

**PLANNING COMMISSION
CITY OF MADISON, ALABAMA
MINUTES OF THE MAY 17, 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	PRESENT
City Council Member	
TIM COWLES	PRESENT
CYNTHIA MCCOLLUM, C.A.P.Z.O.	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.	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, Howell Lee, Leena Jacobs, Ed Pruett, Musassat Yousuf, Joe Murphy, David Stantoy, Mary Odhiambo, Claudia White, Council Member, Jerry Jennings, Loren Dickerson, Gerald Martin, Jackie Whitaker, Sharon Witczak, Don Spencer, Val Davis, Katie Rigby, Khursaid Yousuf, Allison Callahan, Linda Hilerman, Council Member, Tim Holcombe, and Don Palmer.

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 March 27, 2012 Rescheduled Meeting there being no additions, deletions or corrections, the minutes were approved as written.

The next order of regular business was the approval of minutes of the April 19, 2012 Regular Meeting there being no additions, deletions or corrections, the minutes were approved as written.

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 MDL Properties LLC's request to rezone property located on the northwest corner of Mill Road and Landers Road from to R-2, Medium Density Residential District to R-3A, Single-Family Detached Residential District.*

Staff Report: Chief Planner Blizzard stated that the subject properties are located near the downtown district of the City of Madison. Most of the lots surrounding Madison's original downtown were created before a zoning ordinance and subdivision regulations with standard platting procedures were adopted by the City of Madison. Therefore, lot configuration and dimensions vary throughout this area of the City of Madison. The applicant is requesting the zoning change in order to subdivide the subject properties into three (3) lots of record. The proposed lot sizes will be: 10,349.43 square feet, 10,348.93 square feet, and 10,350.67 square feet. The minimum lot size required in the existing zoning district, *Medium Density Residential, (R-2)* is 10,500 square feet. The Planning Staff recommends approval of the request to rezone the property from *Medium Density Residential, (R-2)* to *Single-Family Detached Residential, (R-3A)*.

Public Comments: No comments.

Board Comments: No comments.

Motion: Vice-Chairman, Brooks moved to approve MDL Properties LLC's request to rezone property located on the northwest corner of Mill Road and Landers Road from to R-2, *Medium Density Residential District to R-3A, Single-Family Detached Residential District*. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Michael Potter	Aye
Vice-Chairman, Stephen Brooks	Aye

Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

2. *The City of Madison Planning Commission held a public hearing 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 stated that currently there was not a document ready for review by the Commission or the public. Director Bell stated that she would request that the public hearing remain open until the next Planning Commission meeting. Director Bell stated that she is aware of the concerns regarding the temporary signs and Chapter 7 not only addresses temporary signage but all signage.

Public Comments: Joe Murphy asked Director Bell if real estate lead-in signage was involved in the changes being made. Mr. Murphy stated the importance of real estate signage and that the changes to the sign code have been drafted without any input from the community or any of the affected industries. Director Bell stated Council has asked that the changes to the sign code be hurried. Chairman Potter stated that the request came from Councilman Vannoy and homebuilders and other related industries will be able to have input in the proposed changes. Howell Lee, Governmental Liaison, Huntsville Madison County Homebuilders Association, stated that from a poll of the members it was determined that 5 out of 6 leads come from open house and lead-in signage and that the members are very interested in preserving those signs.

Board Comments: Chairman Potter asked staff to hold a meeting with any interested party to discuss proposed changes and work through issues to come to a compromise on particular issues.

Motion: Mrs. McCollum moved to continue the public hearing *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 to the June Planning Commission meeting. The requested change is to repeal and replace Article 7 Sign Control Regulations.* Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Michael Potter	Aye
Vice-Chairman, Stephen Brooks	Aye
Tim Cowles	Aye

Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Layout Plat and Preliminary Plat Approval

1. *Brighton Park at Ashbury, Phase 3*
Location: South and east of Hardiman Road and north of Brighton Park Subdivision
Representative: Martin Survey/Trice PC
Owner/Applicant: Breland Homes, LLC
Lots: 44
Acreage: 18.08

Staff Report: Director Bell stated that the applicant has requested this item be tabled until the June Planning Commission meeting.

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Vice-Chairman Brooks moved to approve the request to table the layout and preliminary plats for *Brighton Park at Ashbury, Phase 3* to the June Planning Commission meeting. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Michael Potter	Aye
Vice-Chairman, Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Preliminary Plat Approval

2. Cambridge, Phase 4

Location: East of Burgreen Road and north of James Clemens High School

Representative: Smith Engineering

Owner/Applicant: Wright Homes, LLC

Lots: 37

Acreage: 17.10

Staff Report: Chief Planner Blizzard stated the applicant is requesting preliminary plat approval to subdivide, Tract 1 of *Cambridge Subdivision, Phase 3*, which consists of 17.10 acres, into 37 lots and construction the supporting infrastructure to support the lots. The proposed preliminary plat provides a twenty foot pedestrian access to the Lake 1 Common Area. The construction plans show a five (5) foot concrete sidewalk to be constructed within the pedestrian easement and a five (5) foot concrete sidewalk to be constructed along the east side of Burgreen Road. Both sidewalks will be constructed with the construction of the subdivision and must be completed before acceptance into the City of Madison Maintenance Program by the City Council. Staff (and the Technical Review Committee) recommends approval of the Preliminary Plat for *Cambridge Subdivision, Phase 4* with the following contingences:

1. Note on Plat: The 5 ft. concrete sidewalk along Burgreen Road and in the pedestrian right-of-way must be constructed with the subdivision.
2. Signatures required:
 - A. Madison Utilities
 - B. Athens Utilities
3. Correct the distance error on the closure tape.
4. Separate lots need to be provided outside of private residential lots if any entrance signs on Burgreen Road are proposed.
5. Provide pedestrian easement where sidewalk is outside of ROW at Burgreen Road.
6. Provide the profile of the ditch with all 25- year storm event flow information.

Developers Comments: No comments.

Public Comments: Linda Hilerman asked about access to the high school. Chief Planner Blizzard stated that there was already a sidewalk in place on Handley Hill Road. Lena Jacobs stated she understands there is a sidewalk at Handley Hill Road and Adamsville Court but question the access in this phase of Cambridge. Mr. Blizzard responded that there was not a need to require access in this phase.

Board Comments: No comments.

Motion: Vice-Chairman Brooks moved to approve the preliminary plat for Cambridge, Phase 4 with the satisfaction of the outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Michael Potter	Aye
Vice-Chairman, Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Re-Preliminary Plat Approval

- 3. *Greenbrier Woods, Phase 2*
Location: South of Powell Road, west of Tribble Road and east of Morris Drive
Representative: 4-Site Inc.
Owner/Applicant: Walden Land Co.
Lots: 29 and 1 tract
Acreage: 50.06

Staff Report: Chief Planner Blizzard stated that the approval of the preliminary plat for *Greenbrier Woods, Phase II* will expire on May 26, 2012. The applicant is requesting re-approval of the preliminary plat. The proposed preliminary plat is identical to the preliminary plat approved in 2011. Staff (and the Technical Review Committee) recommends approval of the re-preliminary plat for *Greenbrier Woods, Phase II*.

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve the re-preliminary plat for *Greenbrier Woods, Phase 2*. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Michael Potter	Aye
Vice-Chairman, Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye

Lewie Bates
Troy Wesson

Aye
Aye

Motion carried

Final Plat Approval

4. *Waterford, Phase 6*
Location: North of Neyland Drive and east of Burgreen Road
Representative: Martin Surveys/Trice PC
Owner/Applicant: Enfinger Steele Development
Lots: 15
Acreage: 9.16

Staff Report: Chief Planner Blizzard stated that the applicant is requesting final plat approval for *Waterford Subdivision, Phase 6*. The proposed subdivision is identical to the approved preliminary plat, except the applicant is requesting the twenty (20) foot pedestrian right-of-way between lots 25 and 26 be substituted for a pedestrian easement centered on the adjoining property line between lots 25 and 26. Note that the applicant has requested that they not be required to install sidewalk in the easement, though it would provide access to the common area north of this phase. The infrastructure for the subdivision has been constructed with the exception of the sidewalk which must be constructed in the pedestrian right-of-way or easement between lots 25 and 26 before the subdivision can be presented to City Council for acceptance into the City of Madison Maintenance Program. Staff (and the Technical Review Committee) recommends approval of the Final Plat for *Waterford Subdivision, Phase 6*, with the following contingences:

1. The construction of the subdivision has been completed with the exception of a five-foot wide concrete sidewalk, to be located within a pedestrian easement running along a common property line between lots 25 and 26. The applicant is requesting Planning Commission not require the construction of the sidewalk.
2. Correct lot table.
3. Correct note #9 to reflect this plat.
4. Payment in lieu of sidewalks along the east right-of-way of Burgreen Road adjacent to Waterford, Phase 6 must be received prior to acceptance into the City of Madison Maintenance Program.

Developers Comments: Jeff Enfinger stated that the construction plans did not have a sidewalk shown and that it was outside the normal parameters to be brought up at final plat.

Public Comments: Discussion regarding the difference between right-of-way and easement took place. Lena Jacobs brought up that there are two ditches that split the common area and therefore the ditch land locked the common area. Discussions lead to a bridge being constructed to access the property. Jeff Enfinger stated no one has asked for a bridge to be constructed. Lena Jacobs stated there are two separate issues the right-of-way and sidewalk and pipes instead of a culvert. Discussions continued to try to resolve the issue with the right-of-way versus easement and the access to the land across the ditch.

Board Comments: No comments.

Motion: Vice-Chairman Brooks moved to approve the request for final plat approval for *Waterford Subdivision, Phase 6* with the satisfaction of the outstanding contingencies with the addition of a bridge to be constructed to provide access for maintenance of the common area property. Mr. Bianca seconded the motion and the vote was as follows:

Final Vote:

Chairman, Michael Potter	Aye
Vice-Chairman, Stephen Brooks	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Certified Plat Approval

5. *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 Blizzard stated that planning staff met with the applicant's representative, Goodwyn, Mills and Cawood, and representatives from Madison Greenways and Trails in an attempt to reach a reasonable solution. As a result of those meetings, the applicant is requesting approval of the certified plat. A pedestrian easement, not a pedestrian right-of-way, is proposed near the western property line. The purpose was to separate the pedestrian access way from the western property line and adjoining *Clift's Cove* subdivision. The pedestrian access easement turns northeast and away from *Clift's Cove* as it adjoins City property. This is in an effort to provide pedestrian access, as agreed by the City Council, and provide a method of protecting *Clift's Cove* residents from unwanted trespassers. An easement, not a right-of-way, is proposed because a right-of-way would leave a non-conforming strip of land along the western boundary of the subject property. With an easement, the entire subject property will be in one lot of record, with the easement running through it. As part of the solution, Madison Greenways and Trails has agreed to clear and establish a trail head from the northeastern point of the pedestrian easement to the main trail on City property leading away from *Clift's Cove*. Staff recommends approval of the certified plat for a Resubdivision of Lots 8, 9, 10 and the pedestrian easement. Staff encourages the Madison Greenway and Trails clear and establish a trail from the proposed pedestrian right-of-way to the main trail and erect diamond signs, within a period of one (1) year. If the items mentioned

above are not accomplished within one (1) year, the Planning Department may request the City Council consider vacating the pedestrian easement.

Developers Comments: No comments.

Public Comments: Loren Dickerson, Sharon Witzak, and Musassat Yusaf all expressed objections regarding the relocation of the pedestrian access. Allison Callahan representing the Madison Greenway and Trails stated that the natural path was rough and not wide, they want to preserve trees and they are working with the City and the landowners to solve the problems.

Board Comments: The Board discussed the action the City Council made regarding the requested vacation of easements and right-of-ways.

Motion: Vice-Chairman Brooks moved to approve the certified plat for *Rainbow Mountain Preserve, Phase 2 approving the consolidation of the 3 lots into 1 lot, disapproving the proposed pedestrian easement near the west boundary of the property and recommending that City Council vacate the existing pedestrian right-of-way along the eastern boundary of the property.* Mr. Bianca seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

(PUBLIC HEARINGS CLOSED)

ADJOURNMENT

With no additional business to discuss Chairman Potter adjourned the meeting at 8:25 p.m.

Minutes Approved,



Mike Potter, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary