

**CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE AUGUST 15, 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	PRESENT
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; KELLY BUTLER, CITY ATTORNEY; JOHNNY BLIZZARD, A.I.C.P, CHIEF PLANNER; GARY CHYNOWETH, P.E., CITY ENGINEER; GINA ROMINE, PLANNER I AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

Howell Lee, Jean Rose, Tim Morris, Wyketa Teixeira, Garfield Teixeira, Stan and Jeanne Steadman, John McGee, Willie Thomas, Charles King, Larry Tribble, Charlotte Tribble, Chanis Thorpe, Bruce Swanson, Larry Mason, Tim Holcombe, Don Spencer, Jr., Kendra King, Tamara Colwell, and Caitlin Wesson.

ACCEPTANCE OF AGENDA

Chief Planner Blizzard requested that the Commission consider hearing item number 3 under public hearings first on the agenda.

Chairman Bianca accepted the agenda with the requested change and proceeded with regular business.

APPROVAL OF MINUTES

Approval of minutes of the June 20, 2013 Regular Meeting.

Motion: Councilmember Potter to approve the minutes as written. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Abstain
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Abstain
Cameron Grounds	Abstain
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Approval of minutes of the July 18, 2013 Regular Meeting.

Motion: Mrs. McCollum to approve the minutes as written. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Abstain
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Abstain
Lewie Bates	Aye
Troy Wesson	Abstain

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

Zoning Amendments

1. Public hearing to consider The City of Madison's request to amend the *Zoning Ordinance B-1 District* and the permitted uses table; providing an effective date.

Staff Report: Director Bell presented the requested and stated the table has been updated and several uses have been added. Director Bell provided an overview of the changes to the Commission and distributed the updated table and corresponding Zoning Ordinance Section 4-6.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to approve The City of Madison's request to amend the *Zoning Ordinance B-1 District* and the permitted uses table; providing an effective date. Mrs. McCollum seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

2. Public hearing to consider The City of Madison's request to rezone properties located south of Martin Street and east of Sullivan Street from B-2, *Community Commercial District*, B-3 *General Business District* and R-2, *Medium Density Residential District* to B-1, *Neighborhood Commercial District*. – **Tabled at July 18, 2013 Meeting**

Motion: Mrs. McCollum moved to remove The City of Madison's request to rezone properties located south of Martin Street and east of Sullivan Street from B-2, *Community Commercial District*, B-3 *General Business District* and R-2, *Medium Density Residential District* to B-1, *Neighborhood Commercial District* from the table. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye

Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Staff Report: Director Bell presented the request and stated this item was previously discussed at the July meeting however, it was tabled to give staff more time to update the *B-1, Neighborhood Commercial District* use table.

Staff and the Technical Review Committee recommends approval of the *City of Madison's* request that the subject properties be rezoned from *R-2, Medium Density Residential* and *B-3, General Business* to *B-1, Neighborhood Commercial*.

Public Comments: Jeanne Steadman, 18 Arnett Street requested clarification that the properties being considered for rezoning could continue to be used for what they are used for presently.

Board Comments: Councilmember Potter responded to Mrs. Steadman's concerns that property owners would be allowed to continue to use the properties for what they were presently being used for.

Motion: Mr. Bates moved to approve The City of Madison's request to rezone properties located south of Martin Street and east of Sullivan Street from *B-2, Community Commercial District, B-3 General Business District* and *R-2, Medium Density Residential District* to *B-1, Neighborhood Commercial District*. Mr. Grounds seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

3. Public hearing to consider The City of Madison's request to rezone properties located at 1874 Slaughter Road from *AG, Agricultural* to *B-2, Community Commercial District*.

Staff Report: Director Bell presented the request and stated that the subject property is located west of Slaughter Road and north of Roy Drive. The subject property was annexed in

October of 2006 with the following conditions:

1. The petitioner may request that the City Council rezone the property from *AG, Agriculture* to *B-2, Community Commercial* zoning. If this rezoning request is denied, City Council agrees to allow the petitioner to de-annex said property from the City of Madison corporate limits.
2. The City of Madison will act on this petition on or before September 1, 2006.

The property was occupied by the retail center when annexed. The annexation petitioner above did not apply for the rezoning. Director Bell expressed the importance for the property to be properly zoned.

Staff and the Technical Review Committee recommend approval of the City of Madison's request to rezone 1874 Slaughter Road from *AG, Agriculture* to *B-2, Community Commercial*.

Public Comments: Charles Thorpe stated that the building was built in two phase and that the first phase parking lot drainage is not correct and affects his property. Mr. Thorpe requested that someone look at this problem. Mrs. McCollum asked Mr. Thorpe if this problem had increased over the years. Mr. Thorpe stated that the problem has existed since the building was constructed. Chairman Bianca requested input from City Engineer Chynoweth. City Engineer Chynoweth stated he would look into the drainage problem.

Board Comments: No comments.

Motion: Vice-Chairman Brooks moved to approve City of Madison's request to rezone 1874 Slaughter Road from *AG, Agriculture* to *B-2, Community Commercial*. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Subdivision Plats

4. *Brighton Park, Amendment to the Approved Layout Plat*
Location: East and south of Hardiman Road

Representative: Mullins, LLC
Owner/Applicant: Smart Living, LLC
Lots: 128
Acreage: 50.09

Applicant Request: Jeff Mullins representing Mullins, LLC presented the request.

Staff Report: Chief Planner Blizzard stated the applicant is requesting an amendment to the layout plat for *Brighton Park Subdivision*. The proposed new layout will utilize loop streets instead of culs-de-sac. The applicant is proposing an additional sixty (60) lots, which will bring the total number of lots to 128 lots, which is under the 130 lot maximum conditioned in Ordinance 2008-09.

Staff and the Technical Review Committee recommend approval of the amendment to the layout for *Brighton Park*.

Public Comments: Charles King, 30086 Hardiman Road, expressed concerns regarding sewage and requested sewer be tied to his property. Director Bell provided Mr. King with Jason Leggett at Madison Utilities contact information and Mr. Mullins stated he would assist Mr. King as much as possible. Willie Thomas expressed concerns regarding a mound of dirt at the rear of his home and stated he would like the dirt removed. A speaker whose name was unclear, requested notification be sent when work began because it was very "snaky" and they feared for the lives of small pets.

Board Comments: Troy Wesson asked about the ten (10) foot alley. Chief Planner Blizzard stated that the alley was part of the common area.

Motion: Mr. Ryder moved to approve *Brighton Park, Amendment to the Approved Layout Plat*. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

5. *Brighton Park at Ashbury, Phase 3, Preliminary Plat*
Location: East and south of Hardiman Road
Representative: Mullins, LLC
Owner/Applicant: Smart Living, LLC
Lots: 60

Acreage: 18.08

Applicant Request: Jeff Mullins representing Mullins, LLC presented the request and stated he would be ready to begin work within the next 30 days.

Staff Report: Chief Planner Blizzard stated the applicant is requesting a preliminary plat to construct *Brighton Park, Phase 3*, which will add an additional sixty (60) lots. The total number of lots in *Brighton Park Subdivision* will be 128 lots upon completion of *Brighton Park, Phase 3*.

Staff and the Technical Review Committee recommend approval of the preliminary plat for Brighton Park, Phase 3 with the following contingencies:

1. Preliminary Plat: City Engineer certificate references Madison County
2. Provide detention pond outlet structure details for north pond with 2, 5, 10, 50, 100 yr discharges
3. Provide a traffic signage plan
4. The name Basden Avenue must be approved by the Madison Engineering Department
5. Signatures:
 - A. Athens Utilities
 - B. North Alabama Gas
 - C. Limestone County Sewer and water
 - D. Cable
 - E. Phone

Public Comments: No comments.

Board Comments: No comments

Motion: Councilmember Potter moved to approve *Brighton Park at Ashbury, Phase 3, Preliminary Plat* subject to satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

6. *Spencer Family Subdivision, Certified Plat*

Location: Northwest of the intersection of Morris Drive and Powell Road
Representative: 4 Site, Inc.
Owner/Applicant: Don Spencer Jr.
Lots: 6
Acreage: 65.84

Applicant Request: Don Spencer, 11369 Morris Drive apologized for not addressing the Commission at the June meeting. Mr. Spencer stated the certified plat is to subdivide land for family property in which homes would be built for family members and the lots would not be sold.

Staff Report: Chief Planner Blizzard stated that applicant is requesting the subject properties be subdivided into six (6) individual lots. The existing residential detached dwelling will be located on Lot 3, which will be increased in size to make the property compliant with *AG, Agriculture District* dimensional requirements. Lot 1 will be accessed by a 30 feet ingress/egress easement between Lot 4 and Lot 5. Lot 1 will remain in an undeveloped state for the foreseeable future. A 30 feet drainage easement will be overlaid on *Moore's Creek*. The easement will be measured from the centerline of the creek and will be dedicated with the recording of this plat. The applicant is also be dedicating additional right-of-way for both *Morris Drive* and *Powell Road* with the recording on this plat.

Staff and the Technical Review Committee recommend approval of the certified plat for *Spencer Family Subdivision* with the following three contingencies:

1. The applicant is requesting a variance for the Article III, Section 3-1, of the Subdivision Regulations, which defines a certified plat as one having no more than 4 lots. The applicant is proposing six (6) lots in the subdivision.

Staff recommends approval of the variance request. The applicant plans for Lot 1 to remain undeveloped and Lot 3 is currently occupied by a single-family detached dwelling with a slightly different configuration before this subdivision proposal. Therefore, the applicant is creating four (4) additional lots for development. The lots will be utilized by family members. The other lots will be single family houses.

2. Sheet 1: Correct errors in legal description
3. Signatures
 - A. Dedication
 - B. Notaries Acknowledgment
 - C. Limestone County Health Department

Public Comments: No comments.

Board Comments: No comments.

Motion: Councilmember Potter moved to approve the variance request to Article III, Section 3-1, of the Subdivision Regulations, which defines a certified plat as one having no more than four (4) lots, and to allow the applicant six (6) lots in this subdivision. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Motion: Mr. Bates moved to approve *Spencer Family Subdivision, Certified Plat* subject to the satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

6. *Foxfield, Phase III, Certified Plat*

Location: South of Huntfield Drive and east of Foxfield Drive

Representative: 4-Site, Inc.

Owner/Applicant: Jacqueline J. Raines, Brad & Brenda Travis, & Foxfield Development, LLC

Lots: 2 and 1 common area

Acreage: 5.24

Applicant Request: Tim Morris, representing 4-Site, Inc., presented the request for certified plat approval.

Staff Report: Chief Planner Blizzard stated the subject property is located east of Browns Ferry Road and north of Spotted Fawn Drive. The subject properties consist of four parcels of land,

including two residential lots and two tracts of land owned by *Foxfield Development, LLC*, who was the developer of the subdivision. *Foxfield, Phase 1* was approved by the Planning Commission in December of 2007. The parcel between Lots 37 & 38 was not incorporated into the lots. At the time, the property was in a *Special Flood Hazard Area*. Since then, the latest revision of the *Flood Insurance Rate Maps* produced by the *Federal Emergency Management Agency FEMA*, shows much of the property has been removed from the *Special Flood Hazard Area*. In December of 2008, *Foxfield Development, LLC* donated the majority of the common area and conservation easement to the *City of Madison*. The principle reason was to provide the *City of Madison* control over the regulatory floodway that overlay *Mill Creek* and a secondary reason was to provide a location for a future greenway. The applicants are requesting approval to incorporate the parcel of land between Lots 37 & 38 evenly into the two lots and incorporate a portion of the common area/conservation easement that adjoins the rear property lines of both lots. The principle reason for the inclusion of the property along the rear property line is because the property owner of lot 38 has encroached into the common area/conservation easement, with landscaping and fencing.

Staff and the Technical Review Committee recommend approval of the certified plat for *Foxfield, Phase III* with the following contingencies:

1. Need resolution on all encroachments
2. Correct spelling of "conservancy"
3. Show BFE's
4. Signatures
 - A. Dedication
 - B. Notaries Acknowledgement

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve for *Foxfield, Phase III, Certified Plat* subject to satisfaction of the outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

Specific Development Plan, Downtown Redevelopment Incentive District (DRI)

7. **The Barn at 58 Martin Street – Applicant is requesting this item be Tabled to the October 17, 2013 Meeting**

Location: 58 Martin Street

Representative: CDG Engineering

Owner/Applicant: Martin Folgmann

Staff Report: Director Bell stated that there were too many comments regarding this request that were unknown at this time that needed to be worked out with the Phase 3 Downtown Plans.

Motion: Mr. Bates moved table *The Barn at 58 Martin Street, Specific Development Plan* until the October 17, 2013 meeting. Vice-Chairman Brooks seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

New Business

1. **Reconsideration of Applewood Subdivision, Final Plat**
Location: South of Gillespie Road and west of Balch Road
Representative: Goodwyn, Mills & Cawood, Inc.
Owner/Applicant: Newcastle Enterprises, LLC
Lots: 75, 1 Parcel, & 3 Common Areas
Acreage: 28.59

Board Comments: Chairman Bianca stated that a public hearing may be held within seven (7) days of notices being sent out to the adjacent property owners. Chairman Bianca requested that the Commission hold a Special Called Planning Commission meeting on Friday, August 23, 2013 at 11:00 a.m. to reconsider *Applewood, Final Plat*.

Motion: Vice-Chairman Brooks moved to reconsider approval of *Applewood, Final Plat*. Councilmember Potter seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye

Motion carried

ADJOURNMENT

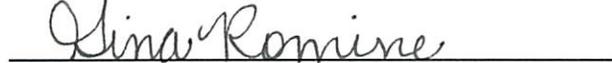
With no additional business to discuss Chairman Bianca adjourned the meeting at 6:30 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary