

**CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE NOVEMBER 15, 2012 REGULAR MEETING**

The meeting was called to order by Planning Commission Secretary Romine at 5:30 p.m.

ATTENDEES

PLANNING COMMISSION MEMBERS

Planning Commission Vice Chairman

STEPHEN BROOKS ABSENT

City Council Member

MICHAEL POTTER, C.A.P.Z.O. PRESENT

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, 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; CITY ATTORNEY, KELLY BUTLER; JOHNNY BLIZZARD, A.I.C.P, CHIEF PLANNER; GARY CHYNOWETH, P.E., CITY ENGINEER; GINA ROMINE, PLANNER I AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

Lee Kirby, Liam Lotze, Alyse Kirby-French, Perry C. Davis II, David Dykes, Joseph Curtin, Earl Montgomery, Arthur Spencer, Jerry Cargile, Tim Holcombe, G. Larry Mason, Jim Daniel, Sarah Bogardus, Claudia Shar, Sacha Korell, Virginia Reid, and Bill Reid.

ELECTION OF OFFICERS

Planning Commission Secretary Romine opened the floor for nominations for Planning Commission Chairman.

Motion: Mr. Bates moved to nominate Mr. Bianca as Chairman. Mr. Ryder seconded the motion and with no further nominations from the Board the vote was as follows:

Final Vote:

City Council Member, Mike Potter	Abstain
Cynthia McCollum	Aye

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

Motion carried

ACCEPTANCE OF AGENDA

Chairman Bianca 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 October 18, 2012 Regular Meeting. There being no additions, deletions or corrections, the minutes were approved as written.

PUBLIC COMMENT

Chairman Bianca opened the floor to public comment.

Larry Mason, 103 Concord Drive, expressed appreciation for staff for posting the Planning Commission agenda online and stated that it looks great. Mr. Mason also stated he appreciated the courses that the University of North Alabama Continuing Education brought to Madison recently as they were wonderful informative courses. Mr. Mason also discussed the need for a review and update of the Comprehensive Plan since the Growth Plan has been completed.

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

OLD BUSINESS

There being no old business, Chairman Bianca proceeded with public hearings.

PUBLIC HEARINGS

Zoning Amendments

1. The City of Madison Planning Commission held a public hearing to consider Wright Homes LLC.'s request to zone property located north of Huntsville Browns Ferry Road and west of Burgreen Road to R-3A, *Single-Family Detached Residential District*.

Staff Report: Chief Planner Blizzard stated that the applicant is requesting the subject properties be annexed into the City of Madison and zoned *Single-Family Residential (R-3A)*. The subject properties are contiguous with the City of Madison along the west boundary of Burgreen

Road and adjoin the western boundary of "Heritage Provence Subdivision." The property consists of 23.2 acres. The current use of the property is for agricultural purposes and a farm house. Upon annexation and zoning, if approved by City Council, the applicant proposes the property would be developed for single-family detached homes. The properties have potable water service provided by the Limestone County Water & Sewer Board and electrical service provided by Athens Utilities. In order for the properties to be serviced by sanitary sewer, a connection must be provided to a pump station, owned by Madison Utilities located along the east side of Burgreen Road. The pump station is approximately two-hundred (200) feet from the subject properties.

There will be some difficulty in providing sanitary sewer to a portion of the subject properties to the west because of topography. There is a ridge line located through the properties preventing gravity flow from approximately the western one-third (1/3) of the property. Development in the western portion of the properties is not anticipated until such time as the western sewer outfall line is extended north to the subject properties. According to Madison Utilities, the time table for the extension of the outfall line to the subject properties will be approximately two (2) to five (5) years.

The subject properties are not within any Special Flood Hazard Area but the portion identified on figure 3 exhibits characteristics of wetlands and may create an area suitable for land preservation. Also, if designated as a wetland by the US Army Corps of Engineers, it could limit development in the western portion of the properties. The Technical Review Committee supports the request to zone the subject properties *Single-Family Detached Residential (R-3A)*, upon annexation.

Public Comments: David Dykes discussed zoning laws and the possibility of changing zoning to be consistent with *R-1A* or *R-1B* zoning. Mr. Dykes stated however he is not against development of the property just the *R-3A* zoning requested.

Director Bell discussed the *R-3A* zoning district and market trends. Director Bell explained that variances for each lot would be needed if *R-1A* or *R-1B* zoning was requested. Director Bell also explained that the annexation could limit the number of lots and a concept plan can be requested during the annexation process.

Board Comments: Councilman Potter stated that an update to the Zoning Ordinance is being worked on and that the planning staff is short-handed and working hard to get these items completed.

Motion: Mr. Bates moved to approve Wright Homes LLC.'s request to zone property located north of Huntsville Browns Ferry Road and west of Burgreen Road to *R-3A, Single-Family Detached Residential District*. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye

Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye
Lewie Bates	Aye

Motion carried

Layout Plat

2. *Brighton Park, Layout Plat*

Location: South and east of Hardiman Road

Representative: Martin Surveys/ Trice PC

Owner/Applicant: Breland Homes LLC.

Lots: 79 lots

Acreage: 50.09

Applicant Request: Gerald Martin, representing Martin Surveys, presented the report for the layout plat.

Staff Report: Chief Planner Blizzard stated the subject property lies south and east of Hardiman Road. In February of 2009, the Planning Commission approved a layout plat for *Brighton Park* subdivision, approving 112 lots, on 50.09 acres of land. Because more than fifty-one (51) lots were planned for the entire subdivision, the applicant was required to provide a second entrance as provided in Section 5-3-9 of the Madison Subdivision Regulations, "*Subdivisions which have, or are planned to have more than 51 lots are required to provide at least two accesses*". The developer at the time provided two access points from Hardiman Road and a third access point to *Ashbury* subdivision.

In November of 2010, the Planning Commission approved a final plat for *Brighton Park at Ashbury*, Phase 1. The southern access point from Hardiman Road was included in this plat but the second access point was not required at this time, since *Brighton Park at Ashbury*, Phase 1 only created thirty (30) lots.

In July of 2012, the Planning Commission approved a final plat for *Brighton Park at Ashbury*, Phase 2 creating an additional 38 lots of record. This phase increased the number of lots to sixty-eight (68) requiring a second access point into the subdivision. The subdivider chose to provide the second access point into *Ashbury* subdivision, Phase 3.

An additional forty-five (45) lots will be created when this phase is developed. The second access point from Hardiman Road into the subdivision was approved with the layout plat for this phase.

The applicant is requesting an amendment to the Layout Plat for *Brighton Park* subdivision. The proposed new layout will utilize loop streets instead of cul-de-sacs. The number of lots approved for this portion of the layout plat will not change.

The proposed layout amendment will also eliminate the northern access point to Hardiman Road and the property will be incorporated into Lot 7, *Hardiman Estates*, Phase 3. A certified plat for

Brighton Park at Ashbury, Phase 3 was submitted for the subdivision of these two parcels. Staff and the Technical Review Committee recommend approval of the layout plat amendment for *Brighton Park Subdivision*

Developers Comments: No comments.

Public Comments: Lee Kirby resident of Brighton Park presented on behalf of her neighborhood and provided a statement (attached) to the Commission.

Cary Davis, Hardiman Road, expressed concerns regarding a dirt pile at the rear of his property that has been located there for between 4-5 years. Gerald Martin stated that plans were currently being developed for the last phase of construction and at that time the dirt will be removed. Mr. Martin explained the purchase of the property by Mr. Louis Breland to complete the development of Brighton Park and Ashbury.

Board Comments: Mr. Ryder stated he likes that the cul-de-sacs have been eliminated but does have concerns regarding the removal of the second entrance. Councilman Potter and Chairman Bianca discussed traffic concerns.

Motion: Mr. Wesson moved to approve the layout plat for *Brighton Park*. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Nay
City Council Member, Mike Potter	Nay
Cynthia McCollum	Aye
Steve Ryder	Nay
Cameron Grounds	Aye
Troy Wesson	Nay
Tim Cowles	Aye
Lewie Bates	Nay

Motion failed

Certified Plat

- Brighton Park at Ashbury Phase 3, Certified Plat*
Location: South and east of Hardiman Road and north of Benoir Trail
Representative: Martin Surveys/ Trice PC
Owner/Applicant: Breland Homes LLC.
Lots: 2 lots
Acreage: 18.08

Applicant Request: Gerald Martin, representing Martin Surveys, requested that the certified plat be withdrawn from the agenda due to the disapproval of the layout plat for *Brighton Park*.

Certified Plat

4. *Putman Industrial Park, 3rd Addition, Certified Plat*

Location: North of Production Ave and Production Court

Representative: J.W. Kennedy Land Surveyor

Owner/Applicant: Ray Real Estate Holdings – Florence, LLC.

Lots: 2 lots

Acreage: 2.4

Applicant Request: J.W. Kennedy, representing J.W. Kennedy Land Surveyor presented the request for certified plat approval.

Staff Report: Chief Planner Blizzard stated that subject property is located north of Production Avenue and east of County Line Road and is zoned *Restricted Industrial (M-1)*. The applicant is requesting approval to subdivide the subject property into two lots. The Technical Review Committee recommends approval of the certified plat for *Putmans Industrial Park, 3rd Addition*, with the following contingences:

1. The deed book and page of the avigation easement must be noted on the subdivision plat.
2. The following certificates must be signed:
 - A. Dedication
 - B. Notaries Acknowledgement
 - C. Flood Certificate
 - D. Certificate of Accuracy

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Councilman Potter moved to approve the certified plat for *Putman Industrial Park, 3rd Addition*. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye
Lewie Bates	Aye

Motion carried

Preliminary Plat

5. *West Haven, Phase 1, Preliminary Plat*

Location: South of Highway 72 east of Henderson Lane

Representative: Goodwyn, Mills and Cawood, Inc.

Owner/Applicant: Breland Homes LLC.

Lots: 45 lots

Acreage: 80.59

Applicant Request: Eric Lane, representing Goodwyn, Mills and Cawood, Inc. presented the request for preliminary plat approval.

Staff Report: Chief Planner Blizzard stated the applicant is requesting approval of a new preliminary plat for *West Haven, Phase I*. The new preliminary plat provides for forty-five (45) lots in the same configuration as the previously approved preliminary plat except, for Tract 1, which is now a part of *West Haven, Phase III*. The Technical Review Committee recommends approval of the preliminary plat with the following contingencies:

1. The certified plat for "West Haven Subdivision" must be signed by all property owners before the preliminary plat can be approved.
2. The word "building" must be deleted from the Planning Department Certificate
3. There is a narrow strip of land along the southern boundary of the property that is non-conforming. A final plat for West Haven, Phase 1 will not be approved until the narrow strip is incorporated into West Haven, Phase 2 preliminary plat.
4. Drawing, closure, and legal must match
5. Connection must be made to Marble Drive
6. The following certificates have not been signed:
 - A. Athens Utilities
 - B. Limestone County Water and Sewer
 - C. Surveyor

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Wesson moved to approve the preliminary plat for *West Haven, Phase 1*. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye

Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye
Lewie Bates	Aye

Motion carried

Final Plat

6. *Palmer Preserve, Final Plat*

Location: East of County Line Road and north of Palmer Road

Representative: Smith Engineering Co. Inc.

Owner/Applicant: Heritage Plantation LLC.

Lots: 55 lots

Acreage: 15.76

Applicant Request: Howard Benson, representing Smith Engineering, Co. Inc. presented the request for final plat approval.

Staff Report: Chief Planner Blizzard stated The applicant is requesting approval of a final plat for *Palmer Preserve Subdivision*. The final plat is consistent with the preliminary plat approved by the Planning Commission in March. Staff recommends approval of the final plat for Palmer Preserve Subdivision with the following contingencies:

1. Application fee: \$250.00
2. Sign fee: \$1,950.00
3. Performance bonds must be posted
4. There are two easement lines along the rear of lot 50-55 but only one is labeled, please clarify.
5. A corrected closure tape must be submitted

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to approve the final plat for *Palmer Preserve*. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye

Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye
Lewie Bates	Aye

Motion carried

(PUBLIC HEARINGS CLOSED)

Site Plans

1. Crosspointe Church, Phase 1

Location: North of Will Halsey Way and west of Hughes Road
 Representative: Johnson and Associates, Inc.
 Owner/Applicant: Crosspointe Church
 Acreage: 23.56

Applicant Request: Arthur Spencer, representing Johnson and Associates, Inc., presented the report for the site plan.

Staff Report: Chief Planner Blizzard stated that the subject property is located west of Hughes Road and north of Will Halsey Way. Crosspointe Church is requesting approval to construct a new 44,443 square foot facility. The new church facility will provide seating for 475 persons in the sanctuary and the site will accommodate 339 parking spaces in the initial phase. The applicant does have future plans to expand off street parking facility and provide access between the facility and Cornerstone Pediatrics. Staff and the technical review committee recommends approval of the site plan for Crosspointe Church.

Developers Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to approve the site plan for *Crosspointe Church*. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye
Lewie Bates	Aye

Motion carried

2. *Intergraph New Headquarters Building*

Location: Southwest corner of Intergraph Way and the Graphics Drive intersection

Representative: 4-Site, Inc.

Owner/Applicant: Intergraph Corporation

Acreage: 23.56

Applicant Request: Jerry Cargile, representing 4Site, Inc., presented the report for the site plan.

Staff Report: Chief Planner Blizzard stated that the subject property is located south of I-565 and west of Intergraph Way. On September 28, 2012, the Madison Zoning Board of Adjustments and Appeals approved a variance request by the applicant to increase the maximum height from forty-five (45) feet allowed in the *General Industrial District (M-2)* to seventy-five (75) feet. The applicant is requesting approval to construct a new corporate headquarters on the subject property. The facility is 228,000 square feet and contains five (5) stories. The off-street parking facility will provide 1,000 parking spaces. Staff and the Technical Review Committee recommends approval of the site plan for the *Intergraph New Headquarters Building*.

Developers Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve the site plan for *Intergraph New Headquarters Building*. Mr. Grounds seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye
Lewie Bates	Aye

Motion carried

NEW BUSINESS

1. Introduction and discussion of proposed draft to Section 10 Landscape and Tree Preservation Regulations.

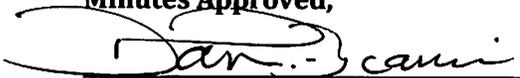
Director Bell presented a draft copy of the Landscape and Tree Preservation Regulations and provided an outline of the proposed changes.

Ms. McCollum asked the Board for a moment of silence in honor of Lillie Causey, Finance Director of the City of Madison who recently passed. The Board then held a moment of silence in Ms. Causey's honor.

ADJOURNMENT

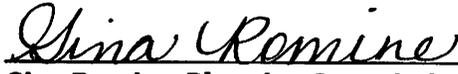
With no additional business to discuss Chairman Bianca adjourned the meeting at 7:00 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary

Good Evening! My name is Lee Kirby and I am a resident of Brighton Park. I am here tonight as the spokesman for our neighborhood. Our neighborhood has always supported the original plan for this Phase of Brighton Park to have another access point directly onto Hardiman.

IF that access is taken away there will be an increased concern for safety. For example if there is the need for emergency vehicles such as a fire, ambulance, or police and the main entrance to Brighton Park is blocked off that is time lost. In emergency cases every second counts. To have to reroute off of County Line through Ashbury's winding streets or if there has to be an entry from Hardiman Place Lane you still have to traverse through Ashbury's streets to get to Brighton Park thus losing valuable time and depending on the emergency could mean the difference between life and death.

Our Subdivision is not set up for heavy traffic flow. Neither is our entrance. We struggle now with congestion and safety in the mornings with our children trying to get to the bus stop as people are attempting to leave for work and school.

Brighton Park having been connected to Ashbury that also allowed Brighton Park to be interconnected with the following subdivisions: Oxford, Hardiman Place, and Creekside at Hardiman Place. Hardiman Place Lane is a dangerous pathway to get to James Clemens High School. If you attempt to navigate Hardiman Place Lane you must turn left onto Hardiman Rd, and then make an almost immediate Right onto Burgreen Rd. This is difficult to battle the traffic that is also coming east and west on Hardiman along with those exiting off of Burgreen Rd. onto Hardiman. Those facing this have learned to traverse through Ashbury and into Brighton Park to use our only access as a safer way for them to merge onto Hardiman Rd to get to Burgreen Rd and James Clemens High School. Just explaining it is difficult, imagine attempting to drive it.

Hardiman Place Lane was not established to handle the amount of traffic it is having and will back up in the mornings for those wishing to access Hardiman Rd and with the congestion on County Line Road in the mornings people have found it easier to access Hardiman Rd from Brighton Park. This Influx of traffic currently creates congestion and our subdivisions are not even close to building out. There is still an undeveloped phase 4 in Ashbury that will have an easier access route through Brighton Park, also Brighton Park phases 2 and the one for discussion tonight are far from capacity. Therefore by the time all the subdivisions are at maximum capacity the amount of traffic will be well beyond what our current access point can handle.

Lastly, Hardiman Rd and Burgreen Rd are both country roads that were not developed to handle the amount of traffic that they are now set up for. With increased development means increased traffic. It is important that the original plan for this phase allowing for an additional access point directly onto Hardiman remain. It is our hope that you will support the wishes of the residence of Brighton Park in your decision.

Thank You for your time and consideration in this matter!