

**PLANNING COMMISSION
CITY OF MADISON, ALABAMA
MINUTES OF THE JULY 19, 2012 REGULAR MEETING**

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

ATTENDEES

PLANNING COMMISSION MEMBERS

Planning Commission Chairman	
MICHAEL POTTER, C.A.P.Z.O.	PRESENT
Planning Commission Vice Chairman	
STEPHEN BROOKS	ABSENT
City Council Member	
TIM COWLES	ABSENT
CYNTHIA MCCOLLUM	PRESENT
STEVEN RYDER, C.A.P.Z.O.	PRESENT
CAMERON GROUNDS, C.A.P.Z.O.	ABSENT
DAMIAN BIANCA, C.A.P.Z.O.	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

Ed Collins, Howard Benson, Mary L. Andrews, Tommy Johnson, Tim Holcombe, Diane Brennan, Percell Sylces and Eric Lane.

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 June 21, 2012 Regular Meeting. The Commission accepted the minutes as corrected.

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 Craig and Diane Brennan's request to zone property located at 140 Forrest Drive, south of US Highway 72, and east of Hughes Road to R-1A, Low Density Residential District.*

Applicant Request: Diane Brennan stated that she had requested annexation and that the zoning was a step required for annexation.

Staff Report: Director Bell stated that the subject property is part of *Rainbow Subdivision, 2nd Addition*, Plat Book 6, Page 75, and is identified as Lot 6, Block 2, *Rainbow Subdivision, 2nd Addition*, which was recorded in December of 1965. The subdivision is mostly built-out with single-family detached dwellings and serviced by public water and electricity, but not serviced with sanitary sewer. The subject property is currently located within unincorporated Madison County and is pending annexation approval by City Council. Staff recommends approval of the request to zone the subject property to Low Density Residential (R-1A).

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to approve *Craig and Diane Brennan's request to zone property located at 140 Forrest Drive, south of US Highway 72, and east of Hughes Road to R-1A, Low Density Residential District*. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye

Lewie Bates
Troy Wesson

Aye
Aye

Motion carried

- 2. The City of Madison Planning Commission will hold a public hearing to consider George T. Johnson's request to rezone property located at Lot 2, Gin Oaks Subdivision, south of Kyser Boulevard and west of Sullivan Street from R-1B, Low Density Residential to B-2, Community Commercial*

Applicant Request: George Johnson stated that he was the applicant and that he purchased all of the Gin Oaks property in 1986. Mr. Johnson provided a brief history of the events regarding the subdivision of the land.

Staff Report: Director Bell stated that the subject property is located in *Gin Oaks Subdivision*, Plat Book 16, Page 7, and was recorded in the Office of Probate, Madison County, Alabama in July of 1986. The subdivision divided 13.70 acres into three lots with Lot 3 being the largest with an area of 11.86 acres. The portion of right-of-way for Kyser Boulevard that extends to the western lot lines of Lot 2 and Lot 3 was dedicated with the recording of this subdivision. Lot 3 was further subdivided in April of 1987 creating eleven (11) lots and Gin Oaks Drive. The subject property is zoned *Low Density Residential (R-1B)*. Staff recommends approval of the request to rezone the subject property to Community Commercial (B-2).

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to *rezone property located at Lot 2, Gin Oaks Subdivision, south of Kyser Boulevard and west of Sullivan Street from R-1B, Low Density Residential to B-2, Community Commercial*. Mrs. McCollum seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

- 3. The City of Madison Planning Commission will continue the public hearing opened at the May 17, 2012 Planning Commission meeting to consider an amendment to the City of Madison Zoning Ordinance to be entitled: An Ordinance of the City of Madison related to zoning*

amending the Zoning Ordinance to revise the sign control regulations; providing an effective date. The requested change is to repeal and replace Article 7 Sign Control Regulations

Staff Report: Director Bell requested that the public hearing be postponed until the September Planning Commission.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to *postpone the public hearing regarding the sign control regulations to the September Planning Commission meeting*. Mr. Bianca seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Certified Plat

4. West Haven

Location: South of US Highway 72 and east of Henderson Lane

Representative: Goodwyn, Mills & Cawood

Owner/Applicant: Huntsville Enterprises, LLC, B&B Land LLC & North Alabama Bank

Lots: 3

Acreage: 80.50

Applicant Request: Eric Lane representing Goodwyn, Mills and Cawood presented one report for the certified plat, amendment to the layout plat and preliminary plat. Mr. Lane stated that this development has been brought before the Commission in the past and that the preliminary plat approval has expired and he is requesting the Commission reapprove the submitted items.

Staff Report: Chief Planner Blizzard stated that the applicant is requesting approval of a certified plat for the entire area of *West Haven Subdivision*. This action will identify those tracts of land which have been sold to different ownership groups. The current ownership of each parcel within *West Haven* is listed below:

1. Tract 1
 - A. Huntsville Enterprises, LLC
 - B. B & B Land, LLC
 - C. Mortgage Holder is Superior Bank

2. Tracts 2 and 3
A. North Alabama Bank

Chief Planner Blizzard stated that a previous certified plat was approved by the Commission but was never recorded. This request will legalize the property boundaries. The trunk line must also be extended to Phase 3 and the developer has made payment to Madison Utilities for completion. Staff (and the Technical Review Committee) recommends approval of the certified plat for West Haven, with the following contingences:

1. Some of the bearings and distances referenced in the legal description is different those shown on the drawing.
2. Label utility and drainage easement for new sanitary sewer truck line.
3. Provide a copy of the approved permit from the US Army Corps of Engineers establishing conservation areas or otherwise restricted development.
4. Provide a copy of the approved permit from the Alabama Department of Environmental Management (ADEM).

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve the certified plat for West Haven subject to the satisfaction of the outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Amendment to the Layout Plat

5. *West Haven*

Location: South of US Highway 72 and east of Henderson Lane

Representative: Goodwyn, Mills & Cawood

Owner/Applicant: Huntsville Enterprises, LLC, B&B Land, LLC & North Alabama Bank

Lots: 192

Acreage: 80.50

Staff Report: Chief Planner Blizzard The current configuration of the affected area is four lots fronting a small cul-de-sac street. The applicant is requesting that the small cul-de-sac be deleted and the four lots front Vista View Drive. The configuration of the lots will change as a result of the elimination of the cul-de-sac. Staff (and the Technical Review Committee) recommends approval of the amendment to the layout plat.

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: Mr. Ryder stated that the note regarding the sidewalk along Hardiman Road be removed from the layout plat.

Motion: Mr. Bates moved to approve the request for an amendment to the layout plat for West Haven. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Preliminary Plat

6. *West Haven, Phase 3*

Location: South of US Highway 72 and east of Henderson Lane

Representative: Goodwyn, Mills & Cawood

Owner/Applicant: Huntsville Enterprises, LLC, B&B Land LLC & North Alabama Bank

Lots: 58

Acreage: 59.13

Staff Report: Chief Planner Blizzard stated the applicant is requesting preliminary plat approval to subdivide the subject property into fifty-eight (58) lots and one (1) tract. In order to provide sanitary sewer for West Haven Phase 3, a sanitary sewer trunk line must be installed from West Haven Phase 3 through West Haven Phase 2 and Phase 1. The sanitary sewer trunk line will terminate at a temporary wet well located at Henderson Lane. The temporary wet well will service the subdivision until a gravity line is installed from *Stillwater Cove* subdivision, where the permanent pumpstation is located, to Henderson Lane. Staff (and the Technical Review Committee) recommends approval of the preliminary plat for West Haven, *Phase 3*, with the following contingences:

1. Submit the application and drainage review fee
2. Label the detention pond where new sanitary sewer trunk line will be installed as a utility and drainage easement
3. Signatures
 - A. Surveyor's Certificate
 - B. Athens Utilities
 - C. Cable
 - D. Limestone Water and Sewer Authority
 - E. Surveyor's Seal
 - F. Engineer's Seal

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mrs. McCollum moved to approve the request for preliminary plat approval for *West Haven, Phase 3* subject to the satisfaction of the outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Final Plat Approval

7. Cambridge Phase 4, Final Plat

Location: West of County Line Road and East of Burgreen Road

Representative: Smith Engineering Company, Inc.

Owner/Applicant: Wright Homes, LLC

Lots: 37

Acreage: 17.10

Applicant Request: Howard Benson, representing Smith Engineering presented the request for final plat approval of 37 lots.

Staff Report: Chief Planner Blizzard stated the applicant is requesting final plat approval for *Cambridge Subdivision, Phase 4*. This final plat is identical to the preliminary plat approved in May.

Staff Recommendations

Staff (and the Technical Review Committee) recommends approval of the final plat for *Cambridge Subdivision, Phase 4*, with the following contingencies:

1. Please provide performance bonds.
2. Correct notes 20 and 23 to reference owner of record as it appears in the County Office of Probate.
3. Modify Common areas A and B to eliminate "island" within lots 1 and 54.
4. Provide the following signatures:
 - A. Athens Utilities
 - B. Certificate of Accuracy

Developers Comments: No comments.

Public Comments: Ed Collins, 303 Crown Ridge Drive stated that there were problems with the homeowner's association when land was not clearly delineated and asked that it be made a separate piece of property.

Board Comments: Chairman Potter stated that staff needed to make sure the property was given or deeded to the homeowner's association.

Motion: Mr. Wesson moved to approve the final plat for Cambridge, *Phase 4* subject to the satisfaction of the outstanding contingencies and with the conversion of the easement to a right-of-way. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

(PUBLIC HEARINGS CLOSED)

NEW BUSINESS

1. *Variance request to Section 5-5 of the Madison Subdivision Regulations to increase the maximum block length to exceed 2,200 feet or 12 times the minimum lot width of the zoning district for Millstone Subdivision, Phase 4*

Staff Comments: Chief Planner Blizzard stated the applicant is requesting the approval of a variance from Section 5-5 of the Subdivision Regulations to increase the maximum block length from 720 feet (60 x 12=720) to 1,560 feet. Staff (and the Technical Review Committee) recommends approval of the variance to increase the maximum block length from 720 feet to 1,560 feet for the following reasons:

1. The maximum block width in this case is based on a provision in Section 5-5 of the Subdivision Regulations that specifies that the maximum block length cannot exceed twelve times the required lot width of the zoning district. The minimum lot width in Single-Family Detached Residential (R-3A) is sixty feet. However, the average lot width for the area of *Millstone Subdivision* in question is 99.70 feet. If the actual width of the lots, multiplied by twelve the requirement would be 1,196.40 feet. A variance would still be necessary but for only 363.60 feet. This provision is to ensure that a long row of lots, sixty (60) feet in width, are not platted without intersecting streets or parks to break them into blocks. However in this case, because of the greater lot widths, the regulation does not achieve its purpose.
2. The elimination of cul-de-sac streets in favor of loop streets, as provided in the layout amendment, are far more desirable, promoting connectivity and pedestrian friendly neighborhoods.
3. It should be pointed out that a maximum block length of 2,200 feet can never be approved in any residential zoning district under current zoning regulations. The two zoning districts with the widest block width requirements are Estate Residential District (R-1) and Agricultural (AG), both of which require a minimum lot width of 150 feet, multiplied by twelve, would require a maximum block width of 1,800 feet. Staff plans to propose a revision to this outdated standard of block length when we review the revisions to the Subdivision Regulations in the future with the Planning Commission. Block length requirements date back to when neighborhoods were platted in lots and blocks (as in historic neighborhoods). Modern practices favor the modified grid which requires an updated set of requirements.

Motion: Mr. Bates moved to approve the *Variance request to Section 5-5 of the Madison Subdivision Regulations to increase the maximum block length to exceed 2,200 feet or 12 times the minimum lot width of the zoning district for Millstone Subdivision, Phase 4*. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

2. Introduction of a new fee schedule for development review and other related fees

Staff Comments: Director Bell described the proposed changes and how the fees would be consolidated into the Municipal Code of Ordinances. Director Bell stated that a public hearing will take place at the August Planning Commission meeting and a list of fees and information will be provided to the Commission in advance.

ADJOURNMENT

With no additional business to discuss Chairman Potter adjourned the meeting at 6:15 p.m.

Minutes Approved



Mike Potter, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary