that staff could assess. The Board discussed access from Kensington and Clift's Cove and the trail head at the water tank and the terrain at the proposed location. Mr. Ryder stated that the primary reason for this certified plat was to join the three properties together.

**Motion:** Mr. Ryder moved to approve the certified plat for *Rainbow Mountain Preserve, Phase 2* subject to the satisfaction of the following outstanding contingencies: The easements running parallel to the existing side yard property lines for lots 8, 9 & 10 must be vacated by the City Council and payment of the application and drainage review fee of \$65.00 must be received. Mr. Wesson seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

**Motion:** Mr. Cowles moved to recommend to the City Council not to approve a pedestrian right-of-way on the south and west property lines of the property. Mrs. McCollum seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

5. *Waterford Manor, Phase 4*  
*Location: 300 and 304 Mercer Drive*  
*Representative: Smith Engineering Co. Inc.*  
*Owner/Applicant: Chris and Barbara Thomas & Daniel and Rosario Cartwright*  
*Lots: 2*  
*Acreage: 6.53*

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicants are requesting the north property line of Lot 341 be moved northward approximately 55 feet. Staff and the Technical Review Committee recommend approval of the certified plat for *Waterford Manor, Phase 4*.

**Outstanding Staff Comments:** No comments.

**Developers Comments:** No comments.

**Public Comments:** Ed Collins, 303 Crown Ridge Drive representing the subdivision homeowner's association stated that the homeowner's association and the applicant's attorney have drafted a resolution that satisfies the homeowner's association requirements. Mr. Collins asked for the Planning Commission to acknowledge receipt of this document. The City acknowledged that the resolution will be placed in the project file.

**Board Comments:** Mr. Potter discussed the process for homeowner's associations and civil matters as it pertains to the City and the Planning Commission.

**Motion:** Vice-Chairman Brooks moved to approve the certified plat for *Waterford Manor, Phase 4*. Mr. Cowles seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Aye

**Motion carried**

**(PUBLIC HEARINGS CLOSED)**

**NEW BUSINESS**

1. *Research Park Mini Storage Addition – Administrative Site Plan*  
*Request: Section 5-18A-2 waiver from requirement to provide a 5 foot concrete sidewalk along the adjoining street right-of-way*  
*Representative: Trice, PC and Martin Surveys*  
*Owner/Applicant: Nitneil Partners, LLC*

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant is requesting a waiver from the requirement to construct a 5 foot concrete sidewalk along Slaughter Road, in accordance with Section 5-18A-2. Staff and the Technical Review Committee does not recommend approval of the sidewalk waiver.

**Developers Comments:** Gerald Martin, Martin Surveys representing owner stated that the reason for the request for waiver is that there are not sidewalks along Slaughter Road for a sidewalk to connect to and in this particular situation there is really not a location to place a sidewalk due to the ditch.

**Board Comments:** Vice-Chairman Brooks asked if the reason for this request before the Board is due to the addition of an existing building which was not originally required to install sidewalks at the time it was developed. Chief Planner Blizzard stated the original building was constructed while the property was located in the county. Since annexation into the City of Madison, they have

made one prior addition and received a variance for the storage facility use. At that time a sidewalk waiver was granted by the Commission. With the proposed new addition they must request the sidewalk waiver at this time.

**Motion:** Mr. Cowles moved to approve the waiver from requirement to construct a 5 foot concrete sidewalk along Slaughter Road, in accordance with Section 5-18A-2. Vice-Chairman Brooks seconded the motion and the vote was as follows:

**Final Vote:**

Michael Potter	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Troy Wesson	Nay

**Motion carried**

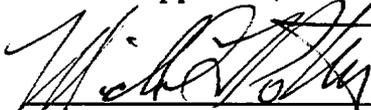
- 2. Discussion of proposed changes to the City of Madison Zoning Ordinance and Subdivision Regulations.*

**Staff Comments:** Director Bell provided an update on the development of the residential districts portion of the Zoning Ordinance and stated that we are currently working on the agricultural district revision to bring to the Commission. Director Bell also stated that although it is not ready to bring to the Commission, staff is also working on the non-residential portion of the Zoning Ordinance and researching overlay zoning for those various districts. Director Bell stated that the Subdivision Regulations are currently on hold until the Zoning Ordinance can be revised.

**ADJOURNMENT**

With no additional business to discuss Chairman Potter adjourned the meeting at 6:45 p.m.

**Minutes Approved,**

  
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**Mike Potter, Chairman**

**ATTEST:**

  
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**Gina Romine, Planning Commission Secretary**