

**CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE MARCH 21, 2013 REGULAR MEETING**

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

**ATTENDEES
PLANNING COMMISSION MEMBERS**

Planning Commission Chairman DAMIAN BIANCA, C.A.P.Z.O.	PRESENT
Planning Commission Vice Chairman STEPHEN BROOKS	ABSENT
City Council Member MICHAEL POTTER, C.A.P.Z.O.	PRESENT
TIM COWLES	ABSENT
CYNTHIA MCCOLLUM, C.A.P.Z.O.	PRESENT
STEVEN RYDER, C.A.P.Z.O.	PRESENT
CAMERON GROUNDS, 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; 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 Hotze, Wyketa Teixeira, Gerald Teixeira, Willie Thomas, James Walker, Roberta Malcolm, Russell (last name illegible), Rick Campbell, Billy H. Smith, Larry Mason, Vickie Parker, and Michael Parker.

ACCEPTANCE OF AGENDA

Chairman Bianca stated there has been a requested change to the agenda. The applicant has requested that *Brighton Park at Ashbury*, layout plat be removed from the agenda.

Motion: Mr. Bates moved to remove the layout plat for *Brighton Park at Ashbury* from the agenda as requested by the applicant. Mrs. McCollum 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
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

There being no further additions, corrections or deletions to the agenda Chairman Bianca preceded on to the regular business.

APPROVAL OF MINUTES

Approval of minutes of the February 21, 2013 Regular Meeting.

Motion: Mr. Potter moved to approve the February 21, 2013 minutes with the correction as requested by Mr. Ryder. 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
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

PUBLIC COMMENT

Chairman Bianca opened the floor to public comment.

There being no 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

Subdivision Plats

1. *Millstone, Phase 5, Certified Plat*
 Location: Northeast corner of Mill Crest Drive and Heritage Mill Drive
 Representative: Smith Engineering Co. Inc.

Owner/Applicant: Jeff Benton Development Inc.
Lots: 2
Acreage: 0.57

Applicant Request: Billy Smith, representing Smith Engineering Co. Inc., presented the request for certified plat approval.

Staff Report: Chief Planner Blizzard stated the applicant is requesting that the adjoining side yard setback be shifted 3.50 feet to the south. The shift will decrease the area of Lot 115 from 13,598 square feet to 13,146 square feet and increase the area of Lot 116 from 11,551 to 12,000 square feet. Each of the new lots will comply with the current zoning designation.

Staff and the Technical Review Committee recommend approval of the certified plat for *Millstone Subdivision, Phase 5*, with the following contingencies:

1. Application Fee: \$250.00
2. Sheet 1, Note 3: The square footage referenced is not correct.
3. Sheet 1, correct misspellings

Developers Comments: No comments.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to approve the certified plat for *Millstone, Phase 5* with the satisfaction of the outstanding contingencies. 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
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

2. *Grove Park, Layout Plat Amendment*

Location: South of Doc Murphy Drive and east of County Line Road

Representative: Smith Engineering Co. Inc.

Owner/Applicant: Enfinger Steele Development LLC

Lots: 18

Acreage: 24.41

Applicant Request: Wayne Blaxton representing Enfinger Steele Development LLC, presented the request for layout plat amendment approval and described the proposed changes being made.

Staff Report: Chief Planner Blizzard stated the overall area of the subject property is 42.35 acres of land but only 5.94 acres could be developed. The remaining property is designated as jurisdictional wetlands. In April of 2007, the Planning Commission approved a layout and preliminary plat for *Grove Park, A Townhome Village*, to construct a subdivision for a townhomes. The subdivision contains seventy-four (74) lots for townhomes with an average area of 3, 434.11 square feet. Each lot has an average width of 33.19 feet. The final plat for *Grove Park, A Townhome Village* was approved by the Planning Commission in May of 2007. In January of 2011, the Planning Commission approved an amendment to the layout and a certified plat that consolidated thirty-one (31) lots within the entire *Grove Park*, into seventeen (17) lots. The purpose of the consolidation was to provide lots for single-family detached dwellings. *High Density Residential (R-3)* allows both attached and detached single-family dwellings. The Zoning Board of Adjustments approved a variance for the lots subdivided. Several of the lots were below the minimum lot size of 7,500 square feet and the lot coverage was increased from thirty (30%) percent to sixty (60%) percent. The applicant is requesting an amendment to the approved layout for *Grove Park, A Townhome Village*. The proposed amendment plans to consolidate lots 44 through 74, decreasing the number of lots from thirty-one (31) lots to eighteen (18) lots. The lots front the east side of Grove Village Way and the south side of Grove Park Lane. Each lot has rear entry access from public alleys outlined in red. Between the alleyways and wetland boundary outlined in green is a common area. The applicant is petitioning the City Council to vacate the public alleys, so the lots may be extended to the wetland boundary.

Planning Commission Action # 1:

Consideration of a recommendation to City Council for the vacation of *Alley "A"* and *Alley "C"*

Staff Recommendation

Staff and the Technical Review Committee recommend the vacation of *Alley "A"* and *Alley "C"*. The vacation of the alleyways does not pose a health or safety issue according to the Madison Fire Department. Staff recommends the approval be contingent upon all garage doors being prohibited from facing the streets *Grove Village Way* and *Grove Park Lane* in order to preserve the original character of the neighborhood which has no other garage doors facing streets.

Planning Commission Action #2:

A variance to *Section 5-6 (g)* of the *Subdivisions Regulations*, to reduce the minimum lot area from 7,500 square feet to:

- 6,630 square feet for Lot 7;
- 6,441 square feet for Lot 8;
- 6,301 square feet for Lot 9;
- 6,773 square feet for Lot 10;
- 7,355 square feet for Lot 17

Staff and the Technical Review Committee recommend approval of the variance to *Section 5-6 (g)*. The majority of the subject property is designated a jurisdictional wetlands causing development to be concentrated into a small portion of the property.

Planning Commission Action # 3

A variance from *Section 5-6 (h)* of the *Subdivision Regulations*, to reduce the minimum lot depth for single-tier lots from 125 feet to:

- 116 feet for Lot 2;
- 115 feet for Lot 8;
- 114 feet for Lot 9;
- 115 feet for Lot 10;
- 119 feet for Lot 14;
- 115 feet for Lot 15;
- 116 feet for Lot 16;
- 120 feet for Lot 120

Staff and the Technical Review Committee, recommends the approval of the variance to *Section 5-6 (h)*. During review of the proposed amendment to the layout, the applicant initially planned to extend the lots into the jurisdictional wetlands. However, staff would not support the rear lot lines being extended into the wetlands and the smaller lot depth is a result of staff's rejection of the initial proposal.

Planning Commission Action # 4:

Consideration of the amendment to the layout for *Grove Park, A Townhome Village*

Staff and the Technical Review Committee recommend approval of the amendment to the layout for *Grove Park, a Townhome Village* with the following contingencies:

1. Vacation of Alley "A" and Alley "C" right-of-way by the City Council.
2. The following variances to the *Zoning Ordinance* must be approved by the *Zoning Board of Adjustments and Appeals*:
 - A. *Variance to Section 4-4-3* of the *Zoning Ordinance* because several of the lot widths are less than sixty (60) feet in width.
 - B. *Variance to Section 4-4-3* of the *Zoning Ordinance* to increase the lot coverage from 30% to 60%.
 - C. *Variance to Section 4-4-3* of the *Zoning Ordinance* to reduce the minimum lot area from 7,500 square feet to 5,500 square feet.
3. Note on sketch plat: Must provide a decorative fence that designates the boundary differences between the wetlands and the lots.
4. Provide a dashed line that indicates the buildable area of each proposed lot.

Public Comments: Roberta Malcolm asked when vacating the alleys what is the responsibility to preserve the wetland area? Chairman Bianca stated since there are no Engineering comments the wetland area is not an issue. Larry Mason stated that consideration should be made to ensure that

driveways were large enough so that sidewalks were not blocked by vehicles. Chief Planner Blizzard stated the garages would have to be behind the minimum building line.

Board Comments: Mr. Wesson asked if the common area had been deeded to the homeowner's association or if it was owned by the developer. Chief Planner Blizzard stated he believed it was still owned by the developer.

Motion: Mr. Bates moved to recommend the vacation of *Alley "A"* and *Alley "C"* to the City Council. Mrs. McCollum 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
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Motion: Mrs. McCollum moved to approve the variance to *Section 5-6 (g)* of the *Subdivisions Regulations*, to reduce the minimum lot area from 7,500 square feet to: 6,630 square feet for Lot 7; 6,441 square feet for Lot 8; 6,301 square feet for Lot 9; 6,773 square feet for Lot 10; 7,355 square feet for Lot 17 and the variance from *Section 5-6 (h)* of the *Subdivision Regulations*, to reduce the minimum lot depth for single-tier lots from 125 feet to: 116 feet for Lot 2; 115 feet for Lot 8; 114 feet for Lot 9; 115 feet for Lot 10; 119 feet for Lot 14; 115 feet for Lot 15; 116 feet for Lot 16; 120 feet for Lot 120. 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
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Motion: Council member Potter moved to approve the layout plat amendment for *Grove Park* with the satisfaction of the outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

5. *Baker's Farm, Preliminary Plat*

Location: West of Belmont Place Subdivision and east of Burgreen Road

Representative: Mullins LLC.

Owner/Applicant: Louis Breland

Lots: 53

Acreage: 24.76

Applicant Request: Rick Campbell representing Mullins LLC, presented the request for preliminary plat approval.

Staff Report: Chief Planner Blizzard stated the applicant is requesting approval of a preliminary plat that proposes 53 lots and provides access from Burgreen Road and Belmont Place Drive. The preliminary plat is consistent with the layout approved in January.

Staff and the Technical Review Committee recommend approval of the preliminary plat for *Baker's Farm* subdivision with the following contingencies:

1. North arrow should be labeled on sheets 4 & 16
2. Provide signage setback on lots 1 and 32
3. Signatures:
 - A. Phone
 - B. Cable
 - C. Athens Utilities
 - D. North Alabama Gas
 - E. Site Intersection Certificate

Public Comments: No comments.

Board Comments: Commissioner Wesson stated that the signage setback adjacent to the common area on lots 1 and 32 needed correcting. Staff added that as a contingency. Council member Potter asked about the sewer issues. Chief Planner Blizzard stated that the issue was resolved by bringing in additional fill dirt to the site.

Motion: Mr. Wesson moved to approve the preliminary plat for *Baker's Farm*. 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
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

5. *Ashbury, Phase 4, Preliminary Plat – Removed from agenda. The applicant must resubmit new plans to be considered for approval.*

Location: West of Ashbury Subdivision, Phase 3 and south of Brighton Park Subdivision

Representative: Trice P.C. / Martin Surveys

Owner/Applicant: Breland Homes LLC

Lots: 81

Acreage: 22.82

(PUBLIC HEARINGS CLOSED)

NEW BUSINESS

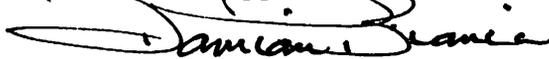
Director Bell stated that she would be looking into a policy for the withdrawal of applications from the agenda. Chairman Bianca stated 48 hours would be sufficient time to allow.

Chief Planner Blizzard stated that the Zoning Ordinance was almost complete to get out to stakeholders and the committee for review.

ADJOURNMENT

With no additional business to discuss Chairman Bianca adjourned the meeting at 6:10 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary